



**Far North
District Council**



Te Kaunihera o Tai Tokerau ki te Raki

AGENDA


Regulatory Compliance Committee Meeting

Monday, 5 September 2022

Time: 10:30 am
Location: Council Chamber
Memorial Avenue
Kaikohe

Membership:

Cr Kelly Stratford - Chairperson
Cr Dave Collard – Deputy Chairperson
Mayor John Carter
Cr David Clendon
Deputy Mayor Ann Court
Cr Rachel Smith
Cr John Vujcich
Member Belinda Ward
Member Mike Te Wake

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

Purpose

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

The Committee will have functional responsibility for the following aspects:

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

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

Delegations

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

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

Power to Delegate

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

Membership

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

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

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

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

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

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

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

Mayor Carter

Kelly Stratford – Chairperson

Dave Collard – Deputy Chairperson

John Vujcich

Rachel Smith

David Clendon

Ann Court

Belinda Ward – Bay of Islands-Whangaroa Community Board Chair

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

Quorum - Committee

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

Frequency of Meetings

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

Committees Responsibilities

The Committees responsibilities are described below:

Hearings, Objections and Appeals

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

Regulatory Activities

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

Policies and Bylaws

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

Compliance

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

Mana Whakahono-ā-Rohe (Mana Whakahono)

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

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

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

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

Public Works Act 1981

Public work requirements.

Local Government Act 2002

Objections against the construction of public works on private land.

Local Government Act 1974

Objections and appeals to road stopping proposals.

Fencing of Swimming Pools Act 1987

Applications for exemption, waiver or compliance.

Delegated decisions

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

Dog Control Act 1996

Objections.

Gambling Act 2003, Health Act 1956 and Building Act 2004

Hearings, objections and related matters.

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

Rules and Procedures

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

Annual reporting

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

Far North District Council
Regulatory Compliance Committee Meeting
will be held in the Council Chamber, Memorial Avenue, Kaikohe on:
Monday 5 September 2022 at 10:30 am

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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 NGĀ 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: A3859697

Author: Marlema Baker, Democracy Advisor

Authoriser: Aisha Huriwai, Team Leader Democracy Services

PURPOSE OF THE REPORT

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

RECOMMENDATION

That the Regulatory Compliance Committee confirms that the minutes of the meeting of the Committee held 07 June 2022 are a true and correct record.

1) BACKGROUND

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

2) 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 as a result of this report.

ATTACHMENTS

- 1. Regulatory Compliance Committee Minutes - 07 June 2022 - A3742894** [↓](#) 

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.

Regulatory Compliance Committee Meeting Minutes - **Unconfirmed**

7 June 2022

**MINUTES OF FAR NORTH DISTRICT COUNCIL
REGULATORY COMPLIANCE COMMITTEE MEETING
HELD AT THE COUNCIL CHAMBER, MEMORIAL AVENUE, KAIKOHE
ON TUESDAY, 7 JUNE 2022 AT 9:30AM**

PRESENT: Chairperson Kelly Stratford, Cr Dave Collard, Cr David Clendon, Deputy Cr Rachel Smith, Cr John Vujcich, Member Belinda Ward

IN ATTENDANCE: William J Taylor, MBE (General Manager Corporate Services), Dean Myburgh (General Manager Districts Services).

STAFF PRESENT: Rochelle Deane (Manager – Environmental Services), Trent Blakeman (Manager – Building Services), Ruben Garcia (Manager – Communications) Marlema Baker (Democracy Services Advisor).

1 KARAKIA TIMATANGA – OPENING PRAYER

Chair Kelly Stratford commenced the meeting and opened with a karakia.

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

APOLOGY

RESOLUTION 2022/7

Moved: Cr Rachel Smith

Seconded: Cr John Vujcich

That the apology received from His Worship the Mayor and Deputy Mayor Ann Court be accepted and leave of absence granted.

CARRIED

3 NGĀ TONO KŌRERO / DEPUTATION

No deputations were received for this meeting.

4 CONFIRMATION OF PREVIOUS MINUTES

4.1 CONFIRMATION OF PREVIOUS MINUTES

Agenda item 4.1 document number A3713613, pages 14 - 18 refers

RESOLUTION 2022/8

Moved: Chairperson Kelly Stratford

Seconded: Cr Dave Collard

That the Regulatory Compliance Committee confirms that the minutes of the meeting of the Committee held 26 April 2022 are a true and correct record.

CARRIED

5 INFORMATION REPORTS**5.1 ALCOHOL LICENSING UPDATE**

Agenda item 5.1 document number A3703685, pages 19 - 26 refers

RESOLUTION 2022/9

Moved: Cr Rachel Smith

Seconded: Cr John Vujcich

That the Regulatory Compliance Committee receive the report Alcohol Licensing Update.**CARRIED****5.2 ENVIRONMENTAL HEALTH SERVICES: FOOD LICENSING UPDATE**

Agenda item 5.2 document number A3702183, pages 27 - 36 refers

RESOLUTION 2022/10

Moved: Cr Dave Collard

Seconded: Member Belinda Ward

That the Regulatory Compliance Committee receive the report Environmental Health Services: Food Licensing Update.**CARRIED****5.3 BUILDING SERVICES BCA UPDATE**

Agenda item 5.3 document number A3726946, pages 37 - 46 refers

RESOLUTION 2022/11

Moved: Cr Rachel Smith

Seconded: Cr John Vujcich

That the Regulatory Compliance Committee receive the report Building Services BCA Update.**CARRIED****5.4 DISTRICT SERVICES MONTHLY BUSINESS REPORT FOR APRIL 2022**

Agenda item 5.4 document number A3727880, pages 47 - 100 refers

RESOLUTION 2022/12

Moved: Cr Rachel Smith

Seconded: Cr David Clendon

That the Regulatory Compliance Committee receive the report District Services Monthly Business Report for April 2022.**CARRIED**

Regulatory Compliance Committee Meeting Minutes - **Unconfirmed**

7 June 2022

5.5 REGULATORY COMPLIANCE COMMITTEE ACTION SHEET UPDATE JUNE 2022

Agenda item 5.5 document number A3713621, pages 101 - 101 refers

RESOLUTION 2022/13

Moved: Cr Rachel Smith

Seconded: Cr John Vujcich

That the Regulatory Compliance Committee receive the report Action Sheet Update June 2022.**CARRIED****6 KARAKIA WHAKAMUTUNGA – CLOSING PRAYER**

Chair Kelly Stratford closed the meeting with a karakia

7 TE KAPINGA HUI / MEETING CLOSE**The meeting closed at 10:54 am.****The minutes of this meeting will be confirmed at the Regulatory Compliance Committee Meeting held on 6 September 2022.**.....
CHAIRPERSON

5 REPORTS

5.1 PARKING ENFORCEMENT

File Number: A3809557

Author: Rochelle Deane, Manager - Environmental Services

Authoriser: Dean Myburgh, General Manager - District Services

TAKE PŪRONGO / PURPOSE OF THE REPORT

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

WHAKARĀPOOTO MATUA / EXECUTIVE SUMMARY

- At the May 2021 Regulatory Compliance Committee Meeting it was approved to trial the enforcement of stationary vehicle Warrant of Fitness (WoF) and Vehicle Registrations offences across the Far North District for a period of 12 months. This trial commenced 1 July 2021.
- Due to the covid lockdowns in 2021 and Waka Kotahi suspending WoF and Rego till the end of November 2021, the Parking Warden did not start issuing infringement notices until December 2021.
- The Parking Warden noted a significant decrease of vehicles in the Central Business District over 2021/22 due to Covid with more people working from home or just not coming into town up until April 2022.
- To get a clear indication for the requirement of WoF and Vehicle Registration enforcement across the district, it is recommended to extend the trial for a further year to 30 June 2023.

TŪTOHUNGA / RECOMMENDATION

That the Regulatory Compliance Committee recommend that Council continue the trial period of enforcing stationary vehicle Warrants of Fitness and Registration offences across the district for a further 12 months to 30 June 2023.

1) TĀHUHU KŌRERO / BACKGROUND

It is illegal to operate a vehicle without a valid and visible WoF and Registration unless driving directly to a place where repairs will be conducted. Council Parking Wardens are authorised to enforce these provisions on stationary vehicles.

