



**Far North
District Council**



Te Kaunihera o Tai Tokerau ki te Raki

AGENDA

Strategy and Policy Committee Meeting


Wednesday, 24 November 2021

Time: 9.30 am

Location: Virtually via Microsoft Teams

Membership:

Cr Rachel Smith - Chairperson
Cr David Clendon – Deputy Chairperson
Mayor John Carter
Deputy Mayor Ann Court
Cr Dave Collard
Cr Felicity Foy
Cr Kelly Stratford
Cr Moko Tepania
Cr John Vujcich
Member Belinda Ward

| | | |
|---|----------------------------|--|
|  | Authorising Body | Mayor/Council |
| | Status | Standing Committee |
| COUNCIL COMMITTEE | Title | Strategy and Policy Committee Terms of Reference |
| | Approval Date | 19 December 2019 |
| | Responsible Officer | Chief Executive |

Purpose

The purpose of the Strategy and Policy Committee (the Committee) is to set direction for the district, determine specific outcomes that need to be met to deliver on that vision, and set in place the strategies, policies and work programmes to achieve those goals.

In determining and shaping the strategies, policies and work programme of the Council, the Committee takes a holistic approach to ensure there is strong alignment between the objectives and work programmes of the strategic outcomes of Council, being:

- Better data and information
- Affordable core infrastructure
- Improved Council capabilities and performance
- Address affordability
- Civic leadership and advocacy
- Empowering communities

The Committee will review the effectiveness of the following aspects:

- Trust and confidence in decision-making by keeping our communities informed and involved in decision-making.
- Operational performance including strategy and policy development, monitoring and reporting on significant projects, including, but not limited to:
 - FN2100
 - District wide strategies (Infrastructure/ Reserves/Climate Change/Transport)
 - District Plan
 - Significant projects (not infrastructure)
 - Financial Strategy
 - Data Governance
 - Affordability
- Consultation and engagement including submissions to external bodies / organisations

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 of the Council's business, operations and risks.

Power to Delegate

The Strategy and Policy Committee may not delegate any of its responsibilities, duties or powers.

Membership

The Council will determine the membership of the Strategy and Policy Committee.

The Strategy and Policy Committee will comprise of at least seven elected members (one of which will be the chairperson).

Mayor Carter

Rachel Smith – Chairperson

David Clendon – Deputy Chairperson

Moko Tepania

Ann Court

Felicity Foy

Dave Collard

John Vujcich

Belinda Ward – Bay of Islands-Whangaroa Community Board

Non-appointed Councillors may attend meetings with speaking rights, but not voting rights.

Quorum

The quorum at a meeting of the Strategy and Policy Committee is 5 members.

Frequency of Meetings

The Strategy and Policy Committee shall meet every 6 weeks but may be cancelled if there is no business.

Committees Responsibilities

The Committees responsibilities are described below:

Strategy and Policy Development

- Oversee the Strategic Planning and Policy work programme
- Develop and agree strategy and policy for consultation / engagement.
- Recommend to Council strategy and policy for adoption.
- Monitor and review strategy and policy.

Service levels (non-regulatory)

- Recommend service level changes and new initiatives to the Long Term and Annual Plan processes.

Policies and Bylaws

- Leading the development and review of Council's policies and district bylaws when and as directed by Council
- Recommend to Council new or amended bylaws for adoption

Consultation and Engagement

- Conduct any consultation processes required on issues before the Committee.
- Act as a community interface (with, as required, the relevant Community Board(s)) for consultation on policies and as a forum for engaging effectively.
- Receive reports from Council's Portfolio and Working Parties and monitor engagement.
- Review as necessary and agree the model for Portfolios and Working Parties.

Strategic Relationships

- Oversee Council's strategic relationships, including with Māori, the Crown, and foreign investors, particularly China
- Oversee, develop, and approve engagement opportunities triggered by the provisions of Mana Whakahono-ā-Rohe under the Resource Management Act 1991
- Recommend to Council the adoption of new Memoranda of Understanding (MOU)
- Meet annually with local MOU partners
- Quarterly reviewing operation of all Memoranda of Understanding
- Quarterly reviewing Council's relationships with iwi, hapū, and post-settlement governance entities in the Far North District
- Monitor Sister City relationships
- Special projects (such as Te Pū o Te Wheke or water storage projects)

Submissions and Remits

- Approve submissions to, and endorse remits for, external bodies / organisations and on legislation and regulatory proposals, provided that:
 - If there is insufficient time for the matter to be determined by the Committee before the submission "close date" the submission can be agreed by the relevant Portfolio Leaders, Chair of the Strategy and Policy Committee, Mayor and Chief Executive (all Councillors must be advised of the submission and provided copies if requested).
 - If the submission is of a technical and operational nature, the submission can be approved by the Chief Executive (in consultation with the relevant Portfolio Leader prior to lodging the submission).
- Oversee, develop, and approve any relevant remits triggered by governance or management commencing in January of each calendar year.
- Recommend to Council those remits that meet Council's legislative, strategic, and operational objectives to enable voting at the LGNZ AGM. All endorsements will take into account the views of our communities (where possible) and consider the unique attributes of the district.

Fees

- Set fees in accordance with legislative requirements unless the fees are set under a bylaw (in which case the decision is retained by Council and the committee has the power of recommendation) or set as part of the Long Term Plan or Annual Plan (in which case the decision will be considered by the Long Term Plan and Annual Plan and approved by Council).

District Plan

- Review and approve for notification a proposed District Plan, a proposed change to the District Plan, or a variation to a proposed plan or proposed plan change (excluding any plan change notified under clause 25(2)(a), First Schedule of the Resource Management Act 1991);
- Withdraw a proposed plan or plan change under clause 8D, First Schedule of the Resource Management Act 1991.
- Make the following decisions to facilitate the administration of proposed plan, plan changes, variations, designation and heritage order processes:

- To authorise the resolution of appeals on a proposed plan, plan change or variation unless the issue is minor and approved by the Portfolio Leader District Plan and the Chair of the Regulatory committee.
- To decide whether a decision of a Requiring Authority or Heritage Protection Authority will be appealed to the Environment Court by council and authorise the resolution of any such appeal.
- To consider and approve council submissions on a proposed plan, plan changes, and variations.
- To manage the private plan change process.
- To accept, adopt or reject private plan change applications under clause 25 First Schedule Resource Management Act (RMA).

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.

STRATEGY AND POLICY COMMITTEE - MEMBERS REGISTER OF INTERESTS

| Name | Responsibility (i.e. Chairperson etc) | Declaration of Interests | Nature of Potential Interest | Member's Proposed Management Plan |
|-------------------------------------|---|---|--|--|
| Hon John Carter QSO | Board Member of the Local Government Protection Programme | Board Member of the Local Government Protection Program | | |
| | Carter Family Trust | | | |
| Rachel Smith (Chair) | 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 and Treasurer | | |
| | Vision Kerikeri | Financial Member | | |
| Rachel Smith (Partner) | Property Owner | Kerikeri | | |
| | Friends who work at Far North District Council | | | |
| | Kerikeri Cruising Club | Subscription Member | | |
| | Vision Kerikeri | Financial Member | | |
| | Town and General Groundcare Limited | Director. Shareholder | | |
| David Clendon (Deputy Chair) | 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 | | |
| David Clendon – Partner | Resident Shareholder on Kerikeri Irrigation | | | |
| David Collard | Snapper Bonanza 2011 Limited | 45% Shareholder and Director | | |
| | Trustee of Te Ahu Charitable Trust | Council delegate to this board | | |
| Deputy Mayor Ann Court | 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 |
| | Ann Court Trust | Private | Private | N/A |

| Name | Responsibility (i.e. Chairperson etc) | Declaration of Interests | Nature of Potential Interest | Member's Proposed Management Plan |
|----------------------------|---------------------------------------|---|--|--|
| | 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. |
| | Warren Pattinson | My husband is a builder and may do work for Council staff | | Case by case |
| Ann Court - Partner | 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. |
| Felicity Foy | Flick Trustee Ltd | I am the director of this company that is the company trustee of Flick Family Trust that owns properties Seaview Road – Cable Bay, and Allen Bell Drive - Kaitia. | | |
| | Elbury Holdings Limited | This company is directed by my parents Fiona and Kevin King. | This company owns several dairy and beef farms, and also dwellings on these farms. The Farms and | |

| Name | Responsibility (i.e. Chairperson etc) | Declaration of Interests | Nature of Potential Interest | Member's Proposed Management Plan |
|-------------------------------|--|---|--|---|
| | | | dwellings are located in the Far North at Kaimaumau, Bird Road/Sandhills Rd, Wireless Road/ Puckey Road/Bell Road, the Awanui Straight and Allen Bell Drive. | |
| | Foy Farms Partnership | Owner and partner in Foy Farms - a farm on Church Road, Kaingaroa | | |
| | Foy Farms Rentals | Owner and rental manager of Foy Farms Rentals for dwellings on Church Road, Kaingaroa and dwellings on Allen Bell Drive, Kaitaia, and property on North Road, Kaitaia, one title contains a cell phone tower. | | |
| | King Family Trust | This trust owns several titles/properties at Cable Bay, Seaview Rd/State Highway 10 and Ahipara - Panorama Lane. | These trusts own properties in the Far North. | |
| | 112 Commerce Street Holdings Ltd | Owner of commercial property in Commerce Street Kaitaia. | | |
| | Foy Property Management Ltd | Owner of company that manages properties owned by Foy Farms Rentals and Flick Family Trust. | | |
| | Previous employment at FNDC 2007-16 | I consider the staff members at FNDC to be my friends | | |
| | Shareholder of Coastline Plumbing NZ Limited | | | |
| Felicity Foy - Partner | Director of Coastline Plumbing NZ Limited | | | |
| | Friends with some FNDC employees | | | |
| Kelly Stratford | KS Bookkeeping and Administration | Business Owner, provides book keeping, 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 |

| Name | Responsibility (i.e. Chairperson etc) | Declaration of Interests | Nature of Potential Interest | Member's Proposed Management Plan |
|------|--|--|---|---|
| | 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 |
| | He Puna Aroha Putea Whakapapa | Trustee | May be perceived conflicts | Should conflict arise, step aside from voting should they apply for funds |
| | Kawakawa Returned Services Association | Member | May be perceived conflicts | Should conflict arise, step aside from voting should they apply for funds |
| | Whangaroa Returned Services Association | Member | May be perceived conflicts | Should conflict arise, step aside from voting should they apply for funds |
| | National Emergency Management Advisor Committee | Member | | Case by case basis |
| | Te Rūnanga ā Iwi o Ngāpuhi | Tribal affiliate member | As a descendent of Te Rūnanga ā Iwi o Ngāpuhi I could have a perceived conflict of interest in Te Rūnanga ā Iwi o Ngāpuhi Council relations | Declare a perceived conflict should there appear to be one |
| | Te Rūnanga ā Iwi o Ngāti Hine | Tribal affiliate member | Could have a perceived conflict of interest | Declare a perceived conflict should I |

| Name | Responsibility (i.e. Chairperson etc) | Declaration of Interests | Nature of Potential Interest | Member's Proposed Management Plan |
|----------------------------------|---|----------------------------------|--|--|
| | | | | determine there is a conflict |
| | Kawakawa Business and Community Association | Member | | Will declare a perceived conflict should there appear to be one |
| Kelly Stratford - Partner | 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 |
| Moko Tepania | Teacher | Te Kura Kaupapa Māori o Kaikohe. | Potential Council funding that will benefit my place of employment. | Declare a perceived conflict |
| | Chairperson | Te Reo o Te Tai Tokerau Trust. | Potential Council funding for events that this trust runs. | Declare a perceived conflict |
| | Tribal Member | Te Rūnanga o Te Rarawa | As a descendent of Te Rarawa I could have a perceived conflict of interest in Te Rarawa Council relations. | Declare a perceived conflict |
| | Tribal Member | Te Rūnanga o Whaingaroa | As a descendent of Te Rūnanga o Whaingaroa I could have a perceived conflict of interest in Te Rūnanga o Whaingaroa Council relations. | Declare a perceived conflict |
| | Tribal Member | Kahukuraariki Trust Board | As a descendent of Kahukuraariki Trust Board I could have a perceived conflict of interest in Kahukuraariki Trust Board Council relations. | Declare a perceived conflict |
| | Tribal Member | Te Rūnanga ā-Iwi o Ngāpuhi | As a descendent of Te Rūnanga ā-Iwi o Ngāpuhi I could have a perceived conflict of interest in Te Rūnanga ā-Iwi o Ngāpuhi Council relations. | Declare a perceived conflict |

| Name | Responsibility (i.e. Chairperson etc) | Declaration of Interests | Nature of Potential Interest | Member's Proposed Management Plan |
|-------------------------------|---------------------------------------|--------------------------------------|---|-----------------------------------|
| John Vujcich | 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 |
| | 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 |
| | Member | Kaikohe Business Association | Possible funding provider | Declare a Conflict of Interest |
| Belinda Ward | Ward Jarvis Family Trust | Trustee | | |
| | Kenneth Jarvis Family Trust | Trustee | | |
| | Residence in Watea | | | |
| Belinda Ward (Partner) | Ward Jarvis Family Trust | Trustee and beneficiary | | |
| | Kenneth Jarvis Family Trust | Trustee and beneficiary | | |
| | Residence in Watea | Trustee | | |

Far North District Council
Strategy and Policy Committee Meeting
will be held in the Virtually via Microsoft Teams on:
Wednesday 24 November 2021 at 9.30 am

Te Paeroa Mahi / Order of Business

| | | |
|----------|--|-----------|
| 1 | Karakia Timatanga / Opening Prayer..... | 15 |
| 2 | Nga Whakapāha Me Ngā Pānga Mema / Apologies and Declarations of Interest..... | 15 |
| 3 | Te Tono Kōrero / Deputation..... | 15 |
| 4 | Confirmation of Previous Minutes..... | 16 |
| 4.1 | Confirmation of Previous Minutes..... | 16 |
| 5 | Reports..... | 29 |
| 5.1 | Litter Infringement Policy Review | 29 |
| 5.2 | Solid Waste Bylaw - Recommendation to continue Bylaw | 32 |
| 6 | Information Reports..... | 54 |
| 6.1 | Regional Accessibility Strategy | 54 |
| 6.2 | Completion of the Draft District Plan and Timetable for Notification..... | 57 |
| 6.3 | Strategy and Policy Action Sheet Update November 2021 | 61 |
| 7 | Karakia Whakamutunga / Closing Prayer..... | 87 |
| 8 | Te Kapinga Hui / Meeting Close..... | 87 |

1 KARAKIA TIMATANGA – OPENING PRAYER**2 NGA 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 CONFIRMATION OF PREVIOUS MINUTES

4.1 CONFIRMATION OF PREVIOUS MINUTES

File Number: A3421661

Author: Marlema Baker, Meetings Administrator

Authoriser: Aisha Huriwai, Team Leader Democracy Services

PURPOSE OF THE REPORT

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

RECOMMENDATION

That the Strategy and Policy Committee agrees that the minutes of following meetings be confirmed as a true and correct record:

- 19 October 2021 (Strategy and Policy Committee Meeting)
- 26 October 2021 (Review of the 2019 Speed Limit Bylaw Hearing – Mid North)
- 02 November 2021 ((Review of the 2019 Speed Limit Bylaw Hearing – Kaitiaia)

1) BACKGROUND

Local Government Act 2002 Schedule 7 Section 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) 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.

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) FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no financial implications or the need for budgetary provision.

ATTACHMENTS

1. 19-10-2021 Strategy and Policy Committee Meeting Minutes - A3444400 [↓](#) 
2. 26-10-2021 Strategy and Policy Committee Hearing Minutes - A3451840 [↓](#) 
3. 02-11-2021 Strategy and Policy Committee Hearing Minutes - A3452494 [↓](#) 

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.

| Compliance requirement | Staff assessment |
|---|---|
| State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy | 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. | 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
STRATEGY AND POLICY COMMITTEE MEETING
HELD AT THE HELD VIRTUALLY VIA MICROSOFT TEAMS
ON TUESDAY, 19 OCTOBER 2021 AT 1.00 PM**

PRESENT: Cr Rachel Smith (Chairperson), Cr David Clendon (Deputy Chairperson), Mayor John Carter (HWTM), Deputy Mayor Ann Court, Cr Dave Collard, Cr Felicity Foy, Cr Kelly Stratford, Cr Moko Tepania, Cr John Vujcich, Member Belinda Ward

IN ATTENDANCE: Shaun Clarke (Chief Executive Officer), William J Taylor, MBE (General Manager Corporate Services), Dean Myburgh (General Manager District Services), Andy Finch (General Manager Infrastructure and Asset Management), Darren Edwards (General Manager Strategic Planning and Policy)

1 KARAKIA TIMATANGA – OPENING PRAYER

Cr Rachel Smith commenced the meeting and opened with a karakia.

2 NGĀ WHAKAPĀHA ME NGĀ PĀNGA MEMA / APOLOGIES AND DECLARATIONS OF INTEREST

2.1 APOLOGIES AND DECLARATIONS OF INTEREST

RESOLUTION 2021/34

Moved: Cr Rachel Smith
Seconded: Cr Kelly Stratford

That there are no apologies or declarations if interest.

