



**Far North  
District Council**



**Te Kaunihera o Tai Tokerau ki te Raki**

# **AGENDA**


## **Regulatory Compliance Committee Meeting**

**Tuesday, 4 May 2021**

**Time: 1.00 pm**  
**Location: Council Chamber**  
**Memorial Avenue**  
**Kaikohe**

**Membership:**

Cr Kelly Stratford - Chairperson  
Cr Dave Collard -Deputy Chairperson  
Mayor John Carter  
Deputy Mayor Ann Court  
Cr David Clendon  
Cr Rachel Smith  
Cr John Vujcich  
Member Adele Gardner – Te Hiku Community Board Chair  
Member Belinda Ward – Bay of Islands-Whangaroa Community Board Chair

	<b>Authorising Body</b>	Mayor/Council
	<b>Status</b>	Standing Committee
<b>COUNCIL COMMITTEE</b>	<b>Title</b>	Regulatory Compliance Committee Terms of Reference
	<b>Approval Date</b>	19 December 2019
	<b>Responsible Officer</b>	Chief Executive

## Purpose

The purpose of the Regulatory Compliance Committee (the Committee) is to implement and monitor regulatory compliance and statutory matters on behalf of the Governing Body. The Committee will conduct hearings (except those under the *Resource Management Act 1991*) and undertake any functions as requested or delegated by Council from time to time provided the functions conform to the *Local Government Act 2002*.

The Committee will have functional responsibility for the following aspects:

- Hearings (excluding RMA and DLC)
- Regulatory activities
- Regulatory policies and bylaws
- Regulatory compliance
- Mana Whakahono

To perform his or her role effectively, each Committee member must develop and maintain his or her skills and knowledge, including an understanding of the Committee's responsibilities and key legislation.

## Delegations

The Regulatory Compliance Committee shall have the following delegated powers and be accountable to Council for the exercising of these powers. In exercising the delegated powers, the Regulatory Compliance Committee will operate within:

- policies, plans, standards, or guidelines that have been established and approved by Council.
- the overall priorities of Council.
- the needs of the local communities; and
- the approved budgets for the activity.

## Power to Delegate

The Regulatory Compliance Committee may not delegate any of its responsibilities, duties, or powers.

## Membership

The Council will determine the membership of the Regulatory Compliance Committee.

The Regulatory Compliance Committee will comprise of at least six elected members (one of which will be the chairperson).

When the Regulatory Compliance Committee is meeting as a Hearing Committee, the Chairperson and a majority of the Committee members must be accredited commissioners under the relevant Act.

When the Regulatory Compliance Committee is meeting as a Hearing Committee, the Chairperson shall hold the 'chair certification' as per the Act.

The Committee membership for each hearing shall be appointed by the Chairperson of the

Regulatory Compliance Committee together with the Chief Executive and will normally comprise the core Regulatory Compliance Committee members.

The Regulatory Compliance Committee will comprise of at least six elected members (one of which will be the chairperson).

Mayor Carter

Kelly Stratford – Chairperson

Dave Collard – Deputy Chairperson

John Vujcich

Rachel Smith

David Clendon

Ann Court

Belinda Ward – Bay of Islands-Whangaroa Community Board Chair

Adele Gardner – Te Hiku Community Board Chair

Non-appointed councillors may attend Regulatory Compliance Committee (but not Hearings) with speaking rights, but not voting rights.

### **Quorum - Committee**

The quorum at a meeting of the Regulatory Compliance Committee is 4 members.

### **Frequency of Meetings**

The Regulatory Compliance Committee shall meet every 6 weeks but may be cancelled if there is no business.

### **Committees Responsibilities**

The Committees responsibilities are described below:

### **Hearings, Objections and Appeals**

- Conduct hearings, as delegated by Council, in accordance with the relevant legislative and policy requirements (excluding Resource Management Act and District Licensing)
- Approve and monitor Council's list of hearing Commissioners for Resource Management Act and District Licensing hearings.

### **Regulatory Activities**

- Assess and provide advice to Council on level of service and policy issues relating to:
  - regulatory matters; and
  - provision of services
- Reviewing and making recommendations to the Chief Executive in respect to functions and activities within the purpose of the Committee regarding codes of practice.

**Policies and Bylaws**

- Recommend the development and review of Council's regulatory policies and district bylaws
- Make a recommendation where in a bylaw the Council has specified that a matter be regulated, controlled, or prohibited by the Council by resolution (e.g dog areas under the dog control bylaw, speed limits)

**Compliance**

- Ensure that Council's planning and regulatory functions comply with legislative requirements and Council policy and processes
- Monitor operational functions comply with legislative requirements and Council policy
  - BCA (building consents)
  - RMA (resource consents)
- Ensure that consents associated with Council's infrastructure are being met and renewals are planned for
- Receive traffic light reports on regulatory compliance (policy, plans, functions, and bylaws) such as:
  - District Plan (when proposed)
  - Building Act
  - Resource Management Act
  - Licences (various acts)
  - Animal management

**Mana Whakahono-ā-Rohe (Mana Whakahono)**

- Monitor regulatory matters arising from Mana Whakahono under the Resource Management Act 1991.

The committee seeks to foster and encourage participation and engagement with constituents.

**HEARINGS, OBJECTIONS AND APPEALS****Regulatory Compliance Committee, meeting as a Hearing Committee**

The Regulatory Committee, when meeting as a Hearing Committee, shall be delegated authority to hear and determine matters as follows:

**Public Works Act 1981**

Public work requirements.

**Local Government Act 2002**

Objections against the construction of public works on private land.

**Local Government Act 1974**

Objections and appeals to road stopping proposals.

**Fencing of Swimming Pools Act 1987**

Applications for exemption, waiver, or compliance.

**Delegated decisions**

- Requests for review or objections to delegated decisions by the Committee and/or delegated officers.
- Appeals against decisions made by officials acting under delegated authority in accordance with approved Council Policy.

**Dog Control Act 1996**

Objections.

**Gambling Act 2003, Health Act 1956, and Building Act 2004**

Hearings, objections, and related matters.

And any other such matters as required under the legislation (but not Resource Management Act or the Supply and Sale of Alcohol Act for matters outside the district licensing committee).

**Rules and Procedures**

Council's Standing Orders and Code of Conduct apply to all the committee's meetings.

**Annual reporting**

The Chair of the Committee will submit a written report to the Chief Executive on an annual basis. The review will summarise the activities of the Committee and how it has contributed to the Council's governance and strategic objectives. The Chief Executive will place the report on the next available agenda of the governing body.

**REGULATORY COMPLIANCE COMMITTEE - MEMBERS REGISTER OF INTERESTS**

<b>Name</b>	<b>Responsibility (i.e. Chairperson etc)</b>	<b>Declaration of Interests</b>	<b>Nature of Potential Interest</b>	<b>Member's Proposed Management Plan</b>
<b>Hon John Carter QSO</b>	Board Member of the Local Government Protection Programme	Board Member of the Local Government Protection Program		
	Carter Family Trust			
<b>Kelly Stratford (Chair)</b>	KS Bookkeeping and Administration	Business Owner, provides bookkeeping, administration, and development of environmental management plans	None perceived	Step aside from decisions that arise, that may have conflicts
	Waikare Marae Trustees	Trustee	Maybe perceived conflicts	Case by case basis
	Bay of Islands College	Parent Elected Trustee	None perceived	If there was a conflict, I will step aside from decision making
	Karetu School	Parent Elected Trustee	None perceived	If there was a conflict, I will step aside from decision making
	Māori title land – Moerewa and Waikare	Beneficiary and husband is a shareholder	None perceived	If there was a conflict, I will step aside from decision making
	Sister is employed by Far North District Council			Will not discuss work/governance matters that are confidential
	Gifts - food and beverages	Residents and ratepayers may 'shout' food and beverage	Perceived bias or predetermination	Case by case basis
	Taumarere Counselling Services	Advisory Board Member	May be perceived conflicts	Should conflict arise, step aside from voting
	Sport Northland	Board Member	May be perceived conflicts	Should conflict arise, step aside from voting
<b>Kelly Stratford - Partner</b>	Chef and Barista	Opua Store	None perceived	
	Māori title land – Moerewa	Shareholder	None perceived	If there was a conflict of interest, I would step aside from decision making
<b>David Collard (Deputy Chair)</b>	Snapper Bonanza 2011 Limited	45% Shareholder and Director		
	Trustee of Te Ahu Charitable Trust	Council delegate to this board		

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
<b>David Clendon</b>	Chairperson – He Waka Eke Noa Charitable Trust	None		Declare if any issue arises
	Member of Vision Kerikeri	None		Declare if any issue arises
	Joint owner of family home in Kerikeri	Hall Road, Kerikeri		
<b>David Clendon – Partner</b>	Resident Shareholder on Kerikeri Irrigation			
<b>Deputy Mayor Ann Court</b>	Waipapa Business Association	Member		Case by case
	Warren Pattinson Limited	Shareholder	Building company. FNDC is a regulator and enforcer	Case by case
	Kerikeri Irrigation	Supplies my water		No
	District Licensing	N/A	N/A	N/A
	Top Energy Consumer Trust	Trustee	Crossover in regulatory functions, consenting economic development and contracts such as street lighting.	Declare interest and abstain from voting.
	Ann Court Trust	Private	Private	N/A
	Waipapa Rotary	Honorary member	Potential community funding submitter	Declare interest and abstain from voting.
	Properties on Onekura Road, Waipapa	Owner Shareholder	Any proposed FNDC Capital works or policy change which may have a direct impact (positive/adverse)	Declare interest and abstain from voting.
	Property on Daroux Dr, Waipapa	Financial interest	Any proposed FNDC Capital works or policy change which may have a direct impact (positive/adverse)	Declare interest and abstain from voting.
	Flowers and gifts	Ratepayer 'Thankyou'	Bias/ Pre-determination?	Declare to Governance
	Coffee and food	Ratepayers sometimes 'shout' food and beverage	Bias or pre-determination	Case by case
	Staff	N/A	Suggestion of not being impartial or pre-determined!	Be professional, due diligence, weigh the evidence. Be thorough, thoughtful, considered impartial and balanced. Be fair.