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

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

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

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

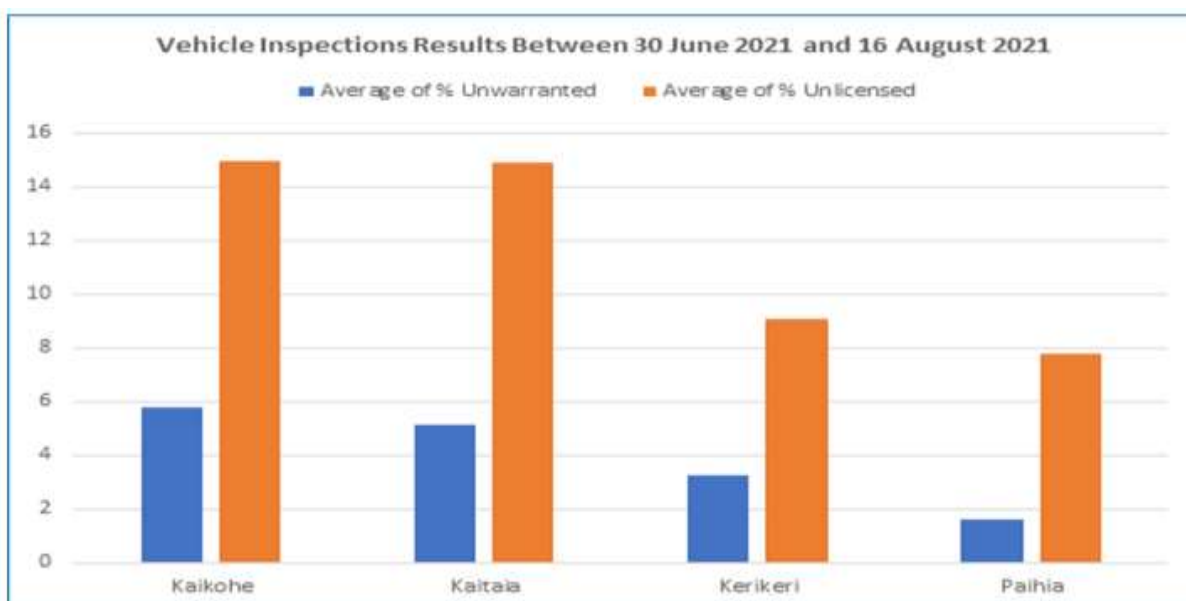
Council Parking Wardens can play an important role to ensure that there are fewer unsafe and unregistered vehicles on our roads across the district. Prior to the trial commencing in July 2021 FNDC wardens did not enforce this requirement across the district.

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

From 1 July 2021 to 16 August 2021 (Alert Level 4 commencement) flyers advertising that FNDC had begun to monitor vehicles not displaying a current warrant of fitness and/or current license were distributed in the main towns in the Far North – Kaitiāia, Kerikeri, Paihia and Kaikohe.



During normal patrols, the Parking Officer, kept a record of how many vehicles were not displaying a current warrant of fitness and/or license from the total number sighted. Unlicensed vehicles were more common than unwarranted in all areas. Kaitiāia and Kaikohe had the highest number of non-compliant vehicles with 15% unlicensed and 5% to 6% unwarranted.



During the flyer period, the public gave mixed feedback to the trial, with some being outraged believing FNDC were on a revenue gathering exercise in areas of low income, whilst others have thanked Council for the reminder that their vehicles license had expired. It was decided to extend the education (flyer) period from one to two months prior to enforcement giving the community further time to become compliant.

Due to the COVID-19 lockdowns in 2021 and Waka Kotahi suspending WoF and Registration compliance until the end of November 2021, the Parking Warden could not start issuing infringement notices until December 2021. From then, the focus has been on vehicles that are not displaying a current warrant for six months or more. If an infringement is issued, all offenders are given opportunity to obtain a warrant within 56 days. Evidence of a new warrant is grounds for the infringement to be waived.

Between 1 December 2021 and 30 June 2022 there have been 121 infringement notices issued for having no evidence of a current WoF for six months or more. These have been issued on the current circuit of the sole Parking Warden and have not included recent State Highway Delegation areas, e.g., Kaikohe. The majority of these infringements (88) have been issued in Kerikeri.

There has been a noticeable increase in unwarranted vehicles in urban areas since the COVID-19 restrictions eased and 90 of these notices were issued in May and June 2021.

Of the 121 Infringements issued as of 30 June 2021:

- 19 notices have been waived due to the owner complying with updating their WoF.
- 10 infringements have been paid.
- 6 notices have been waived due to unconfirmed ownership in MOTOCHek.
- 7 waived due to an administration error.
- 2 notices returned mail.

The balance (77) was still in the system as either being recently issued or still at the reminder stage.

The options are as follows:

Option 1: Continue with the trial for a further 12-month period to 30 June 2023 and phase in enforcement for all vehicles having no current WoF and/or registration.

Option 2: Discontinue the trial and include WoF and vehicle registration enforcement in business as usual immediately.

Option 3: Discontinue the trial and discontinue enforcement of WoF and vehicle registration.

Take Tūtohunga / Reason for the recommendation

Option 1 is the preferred option because:

Due to covid restrictions in 2021/22 there were less vehicles seen in the CBD's and periods where the Parking Warden was unable work due to lockdown. Extending the trial will give a clearer indication of the extent of illegal vehicles in the district and the communities reaction to voluntary compliance.

The current focus has only been on vehicles not showing a current WoF for six months or more. By extending the trial there can be a phase in of enforcement for all vehicles not showing current WoF and/or Registration.

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

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

ĀPITI HANGA / ATTACHMENTS

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	Low Significance – this matter does not meet the criteria/threshold for a matter of significance
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	Local Government Act 2002 FNDC Parking and Traffic Control Bylaw 2010 Land Transport Act 1998 Land Transport (Motor Vehicle Registration and Licensing) Regulations 2011 Land Transport (Offences and Penalties) Regulations 1999 LTP Community Outcomes: Communities that are healthy, safe, connected and sustainable.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	District wide significance
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water. State the possible implications and how this report aligns with Te Tiriti o Waitangi / The Treaty of Waitangi.	No specific implications
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example – youth, the aged and those with disabilities).	District wide

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

5.2 EXPRESSIONS OF INTEREST FOR INDEPENDENT HEARINGS COMMISSIONERS

File Number: A3858589

Author: Greg Wilson, Manager - District Planning

Authoriser: Roger Ackers, Manager - Strategy Development

TAKE PŪRONGO / PURPOSE OF THE REPORT

To ensure that council has an appropriate pool of independent commissioners to meet its functions, powers and duties under the Resource Management Act 1991 (the Act).

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

The purpose of this report is to provide a list of suitable candidates for council's appointment and delegation to act as independent commissioners for District Services, and Strategic Planning and Policy for a five-year term starting 5 September 2022.

TŪTOHUNGA / RECOMMENDATION

That pursuant section 34A(1) of the Resource Management Act 1991 Council delegates the following powers to the persons listed in the attached schedule of '*Commissioners with 'Making good decisions' certification*' (Appendix 1). The powers to:

- a) hear and determine resource consent applications (including but not limited to a change or cancellation of a condition/s; determinations for the requirement for a hearing, and extending or waiving compliance with a time limit up to the maximum period specified in the Act; the power to decline processing of an application or the consideration of a submission; determining that the Environment Court decide an application for resource consent; and directing an applicant or submitter to provide briefs of evidence/further information prior to hearing); notices of requirement; and objections under sections 357, 357A and 357B of the Act;
- b) extend or confirm existing use rights;
- c) determine that an activity is permitted,
- d) make recommendations on public and private plan changes, and
- e) make recommendations to amend a plan or proposed plan to remove duplication or conflict with a national environmental standard.

1) TĀHUHU KŌRERO / BACKGROUND

The Act provides that Council may delegate its functions, powers or duties to independent commissioners appointed by Council.

The Act requires Council to engage independent commissioners under the following circumstances:

- *Notified resource consents*

An applicant and/or submitter/s to a notified resource consent application may request that council appoint at least one independent commissioner to hear and decide on the application. This also applies to notified notices of requirement for a designation and heritage. If such a request is received, council must delegate its functions, powers, and duties to hear and decide the application to one or more independent commissioners.

- *Objections to a decision of council officer on resource consent*

An applicant who is objecting to a decision by a council officer has the ability to request that their objection be heard by an independent commissioner. If such a request is received,

council must delegate its functions, powers, and duties to consider and decide on the objection to one or more independent commissioners.

Council may also choose to use independent commissioners for:

- making decisions on –
 - proposed policy statements, proposed plans, variations, or plan changes (other than approval)
 - resource consent applications and recommendations on notices of requirement
 - notification or non-notification of resource consents
 - servicing of an application
 - plan changes or variations and on submissions to plan changes (other than declaring a plan change operative)
- reviewing resource consent conditions

Independent commissioner roles extend to:

- providing advice on technical or procedural matters to make decisions on particular applications
- for perceived or actual conflicts of interest or perceptions of bias,
- where issues are complex or of a highly technical nature and there is a need for specialist expertise that is not available within council,
- where an application has substantive implications for council policy,
- assisting council when councillors are not available or following local body elections, and/or
- covering lengthy hearings.

Councils have the discretion to decide who they employ as independent commissioners provided they meet the Act's accreditation requirements and they are not a member (including elected representatives) of council. It is essential that council's delegation include at least one independent commissioner who can demonstrate a particular knowledge, understanding and empathy with Māoritanga, the principles of the Treaty of Waitangi and other Māori aspects of the Act.

Council's current list of certified independent commissioners is outdated and requires review, with the most recent list understood to be approved in 2011 (as per a registration of delegations from council, with delegate job titles updated in 2016). Council has therefore advertised¹ for expressions of interest from independent commissioners with '*Making good decisions*'² accreditation, seeking to update its pool of independent commissioners with knowledge, skills and experience in one of more of the following areas:

- Planning, resource management and heritage protection;
- Law, local government and local affairs;
- Matters relating to the Treaty of Waitangi and kaupapa Māori;
- Environmental Science, including the physical and social sciences;
- Architecture, engineering, surveying and traffic;
- Landscape and urban design;
- Hearing Processes;
- Alternative Dispute Resolution;
- Knowledge of the consent authorities function under the Resource Management Act 1991.

In total, 22 applications have been received from accredited commissioners with a range of skills and experience, as summarised in Appendix 1. One application was from a commissioner who did not have accreditation and therefore could not be accepted as it did not meet the Act's mandatory requirements for specific circumstances (as outlined previously) and Council's sole criteria for eligibility as identified in the request for expressions of interest.