In Favour: Mayor Carter, Deputy Mayor Court, Crs Rachel Smith, David Clendon, Dave Collard, Felicity Foy, Kelly Stratford, Moko Tepania, John Vujcich and Belinda Ward
Against: Nil

CARRIED

3 NGĀ TONO KŌRERO / DEPUTATION

- Rod Brown (1:05 pm) – *Slideshow presentation provided*
- Annika Dickie (1:15 pm) - *Slideshow presentation provided*
- Jane Johnston (1:25 pm)
- Jackie Edwards-Bruce (1:35 pm) – *Slideshow presentation provided*

4 CONFIRMATION OF PREVIOUS MINUTES

4.1 CONFIRMATION OF PREVIOUS MINUTES

Agenda item 4.1 document number A3052749, pages 16 - 31 refers.

RESOLUTION 2021/35

Moved: Chair Rachel Smith
Seconded: Cr Kelly Stratford

That the Strategy and Policy Committee agrees that the minutes of the meeting held 7 September 2021 be confirmed as a true and correct record.

In Favour: Mayor Carter, Deputy Mayor Court, Crs Rachel Smith, David Clendon, Dave Collard, Felicity Foy, Kelly Stratford, Moko Tepania, John Vujcich and Belinda Ward

Against: Nil

CARRIED

5 REPORTS

5.1 ADOPTION OF FAR NORTH 2100

Agenda item 5.1 document number A3377402, pages 32 – 57 refers.

RESOLUTION 2021/36

Moved: Deputy Mayor Ann Court

Seconded: Cr Kelly Stratford

That the Strategy and Policy Committee recommend to Council the adoption of Far North 2100 Strategy.

In Favour: Mayor Carter, Deputy Mayor Court, Crs Rachel Smith, Kelly Stratford, Moko Tepania, John Vujcich and Belinda Ward

Against: Crs David Clendon, Dave Collard and Felicity Foy

CARRIED

5.2 ROADING POLICIES REVIEW

Agenda item 5.2 document number A3379712, pages 58 - 99 refers

MOTION

Moved: Deputy Mayor Ann Court

Seconded: Mayor John Carter

That the Strategy and Policy Committee recommend that Council:

a) agree, the Road Speed Limits Policy continue without amendment.

In Favour: Mayor Carter, Deputy Mayor Court, Crs Rachel Smith, David Clendon, Dave Collard, Felicity Foy, Kelly Stratford, Moko Tepania, John Vujcich and Belinda Ward

Against: Nil

CARRIED

b) agree, the Community Initiated Infrastructure – Roading Contributions Policy, and the Limits of Council Responsibility for Formation / Maintenance of Roads Policy be continued with amendment.

In Favour: Mayor Carter, Deputy Mayor Court, Crs Rachel Smith, David Clendon, Dave Collard, Felicity Foy, Kelly Stratford, Moko Tepania, John Vujcich and Belinda Ward

Against: Nil

CARRIED

c) agree, the Dust Management Policy, Private Roads and Rights of Way Policy, Road Maintenance Policy, and Road Mirrors – Private Crossings Policy be revoked.

AMENDMENT

Moved: Cr Kelly Stratford

Seconded: Cr Felicity Foy

- b) agree, the Community Initiated Infrastructure – Rooding Contributions Policy, and the Limits of Council Responsibility for Formation / Maintenance of Roads Policy, Dust Management Policy, and the Private Roads and Right of Ways Policy be continued with amendment;
- c) agree, the Road Maintenance Policy and Road Mirrors – Private Crossings Policy be revoked.

In Favour: Crs David Clendon, Felicity Foy, Kelly Stratford, Moko Tepania and John Vujcich
 Against: Mayor Carter, Deputy Mayor Court, Crs Rachel Smith, Dave Collard and Member Belinda Ward

LOST**RESOLUTION 2021/37**

Moved: Deputy Mayor Ann Court
 Seconded: Mayor John Carter

That the Strategy and Policy Committee recommend that Council:

- a) agree, the Road Speed Limits Policy continue without amendment.**

In Favour: Mayor Carter, Deputy Mayor Court, Crs Rachel Smith, David Clendon, Dave Collard, Felicity Foy, Kelly Stratford, Moko Tepania, John Vujcich and Belinda Ward
Against: Nil

CARRIED

- b) agree, the Community Initiated Infrastructure – Rooding Contributions Policy, and the Limits of Council Responsibility for Formation / Maintenance of Roads Policy be continued with amendment.**

In Favour: Mayor Carter, Deputy Mayor Court, Crs Rachel Smith, David Clendon, Dave Collard, Felicity Foy, Kelly Stratford, Moko Tepania, John Vujcich and Belinda Ward
Against: Nil

CARRIED

- c) agree, the Dust Management Policy, Private Roads and Rights of Way Policy, Road Maintenance Policy, and Road Mirrors – Private Crossings Policy be revoked.**

In Favour: Mayor Carter, Deputy Mayor Court, Crs Rachel Smith, Dave Collard, Moko Tepania and Belinda Ward
Against: Crs David Clendon, Felicity Foy, Kelly Stratford and John Vujcich

**CARRIED
CARRIED**

Meeting adjourned 3:15 pm – 3:26 pm

5.3 NAMING POLICY PROPOSAL

Agenda item 5.3 document number A3382702, pages 100 - 110 refers

RESOLUTION 2021/38

Moved: Chair Rachel Smith
 Seconded: Cr Moko Tepania

That the Strategy and Policy Committee recommend that Council agree to develop a new Naming Policy for roads, open spaces, and Council facilities.

In Favour: Mayor Carter, Deputy Mayor Court, Crs Rachel Smith, David Clendon, Dave Collard, Felicity Foy, Kelly Stratford, Moko Tepania, John Vujcich and Belinda Ward

Against: Nil

**CARRIED 10/0
CARRIED**

5.4 FAR NORTH SPACES AND PLACES PLAN

Agenda item 5.4 document number A3389446, pages 111 - 169 refers

MOTION

Moved: Chair Rachel Smith

Seconded: Cr John Vujcich

That the Strategy and Policy Committee recommend that Council supports in principle the Far North Spaces and Places Plan as the plan to implement Kōkiri ai Te Waka Hourua 2021-2030.

AMENDMENT

Moved: Deputy Mayor Ann Court

Seconded: Cr Felicity Foy

That the Strategy and Policy Committee recommend that Council:

- a) supports in principle the Far North Spaces and Places Plan as the plan to implement Kōkiri ai Te Waka Hourua 2021-2030; *and*
- b) *that an enablement plan be developed in support of the 2022 Annual Plan.*

In Favour: Mayor Carter, Deputy Mayor Court, Crs Rachel Smith, Dave Collard, Felicity Foy, Kelly Stratford, Moko Tepania, John Vujcich and Member Belinda Ward

Against: Cr David Clendon

CARRIED

The amendment became the substantive motion

RESOLUTION 2021/39

Moved: Chair Rachel Smith

Seconded: Cr John Vujcich

That the Strategy and Policy Committee recommend that Council:

- a) **supports in principle the Far North Spaces and Places Plan as the plan to implement Kōkiri ai Te Waka Hourua 2021-2030; and**
- b) **that an enablement plan be developed in support of the 2022 Annual Plan.**

In Favour: Mayor Carter, Deputy Mayor Court, Crs Rachel Smith, Dave Collard, Felicity Foy, Kelly Stratford, Moko Tepania, John Vujcich and Member Belinda Ward

Abstained: Cr David Clendon

CARRIED

6 INFORMATION REPORTS

6.1 UPDATE ON SPATIAL PLANNING

Agenda item 6.1 document number A3391562, pages 170 - 172 refers

RESOLUTION 2021/40

Moved: Mayor John Carter

Seconded: Deputy Mayor Ann Court

That the Strategy and Policy Committee receive the report Update on Spatial Planning.

In Favour: Mayor Carter, Deputy Mayor Court, Crs Rachel Smith, David Clendon, Dave Collard, Felicity Foy, Kelly Stratford, Moko Tepania, John Vujcich and Belinda Ward
Against: Nil

CARRIED**6.2 KAIKOHE CIVIC HUB WORKING PARTY UPDATE**

Agenda item 6.2 document number A3270171, pages 173 - 174 refers

RESOLUTION 2021/41

Moved: Cr Moko Tepania
Seconded: Cr John Vujcich

That the Strategy and Policy Committee receive the report Kaikohe Civic Hub Working Party update.

In Favour: Mayor Carter, Deputy Mayor Court, Crs Rachel Smith, David Clendon, Dave Collard, Felicity Foy, Kelly Stratford, Moko Tepania, John Vujcich and Belinda Ward
Against: Nil

CARRIED**6.3 FUTURE LIBRARIES PROGRESS REPORT**

Agenda item 6.3 document number A3344015, pages 175 – 186 refers

RESOLUTION 2021/42

Moved: Cr John Vujcich
Seconded: Cr Moko Tepania

That the Strategy and Policy Committee receive the report Future Libraries progress report.

In Favour: Mayor Carter, Deputy Mayor Court, Crs Rachel Smith, David Clendon, Dave Collard, Felicity Foy, Kelly Stratford, Moko Tepania, John Vujcich and Belinda Ward
Against: Nil

CARRIED**6.4 MUSEUM AT TE AHU STRATEGY UPDATE**

Agenda item 6.4 document number A3399124, pages 187 - 211 refers

RESOLUTION 2021/43

Moved: Cr Dave Collard
Seconded: Cr John Vujcich

That the Strategy and Policy Committee receive the report Museum at Te Ahu Strategy Update.

In Favour: Mayor Carter, Deputy Mayor Court, Crs Rachel Smith, David Clendon, Dave Collard, Felicity Foy, Kelly Stratford, Moko Tepania, John Vujcich and Belinda Ward
Against: Nil

CARRIED

6.5 NATURAL AND BUILT ENVIRONMENTS ACT EXPOSURE DRAFT SUBMISSION

Agenda item 6.5 document number A3320129, pages 212 - 307 refers

RESOLUTION 2021/44

Moved: Chair Rachel Smith

Seconded: Mayor John Carter

That the Strategy and Policy Committee receive the report Natural and Built Environments Act Exposure Draft Submission.

In Favour: Mayor Carter, Deputy Mayor Court, Crs Rachel Smith, David Clendon, Dave Collard, Felicity Foy, Kelly Stratford, Moko Tepania, John Vujcich and Belinda Ward

Against: Nil

CARRIED

At 4:44 pm, Cr Moko Tepania left the meeting.

6.6 AUDIT REPORT FOR THE 2021-31 LONG TERM PLAN

Agenda item 6.6 document number A3334278, pages 308 - 321 refers

RESOLUTION 2021/45

Moved: Cr John Vujcich

Seconded: Chair Rachel Smith

That the Strategy and Policy Committee receive the report Audit report for the 2021-31 Long Term Plan.

In Favour: Mayor Carter, Deputy Mayor Court, Crs Rachel Smith, David Clendon, Dave Collard, Felicity Foy, Kelly Stratford, Moko Tepania, John Vujcich and Belinda Ward

Against: Nil

CARRIED

6.7 STRATEGIC PLANNING & POLICY BUSINESS QUARTERLY REPORT

Agenda item 6.7 document number A3396885, pages 322 - 352 refers

RESOLUTION 2021/46

Moved: Mayor John Carter

Seconded: Chair Rachel Smith

That the Strategy and Policy Committee receive the report Strategic Planning & Policy Business Quarterly Report.

In Favour: Mayor Carter, Deputy Mayor Court, Crs Rachel Smith, David Clendon, Dave Collard, Felicity Foy, Moko Tepania, John Vujcich and Belinda Ward

Against: Cr Kelly Stratford

CARRIED

6.8 STRATEGY AND POLICY ACTION SHEET UPDATE OCTOBER 2021

Agenda item 6.8 document number A3409261, pages 353 - 353 refers

RESOLUTION 2021/47

Moved: Chair Rachel Smith

Seconded: Mayor John Carter

That the Strategy and Policy Committee receive the report Action Sheet Update October 2021.

In Favour: Mayor Carter, Deputy Mayor Court, Crs Rachel Smith, David Clendon, Dave Collard, Felicity Foy, Kelly Stratford, Moko Tepania, John Vujcich and Belinda Ward

Against: Nil

CARRIED

7 KARAKIA WHAKAMUTUNGA – CLOSING PRAYER

Cr Rachel Smith closed the meeting with a karakia.

8 TE KAPINGA HUI / MEETING CLOSE

The meeting closed at 5:08 pm.

The minutes of this meeting will be confirmed at the Strategy and Policy Committee Meeting held on 24 November 2021.

.....
CHAIRPERSON

**MINUTES OF FAR NORTH DISTRICT COUNCIL
STRATEGY AND POLICY COMMITTEE SPEED LIMIT HEARINGS – MID NORTH
HELD AT THE VIRTUAL
ON TUESDAY, 26 OCTOBER 2021 AT 10:00 AM**

PRESENT: Cr Rachel Smith (Chairperson), Cr David Clendon (Deputy Chairperson), Mayor John Carter (HWTM), Deputy Mayor Ann Court, Cr Dave Collard, Cr Kelly Stratford, Cr John Vujcich, Member Belinda Ward

IN ATTENDANCE: Shaun Clarke (Chief Executive Officer), William J Taylor, MBE (General Manager Corporate Services), Dean Myburgh (General Manager District Services), Andy Finch (General Manager Infrastructure and Asset Management), Darren Edwards (General Manager Strategic Planning and Policy)

1 KARAKIA TIMATANGA – OPENING PRAYER

Cr Rachel Smith commenced the meeting and opened with a karakia.

2 NGĀ WHAKAPĀHA ME NGĀ PĀNGA MEMA / APOLOGIES AND DECLARATIONS OF INTEREST

There were no declarations of interest at this point in the meeting.

2.1 APOLOGIES

RESOLUTION 2021/48

Moved: Cr Rachel Smith
Seconded: Mayor John Carter

That the Strategy and Policy Committee accept apologies from Cr Moko Tepania and late apologies from Cr Felicity Foy and Cr Dave Collard.

CARRIED

3 NGĀ TONO KŌRERO / DEPUTATION

| Time | Name | Organization | Page Number (Schedule A) |
|-------|-------------------------|-----------------------------|-----------------------------|
| 10:15 | Doug Jane | | 3 |
| 10:30 | Michael Drayton | | 13 |
| 10:45 | Steve Westgate | Automobile Association (AA) | 22 |
| 11:00 | Roddy Hapati Pihema | Taumatamakuku | 40 |
| 11:15 | Raharuhui Wikaire | | 41 |
| 11:30 | Pamela-Anne Ngohe-Simon | | 37 |
| 11:45 | Courtney Simons | | 6 |
| 12:00 | Hiku Taylor-Wi Neera | DECLINED | 7 |
| 12:15 | Opai Heta | STATEMENT TABLED | 42 |

4 INFORMATION REPORTS**4.1 2021 REVIEW OF THE 2019 SPEED LIMIT BYLAW**

Agenda item 4.1 document number A3449875, pages 16 - 19 refers.

RESOLUTION 2021/49

Moved: Cr Kelly Stratford

Seconded: Chair Rachel Smith

That Council receives and hears the Mid North submissions for the review of the Speed Limit Bylaw 2019

CARRIED

5 KARAKIA WHAKAMUTUNGA – CLOSING PRAYER**6 TE KAPINGA HUI / MEETING CLOSE**

The meeting closed at 11:23 am.

The minutes of this meeting will be confirmed at the Strategy and Policy Committee Meeting held on 2 November 2021.

.....
CHAIRPERSON

**MINUTES OF FAR NORTH DISTRICT COUNCIL
STRATEGY AND POLICY COMMITTEE HEARING
HELD VIRTUALLY
ON TUESDAY, 2 NOVEMBER 2021 AT 10:00 AM**

PRESENT: Chair Rachel Smith, Cr David Clendon, Mayor John Carter (HWTM), Cr Dave Collard, Cr Felicity Foy, Cr Moko Tepania, Cr John Vujcich.

IN ATTENDANCE: Shaun Clarke (Chief Executive Officer), William J Taylor, MBE (General Manager Corporate Services), Dean Myburgh (General Manager District Services), Andy Finch (General Manager Infrastructure and Asset Management), Darren Edwards (General Manager Strategic Planning and Policy)

STAFF PRESENT:

1 KARAKIA TIMATANGA – OPENING PRAYER

Chair Rachel Smith commenced the meeting and Cr Moko Tepania opened with a karakia.

2 NGĀ WHAKAPĀHA ME NGĀ PĀNGA MEMA / APOLOGIES AND DECLARATIONS OF INTEREST

2.1 APOLOGIES AND DECLARATIONS OF INTEREST

RESOLUTION 2021/50

Moved: Chair Rachel Smith

Seconded: Cr John Vujcich

That the Strategy and Policy Committee accept apologies from Deputy Mayor Ann Court, Cr Kelly Stratford and Member Belinda Ward.