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	Warren Pattinson	My husband is a builder and may do work for Council staff		Case by case
<b>Ann Court - Partner</b>	Warren Pattinson Limited	Director	Building Company. FNDC is a regulator	Remain at arm's length
	Air NZ	Shareholder	None	None
	Warren Pattinson Limited	Builder	FNDC is the consent authority, regulator, and enforcer.	Apply arm's length rules
	Property on Onekura Road, Waipapa	Owner	Any proposed FNDC capital work in the vicinity or rural plan change. Maybe a link to policy development.	Would not submit. Rest on a case by case basis.
<b>Rachel Smith</b>	Friends of Rolands Wood Charitable Trust	Trustee		
	Mid North Family Support	Trustee		
	Property Owner	Kerikeri		
	Friends who work at Far North District Council			
	Kerikeri Cruising Club	Subscription Member		
	Vision Kerikeri	Financial Member		
<b>Rachel Smith (Partner)</b>	Property Owner	Kerikeri		
	Friends who work at Far North District Council			
	Kerikeri Cruising Club	Subscription Member and Treasurer		
	Vision Kerikeri	Financial Member		
	Town and General Groundcare Limited	Director, Shareholder		
<b>John Vujcich</b>	Board Member	Pioneer Village	Matters relating to funding and assets	Declare interest and abstain
	Director	Waitukupata Forest Ltd	Potential for council activity to directly affect its assets	Declare interest and abstain
	Director	Rural Service Solutions Ltd	Matters where council regulatory function impact of company services	Declare interest and abstain
	Director	Kaikohe (Rau Marama) Community Trust	Potential funder	Declare interest and abstain
	Partner	MJ & EMJ Vujcich	Matters where council regulatory function impacts on partnership owned assets	Declare interest and abstain



Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	Member	Kaikohe Rotary Club	Potential funder, or impact on Rotary projects	Declare interest and abstain
	Member	New Zealand Institute of Directors	Potential provider of training to Council	Declare a Conflict of Interest
	Member	Institute of IT Professionals	Unlikely, but possible provider of services to Council	Declare a Conflict of Interest
<b>Belinda Ward</b>	Ward Jarvis Family Trust	Trustee		
	Kenneth Jarvis Family Trust	Trustee		
	Residence in Watea			
<b>Belinda Ward (Partner)</b>	Ward Jarvis Family Trust	Trustee and beneficiary		
	Kenneth Jarvis Family Trust	Trustee and beneficiary		
	Residence in Watea	Trustee		
<b>Adele Gardner</b>	N/A - FNDC Honorarium			
	Te Hiku Education Trust	Trustee		
	Te Ahu Charitable Trust	Trustee		
	ST Johns Kaitia Branch	Trustee/ Committee Member		
	Te Hiku Sports Hub Committee			
	I know many FNDC staff members as I was an FNDC staff member from 1994-2008.			
<b>Partner of Adele Gardner</b>	N/A as Retired			



**Far North District Council**  
**Regulatory Compliance Committee Meeting**  
**will be held in the Council Chamber, Memorial Avenue, Kaikohe on:**  
**Tuesday 4 May 2021 at 1.00 pm**

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**Te Paeroa Mahi / Order of Business**

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**1 KARAKIA TIMATANGA – OPENING PRAYER****2 NGĀ WHAKAPĀHA ME NGĀ PĀNGA MEMA / APOLOGIES AND DECLARATIONS OF INTEREST**

Members need to stand aside from decision-making when a conflict arises between their role as a Member of the Committee and any private or other external interest they might have. This note is provided as a reminder to Members to review the matters on the agenda and assess and identify where they may have a pecuniary or other conflict of interest, or where there may be a perception of a conflict of interest.

If a Member feels they do have a conflict of interest, they should publicly declare that at the start of the meeting or of the relevant item of business and refrain from participating in the discussion or voting on that item. If a Member thinks they may have a conflict of interest, they can seek advice from the Chief Executive Officer or the Team Leader Democracy Support (preferably before the meeting).

It is noted that while members can seek advice the final decision as to whether a conflict exists rests with the member.

**3 TE TONO KŌRERO / DEPUTATION**

No requests for deputations were received at the time of the Agenda going to print.

## **4 REPORTS**

### **4.1 CONFIRMATION OF PREVIOUS MINUTES**

**File Number:** A3141822

**Author:** Marlema Baker, Meetings Administrator

**Authoriser:** Aisha Huriwai, Team Leader Democracy Services

#### **TE TAKE PŪRONGO / PURPOSE OF THE REPORT**

The minutes of the previous Regulatory Compliance Committee meeting are attached to allow the Committee to confirm that the minutes are a true and correct record.

#### **NGĀ TŪTOHUNGA / RECOMMENDATION**

**That the Regulatory Compliance Committee confirms that the minutes of the meeting of the Committee held 23 March 2021 are a true and correct record.**

#### **1) TE TĀHUHU KŌRERO / BACKGROUND**

Local Government Act 2002 Schedule 7 clause 28 states that a local authority must keep minutes of its proceedings. The minutes of these proceedings duly entered and authenticated as prescribed by a local authority are prima facie evidence of those meetings.

#### **2) TE MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS**

The minutes of the meeting are attached. Far North District Council Standing Orders Section 27.3 states that no discussion shall arise on the substance of the minutes in any succeeding meeting, except as to their correctness.

#### **Te Take Tūtohunga / Reason for the recommendation**

The reason for the recommendation is to confirm the minutes are a true and correct record of the previous meeting.

#### **3) NGĀ PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION**

There are no financial implications or the need for budgetary provision as a result of this report.

#### **NGĀ ĀPITI HANGA / ATTACHMENTS**

- 1. 2021-03-23 Regulatory Compliance Committee Minutes - A3127278** [↓](#) 

**Te Hōtaka Take Ōkawa / Compliance schedule:**

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
  - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
  - b) Assess the options in terms of their advantages and disadvantages; and
  - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

<b>He Take Ōkawa / Compliance requirement</b>	<b>Te Aromatawai Kaimahi / Staff assessment</b>
State the level of significance (high or low) of the issue or proposal as determined by the <a href="#">Council's Significance and Engagement Policy</a>	This is a matter of low significance.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	This report complies with the Local Government Act 2002 Schedule 7 Section 28.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	It is the responsibility of each meeting to confirm their minutes therefore the views of another meeting are not relevant.
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	There are no implications on Māori in confirming minutes from a previous meeting. Any implications on Māori arising from matters included in meeting minutes should be considered as part of the relevant report.
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example – youth, the aged and those with disabilities).	This report is asking for the minutes to be confirmed as true and correct record, any interests that affect other people should be considered as part of the individual reports.
State the financial implications and where budgetary provisions have been made to support this decision.	There are no financial implications or the need for budgetary provision arising from this report.
Chief Financial Officer review.	The Chief Financial Officer has not reviewed this report.

**MINUTES OF FAR NORTH DISTRICT COUNCIL  
REGULATORY COMPLIANCE COMMITTEE MEETING  
HELD AT THE COUNCIL CHAMBER, MEMORIAL AVENUE, KAIKOHE  
ON TUESDAY, 23 MARCH 2021 AT 1.00 PM**

**PRESENT:** Cr Kelly Stratford, Cr Dave Collard, , Cr Rachel Smith, Members Adele Gardner Te Hiku Community Board Chairperson, Bay of Islands-Whangaroa Community Board Chairperson Belinda Ward

**IN ATTENDANCE:** Shaun Clarke (Chief Executive Officer), Dean Myburgh (General Manager Districts Services), Andy Finch (General Manager Infrastructure and Asset Management), William J Taylor, MBE (General Manager Strategic Planning and Policy - Acting).

**STAFF PRESENT:** Roger Ackers (Manager – Strategy Development), Trish Routley (Team Leader – Resource Consents), Richard Edmondson (Manager – Communications), Marlema Baker (Meetings Administrator)

**Via TEAMS Link:** Emma Healy (Executive Officer), Casey Gannon (Meetings Administrator)

**1 KARAKIA TIMATANGA – OPENING PRAYER**

Chair Kelly Stratford commenced the meeting with a karakia.

**2 APOLOGIES AND DECLARATIONS OF INTEREST**

**RESOLUTION 2021/7**

Moved: Cr Dave Collard  
Seconded: Cr Rachel Smith

**That apologies from Mayor John Carter, Deputy Mayor Ann Court, Cr Clendon and Cr John Vujcich be received and accepted.**

**CARRIED**

**3 REPORTS**

**3.1 CONFIRMATION OF PREVIOUS MINUTES**

Agenda item 4.1 document number A3110350, pages 14 - 18 refers.

**RESOLUTION 2021/8**

Moved: Member Adele Gardner  
Seconded: Cr Dave Collard

**That the Regulatory Compliance Committee confirms that the minutes of the meeting of the Committee held 9 February 2021 are a true and correct record.**

**CARRIED**



## **4 INFORMATION REPORTS**

### **4.1 UPDATE ON RESOURCE MANAGEMENT ACT LEGISLATION**

Agenda item 5.1 document number A3110392, pages 19 - 24 refers.

#### **RESOLUTION 2021/9**

Moved: Bay of Islands-Whangaroa Community Board Chairperson Belinda Ward

Seconded: Cr Rachel Smith

**That the Regulatory Compliance Committee receive the report Update on Resource Management Act Legislation.**

**CARRIED**

### **4.2 REGULATORY COMPLIANCE COMMITTEE UPDATE - RESOURCE CONSENTS**

Agenda item 5.2 document number A3110471, pages 25 - 32 refers.