¹ New Zealand Herald, Northern Advocate and the New Zealand Planning Institute Jobs Board

² A Ministry for the Environment training, assessment and certificate programme for resource management decision makers

Following the 2022 local body elections, council will, by separate resolution in early 2023, determine the panel for the Proposed District Plan submission hearings; this will consider the options for a mixed commissioner/elected member panel and the number of panel members. Whilst the approved list/pool of commissioners will help inform this process, Council may seek to readvertise for expressions of interest if it is considered that additional skills/experience are required.

Council may from time to time be required to appoint alternative commissioners where it is found that the pool of approved commissioners does not include the skill base required for the matter/s being considered or suitably experienced/qualified commissioners on the list are unavailable at that point in time. In such instances, consent will be sought from the Regulatory Compliance Committee to update the list of approved commissioners.

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

This report identifies and assesses the following reasonably practicable options for addressing the matter. These two options have been assessed together:

Option 1: Provide a list of suitable candidates for council's appointment and delegation to act as independent commissioners for District Services, and Strategic Planning and Policy for a five-year term starting 5 September 2022.

Option 2: Retain the outdated list of independent commissioners that includes retired commissioners and excludes a number of suitably qualified and experienced commissioners.

Option 1 is considered the most appropriate option for the following reasons:

Take Tūtohunga / Reason for the recommendation

Council has a statutory requirement to maintain a pool of independent commissioners that meet the Act's accreditation requirements and include a sufficient variety of knowledge and experience.

Council's current list of certified independent commissioners is outdated and requires review.

With the hearings for the Proposed District Plan pending in 2023 it is essential that Council secure the services of independent commissioners well in advance. Updating the pool of independent commissioners as per the attached recommendation is the first stage of this process.

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

Council has a legal obligation to have in place methods to engage independent commissioners in specific circumstances. Budgets are established in District Plan to allow for the appointment of independent commissioners. Resource consent processes administered by the District Services Group has cost recovery mechanisms where independent commissioners are appointed for statutory purposes.

ĀPITI HANGA / ATTACHMENTS

- 1. Appendix 1 Commissioners with Making Good Decisions Certification - A3865296**  

Hōtaka Take Ōkawa / Compliance Schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 Section 77 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
<p>State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy</p>	<p>Low</p> <p>Council is required to ensure that it has an appropriate pool of independent commissioners to meet its functions, powers and duties under the Resource Management Act 1991. Such processes have mandatory consultation requirements under that Act. Notwithstanding, it is recognised as good practise for council to use independent commissioners in the place of staff and elected representatives, particularly where:</p> <ul style="list-style-type: none"> • independent commissioners can help ensure continuity of service and the efficient determination of resource consents in a timely manner, • staff and/or elected representative/s may be perceived to have an actual or alleged conflict of interest, • council is determining objections relating to council charges, • matters are outside the technical knowledge or experience of staff and/or elected representative/s; such as legal matters, built heritage, previous consenting knowledge or Te Ao Māori and Te Tiriti o Waitangi issues, • staff and/or an elected representative/s may have, or may be perceived to have, a closed mind on the proposal (such as when publicly stating opinions on the merits of a proposal in the media or at public meetings before it is heard), • there may be a combined or joint hearing with a district or regional council and a neutral chairperson or adviser is considered desirable, • council controlled organisation Far North Holdings Ltd is the applicant or has an interest in the outcome of the matter being considered, and council may therefore be perceived to have an actual or alleged conflict of interest, and/or • staff or contractors of council are the applicant or have an interest in the outcome of the matter being

	considered, and council may therefore be perceived to have an actual or alleged conflict of interest.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	Resource Management Act 1991 and Far North District Plan (operative and proposed). Local Government (Rating) Act 2002, Rating Valuations Act 1998 and Rates Rebate Act 1973 and associated policies.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	District wide relevance The delegation of powers to independent commissioners to enable council to meet its functions, powers and duties under the Resource Management Act 1991 is not a matter within the remit of community boards
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.	In seeking expressions of interest, Council has contacted iwi authorities to encourage the participation of independent commissioners who can demonstrate their knowledge, skills and experience in matters relating to Te Tiriti o Waitangi/Treaty of Waitangi and kaupapa Māori. All independent commissioners are expected to have an understanding of the above, with the independent commissioner pool to contain at least one commissioner who is a specialist.
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 accreditation process is available to those who meet the eligibility criteria.
State the financial implications and where budgetary provisions have been made to support this decision.	There are no financial or legal implications beyond those normally associated with the appointment of commissioners. The costs of the independent commissioners engaged by District Services is generally cost recoverable where related to a resource consent application. The costs of independent commissioners engaged by Strategic Planning and Policy is not cost recoverable and will be met by Far North District Council. Such costs are budgeted according to the project.
Chief Financial Officer review.	This report has been reviewed by the Chief Financial Officer



Appendix 1 – Commissioners with ‘*Making good decisions*’ certification

Name and expertise ¹	Experience as per curriculum vitae submitted	Cert expiry	Location
<p>1. ALAN WATSON</p> <p><u>Areas of expertise</u> -</p> <p>Plan changes; plan and policy statement reviews; road and rail designations; port dredging, reclamations and port works; coastal sand mining; sewage discharges to coastal environs; restricted coastal activities; marina developments; coastal waters classifications; māna whenua issues; distribution of poison for the purposes of both fauna and flora control in the coastal marine area; prison requirement; commercial/retail; recreational facilities; landfills; mining and quarrying; residential, rural and coastal subdivision and development; and, a variety of land use and subdivision applications</p>	<p>Alan is a hearings commissioner with experience over 20 years with some 30 councils: being district, regional and unitary councils, including working as a sole commissioner, and with other independent commissioners and councillors. This includes assistance to Far North District Council over some time based largely on experience from earlier residing in Whangarei and carrying out planning work throughout Northland, including planning services at times to the Council. That Commissioner assistance has been essentially when the Council and officers have considered the need for particular experience.</p> <p>Knowledge, skills and experience includes for example, planning/resource management; experience in mana whenua considerations for work in Gisborne, Northland and Auckland; rural and coastal considerations; and hearing processes. Has assisted in the presentation of the ‘<i>Making Good Decisions</i>’ programme and prior to being appointed to the independent hearings panel for the Auckland Unitary Plan, acted as a mediator in limiting the contested issues to be put before that panel.</p> <p>Wide ranging experience with advising private clients and councils on all aspects of plan preparation and administration; consideration of resource consent applications and environmental assessments for development and subdivision proposals; and expert evidence at local authority, Environment Court, High Court and Arbitration Court proceedings. Experience with planning documents in their various forms and in evaluating plans and policy documents in advising either private sector or public sector clients.</p> <p>Experience in a large multi-disciplinary company providing input from various professional disciplines to environmental projects including for example, marina developments and telecommunication networks</p> <p>Appointment to Covid Recovery expert consenting panel.</p>	30 -06-23 (including chairing endorsement)	Auckland
<p>2. ANDREW HENDERSON (JACOBS NEW ZEALAND)</p> <p><u>Areas of expertise</u> -</p>	<p>Andrew is a planner with over 25 years’ experience with the full range of resource management processes. His experience includes working for regional and district councils and in private consultancy.</p> <p>He has comprehensive technical knowledge in statutory planning and can apply this knowledge to a wide range</p>	30 -06-24 (including chairing)	Christchurch

Name and expertise ¹	Experience as per curriculum vitae submitted	Cert expiry	Location
Stakeholder engagement; iwi consultation; statutory planning, including effects assessments; policy development; training/mentoring; expert witness; hearing commissioner	<p>of projects, from project inception and optioneering through to the approval stage. Andrew understands the importance of and is committed to liaison and communication with stakeholder groups and clients, developing and maintaining communication channels between the public and decision makers.</p> <p>Andrew is experienced in navigating district and regional plan policy across New Zealand. Councils regularly call upon him because of his vast knowledge across all resource management processes, including district and regional consenting, plan preparations and review. Andrew regularly draws on his undergraduate studies in Māori and experience in working with iwi authorities to provide advice to clients and project teams relating to Māori values and engagement with iwi.</p> <p>Andrew is an experienced expert witness, having given evidence at district and regional council hearings, and in the Environment Court, on many occasions, with a depth of experience in the Queenstown Lakes District since 2001. He regularly acts as a commissioner for a range of local authorities.</p> <p>Andrew has managed planning teams, and personally processed resource consents for many councils. These consents have been successfully processed under district, regional, operative and proposed district and regional plans. One of Andrew's key functions is to maintain communications with the client to ensure on time delivery.</p>	endorsement)	
<p>3. ANDREW WILKINSON (SCOTT WILKINSON PLANNING)</p> <p><u>Areas of expertise</u> -</p> <p>Knowledge of consent authorities' functions under the Resource Management Act 1991, planning and resource management, hearing processes, resource consents, alternative dispute resolution, policy planning, regional planning, coastal planning, water quality, water takes, rural planning</p>	<p>Andrew has 22 years' experience. Although he has yet to have the opportunity to be involved as a hearings commissioner/panel member or chairperson, he has considerable experience in the drafting of planning reports, reviewing recommendations and decisions, and attending notified resource consent hearings, mediations and the Environment Court as an expert witness. Understands the importance as a hearing commissioner/chair of ensuring directions, recommendations and decisions are clear, concise and consider all relevant matters within the current relevant legislative parameters.</p>	31-12-26 (including chairing endorsement)	Auckland
<p>4. ANNA CURNOW</p> <p><u>Areas of expertise</u> -</p> <p>Deputy mayor Kaipara District Council</p>	<p>Anna is a Kaipara District Councillor. With only one hearing attended working with commissioners Greg Hill and David Hill, it was however a plan change significantly changing the urban character of Mangawhai with a combination of residential, commercial, industrial and recreational development being permitted under the plan change. The NPS Urban Development 2020 was a key factor in the decision.</p> <p>Anna has also been involved in reviewing and accepting plan changes, briefings and recommendations for each</p>	31-12-25 (certified as a councillor)	Northland