In Favour: Crs Rachel Smith, David Clendon, John Carter, Dave Collard, Felicity Foy, Moko Tepania and John Vujcich

Against: Nil

CARRIED

3 NGĀ TONO KŌRERO / DEPUTATION

| Time | Name | Submitter | Page number (Schedule A) | Agenda page |
|-------|------------------|------------------|-----------------------------|-------------|
| 10:00 | Shawn Baker | NTA Introduction | | |
| 10:05 | Vivienne Cramond | 031 | 4 | 24 |
| 10:20 | Trevor Beatson | 073 | 9 | 29 |
| 10:35 | Barry Kernot | 074 | 10 | 30 |
| 10:50 | Linda Kaye | 087 | 16 | 36 |
| 11:05 | John Paitai | 093 | 33 | 53 |
| 11:35 | Wayne Brown | 038 | 5 | 25 |
| 11:50 | Donna Beatson | 072 | 8 | 28 |
| 12:05 | Ruth Snowden | 104 | 43 | 63 |
| 12:35 | Malcolm Robson | 090 | 25 | 45 |

4 INFORMATION REPORTS

4.1 2021 REVIEW OF THE 2019 SPEED LIMIT BYLAW - KAITAIA

Agenda item 4.1 document number A3450007, pages 16 - 19 refers

RESOLUTION 2021/51

Moved: Chair Rachel Smith

Seconded: Cr Dave Collard

That Council receives and hears the Kaitaia submissions for the review of the Speed Limit Bylaw 2019

In Favour: Crs Rachel Smith, David Clendon, John Carter, Dave Collard, Felicity Foy, Moko Tepania and John Vujcich

Against: Nil

CARRIED

5 KARAKIA WHAKAMUTUNGA – CLOSING PRAYER

Cr Moko Tepania closed the meeting with a karakia.

6 TE KAPINGA HUI / MEETING CLOSE

The meeting closed at 12:27 pm.

The minutes of this meeting were confirmed at the Strategy and Policy Committee Meeting held on 24 November 2021.

.....
CHAIRPERSON

5 REPORTS

5.1 LITTER INFRINGEMENT POLICY REVIEW

File Number: A3308478

Author: Caitlin Thomas, Strategic Planner

Authoriser: Darren Edwards, General Manager - Strategic Planning and Policy

TAKE PŪRONGO / PURPOSE OF THE REPORT

That the Committee recommend to Council that the Litter Infringement Policy 2017 be revoked, and that Council adopt a resolution to infringe littering offences under the Litter Act 1979.

WHAKARĀPOOTO MATUA / EXECUTIVE SUMMARY

- Staff identified duplication of littering infringements under both the Fees and Charges and the Litter Infringement Policy 2017 (the Policy).
- A specific policy regarding litter infringement is not necessary for the Council to infringe littering offences.
- As per Section 13 of the Litter Act 1979, Council may, by resolution, adopt the provisions of the Act to infringe offences committed within the district.

TŪTOHUNGA / RECOMMENDATION

That the Strategy and Policy Committee Recommend the Council:

- a) **Revoke the Litter Infringement Policy 2017.**
- b) **Adopts the provisions to infringe littering offences in the Far North District pursuant to Section 13 of the Litter Act 1979.**
- c) **Agree that no infringement fee shall exceed \$400, as per Section 13 of the Act.**
- d) **Agree infringement notices shall be served as per Section 14 of the Act.**

1) TĀHUHU KŌRERO / BACKGROUND

The Litter Infringement Policy 2017 (the Policy) is a duplication of the Council's Fees and Charges document. The Policy is informed by the Litter Act 1979 (Act) and was adopted to grant Council the ability to issue infringement notices for littering. However, Council can infringe littering offences under the Act without a policy.

As per the Local Government Act 2002, the Council is required to determine whether the Policy is appropriate to address litter infringements.

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

Discussion

Section 13 of the Litter Act 1979 states the Council may adopt infringement notice provisions. Council can adopt the provisions of the Act by resolution to respond to offences within the district. Therefore, a resolution is all that is required to infringe under the Act, and a policy is not necessary. A resolution is more streamlined with legislation. An additional policy is excessive with no benefits to Council or staff. Since the information regarding infringements is already referenced in the Fees and Charges policy, there is no reason to maintain a separate litter infringement policy.

Under Section 13 and 14 of the Act, an infringement notice may be served and must not exceed \$400. Council staff have confirmed that the Policy is not referenced when staff infringe littering offenses and current systems, and processes are in place to support this move.

The Litter Infringement Policy has been duplicated in the Council's Fees and Charges Policy. Increased resources are required to refer to and review multiple policy instruments and to ensure

consistency between policies. Reputational risk may occur if discrepancies in policy instruments lead to inconsistent decisions. The Fees and Charges Policy is reviewed annually.

Option One: Revoke the Policy and adopt Resolution as per Section 13 of the Litter Act 1979 (recommended option)

It is not necessary to keep the Policy to allow Council to infringe littering offences in the Far North District, therefore, the Policy should be revoked. Considering that staff do not reference the policy, revoking it in favour of a resolution will not be confusing for the public. The Litter section of the Fees and Charges Policy will be reviewed in alignment with the annual plan.

| Advantages of revoking the Policy | Disadvantages of revoking the Policy |
|---|--------------------------------------|
| <ul style="list-style-type: none"> The Policy is not necessary to achieve the outcomes of the Litter act, therefore there is no reason to maintain it. There is a disproportionately high amount of effort involved in implementing a policy in relation to the outcome sought. The policy is not efficient to staff. Revoking the Policy removes duplication of litter infringement (also under Fees and Charges). Revoking the Policy means staff do not require time or resources in reviewing it. Adopting a resolution under Section 13 of the Litter Act 1979 is more streamlined with legislation. | |

Option Two: Status quo, maintain the policy

Keeping the Policy maintains the status quo, meaning nothing will change. The Policy will be reviewed every six years.

| Advantages of maintaining the Policy | Disadvantages of maintaining the Policy |
|--------------------------------------|---|
| | <p>Maintaining the Policy has a potentially negative reputational risk to Council because the Policy is neither effective nor necessary to maintain.</p> <p>The Policy duplicates Council's Fees and Charges Policy and legislation.</p> <p>The Policy is excessive to the Litter Act 1979c, which suggests local authorities may adopt a resolution.</p> |

Take Tūtohunga / Reason for the recommendation

Option One is the best practice for litter infringement in the Far North because the Policy is not necessary. If Council adopts a resolution under Section 13 of the Litter Infringement Act 1979, council may continue to infringe littering offenses in the district without a policy. The Policy creates duplication, and a resolution is more streamlined with legislation.

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

There are no financial implications to this recommendation. Operational costs will remain as they currently are with Monitoring and Enforcement staff infringe under the Litter Infringement Act 1979.

ĀPITIHANGA / ATTACHMENTS**Nil****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.

| He Take Ōkawa / Compliance Requirement | Aromatawai Kaimahi / Staff Assessment |
|--|---|
| State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy | Since revoking the policy and adopting a resolution will essentially retain the status quo for Council infringing littering offences in the district, the level of significance for the recommendation as determined by the <i>Significance and Engagement Policy</i> is low. |
| State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision. | The Litter Act 1979 prescribes how Council may infringe litter if adopted under resolution. Litter is also a section in Council's Fees and Charges Policy. |
| 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. | Litter infringement is of District wide relevance. |
| 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. State the possible implications and how this report aligns with Te Tiriti o Waitangi / The Treaty of Waitangi. | Whilst infringements are of interest to all community members, as this is purely an administrative matter there are deemed to be no effects on Māori or the community as council is not changing its infringement powers rather it is simplifying a council process. |
| 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). | Litter infringement is of relevance to all residents and visitors to the Far North District. |
| State the financial implications and where budgetary provisions have been made to support this decision. | There are no financial or budgetary provisions to this decision. |
| Chief Financial Officer review. | The Chief Financial Officer has reviewed this report |

5.2 SOLID WASTE BYLAW - RECOMMENDATION TO CONTINUE BYLAW

File Number: A3438487

Author: Briar Macken, Team Leader - Policy

Authoriser: Darren Edwards, General Manager - Strategic Planning and Policy

TAKE PŪRONGO / PURPOSE OF THE REPORT

To agree to continue without amendment the Solid Waste Bylaw.

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- On 08 April 2021, the Council agreed the Solid Waste Bylaw is appropriate to regulate solid waste, is in the most appropriate form, and does not give rise to any implications under the New Zealand Bill of Rights Act 1990.
- On 20 July 2021 the Strategy and Policy Committee approved a proposal to consult on the continuation without amendment of the Solid Waste Bylaw.
- Consultation took place from 26 July 2021 to 27 August 2021.
- 18 submissions were received.
- Council staff have analysed the submissions (see Attachment 1)
- The Solid Waste Bylaw should continue without amendment.

TŪTOHUNGA / RECOMMENDATION

That the Strategy and Policy Committee recommends that the Council:

- agree, in response to the consultation under 160 (3)(b)(ii), no amendments are to be made to the Solid Waste Bylaw.**
- agree, under section 160 of the Local Government Act 2002 the Solid Waste Bylaw be continued without amendment.**

1) TĀHUHU KŌRERO / BACKGROUND

The Solid Waste Bylaw (Bylaw) was made on 05 May 2016 under the:

- Local Government Act 2002, section 146
- Waste Minimisation Act 2008, section 56
- Health Act 1956, section 64
- Litter Act 1979, section 12

The Bylaw was reviewed as required under section 158 of the Local Government Act 2002.

On 08 April 2021, the governing body of the council determined that (Resolution 2021/8 refers):

- under section 155(1) of the Local Government Act 2002, the Solid Waste Bylaw 2016 is the most appropriate way of addressing solid waste problems in the Far North District.
- under section 155(2) of the Local Government Act 2002, the Solid Waste bylaw 2016:
 - is the most appropriate form of bylaw.
 - does not give rise to any implications under the New Zealand Bill of Rights Act 1990.
- the provisions of the Solid Waste Bylaw be reassessed in conjunction with the Waste Management and Minimisation Plan review, which is due by 2023, or after central government legislation comes into effect.

On 20 July 2021, the Strategy and Policy Committee resolved under section 160(3)(b)(ii) of the Local Government Act 2002, to consult on the continuation without amendment of the Solid Waste Bylaw in a manner that gives effect to the requirements of section 82 of the Local Government Act 2002, noting that Central Government is in the process of consulting and implementing several waste related proposals which may impact bylaw development (Resolution 2021/27 refers).

The consultation period was for five weeks from 26 July 2021 to the 27 August 2021 and 18 submissions were received.

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

Summary of submissions

All 18 submissions were received via the online form, with one submission also emailing through an attached submission document.

One submitter wished to be heard and presented their oral submission to the Strategy and Policy Committee on 07 September 2021.

16 submitters answered “yes” to the question *Do you support the continuation of the Solid Waste Bylaw?* One submitter answered “no”.

One submission did not comment on the Bylaw and requested an avenue to comment on solid waste collection in general.

The public submissions are outlined in attachment 1.

Overview of feedback

The majority (16/18) of the submitters support the continuation without amendment of the Solid Waste Bylaw. Most submitters indicated general support for the regulation of solid waste.

One submitter requested minor amendments to *Subpart 7- Events* to reduce the burden on event organisers in rural communities. However, *Subpart 7 – Events* only applies to events held on Council owned land and should not significantly impact rural communities.

One submitter requested the Bylaw support zero-waste initiatives and changes to waste minimisation initiatives in the Far North District. However, waste minimisation initiatives are out of scope of the Bylaw and are a component of the Waste Management and Minimisation Plan.

The submissions received regarding the continuation without amendment of the Bylaw align with the report presented to Council on 08 April 2021. Therefore, the Bylaw should continue without amendment.

Take Tūtohunga / Reason for the recommendation

The Bylaw has been reviewed as per the requirements under section 158 and 160 of the Local Government Act 2002. The Bylaw should continue without amendment.

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

The cost of continuing the bylaw is covered by current operational budgets.

ĀPITIHINGA / ATTACHMENTS

1. Analysis of submissions and recommendations - Solid Waste - A3439603 [!\[\]\(693fcb3caaca16f960792dd4ef78f66d_img.jpg\)](#) [!\[\]\(9c6bb19b0f713ce4c978fc97945488c7_img.jpg\)](#)
2. Solid Waste Bylaw 2016 - A2674692 [!\[\]\(23263ed0fd0aeb8a53f2a13da8e5026a_img.jpg\)](#) [!\[\]\(e12e0adb82993fc7ec4eb247e42c4f70_img.jpg\)](#)

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.

| He Take Ōkawa / Compliance Requirement | Aromatawai Kaimahi / Staff Assessment |
|---|---|
| State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy | In line with the Significance and Engagement Policy the recommendation to continue the bylaw will have little effect on financial thresholds, ratepayers, specific demographics or levels of service. The recommendation is consistent with existing plans and policies. Therefore, the level of significance is low. |
| State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision. | The Local Government Act 2002 sections 82, 145, 155, 158, and 160 apply to the decision recommended in this report. |
| 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. | As bylaw regulates solid waste across all of the wards of the District the proposal has District-wide relevance and is not within the delegations of Community Boards to consider. |
| 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. State the possible implications and how this report aligns with Te Tiriti o Waitangi / The Treaty of Waitangi. | This decision in this report is not significant and does not relate to land or any body of water. Māori had an opportunity to contribute during the consultation process. |
| 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). | The following affected or interested people were directly notified of the consultation on the continuation of the bylaw: <ul style="list-style-type: none"> • Waste collection service providers • Community groups concerned about solid waste in their community • Ngā Tai Ora – Public Health Northland • Northland Regional Council |

| | |
|--|---|
| State the financial implications and where budgetary provisions have been made to support this decision. | The cost of continuing the bylaw is covered by current operational budgets. |
| Chief Financial Officer review. | The Chief Financial Officer has reviewed this report |

1 Background

The Solid Waste Bylaw (Bylaw) was reviewed as required under section 158 of the Local Government Act 2002.

Following the review, on 08 April 2021, under section 155 of the Local Government Act 2002, the governing body of the Council determined that (Resolution 2021/8 refers):

- a bylaw is the most appropriate method for addressing problems relating to solid waste in the Far North District
- the Bylaw is the most appropriate form of bylaw
- the Bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990.¹

On 20 July 2021 the Strategy and Policy Committee approved a proposal to consult on the continuation without amendment of the Solid Waste Bylaw under section 160 (3) (b) (ii) of the Local Government Act 2002.² The consultation period was for five weeks from 26 July 2021 to the 27 August 2021 (Resolution 2021/27 refers).

This report analyses the submissions and makes recommendations regarding the continuation of the Solid Waste Bylaw without amendment.

2 Summary of submissions

All 18 submissions were received via the online form, one submitter also emailed an attached submission document.

One submitter wished to be heard, and presented their oral submission to the Strategy and Policy Committee on 07 September 2021.

16 submitters answered “yes” to the question *Do you support the continuation of the Solid Waste Bylaw?* One submitter answered “no”.

One submission did not comment on the Bylaw and requested an avenue to comment on solid waste collection.

3 Feedback supporting the continuation of the bylaw without amendment

The majority (15/18) of the submitters support the continuation of the Solid Waste Bylaw without amendment.

Submissions received

Submitters were asked to provide feedback as to why they support the continuation of the Solid Waste Bylaw. Most responses (12/13) indicated general support for the regulation of solid waste, for example:

- “To ensure the safe disposal of our waste while trying to protect the environment”
- “Set high standards for litter control and collection”
- “It seems to be working reasonably well!”

One submitter specifically supported the plan to review the Solid Waste Bylaw in 2023: “It makes sense to keep it until the big review in 2023”.

Staff analysis

The submissions received in support of the continuation of the Bylaw without amendment align with the report presented to Council on 08 April 2021¹.

4 Feedback against the continuation without amendment of the Bylaw

¹ [Ordinary Council Meeting 08 April 2021](#)

² [Strategy and Policy Committee Meeting 20 July 2021](#)

Two submitters do not support the continuation without amendment of the Bylaw.

4.1 Request to continue with minor amendments

Submission received

Submission 18 requested minor amendments to the bylaw regarding *Subpart 7 – Events*. Submission 18 asked for clarity regarding an activity of significant scale to reduce the burden on event organisers in rural communities.

Submission 18 supports the continuation of all other clauses of the bylaw, and supports specifically:

- the continuation of *Subpart 2 – Disposal of Waste onto Land* and *Subpart 8 – Nuisance and Litter*
- the decision to review and align the Solid Waste Bylaw with the Waste Management and Minimisation Plan in 2023
- aligning the Bylaw with both Whangarei District and Kaipara District Council's solid waste bylaws.

Staff analysis

Subpart 7 – Events only applies to events held in a public place (on land under control of Council) and should not significantly impact rural communities. The Bylaw review identified that the Bylaw has been effective in increasing the amount of material diverted from landfill and reducing the amount of litter during and after events. Future reviews of the Bylaw could improve the clarity regarding the application of *Subpart 7 – Events*.

4.2 Request to amend Bylaw

Submission received

Submission 8 answered “No” to the question *Do you support the continuation of the Solid Waste Bylaw?*

Submission 8 stated the following reasons in response to the question *Can you tell us why you do not support the continuation of the Solid Waste Bylaw?*

“The Bylaw is outdated, and does not align with current good practice for the collection of solid waste. The Bylaw requires a review in its entirety alongside the provision of wheelie bins for each household (separate rubbish and recycling bins) which should be provided for within rates. The purchasing of plastic bags does not align with Central Government waste minimisation policies. The use of plastic bins without lids causes rubbish to litter the streets.