#### **RESOLUTION 2021/10**

Moved: Cr Rachel Smith

Seconded: Bay of Islands-Whangaroa Community Board Chairperson Belinda Ward

**That the Regulatory Compliance Committee receive the report Regulatory Compliance Committee Update - Resource Consents.**

**CARRIED**

Dr Dean Myburgh gave a verbal update on the Animal Shelters Monthly Report to District Services February 2021.

## **5 KARAKIA WHAKAMUTUNGA – CLOSING PRAYER**

Chair Kelly Stratford closed the meeting with a karakia.

## **6 MEETING CLOSE**

**The meeting closed at 1:54pm.**

**The minutes of this meeting will be confirmed at the Regulatory Compliance Committee Meeting held on 4 May 2021.**

.....  
**CHAIRPERSON**

## 4.2 PARKING ENFORCEMENT SERVICES

**File Number:** A3143478

**Author:** Rochelle Deane, Manager - Environmental Service

**Authoriser:** Dean Myburgh, General Manager - District Services

### TAKE PŪRONGO / PURPOSE OF THE REPORT

To seek approval to make application for the delegation to enforce stationary parking offences on State Highway across the Far North District from Waka Kotahi New Zealand Transport Agency (NZTA).

To seek approval to trial the enforcement of stationary vehicle Warrant of Fitness (WoF) and Vehicle Registration across the Far North District.

### WHAKARĀPOOTO MATUA / EXECUTIVE SUMMARY

Parking Wardens can undertake parking enforcement activity on behalf of Council under the Land Transport Act 1998, Land Transport (Motor Vehicle Registration and Licensing) Regulations 2011 and Land Transport (Offences and Penalties) Regulations 1999.

The Far North District Councils Parking Warden monitors parking across the district focussing on central business districts on Council controlled roads only.

Waka Kotahi has sole powers of control for all purposes of state highways and can delegate some of these powers to the Council. Stationary vehicle offences are one of these delegations.

If delegations are received by FNDC, the new parking bylaw can be drafted to include state highway parking and enforcement, providing consistency across the region and potentially additional income.

It is illegal to operate a vehicle without a valid Warrant of Fitness (WoF) and current Vehicle Registration. Council has authority to check and issue infringements for invalid registrations and WOF's on stationary vehicles. Currently this provision has not been enforced by FNDC Parking Wardens.

This type of enforcement ensures that fewer unregistered and unsafe vehicles are on our road.

### TŪTOHUNGA / RECOMMENDATION

**That Far North District Council:**

- a) makes application for the delegation to enforce stationary parking offences on State Highway from Waka Kotahi (the New Zealand Transport Agency); and**
- the Regulatory Compliance Committee recommends to Council that.**
- b) it commences a trial period of enforcing stationary vehicle Warrants of Fitness and Registration offences across the district.**

### 1) TĀHUHU KŌRERO / BACKGROUND

#### **State Highway Delegation:**

There have been several requests for Parking Wardens to enforce parking along the districts state highways, in particular Marsden Road, Paihia.

Waka Kotahi (the NZ Transport Agency) has sole powers of control for all purposes of all state highways under the Government Rounding Powers Act 1989 (GRPA).

Section 62(1) of the GRPA, authorises the Transport Agency to delegate to territorial authorities all or any of the functions, duties, and powers of control conferred on the Transport Agency by the

GRPA with respect to any state highway or any portion of a state highway where it makes good sense for the Council to perform that role.

One of the powers the agency can delegate to council is for stationary vehicle offences via an Instrument of delegation

If delegations are received it allows Council to.

(a) put vehicle parking restrictions on state highways in our bylaw, and

(b) enforce stationary vehicle offences on state highways.

### **Vehicle Warrant of Fitness and Registration:**

It is illegal to operate a vehicle without a valid and visible WoF and Registration unless driving directly to a place where repairs will be conducted.

Council Parking Wardens are authorised to enforce these provisions on stationary vehicles. To date FNDC wardens have not been enforcing this requirement across the district.

Government make the regulations that prescribe the fees for these offences. Council does not have the ability to change the amount. The fine amount is \$200 for not displaying or having an outdated WoF/Registration.

Waka Kotahi have recently released 'Road to Zero – NZ's road safety strategy, which sets a target to reduce deaths and serious injuries on New Zealand roads, streets, cycleways and footpaths by 40 percent over the next 10 years.

One key focus area under 'Road to Zero' is vehicle safety.

It is important that a vehicle always remains safe to drive and can prevent a crash or protect its occupants to reduce the numbers of deaths and injuries on our roads. A warrant of fitness (WoF) is a regular check to ensure that a vehicle meets required safety standards.

Council Parking Wardens can play an important role to ensure that there are fewer unsafe and unregistered vehicles on our roads across the district.

## **2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS**

### **State Highway Delegation:**

The current Parking and Traffic Control Bylaw will be automatically revoked on 17 June 2022 and all the existing parking and road use regulation will cease to have effect and a new bylaw is required.

If delegations are received by FNDC, the new Parking bylaw can be drafted to include state highway parking and enforcement, providing consistency across the region and potentially additional income. This new bylaw is expected to come into effect in 2022.

It is recommended to seek delegation from Waka Kotahi for the power to make bylaws regulating parking on all sections of state highway in the district to ensure that the delegation can be drafted into the new Parking Bylaw so that stationary vehicle offences are enforced consistently across the district.

### **Vehicle Warrant of Fitness and Registration:**

The proposal to implement a trial period for the FNDC parking warden to include expired WoF and Registration compliance into their current monitoring regime, should follow the VADE regulatory model of enforcement (Voluntary > Assisted > Directed > Enforced).

Following the VADE regulatory model, initially a lead in awareness and information communications would need to occur via a council lead communication plan. The compliance focus would be on the safety aspect of ensuring vehicles are legal and safe for use on the district's roads and the consequences of non-compliance to avoid fines.

Once active monitoring commences, expired WoF and Registrations would be given a one-month grace period, from expiry date before any infringements are issued. A reminder/advice note would be given in the interim periods.

Infringements can be cancelled/waivered if owner provides documentation that registration/WoF has been paid the same day as infringement notice.

To receive a clear indication of the community's compliance and any future impact on resourcing that WoF and Registration enforcement would generate it is recommended that.

- The trial run for a period of one year, with a review of the impacts after six months
- Monthly reports from Parking Warden on trends, compliance, and awareness within community
- Administration reports on infringements issued, objected to, waived, and paid

### **Take Tūtohunga / Reason for the recommendation**

#### **The recommendations:**

- provide for consistency across the district for parking enforcement
- Ensure safe and legal vehicles are travelling on the district's roads.

### **3) PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION**

No financial implications involved in recommendation. Potential increase in revenue from increase infringements capability from delegations and extra regulation, which may require additional in-house resources for processing in the longer term.

### **ĀPITI HANGA / ATTACHMENTS**

1. **Parking Enforcement Services - A3166581** [↓](#) 

**Hōtaka Take Ōkawa / Compliance Schedule:**

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
  - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
  - b) Assess the options in terms of their advantages and disadvantages; and
  - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

<b>He Take Ōkawa / Compliance Requirement</b>	<b>Aromatawai Kaimahi / Staff Assessment</b>
State the level of significance (high or low) of the issue or proposal as determined by the <a href="#">Council's Significance and Engagement Policy</a>	Low Significance – this matter does not meet the criteria/threshold for a matter of significance
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	Local Government Act 2002 FNDC Parking and Traffic Control Bylaw 2010 Land Transport Act 1998 Land Transport (Motor Vehicle Registration and Licensing) Regulations 2011 Land Transport (Offences and Penalties) Regulations 1999 <b>LTP Community Outcomes:</b> Communities that are healthy, safe, connected, and sustainable.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	District wide significance
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	No specific implications. The content of the new bylaw would be developed in partnership with tangata whenua
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example – youth, the aged and those with disabilities).	District wide

State the financial implications and where budgetary provisions have been made to support this decision.	No financial budgetary implications regarding decisions. Potential revenue increase from infringements which may require additional council resources to process.
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report.

## Parking Enforcement Delegation for State Highway

- **Waka Kotahi New Zealand Transport Agency (NZTA) has sole powers of control for all purposes of all State Highways.**
- **Waka Kotahi can delegate some of these powers to the Council. Stationary vehicle offences is one of those delegations**
- **If delegations are received it allows Council to.**
  - (a) put vehicle parking restrictions on state highways in our bylaw, and**
  - (b) enforce stationary vehicle offences on state highways.**
- **It is recommended that Far North District Council:**
  - Makes application for the delegation to enforce stationary parking offences on State Highway from Waka Kotahi (the New Zealand Transport Agency)**

## Next Steps...

- **Council to decide on delegation and to which areas of state highway required within application**
- **Council and NZ Transport Agency sign delegation instrument**
- **A new Parking Bylaw drafted to include state highway delegation**
- **Passing of new bylaw following consultation**
- **Enforcement can occur once bylaw is passed**



## WoF and Vehicle Registration Enforcement

- **It is illegal to operate a vehicle without a valid and visible WoF and Registration unless driving directly to a place where repairs will be conducted.**
- **Council's parking wardens can be authorised to enforce these provisions on stationary vehicles, ensuring there are less unregistered and unsafe vehicles on our roads.**
- **The fines for these offences are established by parliament. Council does not have the ability to change the amount. The fine amount is \$200.**
- **It is recommended that Far North District Council commence a trial period of enforcing stationary vehicle WoF and Registration offences across the district.**

## WoF and Vehicle Registration Enforcement Trial

- **Safe vehicle education and awareness campaign**
- **Inclusion of WoF and Registration compliance into current monitoring regime**
- **Provision of grace period, providing reminder to vehicle owner of responsibilities**
- **To receive a clear indication of the community's compliance and any future impact on resourcing that WoF and Registration enforcement would generate it is recommended that**
- **The trial run for a period of one year, with a review of the impacts after six months**
- **Monthly reports from Parking Warden on trends, compliance, and awareness within community**
- **Administration reports on infringements issued, objected to, waived, and paid**

## 5 INFORMATION REPORTS

### 5.1 RESOURCE MANAGEMENT ACT REFORM UPDATE

**File Number:** A3146678

**Author:** Rochelle Deane, Manager - Environmental Service

**Authoriser:** Dean Myburgh, General Manager - District Services

#### TAKE PŪRONGO / PURPOSE OF THE REPORT

To provide insight and discussion topics for the Council on the Resource Management Act (RMA) reform from information provided to attendees at the recent New Zealand Planning Institute (NZPI) Conference (March 2021).

#### WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

The RMA Reforms contain three new Acts to replace the current Resource Management Act.

The three new Acts will be the:

- **Natural and Built Environments Act** (NBA) to provide for land use and environmental regulation (this would be the primary replacement for the RMA)
- **Strategic Planning Act** (SPA) to integrate with other legislation relevant to development, and require long-term regional spatial strategies
- **Climate Change Adaptation Act** (CAA) to address complex issues associated with managed retreat and funding and financing adaptation.

This report is collation of information and discussion points/topics to be considered arising from information provided at the NZPI Conference held in Nelson in March 2021.

#### TŪTOHUNGA / RECOMMENDATION

**That the Regulatory Compliance Committee receive the report Resource Management Act Reform Update.**

#### TĀHUHU KŌRERO / BACKGROUND

On 1 July 2019, Cabinet agreed to undertake a comprehensive review of the resource management system and the resource management review was launched by Hon David Parker, Minister for the Environment, on 24 July 2019.

The aim of the review was to improve environmental outcomes and better enable urban and other development within environmental limits. The review had to design a system for land use regulation and environmental protection that is fit to address current and future challenges and support the development of a system that delivers cultural and environmental outcomes for all New Zealanders, including Māori, and improves their wellbeing.

Other key changes include stronger national direction and one single combined plan per region. There is also to be more of a focus on natural environmental outcomes and less on subjective amenity matters that favour the status quo. Better urban design will also be pursued.

#### MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

##### The Strategic Planning Act (SPA)

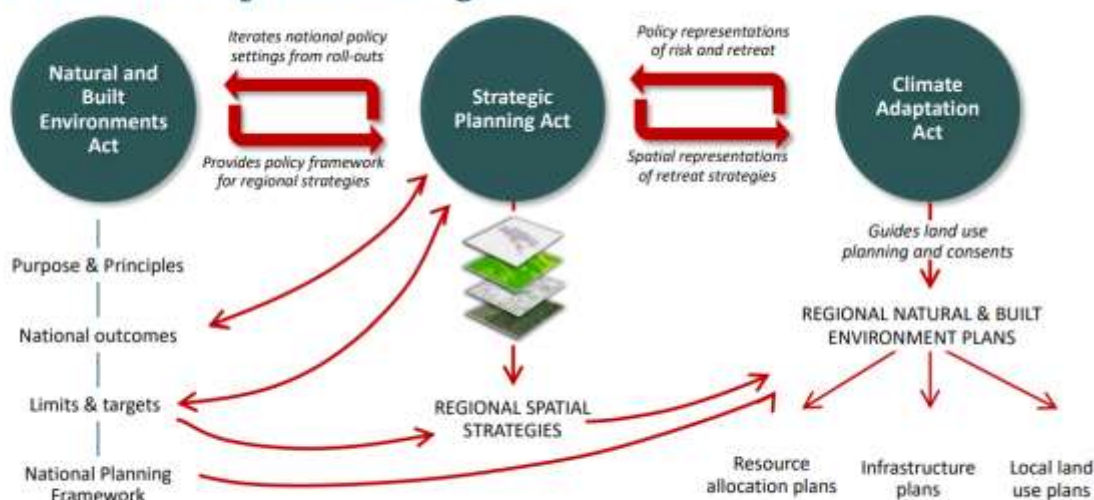
1. Regional Spatial Plans - The Strategic Planning Act (SPA) will require the development of Regional Spatial Plans. It is intended that Regional Spatial Plans will integrate land use and infrastructure decisions taking into account hazards, development capacity, social infrastructure, transport and LGA functions.

2. Informed - FNDC needs spatial information to participate meaningfully in the development of Regional Spatial Plans. Does FNDC know where it is growing/declining, the state of assets? Can this information be presented spatially e.g. through GIS heat maps, scenario testing? What are our known spatial planning information gaps?
3. Collaborative - FNDC departments need to be prepared with an aligned response to the draft Strategic Planning Act when it is released in late 2022. Staff capacity will need to be allocated to preparing a response.
4. Proactive - Proactive engagement with MFE, NRC, KDC and WDC is recommended. What information do these organisations already have that would assist with responding to the Minister?
5. Localism - FNDC will need to identify the unique “Far North Factors” (local objectives) that must be prioritised and not lost in the new Regional Spatial Plans. For example: significance of hapu relationships, low socio-economic rate base, affordability of infrastructure.

### Climate Change Adaptation Act (CAA)

1. One of the themes of the Conference was “Climate Change” and how this will impact on society and how planners need to respond. Decisions are having to be made as to whether more protective measures or managed retreat is the better option. The Far North already has this issue in parts of the Hokianga and with numerous low-lying coastal settlements will be facing more of these issues in the future.
2. The new legislation replacing the RMA will include a Climate Adaptation Act. Managing the effects of climate change will be a key component of the new regional strategic and spatial plans proposed under the new legislation. As seen from the diagram below the CAA will inform Regional Natural & built Environmental Plans which will cross pollinate with Regional Spatial Strategies.

### The structure of the new system



3. *Climate change will have a bigger impact than many people realise:*

It not only affects sea level rise but will exacerbate existing natural hazards such as flooding, landslips, and storm events. In addition, measures to limit or reduce greenhouse gas emissions will affect current ways of doing business and our way of life.

4. *Local government will be in the frontline of these changes,*

It has vast sums of capital tied up in existing infrastructure much of which is at risk from climate change effects. Decisions will need to be made as to whether we spend more

resources on upgrading and protecting these assets or whether relocation is a better long-term option.

5. *More emphasis will need to be placed on identifying natural hazards and directing development away from such areas.*

Planners will need to work more closely with engineers so that decisions made on infrastructure align with directives in our planning documents. Council will also have to engage with communities affected by climate change who may have to be relocated from their existing homes.

6. *The question of liability:*

Particularly where councils allow development in areas susceptible to the effects of climate change and/or where “Insurance Retreat” means that the council is the “last person standing”.

7. *Local government will need to be pro-active:*

More resources will be required into planning for and managing climate change effects. One suggestion is that councils employ a “Climate Change” advisor or team who assess all council projects and plans in terms of whether they have adequately considered the climate change implications.

## **Natural Built Environment Act (NBA)**

### **Moving to the NBA Act will require six big shifts**

1. *Planning for positive outcomes, and managing adverse effects to achieve them:*

Decision-making under a replacement for the RMA is re-oriented from principally managing ‘adverse effects’ to seeking to achieve specified positive environmental outcomes.

2. *A more effective role for Māori and improved recognition of Te Tiriti o Waitangi:*

Recognition of Te Tiriti o Waitangi and Māori interests is strengthened and provides new roles for mana whenua in strategic decision-making.

3. *Moving to equitable and efficient resource allocation within limits:*

A more explicit framework for recognising the allocative impacts of decision-making about land use and environmental protection is developed and provides tools to improve how access to resources is allocated.

4. *More integrated and strategic long-term planning:*

Strategic planning about land use, infrastructure and environmental protection by central and local government and mana whenua is provided for.

5. *Effective partnering of central & local government and iwi/Māori in planning and delivery:*

Decision-making about land use and the environment is centred on a series of regional partnerships between central and local government and mana whenua

6. *Improved evidence, monitoring, feedback & oversight:*

System monitoring and oversight provisions are strengthened to improve transparency, accountability, and delivery of outcomes.

### **What do we need to consider at FNDC?**

Planning for outcomes- what will this look like? How do we reshape thinking from what’s wrong with an application to what’s possible from it?

A more effective role for Māori – how will we build capability across the system – including with central government – to embed the principles of the Tiriti in our people, institutions, and processes?

Long term strategic planning – although this is already happening, the proposals give regional strategies a greater role and status in the system.

First in, first served can’t work – and the allocation of use rights is a fundamental function of the system – what does this mean for planners?

Planning collaboratively by regions – how can planners ensure that local values and priorities are taken into account and not lost in the drive to a regional or national focus?

Digital technologies and innovation will be engineered into the new system and will impact on what planners do and how they work.

Evidence – it's not just about generating knowledge; it's about applying it as well.

## **PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION**

Resources will be required across multiple departments to prepare for significant changes signalled prior to the end of 2022.

## **ĀPITI HANGA / ATTACHMENTS**

**Nil**

### **Compliance schedule:**

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, during the decision-making process,
  - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
  - b) Assess the options in terms of their advantages and disadvantages; and
  - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

**This table must be completed in full – keep your answers brief, as detailed consideration of these issues should form part of the body of your report.**

<b>Compliance requirement</b>	<b>Staff assessment</b>
State the level of significance (high or low) of the issue or proposal as determined by the <a href="#">Council's Significance and Engagement Policy</a>	Low Significance – this matter does not meet the criteria/threshold for a matter of significance.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	Resource Management Act 1991 Resource Management Amendment Act 2020 FNDC District Plan LTP Community Outcomes: <ul style="list-style-type: none"> <li>• Communities that are healthy, safe, connected, and sustainable.</li> <li>• Prosperous communities supported by a sustainable economy</li> <li>• A wisely managed and treasured environment that recognises the special role of tangata whenua as kaitiaki</li> </ul>

State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	District Wide Significance
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	No specific implications
Identify persons likely to be affected by or have an interest in the matter, and how you have considered their views or preferences (for example – youth, the aged and those with disabilities).	FNDC Community Ministry for the Environment
State the financial implications and where budgetary provisions have been made to support this decision.	No Financial Implications
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report.