Name and expertise ¹	Experience as per curriculum vitae submitted	Cert expiry	Location
<p>Committees</p> <p>Mangawhai Community Park Governance Committee (Chair)</p> <p>Audit, Risk & Finance Remuneration and Development Committee</p> <p>Kaipara Horizons Committee</p> <p>Raupo Drainage Committee</p> <p>Awards and Grants Committee (2nd half of term)</p>	<p>section of the comprehensive review of District Plan that is at the exposure draft phase</p> <p>Anna has been an elected member at Kaipara District Council for the past two terms, the last term as Deputy Mayor. Anna is leaving the politics but seeks to stay involved with local government and the resource management sector is of real interest.</p> <p>Listed areas of resource management experience: hearing panel member, NPS Urban Development 2020, plan changes, biodiversity and ecology issues, transport and traffic, housing density, infrastructure requirements, urban and landscape design, amenity values, economic sustainability, and medium and low density subdivision.</p>		
<p>5. BILL SMITH</p> <p><u>Areas of expertise –</u></p> <p>Hearings Commissioner (as sole commissioner and as a panel member) on resource consents, plan changes, private plan changes and designations and objections to conditions and fees</p>	<p>For the past 15 years (since 2007) Bill has been employed as an independent hearings commissioner and has worked for a number of Council's (Auckland Regional, Rodney District, Auckland, Northland Regional, Far North District, Kaipara District and Whangarei District Council's) to sit as either chair or member on resource consents and plan changes (also private plan changes) panels and has also sat and dealt with objections to conditions and costs. Panels normally consist of two or three members but there are occasions where Bill has sat as sole commissioner, heard all the evidence, made a decision and written the decision in accordance with the statutory requirements/procedures. Bill has also sat as a member on an EPA application. Bill has also sat on panels with elected members.</p> <p>Bill has been involved in hearings evaluating evidence from various experts and has experience from hearings involving tikanga Māori, coastal development, engineering and landscaping and one hearing (lasting about 3 weeks) which involved all of these issues involved development on Māori owned land at Te Arai, near Mangawhai.</p>	30-06-23 (including chairing endorsement)	Auckland
<p>6. DEREK TODD (JACOBS NEW ZEALAND)</p> <p><u>Areas of expertise –</u></p> <p>Coastal hazards and processes, coastal planning and management, coastal adaptation,</p>	<p>Derek is a coastal geomorphologist with over thirty-five years' experience in managing coastal resources, monitoring and investigating coastal processes and hazards, and assessing the potential future changes in coastline and river mouth stability. This experience includes time working in consultancy, local and central Government, and universities in both New Zealand and Australia. Derek's professional career started in 1984 in New Zealand local government before moving into consulting 1996 and starting his own specialised coastal consultancy, DTec Consulting Ltd, in 1999.</p>	31-12-24	Christchurch

Name and expertise ¹	Experience as per curriculum vitae submitted	Cert expiry	Location
coastal protection, coastal monitoring and mapping river mouth processes, environment education	<p>Over a 12-year period, as the principal consultant for DTec, Derek worked on coastal projects throughout New Zealand for a wide range of clients including regional and territorial councils, port companies, private companies and engineering and planning consultancy practices. Over this period Derek was also contracted to the geography department of the University of Canterbury to facilitate and deliver a practical post graduate course in resource management, and as a guest lecturer on coastal hazards and coastal management. He also acted as an expert witness at a number of Environment Court hearings and as a certified resource management consent hearings commissioner at consent hearings of a coastal nature.</p> <p>In 2011, Derek relocated to Australia to work as a Principal Coastal Scientist for the Queensland Government Department of Environment and Resource Management before switching in 2013 to a role of Senior Research Assistant at the Griffith University Centre for Coastal Management. This role involved running various research and planning projects relating to coastal management of Gold Coast beaches.</p> <p>In 2016, Derek returned to New Zealand and joined Jacobs in his current role, being involved in a number of coastal resource management and hazard adaptation and management projects for a range of local government and industry clients throughout New Zealand, Australia and the Pacific.</p> <p>independent hearing commissioner in two coastal hearings in the Tasman District in 2009-2010.</p> <p>Expert technical witness in numerous Environment Court and resource consent hearings.</p> <p>Taught a post graduate resource management course for environmental scientists at University of Canterbury for 10 years. The majority of Derek's technical work is in the field of coastal hazards, mitigation and adaptation, which involves coastal communities across many different Districts and with District Councils.</p> <p>Derek is currently involved in projects recommending Coastal Hazard Plan Changes for Christchurch City and Kapiti Coast District Council.</p>		
<p>7. FRASER CAMPBELL (CAMPBELL CONSULTING)</p> <p><u>Areas of expertise –</u> Environmental engineering, resource management and development contributions commissioner, contract and project management, valuation and economic analysis, management of infrastructural assets, stormwater and river</p>	<p>Local work includes, but not limited to –</p> <ul style="list-style-type: none"> • Rangitane River Park in Kerikeri Northland - resource consent applications of a 124-lot rural residential subdivision and associated land use activities. Member of a two-commissioner panel. June -July 2022. • Kerikeri Land Ltd application for a new Retirement Village in Kerikeri Northland on behalf of Arvida Ltd. For Stage 1 construction covering earthworks, stormwater discharge and servicing. October 2020. • Kerikeri Land Ltd application for a new Retirement Village in Kerikeri Northland on behalf of Arvida Ltd. For Enabling Works and Stage 1 construction covering earthworks, stormwater discharge and servicing. October 2019. • North Star Ltd application for Stage 1 of a Retirement Village at Coopers Beach Northland covering lot sizing, earthworks, stormwater discharge and servicing. October 2019 • Whangatane Spillway Upgrade consent applications decisions for FNDC and NRC. Fraser's specific focus as a water resources engineer. 	31-12-22	Whangarei

Name and expertise ¹	Experience as per curriculum vitae submitted	Cert expiry	Location
management, irrigation and water resource allocation	<ul style="list-style-type: none"> • Kerikeri Flood Protection Scheme consent application decisions for FNDC and NRC. Fraser's specific focus as a water resources and stormwater/flood protection engineer/ • Notice of Requirement by the Minister of Education for the establishment of a new School in the Hokianga for the Far North District Council. Fraser's specific focus as a water supply and wastewater engineer. • Kaeo Flood Protection Scheme consent applications for Northland Regional Council and Far North District Council. Fraser's specific focus as a water resources and flood protection engineer. • Land Use, Coastal and Discharge Permit application decisions for a residential dwelling in the Bay of Islands for Northland Regional Council and Far North District Council. Fraser's specific focus as a wastewater and flood hazard engineer/ • Managed and contributed to a range of public and iwi consultation programmes associated with resource management requirements. • Prepared resource management planning reports for non-notified consent applications relating to earthworks for subdivisional developments. • Project management/contract management, strategic and asset management planning, and financial/economic analysis and valuation for Far North District Council. 		
8. JUDITH MAKINSON (CKL) <u>Areas of expertise –</u> Transport master planning, integrated transportation and parking Assessments, expert witness, development feasibility	<p>Judith has no experience of plan change or district plan review hearings from a commissioner perspective but has prepared evidence for a number of these as an expert witness. Has been a commissioner for two hearings for significant projects these being the Te Ahu a Turangi Manawatu Gorge SH3 replacement project and also recently the Kiwirail hub notice of requirement at Bunnythorpe.</p> <p>Judith is CKL's transportation engineering manager and has a strong technical background in development projects for private sector clients. She has over 20 years' experience in preparing integrated transportation assessments, travel plans and feasibility studies for developments as well as developing transport masterplans for both the public and private sector. Judith is also an experienced project manager, leading a range of projects with multidisciplinary engineering inputs, placing a strong focus on client risk and project commerciality. She regularly acts as an expert witness and is also developing her skills as an independent hearings commissioner</p>	30-06-23	Hamilton
9. KIM HARDY (AECOM NZ) <u>Areas of expertise –</u> Regional and district consents, infrastructure, commercial and residential development, resource use and allocation including water, plan changes, designations	<p>Currently appointed to Auckland Council's independent hearings panel as independent commissioner and chair. Also appointed to Taupo District Council Hearing and Far North District Council Panels. Experienced independent commissioner and chairperson on broad range of district and regional resource management matters including resource consents, plan changes, notices of requirement and designations (public and private plan changes and master planning, new state highways and local roads, high density and multi-use residential developments, infill housing, rural and urban subdivisions, commercial activities and land developments, quarries, landfills, non-residential activities in residential neighbourhoods, new commercial centres, greenfield subdivision and development, rural land use and development, industrial activities including discharge, rural production activities</p>	30-06-27 (including chairing endorsement)	Auckland