Overall the Bylaw should be supporting an outcome of reduce, recycle, reuse and recover resources to help achieve a zero-waste future.”

Staff analysis

How solid waste is collected in the District is out of scope of the Bylaw. Efforts to achieve a zero-waste future, the type of approved containers (e.g., wheelie bins) and potential rates subsidies are components of the Waste Management and Minimisation Plan. The Waste Management and Minimisation Plan is due to be reviewed by 2023.

5 Staff recommendation

Continue the Solid Waste Bylaw without amendment.

6 Additional comments regarding solid waste

Submitters were asked if they would like to make any additional comments regarding the Bylaw. Submitters took the opportunity to outline their solid waste related concerns that are out of scope of the Bylaw consultation. The following issues were identified:

- two submitters requested more public rubbish bins.
- four submitters requested improved rubbish collections and better monitoring and enforcing of illegal dumping.
- one submitter did not want housing stock to be replaced by landfill.

Appendix 1 – List of Submissions Received

| Number | Organisation |
|--------|-----------------------|
| 1 | Individual submission |
| 2 | Individual submission |
| 3 | Individual submission |
| 4 | Individual submission |
| 5 | Individual submission |
| 6 | Individual submission |
| 7 | Individual submission |
| 8 | Individual submission |
| 9 | Individual submission |
| 10 | Individual submission |
| 11 | Individual submission |
| 12 | Individual submission |
| 13 | Individual submission |
| 14 | Individual submission |
| 15 | Individual submission |
| 16 | Individual submission |
| 17 | Individual submission |
| 18 | Federated Farmers |

Solid Waste Bylaw 2016



Far North
District Council

Te Kaunihera o Tai Tokerau Ki Te Raki



Solid Waste Bylaw 2016

for the collection, transport and disposal of solid waste

Pursuant to the Local Government Act 2002, section 56 of the Waste Minimisation Act 2008, section 64 of the Health Act 1956, section 12 of the Litter Act 1979 and any other enactments.

CONTENTS

Clause

1. Title
2. Commencement
3. Application

Part 1 Preliminary provisions

4. Purpose
5. Interpretation

Part 2 General

6. Controls specified under the bylaw
7. Compliance with bylaw

Part 3 Collection, transportation and disposal of waste

Subpart 1 – Separation of waste for collection and use of approved containers

8. Use of approved containers for domestic type waste collection from a public place
9. Deposit or removal of domestic type waste
10. Responsibilities of owners, occupiers and managers
11. Deposit of waste at council collection points

Subpart 2 – Collection and transportation of waste

12. Licensing of the collection or transportation of waste
13. Deposit at and collection of waste from a public place
14. Use of a public place for collection of waste

Subpart 3 – Disposal of waste on land

15. Disposal of waste on land

Subpart 4 – Licensing process and conditions

16. Application for licence
17. Consideration of application for licence
18. Conditions of licences

Subpart 5 – Additional controls relating to the collection, transportation and disposal of waste

19. Controls for the collection, transportation and disposal of waste

Subpart 6 – Multi-unit developments

20. Collection from multi-unit developments
21. Multi-unit developments controls

Subpart 7 – Events

22. Waste Management and Minimisation Plans for events

Subpart 8 – Nuisance and litter

23. Nuisance
24. Litter

Part 4 Enforcement Powers

25. Non-compliance with conditions of a licence
26. Non-compliance with conditions for collection of waste from a public place
27. Non-compliance with controls for council collection points

Part 5 Offences and Penalties

28. Bylaw breaches

Part 6 Exceptions, revocation and saving provisions

29. Exceptions
30. Revocation
31. Savings and transitional provisions

1 TITLE

This bylaw is the Solid Waste Bylaw 2016.

2 COMMENCEMENT

This bylaw comes into force on 1 July 2016.

3 APPLICATION

This bylaw applies to the Far North District.

PART 1**PRELIMINARY PROVISIONS****4 PURPOSE**

- (1) The purpose of this bylaw is to contribute to:
- (a) the regulation of the collection, transportation and disposal of waste;
 - (b) the protection of the health and safety of waste collectors, waste operators and the public;
 - (c) the management of litter and nuisance.

5 INTERPRETATION

- (1) In this bylaw, unless the context otherwise requires,—

Act means the Waste Minimisation Act 2008.

Approved container means any container approved by the council for the collection of any type of domestic type waste from a public place, with approval criteria based on the prevention of nuisance and the protection of the health and safety of waste collectors and the public.

Authorised Officer means any person appointed or authorised by the Council to act on its behalf and with its authority, including a member of the Police.

Clean fill material means waste that:

- (a) does not undergo any physical, chemical or biological transformation that, when deposited or with the effluxion of time, is likely to have adverse effects on the environment or human health; and
- (b) is not diverted material; and
- (c) includes virgin materials such as clay, soil, rock, and other inert materials such as concrete or brick that are free of:
 - (i) combustible, putrescible, degradable or leachable components;
 - (ii) hazardous waste;
 - (iii) products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices;
 - (iv) materials that may present a risk to human health or the environment; and
 - (v) liquid waste; and
- (d) has less than two per cent by volume by load of tree or vegetable matter.

Clean fill site means the land used for the disposal of clean fill material.

Commercial waste means waste that results from a commercial enterprise and includes waste generated by the carrying on of any business, manufacture, process, trade, market, or other undertaking.

Construction and demolition waste means waste generated from any building construction or demolition works; and includes any concrete, plasterboard, wood, steel, brick, cardboard, metals, plastic or glass.

Council means the Far North District Council or any person delegated or authorised to act on its behalf.

Council collection points mean places or containers in locations such as high density areas, marine areas or rural areas where approved containers may be left for collection or waste may be deposited if collection from a public place is unfeasible or impractical.

Cover material means material specified by Council under clause 20 as suitable for use as cover material at a landfill site, managed fill site, clean fill site or mono-fill site, as the case may be.

Deposit means to cast, place, throw or drop any waste or diverted material.

Disposal has the meaning given by the Waste Minimisation Act 2008.

Diverted material has the meaning given by the Waste Minimisation Act 2008.

Domestic type waste means waste consisting of refuse, recyclable material or organic matter (food waste and/or greenwaste) originating from any household or from the cafeteria, lunchroom or canteen of any commercial enterprise.

Event means any organised temporary activity of significant scale that is likely to create litter in a public place including an organised gathering, open-air market, parade, protest, festival, film shoot, concert or celebration.

Food waste means domestic waste that is derived from any item of food and is organic in origin and includes fruit and vegetable scraps, meat, fish and bone discards, and any other similar food waste.

Green waste means waste that is organic in origin and that results from domestic gardening activities or arboricultural business activities and includes lawn clippings and plant material.

Hazardous waste means waste that:

- (a) contains hazardous substances at sufficient concentrations to exceed the minimum degrees of hazard specified by Hazardous Substances (Minimum Degrees of Hazard) Regulations 2001 under the Hazardous Substances and New Organism Act 1996; or
- (b) meets the definition for infectious substances included in the Land Transport Rule: Dangerous Goods 1999 and NZ Standard 5433:1999 Transport of Dangerous Goods on Land; or
- (c) meets the definition for radioactive material included in the Radiation Protection Act 1965 and Regulations 1982; or it does not include domestic waste, commercial-domestic waste, inorganic material, construction and demolition waste or commercial waste.

Home composting means the activity of creating decaying organic matter from domestic green waste and/or food waste into compost.

Landfill site means land used for the disposal of waste by burying it, or placing it upon land or other waste.

Licence means a licence, consent, permit or approval to do something under this bylaw and includes any conditions to which the licence is subject.

Litter means any refuse, rubbish, animal remains, glass, metal, garbage, debris, dirt, filth, rubble, ballast, stones, earth or waste matter or any other thing of a like nature.

Litter receptacle means a receptacle provided for the collection of refuse, recyclable material or organic matter.

Managed fill site means land used for the disposal of soil with low levels of contamination.

Manager means a person who controls or manages any premises, activity, or event, regardless of whether that person has a proprietary interest in those premises or that activity or event.

Mono-fill site means land used for the disposal or storage of waste of a category specified by the council and that originates from a specified source or location.

Multi-unit development means a development consisting of 10 or more residential or residential and commercial units on any premises. It includes a unit title development and any development with controlled or restricted access.

Natural hardfill material means materials specified by Council as suitable for use as natural hardfill material at a clean fill site.

Nuisance has the meaning given by the Health Act 1956.

Occupier in relation to any property or premises, means the inhabitant occupier of that property or premises.

Organic matter means food waste and/or green waste that is specified by Council under clause 19 as organic matter.

Other hardfill material means materials other than natural hardfill material specified by Council under clause 19 as suitable for use as hardfill material at a clean fill site.

Owner in relation to any property or premises, means the person entitled to receive the rack rent of the property or premises, or who would be so entitled if the property or premises were let to a tenant at a rack rent.

Person includes an individual, a corporation sole, a body corporate, and an unincorporated body.

Premises means any separately occupied land, building, or part of the same.

Prohibited waste means waste containing –

- (a) any material capable of causing injury to any person or animal unless the material is sufficiently contained to prevent injury;
- (b) any material capable of causing damage to the approved container or likely to shatter in the course of collection material unless the material is sufficiently contained to prevent damage to the approved container or to prevent injury;
- (c) any material that may endanger any person, animal or vehicle which may come in to contact with it prior to, during or following collection, transportation or disposal;
- (d) any liquid or any viscous fluid;
- (e) any radioactive wastes, but excluding domestic smoke detectors;
- (f) any used oil and lead-acid batteries;
- (g) any hazardous waste;
- (h) medical waste (as defined in New Zealand Standard 4304:2002 Management of Healthcare Waste);
- (i) any material prohibited by Council under clause 19.

Public place means

- (a) a place that is-
 - (i) under the control of Council and/or
 - (ii) that is open to or being used by the public, whether or not there is a charge for admission and
- (b) includes:
 - (i) a road, whether or not the road is under the control of Council, and
 - (ii) any part of the public place.

Recyclable material means waste specified by Council under clause 19 as suitable for recycling. It does not include diverted material.

Recycling means the reprocessing of waste to produce new materials.

Refuse means waste which:

- (a) subject to (b), is not organic matter, recyclable material, prohibited waste, construction and demolition waste, or inorganic material; and
- (b) may include organic matter and/or recyclable material that does not exceed the maximum allowable limits specified by Council under clause 19 of this bylaw.

Resource recovery facility means any facility that receives, collects, sorts, stores or processes waste to ensure waste minimisation and includes a commercial composting operation, a recovery operation, a materials recovery facility, a transfer station and a recycling depot.

Waste has the meaning given by the Act. It does not include diverted material.

Waste collector means any person who collects or transports waste and includes commercial and non-commercial collectors and transporters of waste.

Waste operator means a person who owns or manages a landfill site, cleanfill site, managed fill site, monofill site or a resource recovery facility.

Waste management and minimisation plan means the waste management and minimisation plan adopted by Council under section 43 of the Act.

- (1) Unless the context requires another meaning, a term or expression that is defined in the Act and used, but not defined, in this bylaw has the meaning given by the Act.
- (2) Explanatory notes and attachments are for information purposes only and do not form part of this bylaw.
- (3) The Interpretation Act 1999 applies to this bylaw.

PART 2

GENERAL

6 CONTROLS SPECIFIED UNDER THE BYLAW

- (1) Any control specified by Council under clauses 14, 19 and 21:
 - (a) must, after consultation pursuant to the Local Government Act 2002, be made by a Council resolution that is publicly notified; and
 - (b) may:
 - (i) prohibit, restrict or control any matter or thing generally, for any specific category of case, or in a particular case;
 - (ii) apply to all waste or to any specified category of waste;
 - (iii) apply to all of the Far North District or to a specified part of the District;
 - (iv) apply at all times or at any specified time or period of time.

7 COMPLIANCE WITH BYLAW

- (1) No person may deposit, collect, transport, sort, store, process or dispose of waste other than in accordance with this bylaw.
- (2) To avoid doubt, compliance with this bylaw does not remove the need to comply with all other applicable Acts, regulations, bylaws, and rules of law.

PART 3**COLLECTION, TRANSPORTATION AND DISPOSAL OF WASTE****SUBPART 1 – SEPARATION OF WASTE FOR COLLECTION AND USE OF APPROVED CONTAINERS****8 USE OF APPROVED CONTAINERS FOR DOMESTIC TYPE WASTE COLLECTION FROM A PUBLIC PLACE**

- (1) The Council may approve the type, size and construction of containers for the collection of domestic type waste from a public place.
- (2) The owner, occupier and/or the manager of a premises must ensure that the domestic type waste from the premises is separated and deposited for collection in the correct approved containers for refuse and recyclable material.
- (3) No person may deposit in the approved containers material that is not approved for them.

9 DEPOSIT OR REMOVAL OF DOMESTIC TYPE WASTE

- (1) No person may put waste into an approved container provided to any other person without that other person's consent.
- (2) No person may remove waste from, or interfere with any waste deposited in, an approved container, except the Council, a licensed waste collector or the person who deposited the waste.
- (3) Except with the prior written approval of the Council, no person may remove a container provided by the Council from the premises to which it has been allocated.
- (4) The owner, occupier and/or manager of any premises is responsible for any waste generated on the premises until it has been collected.

10 RESPONSIBILITIES OF OWNERS, OCCUPIERS AND MANAGERS

- (1) The owner, occupier and/or manager of any premises must ensure that:
 - (a) waste is stored in a suitable container that is fit for purpose;
 - (b) reasonable steps are taken to prevent the waste from escaping from any waste container;
 - (c) there are minimal adverse effects of waste on surrounding occupiers;
 - (d) any waste container is regularly emptied when it is full;
 - (e) the contents of any waste container, excluding containers for green waste, are protected from rain or ingress or egress of flies and animals.
- (2) In addition, the owner, occupier and/or manager of any premises who is in control of an approved container must ensure that:
 - (a) the container is kept in a safe location, is hygienic, in good repair, and without any modifications or alterations to its appearance;
 - (b) waste is deposited in the container in a manner that allows the whole of the contents to fall out easily and cleanly when the container is emptied;
 - (c) every owner, occupier and/or manager of a building needs to ensure that sufficient space for the storage of waste receptacles is provided;
 - (d) unless the container is placed at a Council collection point, the container is placed for collection in an upright position off the roadway at the collection point for the premises from which the waste originated and as close to the kerbside as possible;
 - (e) reasonable steps are taken to prevent the container disrupting or obstructing pedestrian and vehicular traffic and to preserve access to the premises;

- (f) the container is placed for the collection of waste and retrieved in accordance with any applicable control and/or instruction specified by the Council.

11 DEPOSIT OF WASTE AT COUNCIL COLLECTION POINTS

- (1) The Council may specify:
 - (a) any place or receptacle in a public place or on a barge in a marine area, as a Council collection point for the collection of domestic type waste;
 - (b) controls relating to the deposit of waste at the Council collection point including the use of specified containers.
- (2) No person may deposit waste at a Council collection point other than in accordance with any applicable control.

SUBPART 2 – COLLECTION AND TRANSPORTATION OF WASTE

12 LICENSING OF THE COLLECTION AND TRANSPORTATION OF WASTE

- (1) Any person who collects or transports waste from and to land in the Far North District must obtain a licence to do so from the Council if the total amount of waste collected by that person in a 12 month period exceeds 20 tonnes.

13 DEPOSIT AT AND COLLECTION OF WASTE FROM A PUBLIC PLACE

- (1) Waste that can be placed in a public place for collection includes:
 - (a) domestic type waste; and
 - (b) green waste.
- (2) Prohibited waste, diverted material, construction and demolition waste or commercial waste may not be placed in a public place for collection unless authorised by Council under this bylaw.
- (3) Any waste collector who collects or transports domestic type waste from a public place may:
 - (a) not collect or dispose of at a landfill site any domestic type waste which has not been separated into refuse and recyclable material unless the amount of recyclable material mixed with the refuse does not exceed the maximum allowable limits specified by the Council under clause 19.
 - (b) not dispose to a landfill site, managed fill site, monofill site or cleanfill site recyclable material that is capable of being reused or recycled.

14 USE OF A PUBLIC PLACE FOR COLLECTION OF WASTE

- (1) The Council may specify controls for the following matters in relation to the collection or transportation of waste from a public place:
 - (a) the area to which the control applies;
 - (b) the type, size and construction of approved containers that may be used for the storage and collection of refuse and recyclable materials;
 - (c) the categories of recyclable material and refuse that may be deposited at or collected from a public place;
 - (d) the conditions applicable to any collection service from a public place, including the placement and retrieval of approved containers for collection, collection times and restrictions on the number and weight of approved containers;
 - (e) requirements to ensure the correct separation of refuse and recyclable materials into approved containers;
 - (f) the locations, access times and conditions of use of Council waste collection points;

- (g) any other operational matter required for the safe and efficient operation of a collection service from a public place.
- (2) Any person providing or using a waste collection service in or from a public place must comply with all controls made by the Council relating to that collection.