## 5.2 ENVIRONMENTAL HEALTH SERVICES: FOOD LICENSING UPDATE

**File Number:** A3152679

**Author:** Rochelle Deane, Manager - Environmental Service

**Authoriser:** Dean Myburgh, General Manager - District Services

### TAKE PŪRONGO / PURPOSE OF THE REPORT

To provide an update to the committee on Food Licensing in the District, reporting on:

- The number of premises registered
- The number of food verifications completed
- The number of complaints received, and enforcement action taken
- Summary of Recognised Agency Remote Surveillance Assessment

### WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

The Far North District Council, as a territorial authority, is deemed a recognised agency under the Food Act 2014 (s137) and is therefore authorised to act as a verification agency for template food control plans operating entirely within the Far North District area and where the sales are primarily directly to consumers.

The Food Act 2014 aims to ensure that food sold throughout New Zealand is safe. A central feature of this legislation is a sliding scale where businesses that are higher risk, from a food safety point of view, will operate under more stringent food safety requirements than lower-risk food businesses. The Food Act 2014 promotes food safety by focusing on the processes of food production, not the premises where food is made.

In a recent surveillance audit, International Accreditation New Zealand (IANZ) on behalf of the Ministry for Primary Industries (MPI) recommended that FNDC continues to meet the requirements to be a Recognised Agency to conduct verification services under the Food Act 2014.

### TŪTOHUNGA / RECOMMENDATION

**That the Regulatory Compliance Committee receive the report Environmental Health Services: Food Licensing Update.**

### TĀHUHU KŌRERO / BACKGROUND

Food businesses can fall into two food safety measure groups:

**Food Control Plans:** Written plans for managing food safety on a day-to-day basis. These are used by higher-risk businesses.

**National Programmes (1-3):** A set of food safety rules for medium and low-risk businesses. Although a written plan is not required, these businesses still need to register, meet food safety standards, keep some records, and be verified.

The focus of the Food Act 2014 also means that verifiers should focus on what is most important for achieving food safety at each type of business. Guidelines for verifiers are aimed at supporting them to use their professional judgement and technical expertise.

The Food Act 2014 introduced a verification based method of checking that food operators are conforming to procedures outlined in their documented plan or programme. This is different to the previous inspection regime used under the Health (Registration of Premises) Regulations 1966.

The Far North District Council, as a territorial authority, is deemed a recognised agency under the Food Act 2014 (s137) and is therefore authorised to act as a verification agency for template food



control plans operating entirely within the Far North District area and where the sales are primarily directly to consumers.

The Far North District Council is also required to apply for approval from MPI to verify certain businesses subject to National Programmes. The Far North District Council currently holds a Notice of Recognition issued (under delegation) by the Chief Executive of the MPI to verify National Programmes.

MPI has independently assessed staff at the Far North District Council and confirmed technical, legislative, verification and quality management system competencies to provide verification services in the following areas:

#### Template Food Control Plans (FCP)

- Section 39 template food control plans registered by the Far North District Council where the business is only in the Far North District and sells primarily directly to consumers
- Section 40 template food control plans with food service or food retail focus as specified in the food notice

#### National Programme 1 (NP1)

- Extract or pack honey
- Make sugar molasses, syrups, or related products
- Sell tea, coffee, hot chocolate, and packaged shelf stable food only
- Sell packaged ice creams, ice blocks or similar items only
- Store or transport food only

#### National Programme 2 (NP2)

##### Manufacture:

- Bread, fruit loaves, bagels pita bread etc.
- Cereals, biscuits, and crackers
- Crisps, popcorn, and other snack foods
- Peanut butter, jams, pickles, and chutneys
- Confectionery, chocolate and icing
- Ice, iced confectionery, and iced desserts
- Frozen, dried, or dehydrated fruits and vegetables

##### Sell:

- Chilled or frozen foods

##### Process:

- Nuts and seeds

##### Serve:

- Food at an early childhood education centre (ECE) / Kōhanga Reo

#### National Programme 3 (NP3)

- Brew, distil, manufacture alcoholic beverages (not including wine), vinegar or malt extract
- Manufacture non-alcoholic beverages
- Manufacture oils or fats (other than butter) for human consumption
- Process grain (includes milling, malting rolling and roasting)
- Handle food for retail (includes scooping ice cream and reheating manufacture prepared food)
- Process herbs or spices (includes loose tea)
- Manufacture dry mix products (includes cake mixes, powdered desserts, drinks, flavourings, and soups)

## MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

### Food Premises Registered

As at 1 April 2021, FNDC have 464 food premises registered in the district. This is 26 more premises than in the 2019/2020 period. The Covid19 restrictions do not appear to have had an effect on the number of food businesses.

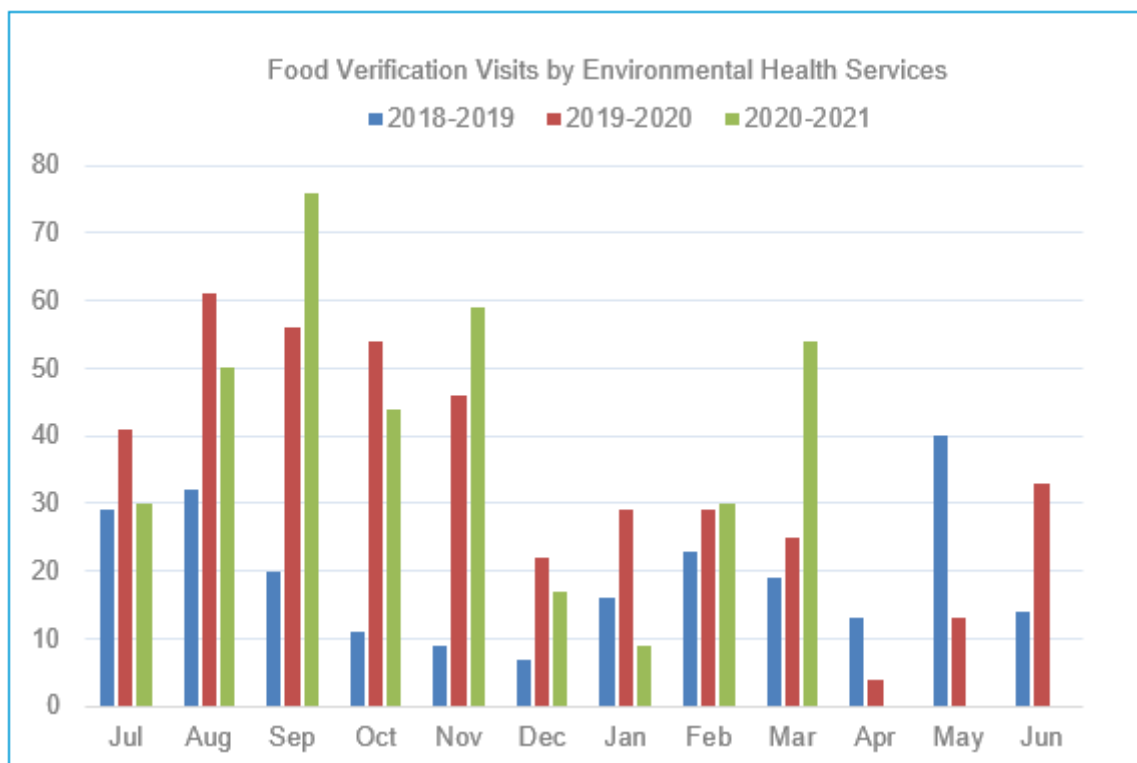
Program	Number of Premises
Template Food Control Plan (FCP)	302

National Program 1 (NP1)	42
National Program 2 (NP2)	41
National Program 3 (NP3)	79
<b>Total</b>	<b>464</b>

A food premise operator is required to renew their registration, where the renewal frequency depends on the type of registration held. Food Control Plans require annual renewals and National Programs require renewal every two years.

### Food Verifications Completed

Between 1 July 2020 and 1 April 2021, 269 verifications have been completed by the Environmental Health Services team.



Only a small number of verifications were completed during December 2020 and January 2021 as the team were completing the annual health licensing inspections. (Hairdresser, Campground, Mortuaries).

243 of these verifications had an “acceptable outcome” and 26 of these verifications had an “unacceptable outcome”.

Acceptable Outcome	Unacceptable Outcome
<ul style="list-style-type: none"> <li>The operator is complying with all applicable regulatory requirements of the Act.</li> <li>Corrective action have been or are being applied appropriately and are effective.</li> <li>The RBM is applicable to the operations of the business.</li> <li>The RBM is effective.</li> </ul>	<ul style="list-style-type: none"> <li>There is non-compliance that is likely to result in food being unsafe or unsuitable.</li> <li>The operator is knowingly operating under an incorrect RBM.</li> <li>The RBM is ineffective.</li> <li>The operator's verification plan is failing to identify problems leading to unsafe and unsuitable food.</li> <li>The operator has failed to identify or address a problem that could lead to critical non-compliance.</li> <li>The verifier has no confidence in the operation due to the repeated non-compliance or problematic record keeping (absent, incomplete, or altered).</li> </ul>

The frequency of verification depends on the type of registration that an operator holds. As an incentive for operators who are compliant with food safety as per their registered FCP of NP the frequency period between verifications can be extended which is a cost saving to the operator.