Name and expertise ¹	Experience as per curriculum vitae submitted	Cert expiry	Location
<p>10. KITT LITTLEJOHN</p> <p><u>Areas of expertise –</u> Resource management and planning law and procedure; resource consents (district and regional); land-use, urban and natural environment planning (plan changes; variations); designations; coastal; section 357 objections</p>	<p>Kitt is a barrister who has been engaged on an as required basis to provide independent commissioner services to Far North District Council for about 10 years. This has involved conducting public hearings into notices of requirement and resource consents, as well as various section 357 objection matters.</p> <p>Kitt has been on the Auckland Council panel of independent commissioners since 2008 and have conducted hearings in relation to all RMA processes for the Council over the past 14 years.</p> <p>Kitt has conducted over 100 hearings and is currently a member of the hearing panels considering the New Plymouth Proposed District Plan and Auckland Council's intensification plan changes to the Auckland Unitary Plan.</p>	30-06-24 (including chairing endorsement)	Auckland
<p>11. MARK FARNSWORTH (FARNSWORTH MANAGEMENT SERVICES)</p> <p><u>Areas of expertise –</u> District and regional plan hearings; plan change hearings; joint hearings between the local district councils and the regional council; subdivision applications; coastal activities; designations (Notices of Requirement) and applications for major new projects</p>	<p>Mark is the principal partner of Farnsworth Management Services, a Mangawhai based partnership providing; independent hearing commissioner services; specialist Resource Management Act (RMA) policy advice and RMA hearing training.</p> <p>Mark has worked with the Resource Management Act since its implementation in 1991. He has 41 years of hands-on experience of working with local government, having served as an elected councillor for 23 years (a 9-year term as the chair of the Northland Regional Council).</p> <p>Mark has chaired, been a member of panels; drafted written decisions and contributed to the drafting of written decisions. Mark is heavily involved in the Making Good Decisions Programme for RMA decisions makers as a trainer, tutor and as the national assessment marker.</p> <p>Mark is on the active Hearing Commissioners' list for: Auckland Council; Bay of Plenty Regional Council; Christchurch City; Gisborne District Council; Hamilton City; Hawkes Bay Regional Council; Kaipara District Council; Whangarei District Council and Waikato Regional Council. Mark was appointed to Auckland Council's list of Independent Hearing Commissioners in 2011 for his RMA expertise and his understanding of Te Ao Māori and Mātauranga Māori. Mark has made over 500 notification decisions (including any applying s104 decisions) for Auckland Council as one of the Council's 14 Duty Commissioners.</p> <p>Mark has a long (40+ years), and close, working relationship with Te Uri O Hau, advising and mentoring them on RMA matters. Mark currently chairs two Ahu Whenua Trusts (2F and Tapu Bush). Mark has also been actively involved in the training, and mentoring, of Māori who would like to become RMA hearing commissioners.</p> <p>Over the past 12 months Mark has been almost fully engaged in 11 private plan changes for Auckland Council. Three of these private plan changes (PPCs 48, 49 & 50) are for a new urban centre in South Drury the size of Rotorua. At the same time Mark has also been contracted to the Ministry for the Environment and the Bay of Plenty Regional Council to develop a mentoring programme for new hearing commissioners with a Te Ao Māori background.</p>	30-06-23 (including chairing endorsement)	Mangawhai

Name and expertise ¹	Experience as per curriculum vitae submitted	Cert expiry	Location
<p>12. MARK GEDDES (PERSPECTIVE CONSULTING LTD)</p> <p><u>Areas of expertise –</u> Planning, resource management and heritage protection, law, local government, local affairs, matters relating to Te Tiriti o Waitangi/Treaty of Waitangi and kaupapa Māori, indigenous biodiversity, rural and coastal communities, environmental science, including the physical and social sciences</p>	<p>Having worked for over 21 years in resource management planning, in three different countries in both the private and public sectors, Mark has significant experience in all forms of resource management planning.</p> <p>This experience includes leading major plan making and policy projects; providing expert planning evidence in the Environment Court and Council hearings; consenting a range of complex large-scale developments; and making submissions on national legislation, and national and regional policy.</p> <p>Mark has worked extensively with local authorities, elected members, central government officials, private developers, iwi and community groups, and routinely leads and coordinates multi-disciplinary professional teams. He is an experienced policy and consenting planner that thrives in finding solutions to complex problems. Having led the Timaru District Plan review from its inception, Mark is passionate about plan making.</p> <p>He has vast experience in public and stakeholder consultation and has proven experience collaborating with stakeholders to achieve positive results. He has a strong commitment to Te Ao Māori. Mark has also provided strong effective leadership having chaired several local and regional groups and taking part in two national resource management panels.</p> <p>Mark has extensive experience leading a range of policy and strategy projects. Notably this included leading the Timaru District Plan Review for several years, which is a multi-year, \$7-10 million project that includes over 50 different chapters. Mark has been the author of multiple District Plan Chapters, peer reviewer of multiple district plan chapters and also led several plan changes, taken part in regional policy development and appeared in the Environment Court as an expert witness in relation to plan changes. Mark led the Timaru District Growth Management Strategy and the Timaru Town Centre Study.</p>	31-12-24	Timaru
<p>13. NICKI WILLIAMS (MITCHELL DAYSH)</p> <p><u>Areas of expertise –</u> Community and stakeholder facilitation and engagement Local government policy Plan development Resource consent preparation and processing</p>	<p>Nicki has 30 years' experience working as a manager and in a range of environmental planning fields including stakeholder engagement, preparing project plans, assessment of environmental effects and providing policy analysis and advice. She has a well-developed understanding of resource management issues, strong report writing skills and is a team member. She has a background working with iwi, stakeholders, and community groups in a range of local government processes and projects. Nicki is also a process and meeting facilitator with a focus on co-ordinating community-based option assessment processes for planning issues.</p> <p>Currently a hearings commissioner and duty commissioner for Auckland Council. Recent experience in relation to plan changes with Auckland Council includes being a Hearing Panel member on PC 60 - Open Space and Other Rezoning.</p> <p>Recently a panel member on Plan Change 18 Plimmerton Farm. Plan Change 18 sought to rezone an area of Rural zoned land to a new Plimmerton Farm Zone. The new zone intended to provide for urban development, including housing, a retirement village, a commercial area, water sensitive design to protect sensitive receiving waters and</p>	30-06-26 (including chairing endorsement)	Auckland

Name and expertise ¹	Experience as per curriculum vitae submitted	Cert expiry	Location
	<p>protection and augmentation of Significant Natural Areas, including wetlands that form part of the Taupō Swamp complex.</p> <p>Also assisted Tasman District Council with Plan Change 74: Rezoning of Special Housing Areas. This plan change proposed to rezone five areas within Richmond and Pohara to an appropriate zone in line with the approved and consented land uses through the Housing Accord and Special Housing Areas Act 2012 ('HASHAA') for residential development. Role was as the consultant in the preparation of the proposed plan change, and the s32 and s42a report author.</p>		
<p>14. PAUL ROGERS (ADDERLEY HEAD ENVIRONMENTAL LAW SPECIALISTS)</p> <p><u>Areas of expertise –</u> Independent Hearings Commissioner Obtaining Resource Consents Plan Changes Residential Land Development Water Issues Wand Farms Quarrying and Mining Issues Local and Territorial Authority Advice</p>	<p>Paul is a specialist resource management lawyer. He has worked exclusively in this area since approximately 1990. After many years leading the resource management team at Anthony Harper, Paul established the specialist environmental law practice Adderley Head in March 2009.</p> <p>Paul provides specialist resource management legal advice across a range of industry sectors including local government, agriculture, mining, quarrying, water and a variety of land development projects. He frequently appears before various consenting authorities, along with appeals before the Environmental Court and High Court. The type of work Paul is involved with includes providing legal advice and representation in relation to resource consents, plan changes, designations, enforcements, and a wide range of other resource management and environmental law issues.</p> <p>Paul is, and has been for some years, the lead provider of resource management advice to Selwyn District Council. He and his team also provide the Council advice on local government and building act issues.</p> <p>Paul is a certified Independent Hearings Commissioner with the Chair's endorsement accreditation to 30 June 2023. He is frequently appointed chair of independent commissioner panels and councillor panels to help hear and determine the more complex and challenging resources consent applications and plan changes. Paul is very experienced in a wide range of resource consent applications, plan changes and plan review matters.</p> <p>Paul was appointed by the Ministry for the Environment to the "Making Good Decisions" Board (now disbanded), which was a body overseeing the implementation of the "Making Good Decisions" programme ensuring best practice by Commissioners in hearing under the Resource Management Act. Paul is a current presenter in the "Making Good Decisions" recertification course, which is attended by Commissioners throughout New Zealand.</p>	30-06-23 (including chairing endorsement)	Christchurch
<p>15. PHIL MITCHELL (MITCHELL DAYSH LTD)</p> <p><u>Areas of expertise -</u> Energy generation and transmission; oil and gas; urban</p>	<p>Dr Mitchell has wide ranging experience in providing strategic environmental advice to both the private and public sectors and has an in-depth knowledge of New Zealand's environmental legislation and its implementation. Dr Mitchell is a Full Member of the New Zealand Planning Institute and was awarded the Institute's Distinguished Service Award in 2015. He is also a Past-President of the Resource Management Law Association, the first, and one of two, non-lawyers elected to that role. He specialises in the strategic planning</p>	30-06-24 (including chairing endorsement)	Auckland