SUBPART 3 – DISPOSAL OF WASTE ON LAND

15 DISPOSAL OF WASTE ON LAND

- (1) Waste must be disposed of on land in accordance with this bylaw.
- (2) This clause does not apply to the disposal:
 - (a) of less than 30 cubic metres on the land, or such greater amount as the Council may approve, of clean fill material measured over any continuous 12 month period;
 - (b) of waste for home composting;
 - (c) of dead companion animals and nuisance pests;
 - (d) of dead farm animals in rural areas.

SUBPART 4 – LICENSING PROCESS AND CONDITIONS

16 APPLICATION FOR LICENCE

- (1) Applications for licences must be made in the prescribed form, describe the activities in respect of which the licence is sought and be accompanied by payment of the application and processing fees and such further supporting information as the Council may require to enable processing of the application.
- (2) The holder of an existing licence may apply to the Council for a renewal of that licence.
- (3) Licences may be granted or refused at the discretion of the Council, upon such terms and conditions as the Council thinks fit.
- (4) A licence is personal to the holder and is not transferable.

17 CONSIDERATION OF APPLICATION FOR LICENCE

- (1) When considering an application for a licence and the conditions to be imposed under it, the Council may take into account matters relating to the suitability of the applicant to hold a licence including but not limited to the following:
 - (a) the extent to which the licensed activities will promote public health and safety and achievement of the Council's Waste Management and Minimisation Plan and waste reduction initiatives;
 - (b) the applicant's experience, reputation and track record in the waste industry, including any known past operational issues which may affect, or may in the future affect, the applicant's performance;
 - (c) the type of waste to be collected or transported;
 - (d) the manner of treatment (if any) and disposal of the waste type, and the identity of the resource recovery facility, landfill site, managed fill site, mono fill site or cleanfill site at which it is proposed that treatment or disposal will occur;
 - (e) the terms and conditions under which such disposal of waste is permitted and the existence of or need for any statutory approvals, authorisations or consents required to be held or complied with in respect of such disposal;
 - (f) the frequency and location of the waste collection, transportation or disposal services;

- (g) the specifications of the vehicles, equipment and approved containers to be used for the collection, transportation or disposal of waste.

18 CONDITIONS OF LICENCES

- (1) The terms and conditions upon which a licence may be granted include, but are not limited to the following:
 - (a) term – a licence may be granted for a term of up to five years;
 - (b) licence fee – the licensee must pay an annual licence fee in an amount determined by the Council from time to time and be publicly notified;
 - (c) bond – the Council may from time to time and on a case by case basis require a licence holder to post a bank guaranteed bond;
 - (d) compliance with standards – the licence holder must comply with the Council's standards and policies for waste collection, transportation or disposal services including, in respect of collection services:
 - (i) the collection of any litter within five metres of an approved container awaiting collection and any litter spillage from the licence holder's vehicle during the collection, transportation or disposal process;
 - (ii) provision of waste collection services within reasonable times specified by Council;
 - (e) provision of information – the licence holder must provide waste data to the Council during the term of the licence in the form and at the times determined by the Council from time to time including the following data:
 - (i) waste log books for each vehicle operated in accordance with the licence recording the quantity, composition and destination of each waste type and the point in time when such data was recorded during the waste collection, transportation or disposal process;
 - (ii) weighbridge receipts;
 - (iii) gate records of waste tonnage.
- (2) The Council will take all reasonable measures to keep commercially sensitive information confidential including by the aggregation of such information for recording purposes.

SUBPART 5 – ADDITIONAL CONTROLS RELATING TO THE COLLECTION, TRANSPORTATION AND DISPOSAL OF DOMESTIC TYPE WASTE

19 CONTROLS FOR THE COLLECTION, TRANSPORTATION AND DISPOSAL OF DOMESTIC TYPE WASTE

- (1) The Council may specify controls for the following matters in relation to the collection, transportation or disposal of waste:
 - (a) domestic type waste that may be treated for all purposes (including deposit, collection, transportation and disposal) as recyclable material or refuse;
 - (b) maximum allowable limits of recyclable material or organic matter that may be disposed of at a land fill site, managed fill site, mono fill site or clean fill site;
 - (c) categories and types of waste that may be received, collected, stored, sorted, processed or disposed of at any landfill site, managed fill site, clean fill site, mono-fill site and material that may be used as cover material at any such site;
 - (d) materials that are suitable for use as natural or other hardfill material at a clean fill site;
 - (e) types of waste originating from a specified single source or location that may be disposed of at a monofill site;
 - (f) types of waste that are prohibited.

SUBPART 6 – MULTI-UNIT DEVELOPMENTS**20 COLLECTION FROM MULTI-UNIT DEVELOPMENTS**

- (1) The developer, owner and/or manager of a multi-unit development must make provision for the management of all waste generated within the property.
- (2) The owner and/or manager of a multi-unit development must obtain approval from the Council for a waste management and minimisation plan for the development unless they comply with clause 20(5).
- (3) A waste management and minimisation plan must include but is not limited to:
 - (a) identification of an adequate area on the premises including carpark or hardstanding for the storage of containers that is readily accessible to the occupiers of units and to a licensed waste operator to enable separate collection and transportation of refuse, recyclable material and/or organic matter;
 - (b) the methods to be used to minimise noise and odour and to keep the area hygienic, free from vermin or other infestations and protected from theft and vandalism;
 - (c) identification of the means and route of access and egress to the waste storage area;
 - (d) an estimate of the volumes of refuse, recyclable material and organic matter that will be generated;
 - (e) the steps which will be taken to further the objective of waste minimisation.
- (4) Any person who owns, occupies or manages a multi-unit development must comply with an approved waste management and minimisation plan.
- (5) The Council may provide a written exemption on application to any person who owns and/or manages a multi-unit development from full compliance with the requirements of this clause if:
 - (a) in the opinion of the Council, the costs of full compliance would be disproportionate to any resulting waste management and minimisation benefits; or
 - (b) the manager or owner demonstrates to the satisfaction of the Council that refuse, recyclable material and organic waste are separately and regularly collected; or
 - (c) the manager or owner arranges for co-collection services from an adjacent property, to the satisfaction of the Council.

21 MULTI-UNIT DEVELOPMENTS CONTROLS

- (1) The Council may specify controls for the following matters in relation to the collection or transportation of waste from multi-unit developments:
 - (a) the categories of recyclable material, organic matter and refuse that may be deposited at or collected from a multi-unit development;
 - (b) the times, locations and conditions applicable to any collection service from a multi-unit development, including the placement and retrieval of containers for collection, collection times and restrictions on the number and weight of approved containers;
 - (c) requirements to ensure the correct separation of refuse, organic matter and recyclable materials into containers;
 - (d) any other operational matter required for the safe and efficient operation of a collection service from a multi-unit development.
- (2) Any person who manages a multi-unit development or owns or occupies a unit in a multi-unit development must comply with any controls for the deposit, collection, transportation and management of waste in the multi-unit development made by the Council.

SUBPART 7 – EVENTS**22 WASTE MANAGEMENT AND MINIMISATION PLANS FOR EVENTS**

- (1) Any organiser of an event must obtain prior approval from the Council of a Waste Management and Minimisation Plan for the event.
- (2) The Council may require a Waste Management and Minimisation Plan to set out:
 - (a) an estimate of the types and amounts of waste to be generated by the event;
 - (b) how waste generated by the event is to be minimised;
 - (c) the steps that will be taken to maximise the collection and use of recyclables and re-usable material;
 - (d) the equipment to be provided for the storage, collection and transportation of waste and diverted material;
 - (e) the person responsible for the collection and disposal of waste and the methods to be used;
 - (f) a waste analysis following the conclusion of the event.
- (3) The organiser of an event must comply with the approved Waste Management and Minimisation Plan.

SUBPART 8 – NUISANCE AND LITTER**23 NUISANCE**

- (1) No person may-
 - (a) allow any accumulation of waste or diverted material on any premises they own, occupy or manage to escape, to become offensive, to be a nuisance or be likely to be injurious to health;
 - (b) use an approved container in a manner that creates a nuisance, is offensive or is likely to be injurious to health;
 - (c) dispose of any waste on any premises except at –
 - (i) a landfill site, clean fill site, managed fill site, mono-fill site, or
 - (ii) on any premises they own, occupy or manage, for the purposes of home composting.

24 LITTER

- (1) No person may-
 - (a) deposit any waste arising from that person's household or that person's domestic or business activities in any litter receptacle provided by the Council in any public place;
 - (b) remove any waste from any litter receptacle provided by the Council in any public place, where this results in any waste being deposited outside the receptacle unless authorised by the Council to do so;
 - (c) deposit or attempt to deposit any litter in any receptacle provided by the Council in any public place if:
 - (i) the receptacle is full; or
 - (ii) the litter is likely to escape.
 - (d) fix or attach any flag, banner, bunting, balloon, sign, poster, leaflet or similar thing to any litter receptacle provided by the council in any public place; or
 - (e) damage any litter receptacle provided by the Council in any public place.

- (2) The owner, occupier and/or manager of any premises on which any flag, banner, bunting, balloon, sign, poster, leaflet or similar device is displayed that is likely to become litter, must take all steps to the satisfaction of the Council to prevent it becoming litter and to clean up any litter caused by the display.

PART 4

ENFORCEMENT POWERS

25 NON-COMPLIANCE WITH CONDITIONS OF A LICENCE

- (1) Where a licence holder does not comply with the terms and conditions of the licence, the Council may take one or more of the following steps:
- (a) Issue a written warning to the licence holder, which may be considered as evidence of a prior breach of a licence condition during any subsequent review of the licence;
 - (b) Review the licence, which may result in:
 - (i) amendment of the licence; or
 - (ii) suspension of the licence; or
 - (iii) withdrawal of the licence.
 - (c) Have recourse to any performance bond or security where the Council has incurred any cost as a result of the breach of the licence condition, including where the Council has itself performed or arranged for the performance of any licensed activity on the default of the licence holder;
 - (d) Review the amount and nature of the performance bond or security, which may result in:
 - (i) an increase of the amount of the performance bond or security;
 - (ii) a change to the nature of the security that has been provided;
 - (e) Enforce any offence that may have been committed under the Litter Act 1979;
 - (f) Enforce any breach of this bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.

26 NON-COMPLIANCE WITH CONDITIONS FOR COLLECTION OF WASTE FROM A PUBLIC PLACE

- (1) Where a person does not comply with clauses 8, 9, 10, 13 or 14 the waste collector may:
- (a) Reject (i.e. not collect) the contents of any approved container left out by that person for collection from a public place if the contents or placement of the container is noncompliant;
 - (b) Remove the contents of any approved container left out for collection from a public place, where the contents or placement of the container is noncompliant, subject to payment of the costs of removal, administrative costs and an additional penalty equivalent to the amount due for the collection of the largest available size of approved container of refuse from that premises;
 - (c) Withdraw or suspend the collection service provided by the waste collector to that person.
- (2) Where a person does not comply with clauses 8, 9, 10, 13 or 14 the Council may:
- (a) Enforce any offence that may have been committed under the Litter Act 1979;
 - (b) Enforce any breach of this bylaw as provided for in the Health Act 1956.

27 NON-COMPLIANCE WITH CONTROLS FOR COUNCIL COLLECTION POINTS

- (1) Where a person does not comply with a control made by the Council under clause 11 the Council may-
 - (a) Issue a trespass notice to that person to prevent them from using the collection point;
 - (b) Suspend that person's use of any service provided by the Council at any or every waste collection service;
 - (c) Enforce any offence that may have been committed under the Litter Act 1979;
 - (d) Enforce any breach of this bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.

PART 5

OFFENCES AND PENALTIES

28 BYLAW BREACHES

- (1) A person who fails to comply with Part 2 or Part 3 of this bylaw commits a breach of this bylaw and is liable to a penalty under the Waste Minimisation Act 2008, the Local Government Act 2002 and/or the Health Act 1956.
As at 1 July 2016, the penalty for breach of a bylaw made under the Waste Minimisation Act 2008 is a fine not exceeding \$20,000.
- (2) A person who commits a breach of this bylaw that is an offence under the Litter Act 1979 is liable to a penalty under that Act.

PART 6: EXCEPTIONS, REVOCATION AND SAVING PROVISIONS

29 EXCEPTIONS

- (1) A person is not in breach of this bylaw if that person proves that the act or omission was in compliance with the directions of an authorised officer.
- (2) A product stewardship scheme accredited under the Act may be exempted from the requirements of this bylaw.

30 REVOCATION

- (1) The following bylaws are revoked:
 - (a) Collection and Transportation of Waste and Diverted Material: 1 December 2009.
 - (b) Disposal of Solid Waste: 1 July 2010

31 SAVINGS AND TRANSITIONAL PROVISIONS

- (1) Any resolution or other decision made under the bylaws referred to in clause 30 remains in force in the area to which it applied until revoked or replaced by an equivalent resolution or decision made by the Council under this bylaw.
- (2) Any licence, consent, permit, dispensation, permission or other form of approval made under the bylaws referred to in clause 30 continues in force but:
 - (a) expires on the date specified in that approval; or
 - (b) if no expiry date is specified, expires on 1 December 2016; and
 - (c) can be renewed only by application made and determined under this bylaw.
- (3) Any application for a consent, permit, dispensation, permission or other form of approval made under a bylaw referred to in clause 30 that was filed before the day on which this

bylaw commences must be dealt with by the Council as if it had been made under this bylaw.

6 INFORMATION REPORTS

6.1 REGIONAL ACCESSIBILITY STRATEGY

File Number: A3402142

Author: Caitlin Thomas, Strategic Planner

Authoriser: Darren Edwards, General Manager - Strategic Planning and Policy

TAKE PŪRONGO / PURPOSE OF THE REPORT

To inform Elected Members of the proposal to develop a Northland Regional Accessibility Strategy.

WHAKARĀPOOTO MATUA / EXECUTIVE SUMMARY

- The proposal for a joint strategy was raised by the Chief Executive Forum.
- The Regional Accessibility Strategy Working Group consists of staff from Northland Regional, Far North District, Kaipara District, and Whangarei District Councils.
- Early engagement is planned to occur in early 2022 to scope the feasibility of a strategy to address accessibility in Northland.
- A Northland Regional community survey revealed that only 17% of respondents felt that their council was “good” at supporting accessibility.
- An options paper outlining all background information will be presented to participating councils once early engagement and analysis is complete.

TŪTOHUNGA / RECOMMENDATION

That the Strategy and Policy Committee receive the report Regional Accessibility Strategy.

TĀHUHU KŌRERO / BACKGROUND

Disability in Northland

According to the 2013 Disability Survey, 29% of Northland residents identify as disabled, compared to 24% of the overall New Zealand population. Northland has the second highest rate of recorded disabilities.

The 2018 Census identified more individuals with activity limitations in the Far North (9.3%) compared to the overall population (6.5%). Activity limitations include difficulty seeing, hearing, walking, and communicating. Māori and elderly individuals are more likely to experience activity limitations; 48% of the Far North District population are Māori and 27% are aged 60+, meaning that improving access is significant to addressing inequities in the Far North.

Access is not a problem exclusive to the disability community. Small children, the elderly, family and guardians of children, those with temporary mobility issues, and speakers of other languages may also face barriers to accessing services, facilities, and assets.

Accessibility Definition

The Definition of accessibility as per the Office for Disability issues is that:

“Accessibility is generally understood as our ability to engage with, participate in, and belong to, the world around us.”

Purpose of Local Government

As per Section 10 of the Local Government Act 2002, the purpose of local government is to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.

Council also has commitment to accessibility as per the Community Outcome in the Long-Term Plan of “Communities that are healthy, safe, connected and sustainable; Communities have access to

everything that they need to have a good quality of life and freedom of opportunity and choice in the way that they live.”

Council must adhere to regulative standards for Council-owned land, buildings, and facilities.

Access is important to well-being because the entire community benefits from the social, economic, and cultural contributions to society by people with access needs. Increasing accessibility benefits everyone.

Significance of Local Government to the Access Needs Community

The Office for Disability Issues identified that people with disabilities find local government has a greater impact on their daily lives than central government. Issues relating to local government like access to information and services were raised during consultation for the Disability Action Plan 2019-2023. Priority actions in the Plan are led by Central Government Ministries (i.e., Ministry of Social Development), but the vision that “all New Zealanders experience equal rights of citizenship” is relevant to local government.

The outcome of wellbeing aligns with the purpose of local government. Promoting access within communities is an expected outcome of the Plan, including accessible buildings and information which aligns with the Convention of the Rights of Persons with Disabilities (CRPD).³

The National Local Authority Survey on Accessibility 2019 was triggered by these findings and concluded that more work needs to be done by local authorities to address accessibility issues.⁴

Regional Accessibility Strategy Progress

The proposal for a joint strategy was raised by the Chief Executive Forum.

The Regional Accessibility Strategy Working group includes staff from Northland Regional, Far North, Kaipara, and Whangarei District Councils. It is led by Community Development staff from Whangarei District Council. Background research has started and will be ongoing. The strategy can be informed by the Disability Action Plan to align with the necessary improvements identified by the Office for Disability Issues.