### Food Control Plan

Regulations (Food regulations 87-88)		
Initial verification must be completed by		
	NEW BUSINESSES	EXISTING BUSINESSES
<b>Custom FCP*</b>	Within 3 months of registering	Within 6 months of registering
<b>Template FCP</b>	Within 6 weeks of registering	Within 1 year of registering

Regulations	
Step	Time between different verifications
5	18 months
4	12 months
3	9 months
2	6 months
1	3 months

(Food Regulations 90(1))

### National Programme

Regulations (Food regulations 91-93)		
Initial verification must be completed by		
	NEW BUSINESSES	EXISTING BUSINESSES
<b>NP1</b>	Within 6 weeks of registering	Within 1 year of registering
<b>NP2</b>	Within 6 weeks of registering	Within 1 year of registering
<b>NP3</b>	Within 6 weeks of registering	Within 6 months of registering

Regulations (Food regulations 91-93)		
Initial verification must be completed by		
	Existing businesses (was operating prior to 1 March 2016)	New businesses (started operating post 29 Feb 2016)
<b>NP1</b>	Within 1 year of registering	Within 6 weeks of registering
<b>NP2</b>	Within 1 year of registering	Within 6 weeks of registering
<b>NP3</b>	Within 6 months of registering	Within 6 weeks of registering

If an unacceptable outcome has been achieved from an initial verification or a subsequent verification, the verifier must determine whether the operator is.

- Willing and able to comply
- Unwilling and unable to comply
- There is an immediate risk to public health.

If it is an unacceptable outcome the period between verifications shortens which increases the running costs for an operator.

### Complaints Received

Between 1 July 2020 and 1 April 2021, the following complaints have been received via the FNDC Request for Service platform.

Type of Complaint	Total Number Received
Complaint regarding food premise staff	5
EHO Behaviour	0
Food Poisoning	3
Hygiene of Premises	17
Labelling of Product	0
Drinking Water Availability	0
Operating during lockdown	0
Sale of expired product	0
Unregistered Operator	16
Water Quality Issues	0
<b>Total</b>	<b>41</b>

All complaints received are investigated and the appropriate action taken to resolve the issue. The EHS team uses the compliance model called “VADE – Voluntary, Assisted, Directed, enforced” approach when dealing with compliance issues.

No enforcement action has been required to date. The Environmental Health Services team have been able to actively work with the operators to achieve positive outcomes.

### Recognised Agency Remote Surveillance Assessment

In January 2021 FNDC (the Food Verification Agency) underwent a remote surveillance assessment by IANZ on behalf of MPI to ensure requirements of an Agency were being met. IANZ recommended that FNDC continues to meet the requirements to be a Recognised Agency to conduct verification services under the Food Act 2014. A copy of the report is attached. (Attachment A: Recognised Agency Assessment Report).

Overall, the assessment was an excellent result for the Food Verification Agency and one to be commended.

Three non-conformances were identified. Action plans have been developed and accepted to address the non-conformities and these will be closed out by MPI at the next audit scheduled for January 2022.

The non-conformances were:

### Businesses with expired and overdue registrations

The FVA have now reviewed and amended the process to ensure the process meets the Food Act 2014 requirements.

The FVA is confident in the new process when dealing with businesses who fail to renew their registration. So far, the FVA have issued 11 “cease trading” directions to businesses who have failed to renew their registration. Of these 11, six businesses obtained a new registration and can now operate. The remaining five have ceased trading or are no longer in operation.

The FVA have implemented a new process called “Intention to Suspend Registration”. This process has provided the FVA with a useful tool to utilise when trying to confirm a verification appointment with an operator. If an operator fails to respond to our attempts to schedule a verification, we can suspend their registration until such time a verification is carried out.

### **Competence assessment forms**

The forms have now been reviewed and amended.

### **Recording decisions on competency**

Competency Matrix has now been reviewed and amended,

## **PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION**

There are no financial implications or other resource implication regarding this report

## **ĀPITIHINGA / ATTACHMENTS**

1. **34720.210126.MPI QMS Assessment Report (ID 522861) (002) - A3156259**  

### **Compliance schedule:**

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation

to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
  - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
  - b) Assess the options in terms of their advantages and disadvantages; and
  - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

<b>Compliance requirement</b>	<b>Staff assessment</b>
State the level of significance (high or low) of the issue or proposal as determined by the <a href="#">Council's Significance and Engagement Policy</a>	Low Significance – this matter does not meet the criteria/threshold for a matter of significance
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	Food Act 2014 LTP Community Outcomes: Communities that are healthy, safe, connected, and sustainable.

State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	District Wide Significance
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	No specific implications
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example – youth, the aged and those with disabilities).	Information report only
State the financial implications and where budgetary provisions have been made to support this decision.	There are no financial implications
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report.



The NZ mark of competence  
Tohu Matatau Aotearoa

**MINISTRY FOR PRIMARY INDUSTRIES**  
**RECOGNISED AGENCY ASSESSMENT REPORT**

Far North District Council  
Remote Surveillance Assessment  
26 January 2021

IANZ, April 2020

IANZ, Private Bag 28908, Remuera Auckland 1541; Ph. (09) 525 6655, Fax (09) 525 2266





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## ASSESSMENT REPORT

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### Organisation Details

Organisation	Far North District Council
Address	Private Bag 752 Memorial Avenue Kaikohe
Agency Contact	Katie Waiti-Dennis

### Assessment Team

Lead Assessor	Jennifer Foley
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### Report Preparation

Prepared by	Jennifer Foley
Checked by	Julie Richards
Date finalised	12 February 2021





## Introduction

This report relates to the Recognised Agency Remote Surveillance Assessment of Far North District Council which took place on 26 January 2021. This assessment was undertaken on behalf of the Ministry for Primary Industries (MPI) in order to make a recommendation to MPI whether or not Far North District Council continues to meet the requirements for recognition as an agency to conduct registration, verification compliance and monitoring activities.

Recognition is a conclusion that the agency complies with the relevant sections of the Food Act 2014, regulations of the Food Regulations 2015 and other applicable MPI criteria. The assessment was a sampling exercise and therefore this report is based on the observations made during the assessment.

Compliance with all legal requirements relating to health and safety is the responsibility of the agency. Where some items relating to health and safety may have been identified, this does not represent an exhaustive report on the agency's compliance with such legal requirements. Auditing for compliance with legal requirements relating to health and safety is outside the scope of this assessment.

## Executive Summary

Far North District Council (FNDC) had the following functions under the Food Act 2014:

- Registration of food businesses;
- Verification of Template Food Control Plans (FCPs) within Territorial Authority exclusivity;
- Verification of Template FCPs outside Territorial Authority exclusivity;
- Verification of National Programmes;
- Applicable enforcement, compliance and monitoring activities

In order to conduct the verification of Template FCPs outside council exclusivity and the verification of National Programmes, Far North District Council was required to maintain its recognition by MPI according to the Food Act 2014. The purpose of this assessment was to conduct an organisational competence assessment of Far North District Council to determine whether it continued to meet the requirements for recognition as an agency conducting verification services.

This assessment consisted of:

- A desk-top review of FNDC's Quality Management System (QMS) against the Food Act 2014, the Food Regulations 2015 and MPI criteria;
- A remote assessment of the implementation of the submitted QMS. The assessment was undertaken remotely using Microsoft TEAMS. IANZ has been instructed to undertake QMS assessments remotely since the beginning of the COVID-19 pandemic as per the work authorisation between MPI and IANZ.

The documented QMS was very detailed and well thought out. The agency was well supported by a management team who were seen to be invested and committed to the successful operation of the agency. The agency had implemented a number of useful and proactive measures in the last year and this was seen to be a good example of an agency being committed to improving and growing its activities and people.

IANZ maintains records on the data collected, findings and completed checklists addressing specific requirements.



## Observations

### Conflicts of interest

A number of processes were in place to manage conflicts of interest. This included a register and associated policy. The agency was able to clearly demonstrate its process. A recorded conflict of interest was followed through to verify this. In the case reviewed, the agency had made appropriate file notes in the food business record which was located on the Pathways database. These notes were made to ensure that a verifier would not be assigned to a particular food business where there was a conflict of interest identified.

### Confidential information

There were no indications that the agency was not managing confidential information appropriately. The agency indicated to food businesses that it would be reporting verification outcomes to the regulator and that, other than required by law, information would remain confidential.

### Staffing

The agency had the following three recognised persons:

- Natalia Thompson
- Emmanuel Platero
- Patrick Barber

There were no other verifiers currently working for the agency. The council did not have any shared service arrangements with other councils nor did it use any contractors for verification work. Patrick Barber supported the team as Technical Leader. The following persons also held management responsibility for the agency:

- Katie Waiti-Dennis - Manager of Quality
- Rochelle Deane - Manager Environmental Services
- Christina Rosenthal - Team Leader
- Dr Dean Myburgh - General Manager

Most of these persons had been newly appointed since the last assessment. A verifier, Harish Kumar, had recently finished his employment with the agency. FNDC was able to demonstrate that it had followed its processes for notifying the regulator of this fact. The agency was in the process of recruiting an additional verifier. The QMS stated that the agency would recognise any approvals from MPI that a new prospective verifier held. There were also comments noted in competency reports that stated verifiers were deemed competent as they had a successful MPI Recognised Person witness assessment. While the agency may use MPI recognition as part of its competency assessment process, there is still a requirement for the agency to assess each verifier's competence. See **R5** related to this. Evidence of qualifications was provided for a selection of verifiers. This demonstrated that the agency was maintaining appropriate records.

Gavin Jacobson had been engaged as a contractor to undertake competency assessments of verifiers. A large body of work was involved here. A selection of verification reports was sent to the contractor for review. Subsequently, interviews were conducted. An assessment of verifier's knowledge on requirements was also included, such as knowledge of legislation. The agency is commended for proactively managing training and competency in this regard and is encouraged to continue its commitments to competency management.

There were sections in the QMS that related to Competencies and Training. The processes described in the QMS were very detailed but it was established during the assessment that the documented processes did not fully reflect what was happening in practice. See **R4**.