Name and expertise ¹	Experience as per curriculum vitae submitted	Cert expiry	Location
development; mining; water supply and disposal; national scale industrial developments; meat and dairy processing; large scale retirement village developments; ports; and strategic environmental planning	and management of consent acquisition for significant development projects and is currently advising many of the country's leading enterprises. Dr Mitchell is also an experienced and skilled expert witness. He has acted as a hearings commissioner and hearings chair on some 100 occasions, and his experience encompasses all aspects of resource management for both regional and territorial authorities. He is accredited in those roles and brings his depth of experience to the decision-making process. Most recently, Dr Mitchell has chaired the hearings on the proposed Waikato District Plan. Of note also, is that he was appointed as a mediator/facilitator for the hearings into the Auckland Unitary Plan and was appointed jointly by the Minister for Canterbury Earthquake Recovery and the Christchurch City Council as a hearings commissioner for the replacement Christchurch City District Plan. He is a skilled facilitator who has considerable experience in establishing and managing consultation processes aimed at eliminating conflict and developing constructive working relationships, including with mana whenua, and has acted for Auckland's Independent Māori Statutory Board on numerous occasions. Dr Mitchell has been a member of two of the Government's Resource Management Act Technical Advisory Groups, the more recent of which was to recommend amendments to sections 6 and 7 of the Resource Management Act 1991.		
16. ROB VAN VOORTHUYSEN (VAN VOORTHUYSEN ENVIRONMENTAL LIMITED) <u>Areas of expertise</u> - All aspects of resource management requiring hearings including regional policy statements, regional and district plans, notices of requirement and resource consents	Rob primarily acts as an independent hearings commissioner nationwide, having served on over 370 hearings and acted as chairperson for more than 270 of them - for regional policy statements, regional plans, and district plan reviews and changes. Activities covered in resource consent and notice of requirements hearings include industrial and agricultural discharges to land, water and air; surface water and groundwater takes; deemed mining permits, urban wastewater and stormwater discharges to land and water; methyl bromide log fumigation; harbour and lagoon dredging; urban earthworks; forestry harvesting; mangrove removal; marine farms; seawalls; flood control works; wharves and boat ramps; reclamations; wetland and land drainage works; lake restoration works; water storage reservoir and dams; sediment traps; stream works; rat poison drops; aquatic herbicide spraying; crematoriums; landfills; clean fills; timber treatment plants; apartment buildings; film studios, heritage building alterations and demolitions; airport runway expansions, power transmission lines; geothermal power stations; retirement complexes, arterial roads and urban subdivisions.	30-06-27 (including chairing endorsement)	Napier
17. ROBERT SCOTT (SCOTT WILKINSON PLANNING) <u>Areas of expertise</u> - Development planning, resource consent assessments, district plan policy, submitter representation,	Robert is a resource management and planning specialist, familiar with local government legislation and matters relating to Te Tiriti o Waitangi/Treaty of Waitangi and kaupapa Māori. Fully familiar with hearing processes. Has been expert planning witness before the Environment Court and is familiar with mediation, expert caucusing as forms of alternative dispute resolution. Robert has provided services to the Far North District Council as a consultant processing private plan changes 22 (Inlet Estate) and 23 (Matauri Bay). Robert is therefore familiar with the Council Operative and Draft Proposed	31-12-26 (including chairing endorsement)	Auckland

Name and expertise ¹	Experience as per curriculum vitae submitted	Cert expiry	Location
conservation and planning advice, independent commissioner	<p>District Plans.</p> <p>Robert has been an accredited planning commissioner since 2008 and have appointed to the following panels:</p> <p>Auckland Council</p> <p>Appointed in 2014</p> <p>Acting as Chair since 2015 and currently hold Chair's endorsement</p> <p>Duty Commissioner for non-notified decisions since 2015</p> <p>On over 70 hearing panels an acted as Chair for over 60 hearings</p> <p>Chair for four plan change hearings and decisions (Plan change 3, Plan Change 5, Plan Change 35 and Oruarangi SHA) and is currently chair for a plan change yet to heard (Plan Change 73).</p> <p>Robert is currently on the commissioner panels for the Waikato Regional Council, Hamilton City Council, Queenstown District Council and Tauranga City Council.</p>		
<p>18. SARAH SHAW (SARAH SHAW BARRISTER)</p> <p><u>Areas of expertise -</u></p> <p>Planning, resource management and heritage protection, law, local government and local affairs</p> <p>Matters relating to Te Tiriti o Waitangi/Treaty of Waitangi and kaupapa Māori</p> <p>Specific issues relating to indigenous biodiversity, rural and coastal communities, environmental science, including the physical and social sciences, architecture, engineering, surveying and traffic, landscape and urban design, hearing processes, alternative dispute resolution, knowledge of consent authority functions under the</p>	<p>RMA Reform - Panel member, Te Ropu Tai Timu Tai Pari (April 2022 – present), appointed by Te Arawhiti/The Office for Maori Crown Relations to Te Ropu Tai Timu Tai Pari, the reference group on upholding Takutai Moana/Marine and Coastal Area Act rights in the RMA reforms. The Ropu advises Te Arawhiti on its response under Te Tiriti to MfE on RMA reform</p> <p>Covid-19 Fast Track (June 2021 – April 2022) Appointed by the Environmental Protection Agency to chair the expert consenting panel determining the Kaitaia Papakainga project. Appointed to provide legal advice to the panel determining the Rangitane Maritime Development.</p> <p>Sarah provides advice and expert evidence as a resource management practitioner to iwi and hapu on the interface between the Marine & Coastal Area (Takutai Moana) Act 2011 and the RMA, including proving expert evidence to the Waitangi Tribunal Kaupapa inquiry into MACA in May 2021, providing affidavit expert evidence in the High Court proceedings in Re Edwards (Whakatohea) with respect to the grant of Customary Marine Title and Protected Customary Rights in Opotiki in August 2021.</p> <p>Principal legal adviser to Whangarei District Council policy team on the second generation Whangarei District Plan (rolling review plan changes). Sarah has advised and represented the Council on a wide range of plan changes.</p> <p>Legal adviser to Whangarei District Council consents team, including procedural and plan interpretation advice and consent appeals.</p> <p>Representing mana whenua and public interest groups in appeals on the Northland Proposed Regional Plan.</p> <p>Representing an applicant consortium of mana whenua and local community groups on a private plan change seeking a new community on the former racecourse at Dargaville.</p>	31-12-25	Whangarei

Name and expertise ¹	Experience as per curriculum vitae submitted	Cert expiry	Location
RMA			
<p>19. SIANI WALKER (BENTLEY AND CO)</p> <p><u>Areas of expertise –</u> Te Tiriti of Waitangi and Kaupapa Māori, planning, resource management, heritage protection (cultural heritage).</p>	<p>Siani is a New Zealander of Māori decent with an intermediate level of te reo Māori. Has knowledge, skills and experience to assist in hearing and determining applications under the Resource Management Act 1991, for all types of resource consent applications, and knowledge of consent authority functions under the Resource Management Act.</p> <p>Demonstrated experience in curriculum vitae – cultural sector, treaty settlements sector, government sector, consenting process (including commissioner)</p>	30-06-27	Auckland
<p>20. STEPHEN DAYSH (MITCHELL DAYSH)</p> <p><u>Areas of expertise -</u> Energy and infrastructure feasibility studies Project planning and management Policy and plan development Environmental auditing and management systems Consenting and environmental impact assessment Community consultation and stakeholder group facilitation</p>	<p>Stephen has sat as a hearings commissioner (often as chair) for approximately 100 hearings through-out New Zealand.</p> <p>Currently chair of the New Plymouth District Plan Review Hearings Panel which includes three other panel members, and which is nearing completion.</p> <p>Appointed by the Minister for the Environment under an Order in Council in 2014 to sit on the Independent Hearings Panel for the Replacement Christchurch District Plan review, that was a full re-write of the CCC District Plan heard under urgency - required after the Christchurch earthquake.</p> <p>Often sat alone as a “Commissioner Chair” including for some very large cases such as the SH1 Huntly Bypass Project for Waikato District Council and WRC, and the SH3 Mount Messenger Bypass Project for New Plymouth District Council and TRC.</p> <p>Acted for several iwi parties as their planning advisor including the Auckland Independent Māori Statutory Board, the Heretaunga Tamatea Settlement Trust, Maungaharuru Tangitu Trust, Te Taiwhenua o Tamatea, and Te Ati Awa (Kapiti). Well versed in, and very comfortable in hearing Māori resource management issues</p> <p><i>Note: Interest expressed to be independent panel member for upcoming District Plan Review hearings process.</i></p>	31-12-23 (including chairing endorsement)	Auckland
<p>21. VANESSA WILKINSON (SCOTT WILKINSON PLANNING LIMITED)</p> <p><u>Areas of expertise -</u> Planning and resource management; hearing processes; alternative dispute resolution; knowledge of consent authorities’</p>	<p>Vanessa has not yet had the opportunity to be involved in a hearing as a hearings commissioner/panel member or chairperson, however, welcomes the opportunity. Vanessa has experience in drafting planning reports and peer reviewing resource consent and plan change recommendations and decisions through various roles. Vanessa has recently been approved for appointment to the panel of Commissioners for Queenstown Lakes District Council.</p> <p>Vanessa has been practicing as a planner, in both regulatory and policy roles, since 1998. Vanessa has experience in a range of resource consenting; policy and plan preparation work, including: assessment of simple and complex resource consent applications, including the co-ordination of specialist inputs,</p>	31-12-23 (including chairing endorsement)	Auckland