Earlier in 2021, two surveys were conducted to provide a snapshot of accessibility in Northland. The community survey revealed that only 17% of respondents felt like their council was “good” at supporting accessibility. Key themes raised by respondents included footpaths, parking, consultation, access to places, access to buildings, pedestrian crossings, transport, and information to services. Footpath access was particularly an issue raised by Far North District residents.

The staff survey revealed that staff want more leadership and guidance to enable them to build working practises to progress accessibility. There was a desire from staff to learn more and be more accessible to communities.

Accelerating Accessibility

Cabinet approved a work programme for “Accelerating Accessibility in Aotearoa” in December 2018. On July 28, the Cabinet Social Wellbeing Committee agreed to draft an accessibility legislative framework. The proposal was expected to be released in September 2021, but at this stage has not been updated. This framework may impact local government and legislation surrounding accessibility, with the goal of increasing accessibility for communities including people with disabilities throughout New Zealand.

The Law Foundation released a research report in September which will likely inform the Committee; the report outlined a proposal for a legal framework to remove barriers in New Zealand and states that current standards are often open to interpretation, therefore do not guarantee access to the whole population.⁵

³ [Disability Action Plan](#)

⁴ [Survey Findings](#).

⁵ [Law Foundation: Make Aotearoa Accessible for All Summary](#)

MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

The next stage is to undertake early community engagement from - the access needs communities, key partners and stakeholders to inform the document. Further early engagement (postponed by COVID-19 lockdown restrictions) is planned to gather more in-depth information and shape a potential strategy.

An options report outlining background information, including the outcomes of early engagement and what is applicable to be addressed by local government, will be presented to Elected Members in 2022.

The development of a strategy coincides with the review of Council's Equity and Access for People with Disabilities Policy. Members of the access needs community have raised that the Policy has not met community expectations.

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

Funding for the development of the strategy is shared among the four councils. The Far North District Council has committed budget in their 2021-2031 Long Term Plan for development and implementation.

ĀPITI HANGA / ATTACHMENTS

Nil

6.2 COMPLETION OF THE DRAFT DISTRICT PLAN AND TIMETABLE FOR NOTIFICATION**File Number: A3473233****Author: Greg Wilson, Manager - District Planning****Authoriser: Darren Edwards, General Manager - Strategic Planning and Policy****TAKE PŪRONGO / PURPOSE OF THE REPORT**

To inform elected members of matters to evaluate and consider prior to the finalisation of the draft district plan, and the methods to ensure that information is shared with elected members to allow for their authorisation for notification of a proposed plan.

WHAKARĀPOOTO MATUA / EXECUTIVE SUMMARY

- Council is fully reviewing the Operative Far North District Plan 2009 (District Plan) and a draft District Plan was made available for community feedback in March 2021. The draft plan has been developed to achieve sustainable management of natural and physical resources through balancing enabling provisions with relevant protection and management methods.
- Some draft plan content has been taken to communities more directly to ensure awareness of the draft plan methods and to allow for feedback. Evaluation of targeted engagement feedback, Iwi Authority engagement, and analysis and integration of new data on region wide flood hazards made publicly available in November, will require further analysis and evaluation prior to completing the draft plan.
- Staff will continue to provide analysis and evaluation of the new data and plan feedback, consistent with our statutory role, to allow elected members to make informed decisions on the direction of the proposed plan.
- Staff will seek authorisation for notification of the proposed plan at the 3 May 2022 Strategy and Policy Committee Meeting.

TŪTOHUNGA / RECOMMENDATION

That the Strategy and Policy Committee receive the report Completion of the Draft District Plan and Timetable for Notification.

TĀHUHU KŌRERO / BACKGROUND

1. A consolidated review of the Far North District Plan is being undertaken to align with a range of national and regional directions that have direct implications for Far North communities. The Plan is being authored in accordance with new national planning standards, changing the structure of the plan and incorporating mandatory content.
2. The Plan must also play a role in representing a new strategic direction for the district. The plan's ten-year lifespan must bring together strands from Council's long term strategic direction that will be represented in FN2100 whilst demonstrating how we can meet our statutory requirements to ensure that the supply of zoned land and infrastructure meets the district's expected demands for housing and business land.
3. The draft District Plan has been in development since 2016. Engagement has been undertaken with Far North communities in two previous iterations, both in 2016 and 2018/2019 including a series of roadshows and information sessions in key locations.
4. The most recent iteration, including the provision of maps and full draft plan text, is an extension on the previous engagement. Inclusion of spatial planning elements including maps containing zones and resource overlays represents a much more specific level of detail. It does however develop on the policy framework progressed through the previous engagement.

5. Community engagement through the 'Navigating Our Course' road show in March 2021 allowed for the community to become aware of, understand and engage with the suite of Council planning documents, whilst comprehending the overall strategic direction of the draft District Plan. Face to face meetings with the community allowed for instruction on the use of the e-plan format and for awareness of the direction of the new district plan.
6. The plan has been developed to achieve sustainable management of natural and physical resources via balancing enabling provisions and relevant protection and management methods. A selection of the enabling provisions promoted in the draft plan are shown below.

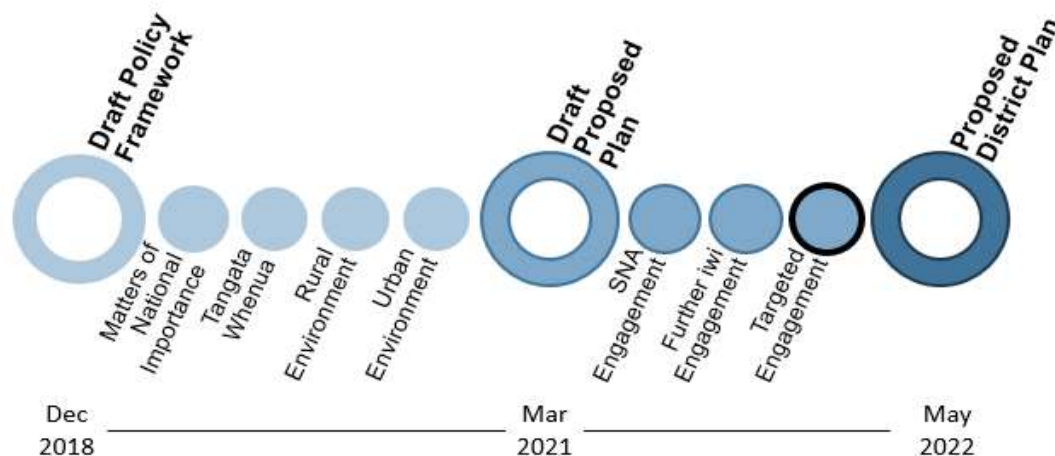
| Draft District Plan Enabling Methods | Outcomes |
|---|--|
| Intensification of housing density enabling supply | Tripling of residential intensity in urban environments |
| Māori land enablement | 10-fold increase of housing as permitted activity |
| Treaty Settlement land enablement | New policies addressing cultural and economic redress |
| Protection of primary industries enabling economic production | Protecting economic production land from non-production encroachment |
| Climate change mitigation and adaption – enabling confident choices for land use and subdivision | Leading edge measures for adaptation and mitigation |

Such enabling policies and provisions have been necessary to integrate in the draft district plan with protection and management measures that respond to national and regional direction and matters of national Importance. Some of these methods have been subject to targeted engagement to ensure that communities are aware of the draft plan methods and how the plan can provide for integrated management.

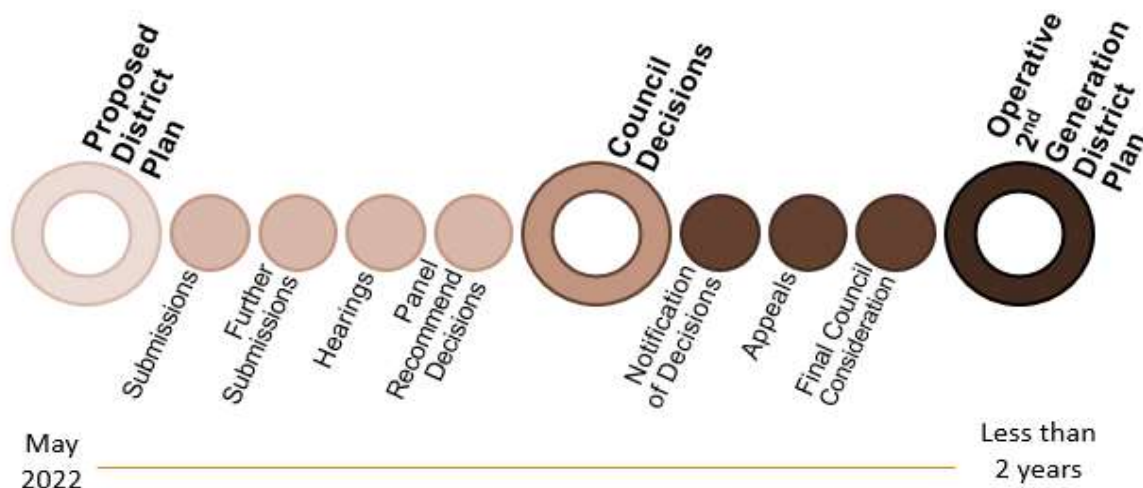
7. The District Plan Team reported on the progress and ongoing engagement on the making of the new plan in June 2021. Since that time, evaluation of the draft plan has continued including the progression of the following matters:
 - a. Targeted engagement was initiated on draft Heritage Areas, after the original programme was delayed due to the Delta Covid outbreak
 - b. Removal from the draft plan of the mapping method for Significant Natural Areas (SNAs)
 - c. Refinement of plan provisions based on feedback from the 'Navigating Our Course' engagement
 - d. Continuation of iwi engagement, in accordance with the consultation requirements of Clause 3B of Schedule 1 of the RMA
8. Staff had aimed for a timeframe for notifying the Proposed District Plan within the calendar year however, staff now acknowledge that this timeframe is no longer viable due to several factors.
9. There is further technical evaluation and refinement of the draft plan required before a proposed plan can be brought to elected members for authorisation for notification. This includes
 - Analysis and integration of new Region Wide River Flood Hazard Maps in the draft District Plan – publicly available in late November
 - Evaluation of feedback on draft Heritage Areas and direction setting with elected member input on next steps
 - Completion of engagement with Iwi Authorities
 - Integration of plan content in the e-plan format

10. The timing of some of these actions, such as targeted engagement processes on suggested Heritage Areas in the draft plan, has been impacted by the onset of the Delta Covid outbreak, resulting in time frames being shifted to later in the calendar year. This further information and completing consultation process is of sufficient relevance and importance to ensure that the material and feedback is incorporated into the proposed plan.
11. As well as the above considerations, consultation on draft Engineering Standards, a document incorporated by reference to the proposed district plan, will be required prior to the notification of the proposed district plan, in accordance with the requirements of clause 34 of Schedule 1 of the RMA.
12. Two separate timelines set out below summarise the process and key steps and dates for plan development. The first timeline identifies the process for consulting on the draft district plan and developing the proposed plan. The second timeline identifies the notification date for the proposed in May 2022 and subsequent steps for public participation.

Developing the Proposed Plan



Notifying the Proposed Plan



MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

13. Elected member briefing sessions will be scheduled in November and December and elected member workshops in the first quarter of 2022 to bring to elected members appropriate information, options, and recommendations to achieve sustainable management outcomes through the district plan. This includes a briefing on next steps for suggested Heritage Areas.

14. The premise of the approach is to ensure that there are several check points to allow elected members to be fully aware of issues raised by Iwi Authorities and Far North communities and to ensure that staff can provide analysis and evaluation of the feedback, consistent with our statutory role, to allow elected members to make informed decisions on the direction of the proposed plan.
15. Quality assurance, technical integrity and e-plan integration will continue to occur as elected member direction setting takes place.
16. A final version of the proposed plan will be brought to the May 3, 2022, Strategy and Policy meeting for elected member authorisation for notification.

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

Council has a legal obligation to have a district plan and review that plan. Ongoing engagement, refinement of plan content and notification of the plan and associated statutory processes will continue to draw on staff resource and allocated budget for district plan processes, including the use of external specialists.

There may be relevant matters that fall outside of the current version of the plan, that must be given regard to under the RMA, such as new highly productive land and biodiversity provisions in national direction instruments.

ĀPITI HANGA / ATTACHMENTS

Nil

6.3 STRATEGY AND POLICY ACTION SHEET UPDATE NOVEMBER 2021**File Number:** A3352503**Author:** Marlema Baker, Meetings Administrator**Authoriser:** Aisha Huriwai, Team Leader Democracy Services**TAKE PŪRONGO / PURPOSE OF THE REPORT**

To provide the Strategy and Policy Committee with an overview of outstanding decisions from 1 January 2020.

WHAKARĀPOOTO MATUA / EXECUTIVE SUMMARY

- Action sheets provide the meeting with oversight of decisions not yet implemented.
- This report and attachment are as at 11 November 2021.
- There were 19 outstanding action sheet items.

TŪTOHUNGA / RECOMMENDATION

That the Strategy and Policy Committee receive the report Action Sheet Update November 2021.

1) TĀHUHU KŌRERO / BACKGROUND

The Democracy Services Team have been working on a solution to ensure that elected members can receive regular updates on progress against decisions made at meetings, in alignment with a Chief Executive Officer key performance indicator.

Action sheets are a mechanism to communicate with elected members, progress by staff on implementing resolutions of a formal meeting.

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

This report includes 19 outstanding items. A majority of the outstanding tasks are multi-facet projects that take longer to fully complete.

The Democracy Services staff are working with staff to ensure that the project completion times are updated so that action sheets provided to members differentiate between work outstanding and work in progress.

Staff are encouraged to provide commentary that keeps in mind

- Consistent wording indicating a traffic light, on track off track terminology.
- The date and promise culture that the organisation strives for.

Take Tūtohunga / Reason for the recommendation

To provide the Strategy and Policy Committee with an overview of outstanding committee decisions from 1 January 2020.

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

There are no financial implications or need for budgetary provision in receiving this report.

ĀPITI HANGA / ATTACHMENTS

1. Action Sheet - A3479651  

| Meeting | Title | Resolution | Notes |
|--|---|--|---|
| Strategy and Policy Committee 9/02/2021 | Briefing Paper On-Site Water Storage February 2021 | <p>RESOLUTION 2021/4 Moved: Cr Felicity Foy Seconded: Cr Dave Collard That the Strategy and Policy Committee:</p> <p>a) receive the report 'Briefing Paper On-Site Water Storage February 2021'.</p> <p>b) request Council receive a report, outlining the scope, resourcing and delivery timeframe's, relating to the in-depth report referenced.</p> <p>c) request a workshop be held to discuss opportunities and risks for private water supplies, and options for the provision of water tanks for the Far North district before November 2021.</p> <p style="text-align: right;">CARRIED</p> <p>The amendment became the substantive motion.</p> <p>COMMITTEE RESOLUTION 2021/5 Moved: Cr Kelly Stratford Seconded: Cr David Clendon That the Strategy and Policy Committee:</p> <p>a) receive the report 'Briefing Paper On-Site Water Storage February 2021'.</p> <p>b) request Council receive a report, outlining the scope, resourcing and delivery timeframes, relating to the in-depth report referenced.</p> <p>c) request a workshop be held to discuss opportunities and risks for private water supplies, and options for the provision of water tanks for the Far North district before November 2021.</p> <p style="text-align: right;">CARRIED</p> | <p>29 Apr 2021 10:44am Sheppard, Donald Report and workshop to occur later this year</p> <p>16 Jun 2021 4:36pm Sheppard, Donald Report still being prepared</p> |

| Meeting | Title | Resolution | Notes |
|---|---|--|--|
| Strategy and Policy Committee 23/03/2021 | Solid Waste Bylaw Review | <p>RESOLUTION 2021/8 Moved: Cr Kelly Stratford Seconded: Bay of Islands-Whangaroa Community Board Belinda Ward That the Strategy and Policy Committee recommends that the Council:</p> <p>a) agree, under section 155(1) of the Local Government Act 2002, the Solid Waste Bylaw 2016 is the most appropriate way of addressing solid waste problems in the Far North District</p> <p>b) agree, under section 155(2) of the Local Government Act 2002, the Solid Waste bylaw 2016:</p> <p>i) is the most appropriate form of bylaw</p> <p>ii) does not give rise to any implications under the New Zealand Bill of Rights Act 1990</p> <p>c) agree the provisions of the Solid Waste Bylaw be reassessed in conjunction with the Waste Management and Minimisation Plan review, which is due by 2023, or after central government legislation comes into effect.</p> <p>CARRIED</p> | <p>29 Apr 2021 10:36am Macken, Briar Next steps: Work on consultation requirements underway. Proposal due 20 July meeting.</p> <p>03 Sep 2021 9:09am Macken, Briar Formal consultation period completed. Oral submissions booked to be heard 07/09/2021. Analysis to be presented to committee 24 November 2021. , Cross-Council solid waste strategic policy working group initiated to begin development on WMMP.</p> <p>03 Sep 2021 10:27am Hammond, Kim - Target Date Revision Target date changed by Hammond, Kim from 06 April 2021 to 02 January 2023</p> |
| Strategy and Policy Committee 4/05/2021 | Proposal for a Treated Water Supply Bylaw | <p>MOTION Moved: Cr Rachel Smith Seconded: Cr John Vujcich That the Strategy and Policy Committee:</p> <p>a) agrees, under section 156(1)(b) of the Local Government Act 2002, to consult on a draft Treated Water Supply Bylaw in a manner that gives effect to the requirements of section 82 of the Local Government Act 2002;</p> <p>b) approves the Treated Water Supply Bylaw Proposal, including the draft bylaw, in attachment 1 be made publicly available for the purpose of the consultation;</p> | |