Examples of completed competency assessment forms were provided for review. These forms appeared to be designed for on-site peer reviews of verifiers (which is a required activity). However, completed forms were instead summaries of the work that the contractor had completed – this work was a review of reports and interviews with verifiers. While these are very useful and necessary activities, the competency assessment form used may not have been the correct form to use here. Alternatively, the detail recorded could have more clearly indicated that the forms were being used for another purpose. There is still a requirement for the agency to undertake on-site peer reviews of its verifiers. See **NC 2**.





The agency was using a competency matrix that had been supplied by MPI. While this was useful, the way it was being used did not fully support the agency in demonstrating and supporting how it made its decisions on sector specific competencies. See **NC 3**.

### **Resourcing**

The agency had a useful Resourcing Model document that was used to support resourcing. This document gave an analysis of workload and the number of verifiers the agency may need in order to meet its demands.

Details on the number of overdue verifications were also provided. The agency's management had made an active decision to not undertake verifications during the Christmas holiday period due to pressure that food businesses might be facing. Besides this, there were also other overdue verifications. The number of overdue verifications was not disturbingly high but would require active management. There were some cases where the agency could not demonstrate how it was handling specific overdue verifications. It was not clear how this process was being managed or how overdue verifications were being prioritised. See **NC 1**.

Similarly, data on registrations was reviewed during the assessment. The agency had an Expired Business Process that described how the agency would manage expired registrations. There were a few examples where it was clear that this process was either not being followed or where the process required review and update. See **NC 1**.

### **Reporting requirements**

A selection of verification reports was provided for review. Checklists were used by verifiers and these would form the basis of the report that was sent to the food business. The templates used by the agency appeared to include all the mandatory reporting requirements. Topics were listed in the verification reports. Essential and Top 5 Topics were highlighted on the reports. It was discussed that this did not really flag to the verifier that there are different Top 5 Topics depending on the type of food business being verified. See **R2**.

### **Records**

The agency had a largely electronic based record keeping system. Verifications were recorded using a checklist. This listed all the possible verification topics and the verifier would select if a topic was performing, conforming, non-conforming or non-complying. Notes were recorded by the verifier. The notes were appropriate but FNDC and its verifiers are encouraged to always keep detailed notes to support its decisions. It was noted that the competency assessments carried out by the contractor had looked at verification records in good detail and made appropriate comments and recommendations to FNDC and its verifiers. Completed verifications were accessible via the agency's Pathways database.

### **Non-compliance and corrective action**

The agency was actively reviewing reports on the verification data stored on the MPI reporting system Titiro. The Quality Manager was running a report on any verifications that had a non-compliance. The purpose of this was to identify cases where specific actions may be required. The agency is encouraged to continue this proactive approach to data review.

Verification reports were assessed and this demonstrated the process for managing non-compliance and corrective action. There was a section of the report template that indicated if a verification had identified areas of non-conformance or non-compliance. Verifiers would agree on appropriate corrective action with the food business at the time of the verification. This included agreeing on a date for completion. In some cases, the food business would send in evidence for review in order to close any non-conformance or non-compliance. Alternatively, the verifier may decide to undertake a follow up visit to confirm if corrective action had been completed. The reports contained a section for recording if corrective action had been completed or if a follow up verification had been carried out.



### Complaints and Disputes

A complaints and disputes register was provided for review. This gave a brief summary of complaints received and the outcome of any investigations. A complaint was further reviewed during this assessment - this related to a case where a verification had been booked for a food business when the food business had indicated it had already engaged a third party verifier. FNDC were able to demonstrate that they were following their procedure for investigating and responding to complaints. Records related to the complaints were readily available and saved in Objective. This included acknowledgement of complaint and file notes in Objective to prevent the issue reoccurring.

### Internal Management

An internal audit schedule was in place and records of completed audits were provided. Records included an internal audit plan and an internal audit report. The records were extremely detailed. An audit of Regulation 110(2)(m) was reviewed. Regulation 110(2)(m) states that agencies must have a process to review performance. An internal audit checklist was included in the audit report but this checklist was limited and it could have been argued that it may not be an appropriate audit checklist. It was discussed with the agency that it may be useful to add more detail into the checklist. This could be done by using the MPI [Assessing your QMS](#) document. The FNDC checklist included the regulatory requirement, but without more definition, there is potential that internal audits would not verify the QMS against the correct criteria.

The audit report was very high level. It was discussed during the assessment that FNDC should be using the internal audits to verify if systems and processes:

1. Meet requirements
2. Are being implemented.

Using the above example to illustrate this, the MPI [Assessing your QMS](#) document states that one of the ways the agency can comply with regulation 110(2)(m), is to have systems and processes in place that allow for active monitoring of consistency and reliability of verification outcomes including professional judgement. The internal audit should be looking for objective evidence that FNDC has systems and processes for monitoring the consistency and reliability of verification outcomes (point 1, above). The internal audit should then confirm that these processes are appropriate and implemented correctly (point 2, above). Internal auditors should seek evidence and keep records as part of this process.

A CI (Continuous Improvement) register was in place and this listed a number of improvements that had been made. It was noted that the findings from the last QMS assessment which was undertaken in 2019 had not been included in the register. Findings from the QMS assessment prior to the 2019 one had been included. See R3.

### Review of performance

As mentioned, the agency had recently engaged the services of a contractor to perform competency review services. This contractor undertook a review of a selection of reports from each verifier. Verifiers were then interviewed and discussed reasons for their decisions and judgements with the contractor. A detailed report was provided. This was a good way of reviewing consistency and professional judgement.

Spot audits on data in Titiro were being completed. It was discussed that MPI had been providing information to the agency on any errors in data that had been uploaded to Titiro. The Manager of Quality had been working on extracting reports which indicated if there were any errors in verification topics. In one case at least, an error with the reporting template was identified as the cause of some errors and this had been addressed by the agency. The agency is encouraged to continue this practice. Data like this can be used to identify any transcription or upload errors. Similarly, this data can be very useful in reviewing consistency between verifiers.

### Contractual arrangements

The agency used an Application for Registration of Food Business form. This was used by food businesses that were applying for registration. Food businesses could also request verification services using this form. The form was available from the FNDC website. Listed at the end of this form was the agency's terms and conditions. This included areas such as confidentiality, impartiality and fees. Prior to verifications,



confirmation letters were also sent to food businesses. This reiterated areas such as fees and times for verifications. Letters also described the scope of verifications. It was noted that there was no page control on the Application for Registration of Food Business form.





### Assessment Findings

The following non-conformities must be implemented in accordance with the plan agreed to by the agency and detailed below for each non-conformity. MPI will manage the non-conformities to resolution, and all corrective actions and related correspondence must be addressed to: [foodact.verification@mpi.govt.nz](mailto:foodact.verification@mpi.govt.nz)

Recommendations are intended to assist the agency in its efforts to maintain an effective quality management system and are not conditions of recognition. All corrective actions and recommendations will be followed up at the next assessment.

Non-conformity number	NC 1	Reference	The Food Act 2014 Schedule 4
<b>Details of non-conformity</b>			
<ol style="list-style-type: none"> <li>1. There were a number of businesses with expired registrations – a further review indicated that the agency had not followed its own process for managing these. The process requires the agency to send out repeated reminders to food businesses both before and after expiry. There are also requirements for FNDC to escalate expired registrations. In some cases, enforcement action may be required. The records, notes and memos stored in Pathways system were in some cases not fully complete (see Soda Creek, Rouge Vine Vineyard and Super Natural Foods). FNDC should review the extent of this issue and implement corrective action as appropriate.</li> <li>2. The Food Business Renewal Process Improvement procedure noted that businesses could renew their registrations. This may not be fully correct as businesses with expired registrations may need to apply for a new registration. Failure to do so could result in service of an infringement notice. FNDC should review this documented process. This may involve update of the procedure and subsequent re-training of personnel.</li> <li>3. FNDC should especially look to see if there are any food businesses operating without registration and in breach of the Food Act 2014.</li> <li>4. Similarly, there were a number of overdue verifications and the file notes or memos on Pathways did not demonstrate that these were being actively managed (See Tee Tree Cafe and Golf Range/King Wah Restaurant/Landing Thai Café*). In some cases, food businesses may be in breach of the Food Act 2014. FNDC should review the extent of this issue and implement corrective action as appropriate.</li> <li>5. In addressing this, it may be prudent to document a process for managing registration applications, renewal applications and scheduling. Allocation of work was described in the QMS, but as there were some overdue verifications that have not been assigned or carried out, then this process may need to be amended.</li> </ol> <p>*(This one appeared to be up to date but the report sent to IANZ indicated it was overdue.)</p>			
<b>Information provided by the agency to rectify non-conformance</b>			
Reference	Corrective Action	Owner	Due
2021NC01_01	<b>Expired Registrations:</b> Review the 'Expired Food Business' process. This includes reviewing the existing process, amending where required, identifying records required, updating the Quality Manual if applicable, and distributing to affected staff.	Katie Waiti-Dennis, Rochelle Dean, Christina Rosenthal & Louie Elliott	28 February 2021
2021NC01_02	<b>Expired Registrations:</b> Produce a report of the expired registrations and	Katie Waiti-Dennis & Christina Rosenthal	28 February 2021



	identify the action required for each business.		
2021NC01_03	<b>Expired Registrations:</b> Conduct a process audit of the 'expired business process' within 3 months of the new process being finalised.	Katie Waiti-Dennis	31 May 2021
2021NC01_04	<b>Overdue Verifications:</b> Review the 'overdue verifications' process. This includes reviewing the existing process, reviewing practice notes and guidance on suspension, amending the process where required, identifying records required, updating the Quality Manual if applicable, and distributing to affected staff.	Katie Waiti-Dennis, Rochelle Dean, Christina Rosenthal & Louie Elliott	28 February 2021
2021NC01_05	<b>Overdue Verifications:</b> Produce a report of the overdue verifications and identify the action required for each business.	Katie Waiti-Dennis & Christina Rosenthal	28 February 2021
2021NC01_06	<b>Overdue Verifications:</b> Conduct a process audit of the 'overdue verifications process' within 3 months of the new process being finalised.	Katie Waiti-Dennis	31 May 2021
<b>Comment / closure and date</b>			
FNDC has provided good detail on its plan to address this non-conformance. MPI may wish to see detail on the completed corrective action in order to close this. NC 1 remains open; resolution will be managed by MPI.			