Name and expertise ⁱ	Experience as per curriculum vitae submitted	Cert expiry	Location
functions under the Resource Management Act 1991	on behalf of Auckland Council; the preparation of simple and complex resource consent applications for private clients, including residential, subdivision, business, and heritage developments; assessment of and reporting on plan changes and the preparation of variations to plan changes on behalf of Auckland Council; assessment of and reporting notices of requirement on behalf of Auckland Council; drafting and preparation of planning policy and supporting documents, summarising submissions, and representation to elected representatives; preparation, peer review and co-ordination of planning applications and policy submissions for private sector clients; experience in leading applications through Council hearings and through Court processes, mediation and hearings; experience with plan preparation through mediation and hearings processes; assisted the Auckland Unitary Plan Independent Hearings Panel with resource consenting and best practice expertise, development of hearing processes, mediation and the preparation of final recommendations on the Auckland Unitary Plan.		
22. WAYNE DONOVAN (BIO LTD) <u>Areas of expertise -</u> Aquatic ecology; environmental impact assessment; water quality and quantity; freshwater fisheries, aquatic ecological monitoring and management plans; expert witness and peer review	Wayne has 47 years' experience as a freshwater ecologist and has been involved in numerous projects throughout New Zealand and overseas. He was co-founder of Bioresearches Group Ltd, the oldest biological consultancy in New Zealand. His experience includes project management in freshwater ecology - benthic and planktonic faunal analysis; freshwater fisheries - native and exotic; water quality – nutrients, wastewater discharges. Wayne has undertaken freshwater ecological investigations in Kashmir, India, Solomon Islands and Samoa and fact-finding trips associated with the pulp and paper, and gold mining industries to North America, Sweden and Finland. New Zealand projects included assessing the effects of wastewater discharges associated with industrial (pulp and paper mills, dairy factories, freezing works), mines (gold and coal), quarries, land development and roads on freshwater aquatic ecosystems (streams, rivers and lakes). He has also been involved in evaluating the effects of water abstraction and diversion, associated with hydro-electric and irrigation schemes, on water quality and trout and native fisheries. Wayne is also an Accredited Hearings Commissioner by the Ministry for the Environment and has been involved in a number of hearings, in his capacity as a Hearings Commissioner, for the Auckland Council and Environment Southland. He is an Associate of the New Zealand Planning Institute and has recently been appointed to the Panel to act as an independent Hearing Commissioner for the Christchurch City Council's Consenting and Compliance and Strategy and Transformation Groups	31-12-26	Auckland

ⁱ Full curriculum vitae are available in objective 'Commissioner EOI 2022'

6 INFORMATION REPORTS

6.1 DRAFT REGULATORY COMPLIANCE WORK PROGRAMME 2022/23

File Number: A3814543

Author: Maggie Thomas, Executive Assistant to General Manager

Authoriser: Dean Myburgh, General Manager - District Services

TAKE PŪRONGO / PURPOSE OF THE REPORT

To provide a draft Regulatory Compliance Work Programme for consideration when the new Council and Committee meeting arrangements are confirmed following the October Local Government Elections.

WHAKARĀPOOTO MATUA / EXECUTIVE SUMMARY

The attached Draft Regulatory Compliance Work Programme sets out a programme of proposed reporting to the appropriate Committee following the Local Government Elections in October 2022.

TŪTOHUNGA / RECOMMENDATION

That the Regulatory Compliance Committee receive the report Draft Regulatory Compliance Work Programme for further consideration as part of Council and Committee arrangements by the incoming Council.

TĀHUHU KŌRERO / BACKGROUND

During the current term of Council, the District Services Group has reported to the Regulatory Compliance Committee following an agreed Work Programme format. The reports have provided updates on functions performed by the Environmental Services and Building Services Departments, with some decision reports related to regulatory and / or compliance issues.

Building Services: This includes processing and inspecting Building Consents and Building Compliance related matters.

Environmental Services: This includes Animal Management, Environmental Health (Food, Alcohol and Health licensing and monitoring), Compliance Monitoring (Legislation and Bylaw monitoring and enforcement) and Resource Consents processing.

MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

The Draft Regulatory Compliance Work Programme is attached.

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

There are no financial implications or budgetary considerations associated with this report.

ĀPITI HANGA / ATTACHMENTS

1. DRAFT Regulatory and Compliance Work Programme 2022/23 - A3860538 [↓](#) 



HE ARA TĀMATA
CREATING GREAT PLACES
Supporting our people

2022/23 FNDC Regulatory and Compliance Work Programme

Annual Work Plan

Meeting Date	Area of Interest	Frequency	Detail
November / December 2022 (first meeting in new term of Council)	Resource Consents / Mana Whakahono-ā-rohe	Quarterly	<p>Report on the status of number of how many RCs have been received / rejected; any environment court issues; how many s88s (requests for further information); resource planning to address peaks.</p> <p>Vision 2020 Update – 20-day compliance (number of extensions of time (s37s))</p> <p>Status of discounts (number of discounts and dollar values)</p> <p>Report on implementation of regulatory matters arising from Mana Whakahono-ā-rohe under RMA Management.</p>
November / December 2022 (first meeting in new term of Council)	Updates on implementation of RMA & District Plan	Quarterly	Report on any legislative changes and other “need to know” issues on the horizon (progress on RMA reform, biodiversity, implications of the DP review).
November / December 2022 (first meeting in new term of Council)	Building consents (BCA)	Quarterly	<p>Report detailing the following:</p> <ul style="list-style-type: none"> • 20-day building consents and Code compliance certificates. • 4-year average consent numbers • annual forecast for building consents • Code compliance certificate compliance stats. • Sitrep on current BCA topics • number of consents declined • residential vs commercial consents • customer time spent on consent vs statutory time, • how many per subdivision/ward across the district • the wait time for a building inspection southern vs northern. • number of building consents accepted or rejected at lodgement. • update on the e-pathway platform • how many retrospective consents have been approved or declined (Certificates of Acceptance)
January / February 2023 (second meeting in new term of Council)	Animal Shelter Update	Progress update	Report updating on Northern Shelter project completion and operational arrangements while Southern Shelter is being completed, update on timeline for completion of the Southern facility.

Meeting Date	Area of Interest	Frequency	Detail
January / February 2023 (second meeting in new term of Council)	Environmental Management: noise control and parking enforcement	Quarterly	Report on effectiveness (performance) of the noise control and parking contracts (and renewal of contract timeframes) Details regarding the number of noise RFSs received and response times met, the number of noise abatements issued, number of parking infringements issued (types of infringements and locations).
January / February 2023 (second meeting in new term of Council)	Building Compliance	Quarterly	Report on: Status of pool inspections, status of Building Warrant of Fitness audits, Notice to Fix stats, Certificate of Acceptance stats and number of RFSs resolved / still active.
March / April 2023	Environmental Health	6 -monthly	Report on how many licensed premises (alcohol) we have in the District, our area, how many have had a good host visit, and how many still require an inspection.
March / April 2023	District Licensing Authority: Alcohol Licensing	Quarterly	Report on applications, renewals and number of objections and where they landed, TAs etc.
March / April 2023	Environmental Management: Food Licensing	Quarterly	Report on food licensing (how many premises are registered, how many inspections have there been, how many licenses are renewed, not renewed, how many complaints & enforcements)
March / April 2023	Building consents (BCA)	Quarterly	Report detailing the following: <ul style="list-style-type: none"> • 20-day building consents and Code compliance certificates. • 4-year average consent numbers • annual forecast for building consents • Code compliance certificate compliance stats. • Sitrep on current BCA topics • number of consents declined • residential vs commercial consents • customer time spent on consent vs statutory time, • how many per subdivision/ward across the district • the wait time for a building inspection southern vs northern. • number of building consents accepted or rejected at lodgement. • update on the e-pathway platform • how many retrospective consents have been approved or declined (Certificates of Acceptance)
June 2023	Environmental Management: RMA monitoring / monitoring of RC conditions	Quarterly	Report on monitoring of RC conditions and general monitoring, highlighting trends that are noteworthy with recommendations. Status update on alternative ways of achieving compliance.
June 2023	Bylaws: update on active enforcement	Quarterly	Report on the number of beaches of District Plan and Bylaws (and related number of RFSs).
June 2023	Building Compliance	Quarterly	Report on: Status of pool inspections, status of Building Warrant of Fitness audits, Notice to Fix stats, Certificate of Acceptance stats and number of RFSs resolved / still active.