| Meeting | Title | Resolution | Notes |
|---------|-------|---|-------|
| | | <p>c) agrees the period for making written submissions on the proposal will end on 31 May 2021;</p> <p>d) agrees that if any person wishes to make an oral presentation of their submission, that presentation will take place on Tuesday 8 June 2021, and:</p> <p>i) the hearing will be conducted by the whole Committee; or</p> <p>ii) the hearing will be conducted by a subcommittee and appoint members to that subcommittee;</p> <p>e) authorises the chief executive to make minor changes to the Treated Water Supply Bylaw Proposal to correct grammatical or spelling errors, or formatting.</p> <p>AMENDMENT Moved: Cr Rachel Smith Seconded: Cr John Vujcich That the Strategy and Policy Committee:</p> <p>c) agrees the period for making written submissions on the proposal, be agreed upon between Chairperson Smith, Cr Clendon and the Chief Executive Officer;</p> <p style="text-align: right;">CARRIED</p> <p><u>Against:</u> Cr Ann Court</p> <p>The amendment became the substantive motion.</p> <p>RESOLUTION 2021/14 Moved: Cr Kelly Stratford Seconded: Cr David Clendon That the Strategy and Policy Committee:</p> <p>a) agrees, under section 156(1)(b) of the Local Government Act 2002, to consult on a draft Treated Water Supply Bylaw in a manner that gives effect to the requirements of section 82 of the Local Government Act 2002;</p> | |

| Meeting | Title | Resolution | Notes |
|--|---------------------------------|---|---|
| | | <p>b) approves the Treated Water Supply Bylaw Proposal, including the draft bylaw, in attachment 1 be made publicly available for the purpose of the consultation;</p> <p>c) agrees the period for making written submissions on the proposal, be agreed upon between Chairperson Smith, Cr Clendon and the Chief Executive Officer;</p> <p>d) agrees that if any person wishes to make an oral presentation of their submission, that presentation will take place on Tuesday 8 June 2021, and:</p> <p style="padding-left: 20px;">i) the hearing will be conducted by the whole Committee; or</p> <p style="padding-left: 20px;">ii) the hearing will be conducted by a subcommittee and appoint members to that subcommittee;</p> <p>e) authorises the Chief Executive Officer to make minor changes to the Treated Water Supply Bylaw Proposal to correct grammatical or spelling errors, or formatting.</p> <p style="text-align: right;">CARRIED</p> | |
| Strategy and Policy Committee 4/05/2021 | New Parking and Road Use Bylaws | <p>RESOLUTION 2021/15</p> <p>Moved: Deputy Mayor Ann Court</p> <p>Seconded: Cr Moko Tepania</p> <p>That the Strategy and Policy Committee makes the following recommendation to Council:</p> <p>That Council determine, under section 155(1) of the Local Government Act 2002, that two new bylaws regulating parking and road use, made under the Land Transport Act 1998, are the most appropriate way of addressing the problems in the Far North District:</p> <p style="padding-left: 20px;">i) competition for space in the central business districts.</p> <p style="padding-left: 20px;">ii) congestion in the central business districts.</p> <p style="text-align: right;">CARRIED</p> | 17 Jun 2021 12:05pm Smith, Siân Proposal for new bylaw approved for public consultation by Strategy & Policy Committee on 7 September 2021 |

| Meeting | Title | Resolution | Notes |
|--|---|--|---|
| Strategy and Policy Committee 4/05/2021 | Control of On-site Wastewater Disposal Systems Bylaw | RESOLUTION 2021/16 Moved: Deputy Mayor Ann Court Seconded: Cr John Vujcich That the Strategy and Policy Committee makes the following recommendation to Council: That Council agree, under section 155(1) of the Local Government Act 2002, a bylaw is the most appropriate way of addressing problems related to the maintenance of on-site wastewater disposal systems in the Far North District. At 11:11 am, Cr Moko Tepania left the meeting CARRIED | 17 Jun 2021 9:13am Macken, Briar Drafting of new bylaw underway with cross-council input. Draft and proposal for consultation is planned to be presented at the 07 September 2021 Strategy and Policy Committee meeting. 03 Sep 2021 9:15am Macken, Briar Drafting of bylaw complete. Proposal for consultation to be presented to committee 07 September 2021 12 Oct 2021 11:37am Macken, Briar Draft Bylaw currently out for formal consultation. Closes 15/10/2021, oral submissions planned for 26/10/2021 |
| Strategy and Policy Committee 1/07/2021 | Speed Limit Bylaw Review - Consultation and Timeline Update | RESOLUTION 2021/25 Moved: Cr David Clendon Seconded: Cr Moko Tepania That the Strategy and Policy Committee: a) revokes the following resolution of the Strategy and Policy Committee made on 15 June 2021, Item 5.3 - Speed Limit Bylaw Review Statement of Proposal. RESOLUTION 2021/1 Moved: Cr Kelly Stratford Seconded: Cr Felicity Foy That the Strategy and Policy Committee: c) confirms that the submission period will last for a period of six weeks from 29th June 2021 to 10th August 2021. CARRIED b) agree that the submission period will last for a period of six weeks from 12 July 2021 to 24 August 2021. CARRIED | |

| Meeting | Title | Resolution | Notes |
|---|--|--|---|
| Strategy and Policy Committee 15/06/2021 | Resident Opinion Survey | RESOLUTION 2021/20 Moved: Chair Rachel Smith Seconded: Cr Moko Tepania That the Strategy and Policy Committee agrees to the changes of the frequency for the Resident Opinion Survey from annually to quarterly in 2021/2022. CARRIED | 09 Jul 2021 3:14pm Edmondson, Richard A report outlining how the Council will transition from an annual survey to a quarterly survey will go to the Strategy & Policy Committee meeting on 7 September. This report will also include the results of the 2020/21 survey. |
| Strategy and Policy Committee 15/06/2021 | Speed Limit Bylaw Review Statement of Proposal | RESOLUTION 2021/22 Moved: Cr Kelly Stratford Seconded: Cr Felicity Foy That the Strategy and Policy Committee: a) adopt the attached "Statement of Proposal – Proposed Amendments to the Speed Limits Bylaw 2019" for consultation. b) agrees to undertake consultation on the proposed changes to speed limits set out in the attached Statement of Proposal in accordance with the Special Consultative Procedures set out in Section 83 of the Local Government Act 2002. c) confirms that the submission period will last for a period of six weeks from 29th June 2021 to 10th August 2021. d) authorises the Chief Executive to make any necessary minor drafting or presentation amendments to the attached Statement of Proposal and to approve the final design and layout of the documents prior to final printing and publication. CARRIED | |
| Strategy and Policy Committee 20/07/2021 | Solid Waste Bylaw Consultation | RESOLUTION 2021/27 Moved: Deputy Mayor Ann Court Seconded: Cr Kelly Stratford That the Strategy and Policy Committee: a) agrees, under section 160(3)(b)(ii) of the Local Government Act 2002, to consult on the continuation without | 03 Sep 2021 9:18am Macken, Briar Formal consultation period closed. Oral submissions booked to be heard 07 September 2021. Analysis of submissions due to committee 24 November 2021 |

| Meeting | Title | Resolution | Notes |
|---|---|--|-------|
| | | <p>amendment of the Solid Waste Bylaw in a manner that gives effect to the requirements of section 82 of the Local Government Act 2002, noting that Central Government is in the process of consulting and implementing several waste related proposals which may impact bylaw development.</p> <p>b) approves the Solid Waste Bylaw Proposal, including the bylaw, in attachment one and two, be made publicly available for the purpose of the consultation;</p> <p>c) agrees the period for making written submissions on the proposal will begin on 26 July 2021 end on 27 August 2021;</p> <p>d) agrees that if any person wishes to make an oral presentation of their submission, that presentation will take place on Tuesday 7 September 2021 and the hearing will be conducted by the whole Committee and delegates authority to change the date of the oral presentations to submissions, if necessary, to the Chair;</p> <p>e) authorises the Chief Executive Officer to make minor changes to the Solid Waste Bylaw Proposal to correct grammatical or spelling errors, or formatting.</p> <p><u>In Favour:</u> Crs Rachel Smith, David Clendon, Deputy Mayor Ann Court, Dave Collard, Felicity Foy, John Vujcich and Belinda Ward</p> <p><u>Against:</u> Cr Kelly Stratford</p> <p style="text-align: right;">CARRIED</p> | |
| Strategy and Policy Committee 20/07/2021 | Significant Natural Areas Project Options | <p>MOTION</p> <p>Moved: Cr Kelly Stratford</p> <p>Seconded: Chairperson Rachel Smith</p> <p>That the Strategy and Policy Committee approve that the SNA project continues, with the refinement of Significant Natural Area maps occurring in the second half of 2021 before notification of the Proposed District Plan in December 2021. Rules relating to</p> | |

| Meeting | Title | Resolution | Notes |
|---------|-------|--|-------|
| | | <p>Significant Natural Areas will be included in the Proposed District Plan.</p> <p style="text-align: right;">LOST</p> <p>MOTION Moved: Cr David Clendon Seconded: Chair Rachel Smith</p> <p>That the development of the proposed District Plan continues with the removal of Significant Natural Areas mapping and replaces this with a suitable policy framework that gives effect to the existing suite of higher order planning instruments, Or; That the development of the proposed District Plan continues with the removal of Significant Natural Areas mapping and replaces this with a suitable policy framework that gives effect to the National Policy Statement Indigenous Biodiversity and notifying the Proposed District Plan within six months of its gazettal, which is expected in December 2021. In the event that the National Policy Statement Indigenous Biodiversity is not gazetted, the Proposed District Plan is notified in 2022 and gives effect to the relevant suite of higher order planning instruments but excludes the mapping of Significant Natural Areas as a plan method.</p> <p>AMENDMENT Moved: Deputy Mayor Ann Court Seconded: Cr John Vujcich</p> <p>That the development of the proposed District Plan continues with the removal of Significant Natural Areas mapping and that the matter be brought back to the table at the conclusion of the Ministerial conversations currently underway.</p> <p style="text-align: right;">CARRIED</p> | |

| Meeting | Title | Resolution | Notes |
|--|--|---|-------|
| | | <p>AMENDMENT Moved: Cr Felicity Foy Seconded: Cr John Vujcich And that Far North District Council write to Northland Regional Council, to seek a formal response from their elected members, as to if the Northland Regional Council elected members will seek a plan change to change their Regional Policy Statement to reflect the concerns of the significant public feedback to FNDC about significant natural areas. <u>In Favour:</u> Crs Dave Collard, Felicity Foy and John Vujcich <u>Against:</u> Crs Rachel Smith, Ann Court, Kelly Stratford and Belinda Ward <p style="text-align: right;">LOST 3/4</p> The amendment became the substantive motion. RESOLUTION 2021/31 Moved: Deputy Mayor Ann Court Seconded: Cr John Vujcich That the Strategy and Policy Committee approve that the development of the proposed District Plan continues with the removal of Significant Natural Areas mapping and that the matter be brought back to the table at the conclusion of the Ministerial conversations currently underway. <p style="text-align: right;">CARRIED</p> </p> | |
| Strategy and Policy Committee 7/09/2021 | Vehicle Crossings Bylaw - Recommendations for Making the New Bylaw | <p>RESOLUTION 2021/37 Moved: Cr Felicity Foy Seconded: Cr John Vujcich That the Strategy and Policy Committee recommend Council: a) agree to the recommendations in the Staff report on submissions and recommendations for consideration in Attachment 1 that: i) No changes are made to clauses 12, 15, 16, 18, 21, 22 and 23 in the draft bylaw.</p> | |

| Meeting | Title | Resolution | Notes |
|---------|-------|---|-------|
| | | <p>ii) Clause 4 is changed by:</p> <ol style="list-style-type: none"> 1) Adding the words “reconstruction, upgrading and relocation” after the word “construction” 2) Deleting the words “and repair” after the words “and relocation”; 3) Inserting the word “vehicular” after the words “vehicle crossings giving”; 4) Adding the words “or another design approved by the council” after “engineering standards for vehicle crossings”. <p>iii) Clause 5 is changed by:</p> <ol style="list-style-type: none"> 1) Deleting the definition of berm; 2) Adding to the definition of vehicle crossing, the words “, but does not include paddock entrances with less than ten (10) stock movements per month” after “accessing the property”; 3) Deleting subclause (2) and replacing with a new Clause 2: “2. Related information boxes Boxes headed ‘Related information’ in this bylaw are for information purposes only, and – <ol style="list-style-type: none"> (a) they do not form part of the bylaw; and (b) cannot be considered in the interpretation or application of a provision of this bylaw; and (c) may be inserted, amended or removed without formality” 4) Adding a “related information box” referring to a new diagram to supplement the written definition of a vehicle crossing: | |

| Meeting | Title | Resolution | Notes |
|---------|-------|---|-------|
| | | <p>“The terminology associated with vehicle crossings is illustrated in diagram 1 in the Schedule to this bylaw”.</p> <p>iv) Clause 6 is changed by:</p> <ol style="list-style-type: none"> 1) In subclause (1), deleting the word “widen” and replacing with the word “upgrade”; 2) In subclause (2), replacing the word “widened” with “upgraded”; 3) In subclause (2), adding the words: “, or permission has been granted by the council for a private road or right-of-way under section 348 of the Local Government Act 1974” after “has been granted for this work”; 4) Adding a new subclause (3): “An approval is not required to conduct minor repairs or to maintain a vehicle crossing”; 5) Adding further information to the “related information” box as follows: <p>“Approvals are required for:</p> <ul style="list-style-type: none"> ☐ Construction i.e. building a new vehicle crossing ☐ Reconstruction i.e. rebuilding a crossing which is broken and/or not fit for purpose ☐ Upgrading e.g. widening a crossing, replacing metal with tarseal, replacing a culvert, or making safety improvements to a crossing ☐ Relocating i.e. moving a crossing from one place to another. <p>Approvals are not required for:</p> | |

| Meeting | Title | Resolution | Notes |
|---------|-------|---|-------|
| | | <p> <input type="checkbox"/> Minor repairs i.e. refurbishing a crossing that is showing signs of wear and tear but is not broken (such as repairing a pothole) </p> <p> <input type="checkbox"/> Maintenance e.g. resealing the surface of the crossing with existing seal material or cleaning a culvert. </p> <p>Whether or not an approval is required for work on the vehicle crossing, a Work Access Permit is required for all work on the road corridor (see clause 17). This is required under the National Code of Practice for Utility Operators' Access to Transport Corridors".</p> <p>v) Clause 7 is changed by:</p> <ol style="list-style-type: none"> 1) Adding "or other council-approved design" after "appropriate engineering standard"; 2) Adding "Council will respond to the applicant in 30 working days or less" after "the proposed vehicle crossing". <p>vi) Clause 8 is changed by:</p> <ol style="list-style-type: none"> 1) Adding the words "in its sole discretion" after "may grant an approval"; 2) Adding the words "or other design approved by the council" after "the appropriate engineering standard"; 3) Adding a new paragraph (b): "the council is satisfied that the proposed vehicle crossing will not cause undue impacts involving road safety or damage to the environment". <p>vii) Clause 9 is changed by:</p> <ol style="list-style-type: none"> 1) Adding the words "or other design approved by the council" after "appropriate engineering standard" in paragraph (a); | |

| Meeting | Title | Resolution | Notes |
|---------|-------|--|-------|
| | | <p>2) Adding the words “or other design approved by the council” after “specified engineering standard” in paragraph (b);</p> <p>3) Replacing the word “mention” with “notice” in paragraph (b).</p> <p>viii) Clause 10 is changed by:</p> <p>1) Adding a “related information box” below paragraph (a). “Chapter 15 of the District Plan (‘Transportation’) covers areas such as parking and access to private properties including where access is permitted and not permitted. It lists the criteria that will be used to assess road access such as traffic safety and congestion, foreseeable future changes to traffic patterns in the area, and the safety of pedestrians, disabled persons and cyclists, etc.”;</p> <p>2) Adding the words “the positioning of grates, and compliance with any covenants relating to the site” after “sump or utility connection” in paragraph (b).</p> <p>ix) Clause 11 is changed by:</p> <p>1) Adding the words “at a time” after “twelve (12) months” in subclause (1);</p> <p>2) Adding a “related information box” after subclause (2): “If a temporary crossing is not being used currently but will be used again in many years’ time, as is common in the forestry industry, it will not have fulfilled its purpose and there is no need to remove the crossing unless it is unsafe or is causing damage to the road or drainage system”.</p> | |