<b>Non-conformity number</b>	NC 2	<b>Reference</b>	The Food Regulations 110 (2) (e) & 110 (2) (d)
<b>Details of non-conformity</b>			
There was some confusion over the use of the competence assessment form.			
The form as a template appears to be intended for use for on-site peer reviews of verifiers.			
However, a completed form for one verifier from the 24/12/2020 was a record of an assessment using a variety of techniques e.g. interview, report review, discussion. The report did not clearly indicate the type of assessment nor did it indicate that it was not an actual on-site peer review.			
Please review the use of these forms and ensure that the forms are being used as intended. If the forms are being used for other reasons, it should be clearly documented and described.			
<b>Information provided by the agency to rectify non-conformance</b>			
<b>Reference</b>	<b>Corrective Action</b>	<b>Owner</b>	<b>Due</b>
2021NC02_01	<b>Competency Assessment Template:</b> Review the competency assessment template. This includes reviewing the current template, liaise	Katie Waiti-Dennis	28 February 2021



2021NC02_02	with form users to identify areas of improvement, amending the template as required, providing guidance advice on how the form should be used, publishing and distributing the new template.		
	<b>Peer Review Template:</b> Review the peer review template. This includes reviewing the current template, liaise with form users to identify areas of improvement, amending the template as required, providing guidance advice on how the form should be used, publishing and distributing the new template.	Katie Waiti-Dennis	28 February 2021

**Comment / closure and date**

FNDC has provided good detail on its plan to address this non-conformance. MPI may wish to see detail on the completed corrective action in order to close this. NC 2 remains open; resolution will be managed by MPI. FNDC is reminded that on-site peer reviews should form part of its competency management systems. This includes periodic on-site peer-review of already recognised verifiers.

<b>Non-conformity number</b>	NC 3	<b>Reference</b>	The Food Regulations 110 (2) (e) & 110 (2) (d)
<b>Details of non-conformity</b>			
<p>There was ongoing work on developing the competency management system that the agency should be commended for. This includes a large volume of work undertaken by an external contractor on behalf of the agency.</p> <p>However, the recording of reasons for decisions on competency was not always completed.</p> <p>For example, there was a competency matrix in use that identified what competencies verifiers held. This matrix was important as it would inform the agency as to which verifiers can verify which sectors or Risk Based Measures (RBMs). This matrix used a tick box system to identify if a verifier had the required competency. However, this did not demonstrate the reason for that decision or what evidence that decision was based on.</p> <p>It was discussed that recently, a robust assessment of verifiers had been undertaken. The agency may be able to support some of its decisions using evidence from these assessments. Similarly, previous training, peer review reports, qualifications or interviews may also support decisions.</p> <p>Please review and describe how the agency will record reasons for decisions on competency.</p>			
<b>Information provided by the agency to rectify non-conformance</b>			
<b>Reference</b>	<b>Corrective Action</b>	<b>Owner</b>	<b>Due</b>
2021NC03_01	Review and revise the 'competency matrix' to include sector competencies and capture evidence considered when assigning competencies.	Katie Waiti-Dennis, Rochelle Deane & Christina Rosenthal	28 February 2021
2021NC03_02	Update the Quality Manual to include details about evidence requirements	Katie Waiti-Dennis	28 February 2021





2021NC03_03	to support the reasons for decisions on competencies.		
	Conduct a process audit of the 'competency assessment process' following recruitment to the current vacancy to ensure the new competency matrix is being used and is effective.	Katie Waiti-Dennis	28 May 2021
<b>Comment / closure and date</b>			
FNDC has provided good detail on its plan to address this non-conformance. MPI may wish to see detail on the completed corrective action in order to close this. NC 3 remains open; resolution will be managed by MPI.			



Recommendations to Far North District Council	
R1	It is recommended that FNDC review the food safety-related material on its website. There was a brochure on the food licensing section that still referred to the old Food Hygiene Regulations.
R2	There are Top 5 Food Safety Factors published by NZ Food Safety. These factors are different depending on the type of food business being verified. These should be addressed by the verifier as applicable. The report templates sighted generally had 10 topics highlighted as 'Top 5'. FNDC may wish to review this to ensure that verifiers (particularly new hires) are clear on the Top 5 Food Safety factors and how these differ for different sectors.
R3	The findings from the 2019 agency QMS assessment were not included in the CI register but the 2018 findings were. FNDC may wish to review this for consistency.
R4	<p>There was a process flow documented in the Training section of the QMS. Upon discussion, it was determined that this flow may not correctly describe the actual process. Similarly, there were also statements in the Competencies and Training sections of the QMS such as:</p> <ul style="list-style-type: none"> <li>• The matrix is updated with the assigned level</li> <li>• Measureable results are identified</li> <li>• A timetable is identified</li> <li>• Evidence is gathered</li> </ul> <p>These statements may not reflect the actual process or there may not be systems in place to achieve these. It is recommended that this section is reviewed.</p>
R5	The QMS states that any MPI recognition held by a verifier will be recognised by the agency. It is recommended that this is clarified. While MPI recognition can be used as <i>part</i> of your competency assessment, FNDC must still assess each person's competence.

#### Recommendation to MPI

IANZ recommends that Far North District Council continues to meet the requirements to be a Recognised Agency to conduct verification services under the Food Act 2014, on condition that the non-conformities detailed above are managed and closed-out by MPI according to the plan provided by and agreed with Far North District Council.

### 5.3 BCA REGULATORY COMPLIANCE UPDATE

**File Number:** A3155727

**Author:** Trent Blakeman, Manager - Building Services

**Authoriser:** Dean Myburgh, General Manager - District Services

#### TAKE PŪRONGO / PURPOSE OF THE REPORT

To provide the Regulatory Compliance Committee with an update on the current state of the Building Consents Authority's (BCA's) compliance with the statutory time frames relating to compliance with the Building (Accreditation of Building Consent Authorities) Regulations 2006 (the Regulations).

#### WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

The BCA has received its accreditation certificate, with the next full audit due in October 2022. Following clearance of the current audit undertaken in October 2020, International Accreditation New Zealand (IANZ) has suggested that internal audit records are submitted in October 2021 to ensure we are on track for the October 2022 audit. The BCA see this as interim assessment by IANZ as an opportunity to further build confidence through being audit-ready on any day.

At the time of writing this report the 20-day statutory compliance rate for building consents was 99.63% with the CCC compliance rate at 98.59%. The BCA remains focused on achieving performance above the 98 percentile. The further filling of positions within the BCA and the ongoing training to make the newly-appointed staff fully functional is key in ensuring the ongoing success and compliance of the BCA.

The BCA continues to develop the e-pathways on-line services portal and will promote this as the preferred way of applying for consents in the near future.

#### **Building Compliance**

The Building Compliance team have undergone a digital transformation this year.

The Team has followed a staged approach beginning with swimming pool inspections. The digital first approach now enables customers to receive notification of the inspection result before the Council has left site. This should lead to faster communication with customers and quicker turn around on dealing with non-compliances. The Team is recording a fail rate around the 30% mark which is consistent with national figures. However, the figure should improve with greater education and enforcement of the regulations.

To support and maximise the above-mentioned innovative approach, there needs to be a greater uptake of customers using digital first as their preferred method of contact.

Building Warrants of Fitness was the next stream to go digital with the mobile inspection tool. Its implementation has again seen an increase in efficiency and the volume of inspections carried out. There has been a year on year increase of 72% in the number of inspections compared with the same period last year.

Certificates of Acceptance and Certificates of Compliance have been the latest work streams to go digital, enabling faster handling and robust processing of these applications.

The team continues to experience increased demand for Requests for Service; year to date there has been a 27% increase (or 152 additional requests) compared with last year; this can be attributed to amendments to the scope of exempt building work allowed under the Building Act 2004 and continued growth in the district.

#### **TŪTOHUNGA / RECOMMENDATION**

**That the Regulatory Compliance Committee receive the report BCA Regulatory Compliance Update.**

**TĀHUHU KŌRERO / BACKGROUND**

International Accreditation New Zealand (IANZ) has been appointed by the Ministry for Business, Innovation and Employment (MBIE) as the accreditation body that undertakes accreditation assessments against the requirements of the Building (Accreditation of Building Consent Authorities) Regulations 2006 (the Regulations). These requirements are further detailed in MBIE's regulatory guidance for Building Consent Authorities (BCA), and Accredited Organisations (AO) accredited under the Regulations.

One of the metrics used to measure the performance of the BCA function is its ability to perform certain tasks within a statutory time frame (20 days). This is one of the few metrics that can be measured without the need for audit. The timeframes for processing of Building Consents (BCs) and issuing Code Compliance Certificates (CCCs) are tracked using the Business Intelligence system (BI).

**MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS**

The BCA is currently focused on achieving and maintaining 100% compliance for both BCs and CCCs in the day to day running of the business. The BCA is focusing on ensuring an audit-ready on any day mantra. The focus is on achieving consistent performance and demonstrating competence in managing BCA accreditation regulations.

Council has rolled out the new customer satisfaction software (AskNicely) and Building Services has the highest number of returned surveys to date with a current score of 4.02 (out of 5) for April.

**PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION**

There are no financial implications attached to this report.

**ĀPITI HANGA / ATTACHMENTS**

Nil

**6 KARAKIA WHAKAMUTUNGA – CLOSING PRAYER**

**7 TE KAPINGA HUI / MEETING CLOSE**