| Meeting | Title | Resolution | Notes |
|---------|-------|--|-------|
| | | <p>x) Clause 13 is changed by:</p> <ol style="list-style-type: none"> 1) Deleting the words “twelve (12) months” and replacing with the words “3 years” in subclauses (1) and (2). <p>xi) Clause 14 is changed by:</p> <ol style="list-style-type: none"> 1) Deleting the words “to another person or” and add the words “or to a different location at the property concerned” after the words “to another property” in subclause (2); 2) Adding a new subclause (3): “Approvals may be transferred to another person at the same property, such as a new property owner, if the council has been notified in writing of this transfer”. <p>xii) Clause 19 is changed by:</p> <ol style="list-style-type: none"> 1) Deleting the word ‘repair’ from subclause (1); 2) Adding a new subclause (2): “Before issuing a written notice, the council will consult with the property owner regarding the best course of action. This discussion will cover observed issues with the vehicle crossing such as safety concerns, and the crossing’s current and intended future use”. <p>xiii) Clause 20 is changed by:</p> <ol style="list-style-type: none"> 1) Adding a new subclause (2): “Before issuing a written notice, the council will consult with the property owner regarding the best course of action. This discussion will cover why the council considers the vehicle crossing is redundant or in excess of the reasonable requirements of the owner or occupier and will ascertain what is the | |

| Meeting | Title | Resolution | Notes |
|--|---|---|-------|
| | | <p>crossing's current and intended future use, if any".</p> <p>b) agree the Vehicle Crossings Bylaw in Attachment 2:</p> <p>i) is the most appropriate form of bylaw; and</p> <p>ii) does not give rise to any implications under the New Zealand Bill of Rights Act 1990.</p> <p>c) under section 145 of the Local Government Act 2002 and section 22AB(zk) of the Land Transport Act 1998, make the Vehicle Crossings Bylaw in Attachment 2.</p> <p>CARRIED</p> | |
| Strategy and Policy Committee 7/09/2021 | Treated Water Supply Bylaw - Recommendations for making new bylaw | <p>RESOLUTION 2021/38</p> <p>Moved: Chair Rachel Smith</p> <p>Seconded: Mayor John Carter</p> <p>That the Strategy and Policy Committee recommend the Council:</p> <p>a) agree to the recommendations in the Staff report on submissions and recommendations for consideration in Attachment 1 that:</p> <p>i) No changes are made to clauses 6, 8, 10, 16, 17 to 19, 24, 26 to 30, 32 and 36 in the draft bylaw.</p> <p>ii) Clause 4 is changed by:</p> <p>1) Adding the words "This applies to the supply of treated water from council-owned water schemes, not privately owned schemes." after "from misuse":</p> <p>iii) Clause 5 is changed by:</p> <p>1) Adding a new definition:</p> <p>"Drinking water emergency means a situation where water supply restrictions or interruptions may arise from:</p> <p>(a) water supply shortage or drought; or</p> <p>(b) water supply contamination or pollution;</p> <p>or</p> | |

| Meeting | Title | Resolution | Notes |
|---------|-------|---|-------|
| | | <p>(c) water supply infrastructure emergency repair; or</p> <p>(d) a natural failure or disruption to water supply which may endanger public health.</p> <p>These emergencies may be initiated by the following authorities: The Minister of Health, the Medical Officer of Health, the Regional Council, the Council, and the Civil Defence Emergency Management Group”.</p> <p>2) Adding a new “related information” box:</p> <p>“In section 4 of the Civil Defence Emergency Management Act 2002 the definition of emergency includes failure or disruption to a lifeline utility. An entity that supplies or distributes water to inhabitants of a city or district is a lifeline utility.</p> <p>Section 69S of the Health Act 1956 provides the council may restrict or interrupt the supply of water in the event of emergency repairs but must notify the Medical Officer of Health within 24 hours and take all practicable steps to advise affected persons.</p> <p>Section S69T of the Health Act 1956 provides the council must notify authorities if it identifies or foresees a risk to the adequate supply of drinking water and request these authorities apply their powers to mitigate the water supply risk. The authorities include the Medical Officer of Health, Fire and Emergency New Zealand, and the Northland Regional Council.</p> <p>S69ZZA of the Health Act 1956 provides for the Minister of Health to declare a drinking water</p> | |

| Meeting | Title | Resolution | Notes |
|---------|-------|---|-------|
| | | <p>emergency if there is a serious risk of harm to public health arising from drinking water or if there is a lack of drinking water available. Section 329 of the Resource Management Act 1991 provides the Northland Regional Council the right to issue water shortage directions which may restrict water takes”.</p> <p>3) Deleting subclause 5(2) and replacing with a new clause (clause 2): “2. Related information boxes Boxes headed “Related information” in this bylaw are for information purposes only, and – (a) they do not form part of this bylaw; and (b) cannot be considered in the interpretation or application of a provision of this bylaw; and (c) may be inserted, amended or removed without any formality.”</p> <p>iv) Clause 7 is changed by: 1) Adding the following “related information” box after subclause (3): “Approximately 400mm of the service pipe between the meter reader and the customer’s pipe is technically on council-owned property. Any work required by the customer on this section of the customer’s pipe is acceptable to the council”</p> <p>v) Clause 9 is changed by: 1) Adding the words: “Customers can receive both ordinary and extraordinary supply” at the end of the existing “related information” box.</p> <p>vi) Clause 11 is changed by:</p> | |

| Meeting | Title | Resolution | Notes |
|---------|-------|---|-------|
| | | <ol style="list-style-type: none"> 1) Adding a new subclause “(3) A person who wants water supplied under subclause (1)(a) must be registered with the drinking water regulator”; 2) Adding a “related information” box after the new subclause (3): “The Director General of Health maintains the drinking water register. Under section 69G of the Health Act 1956, the drinking water register means the register of drinking water suppliers and supplies maintained under section 69J of the Health Act 1956, which includes bulk water carriers” <p>vii) Clause 12 is changed by:</p> <ol style="list-style-type: none"> 1) Adding a “related information” box after subclause (2): “Section 69S(3) of the Health Act 1956 states a maximum timeframe of 8 hours for a planned interruption to supply, after which the supplier must have taken all reasonable steps to notify affected parties”. <p>viii) Clause 13 is changed by:</p> <ol style="list-style-type: none"> 1) Adding a new “related information” box: “The council applies a tolerance of $\pm 3\%$ to determine whether a customer’s water meter is reading correctly or incorrectly”. <p>ix) Clause 14 is changed by:</p> <ol style="list-style-type: none"> 1) Adding the words “, excluding drinking water” after the words “treated water” in subclause (1); 2) Adding the following words to the “related information” box: “The Council can put in place treated water restrictions for health and safety reasons under | |

| Meeting | Title | Resolution | Notes |
|---------|-------|---|-------|
| | | <p>section 145 of the Local Government Act 2002 as a precautionary step to avoid running out of water. As of June 2021, these restrictions are explained on the waterwise website (Be water wise Be water wise Northland), as follows:</p> <p>Level Two: No sprinklers Level Three: No hoses or sprinklers Level Four: Essential use only - water supplied can only be used for drinking or cooking, to wash clothes and take showers”.</p> <p>x) Clause 15 is changed by:</p> <ol style="list-style-type: none"> 1) Replacing subclause (1) with: “During a drinking water emergency, the council may restrict, interrupt or prohibit the use of treated water.”; 2) Adding a “related information” box after subclause (2): “Examples of a drinking water emergency are when: <ul style="list-style-type: none"> • drought or water supply shortage has been identified; • water supply has been polluted or contaminated; • water supply infrastructure requires emergency repairs; • a natural failure or a disruption to the water supply occurs which is likely to endanger public health”. <p>xi) Clause 21 is changed by:</p> <ol style="list-style-type: none"> 1) Replacing the words “in accordance with the following criteria” with “by considering the following matters”; | |

| Meeting | Title | Resolution | Notes |
|---------|-------|---|-------|
| | | <p>2) Replacing the word “assess” with “consider” in subclauses (2), (3), (4) and (5).</p> <p>xii) Clause 22 is changed by:</p> <p>1) In subclause (1) adding the words “or decline” after “may grant” and replacing the words “if it is satisfied the application meets the assessment criteria” with “at its sole discretion based on consideration of the factors”;</p> <p>2) Deleting subclause (2) “The council may decline an application for an approval if it does not meet the assessment criteria in clause 22”.</p> <p>xiii) Clause 23 is changed by:</p> <p>1) Adding “, except where drinking water is involved” after “may be supplied” in paragraph (c).</p> <p>xiv) Clause 25 is changed by:</p> <p>1) Adding a new paragraph (b) in subclause (2) “providing any information requested by the council to demonstrate that any conditions under Clause 23 continue to be met”;</p> <p>2) Adding a new subclause (2) “An application for renewal must be made in the same manner as an application for an approval, with any necessary modifications”;</p> <p>3) Adding a new subclause (3) “The application for renewal will be assessed based on consideration of the factors described in clause 21”.</p> <p>xv) Clause 26 is changed by:</p> <p>1) Adding a new subclause (3) “The application for amendment will be assessed based on consideration of the factors described in clause 21”.</p> | |

| Meeting | Title | Resolution | Notes |
|--|--|--|-------|
| | | <p>xvi) Clause 28 is changed by:</p> <ol style="list-style-type: none"> 1) Adding the words “or the health and safety of any person” after “the water supply system” in subclause (1) paragraph (b). <p>xvi) Clause 31 is changed by:</p> <ol style="list-style-type: none"> 1) In subclause (3) deleting the words “5 working days” and substituting “10 working days, except if the notice is given under subclause (2)(c), where the customer must comply within 5 working days”; 2) In subclause (4) deleting the word “shall” and substituting the word “must”. <p>xvii) Clause 35 is changed by:</p> <ol style="list-style-type: none"> 1) Deleting the amount “\$20,0000” and substituting the amount “\$20,000”. <p>xviii) Clause 37 is changed by:</p> <ol style="list-style-type: none"> 1) In subclause (1) adding the words “, except for ordinary supply approvals,” after the words “in clause 36”. <p>b) agree the Treated Water Supply Bylaw in attachment 2:</p> <ol style="list-style-type: none"> i) is the most appropriate form of bylaw; and ii) the bylaw provisions are considered reasonable limits on the rights in the New Zealand Bill of Rights Act 1990. <p>c) under sections 145 and 146 of the Local Government Act 2002, make the Treated Water Supply Bylaw in Attachment 2.</p> <p style="text-align: right;">CARRIED</p> | |
| Strategy and Policy Committee 7/09/2021 | New Parking Bylaw - Approval of Draft for Public Consultation | <p>RESOLUTION 2021/39</p> <p>Moved: Mayor John Carter</p> <p>Seconded: Cr Kelly Stratford</p> <p>That the Strategy and Policy Committee:</p> | |

| Meeting | Title | Resolution | Notes |
|--|--|---|-------|
| | | <p>a) approves the proposal for a new Parking Bylaw in Attachment 1 to be released for public consultation to meet the requirements of section 22AD of the Land Transport Act 1998 and section 156 of the Local Government Act 2002.</p> <p>b) authorises the Chief Executive to make minor changes to the proposal for a new Parking Bylaw to correct grammatical or spelling errors, or formatting.</p> <p>c) agrees the period for making written submissions on the proposal be from 13 September 2021 to 15 October 2021.</p> <p>d) agrees the Committee will hear any people who want to present their submissions orally on Tuesday 26 October 2021.</p> <p>e) agrees to delegate, to the Chair, the power to change the date of the oral presentations of submissions.</p> <p>f) directs Council staff to make all necessary logistical arrangements for people to be heard, on 26 October 2021, either in person in the Council Chambers or online via Microsoft Teams.</p> <p style="text-align: right;">CARRIED</p> | |
| Strategy and Policy Committee 7/09/2021 | New Road Use Bylaw - Approval of Draft for Public Consultation | <p>RESOLUTION 2021/40</p> <p>Moved: Cr Kelly Stratford</p> <p>Seconded: Cr John Vujcich</p> <p>That the Strategy and Policy Committee:</p> <p>a) approves the proposal for a new Road Use Bylaw in Attachment 1 to be released for public consultation to meet the requirements of section 22AD of the Land Transport Act 1998 and section 156 of the Local Government Act 2002.</p> <p>b) authorises the Chief Executive to make minor changes to the proposal for a new Road Use Bylaw to correct grammatical or spelling errors, or formatting.</p> <p>c) agrees the period for making written submissions on the proposal be from 13 September 2021 to 15 October 2021.</p> | |

| Meeting | Title | Resolution | Notes |
|--|---|---|---|
| | | <p>d) agrees the Committee will hear any people who want to present their submissions orally on Tuesday 26 October 2021.</p> <p>e) agrees to delegate, to the Chair, the power to change the date of the oral presentations of submissions.</p> <p>f) directs Council staff to make all necessary logistical arrangements for people to be heard, on 26 October 2021, either in person in the Council Chambers or online via Microsoft Teams.</p> <p><u>Abstained:</u> Deputy Mayor Ann Court</p> <p style="text-align: right;">CARRIED</p> | |
| Strategy and Policy Committee 7/09/2021 | New On-site Wastewater Disposal Systems Bylaw - Approval of Draft Bylaw for Public Consultation | <p>RESOLUTION 2021/41</p> <p>Moved: Cr Felicity Foy</p> <p>Seconded: Chair Rachel Smith</p> <p>That the Strategy and Policy Committee:</p> <p>a) approves the proposal for a new On-site Wastewater Disposal Systems Bylaw in Attachment 1 to be released for public consultation to meet the requirements of section 156 of the Local Government Act 2002.</p> <p>b) agrees the period for making written submissions on the proposal be from 13 September 2021 to 15 October 2021.</p> <p>c) agrees the Committee will hear any people wanting to present their submissions orally on Tuesday 26 October 2021 and agrees to delegate, to the Chair, the power to change the date of the oral presentations of submissions.</p> <p>d) directs Council staff to make all necessary logistical arrangements for people to be heard, on 26 October 2021, either in person in the Council Chambers or online via Microsoft Teams.</p> <p style="text-align: right;">CARRIED</p> | 12 Oct 2021 11:38am Macken, Briar Bylaw currently out for formal consultation. Submission period closes 15/10/2021. Oral submissions planned for 26/10/2021 |

| Meeting | Title | Resolution | Notes |
|---|-------------------------|--|-------|
| Strategy and Policy Committee 19/10/2021 | Roading Policies Review | <p>MOTION Moved: Deputy Mayor Ann Court Seconded: Mayor John Carter That the Strategy and Policy Committee recommend that Council: a) agree, the Road Speed Limits Policy continue without amendment. <p style="text-align: right;">CARRIED 10/0</p> b) agree, the Community Initiated Infrastructure – Roding Contributions Policy, and the Limits of Council Responsibility for Formation / Maintenance of Roads Policy be continued with amendment. <p style="text-align: right;">CARRIED 10/0</p> c) agree, the Dust Management Policy, Private Roads and Rights of Way Policy, Road Maintenance Policy, and Road Mirrors – Private Crossings Policy be revoked.</p> <p>AMENDMENT Moved: Cr Kelly Stratford Seconded: Cr Felicity Foy b) agree, the Community Initiated Infrastructure – Roding Contributions Policy, and the Limits of Council Responsibility for Formation / Maintenance of Roads Policy, Dust Management Policy, and the Private Roads and Right of Ways Policy be continued with amendment; c) agree, the Road Maintenance Policy and Road Mirrors – Private Crossings Policy be revoked.</p> <p>In Favour: Crs David Clendon, Felicity Foy, Kelly Stratford, Moko Tepania and John Vujcich</p> | |

| Meeting | Title | Resolution | Notes |
|---|------------------------|--|-------|
| | | <p>Against: Mayor Carter, Deputy Mayor Court, Crs Rachel Smith, Dave Collard and Member Belinda Ward</p> <p style="text-align: right;">LOST</p> <p>RESOLUTION 2021/37</p> <p>Moved: Deputy Mayor Ann Court</p> <p>Seconded: Mayor John Carter</p> <p>That the Strategy and Policy Committee recommend that Council:</p> <p>a) agree, the Road Speed Limits Policy continue without amendment.</p> <p style="text-align: right;">CARRIED 10/0</p> <p>b) agree, the Community Initiated Infrastructure – Roding Contributions Policy, and the Limits of Council Responsibility for Formation / Maintenance of Roads Policy be continued with amendment.</p> <p style="text-align: right;">CARRIED 10/0</p> <p>c) agree, the Dust Management Policy, Private Roads and Rights of Way Policy, Road Maintenance Policy, and Road Mirrors – Private Crossings Policy be revoked.</p> <p style="text-align: right;">CARRIED 6/4 CARRIED</p> | |
| Strategy and Policy Committee 19/10/2021 | Naming Policy Proposal | <p>RESOLUTION 2021/38</p> <p>Moved: Chair Rachel Smith</p> <p>Seconded: Cr Moko Tepania</p> <p>That the Strategy and Policy Committee recommend that Council agree to develop a new Naming Policy for roads, open spaces, and Council facilities.</p> <p style="text-align: right;">CARRIED</p> | |

7 KARAKIA WHAKAMUTUNGA – CLOSING PRAYER

8 TE KAPINGA HUI / MEETING CLOSE