Meeting Date	Area of Interest	Frequency	Detail
July/August 2023	Animal management	Quarterly	<p>Report on infringements, work programme for completing the dog control bylaw & policy and the legislative report (s10a) to Department of Internal Affairs on dog control activity (annually).</p> <p>Update on work programmes (including the annual planning and reporting on the success of the Chip 'n Snip programme), community education programmes, adoptions, shelter numbers as well as number of currently registered dogs compared with known registered dogs.</p> <p>Number of dog attacks, infringements issued and prosecutions.</p>
July/August 2023	Building consents (BCA)	Quarterly	<p>Report detailing the following:</p> <ul style="list-style-type: none"> • 20-day building consents and Code compliance certificates. • 4-year average consent numbers • annual forecast for building consents • Code compliance certificate compliance stats. • Sitrep on current BCA topics • number of consents declined • residential vs commercial consents • customer time spent on consent vs statutory time, • how many per subdivision/ward across the district • the wait time for a building inspection southern vs northern. • number of building consents accepted or rejected at lodgement. • update on the e-pathway platform • how many retrospective consents have been approved or declined (Certificates of Acceptance)
July/August-2023	Environmental Management: RMA monitoring / monitoring Climate Change regulatory implications and obligations		<p>Status update report detailing the following:</p> <ul style="list-style-type: none"> • assessment of any Climate Change implications / obligations for Council within the regulatory compliance context • any legislative considerations from new legislation that has been passed
<i>The above cycle of reporting to be repeated from September / October 2023 onwards</i>			

6.2 UPDATE REPORT: ENVIRONMENTAL SERVICES MONITORING AND COMPLIANCE**File Number: A3830900****Author: Rochelle Deane, Manager - Environmental Services****Authoriser: Dean Myburgh, General Manager - District Services****TAKE PŪRONGO / PURPOSE OF THE REPORT**

To provide an update to the Committee on the monitoring of Resource Consent Conditions and District Plan Breaches

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- Under the Resource Management Act 1991 (RMA), local authorities are responsible for monitoring to ensure activities meet requirements under the RMA, plan rules and resource consents.
- Monitoring provides a feedback mechanism for FNDC that tests the efficiency and effectiveness of planning processes and provides a quality control mechanism.
- The RMA does not prescribe how councils should carry out this function - councils have discretion to determine how to achieve compliance in their respective areas.
- FNDC use compliance promotion (such as education, on-site directions, and awareness-raising) as the preferred method for encouraging compliance. When necessary, FNDC can use formal enforcement action to discourage and penalise non-compliance and direct remediation of the damage.

TŪTOHUNGA / RECOMMENDATION

That the Regulatory Compliance Committee receive the report Update Report: Environmental Services Monitoring and Compliance.

TĀHUHU KŌRERO / BACKGROUND

The FNDC Compliance and Monitoring team helps to ensure the protection and enhancement of our district environments.

We achieve this through education, monitoring and enforcement of resource consent conditions, and compliance with the District Plan and Resource Management Act 1991.

The team's functions include:

- monitoring and enforcing land-use resource consent conditions
- monitoring compliance with the requirements of the FNDC District Plan
- monitoring compliance with the Resource Management Act 1991 (RMA)
- responding to and investigating District Plan related and resource consent related complaints
- working with site owners and the public as to their obligations under the District Plan and/or resource consent

When a resource consent is granted, it may be subject to specific conditions. These can be wide-ranging and cover many aspects. Council's Monitoring Officers check that all the conditions outlined in resource consents are complied with throughout the development and for the life of the consent. Some typical conditions relate to:

- building and structure site location
- car parking layout
- landscaping requirements
- hours and conditions of operation

There is a range of non-compliance activities requiring investigation. Some of the more common ones include:

- Non-complying home-based activities in which the subject site is located.
- signage on private land.
- setback infringements.
- noncomplying earthworks.

Enforcement action can be taken in cases of non-compliance with the Resource Management Act, a resource consent condition, or a District Plan rule.

There are several enforcement options available to Council. The decision about which option to use is based on:

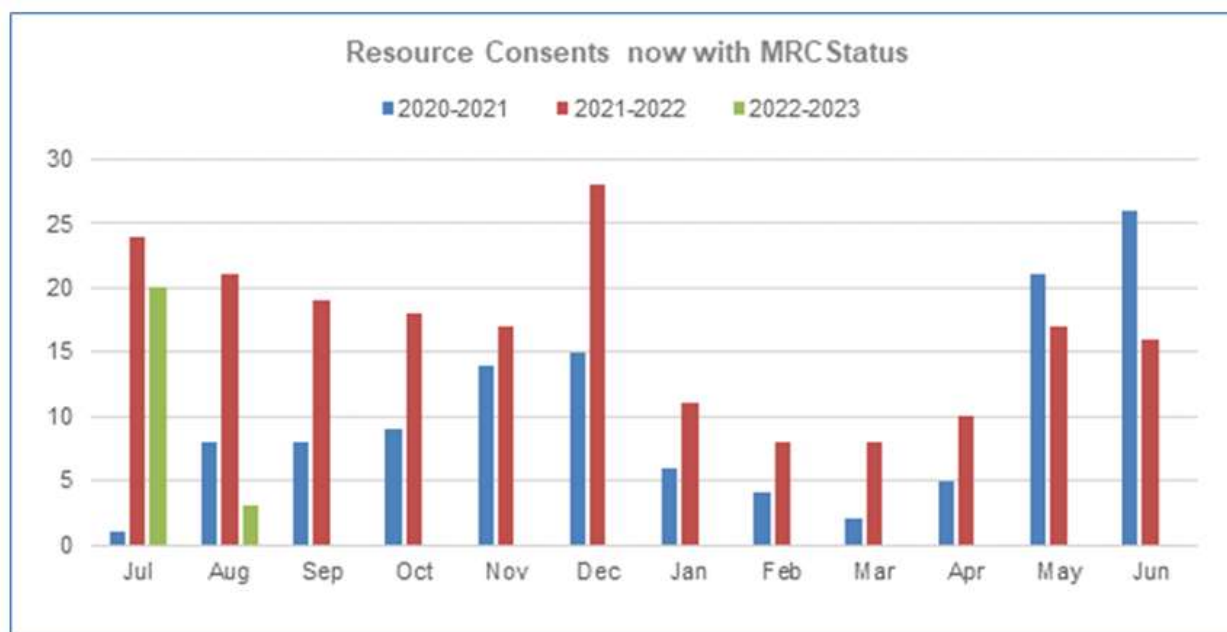
- the nature and scale of the non-compliance.
- effects generated.
- perceived level of deterrence required.

MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

Resource Consent Monitoring

Councils have the discretion to determine what resource consents to monitor and how often. Not all Resource Consents (RC) are issued with conditions that require monitoring.

The graph below reflects the new way of working created by a business improvement which began in July 2021. When RC's have a decision issued, the Resource Consent Monitors are now automatically notified and, rather than creating a new application, the status of the RC application is updated to "MRC Lodged".



There will always be a lag in the data due to the statutory fifteen-day appeal period once a decision is issued. Resource consent monitoring also does not commence until at least twenty working days from the date of issue to allow for the appeal period and any administration time required to lodge an appeal.

The position of Resource Consent Monitoring officer was transitioned into the Monitoring team from the Resource Consents team as a result of a Functional Review undertaken in 2018. This move triggered a complete review of how many consents were outstanding and what practices and procedures were in place for monitoring them.

At the time, this revealed a backlog of approximately 1600 un-monitored Resource Consents. This backlog was caused by Resource Consents being issued whilst not having enough resources

available to monitor them efficiently in the past. Consequently, an extra fixed term position was approved to assist in reducing the backlog. Great progress has been made to date reducing this figure to 499 as of 30 June 2022.

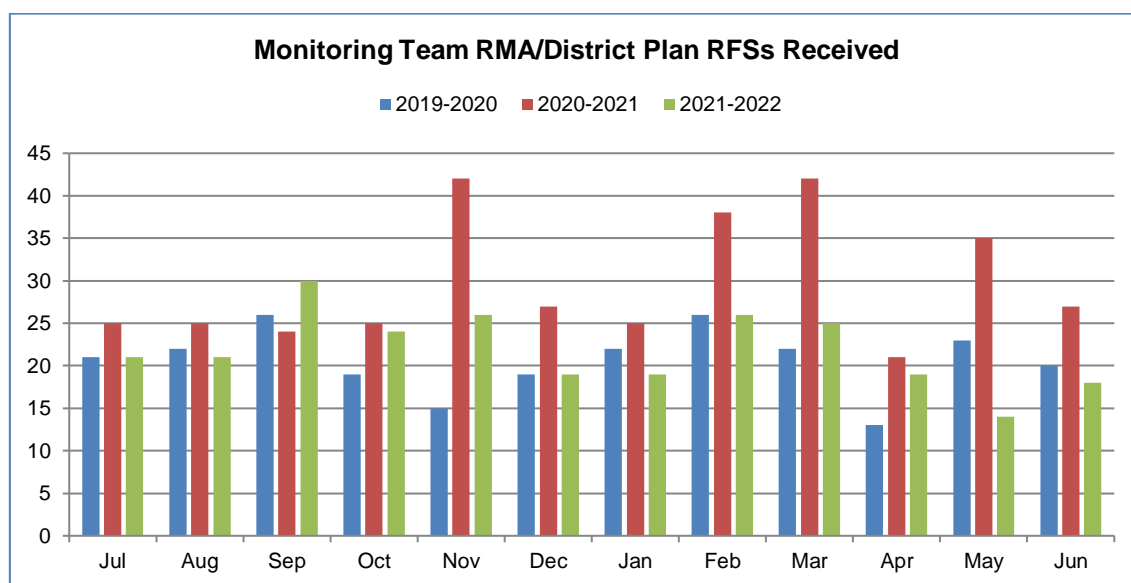
There have been several changes in both the full-time and fixed-term monitoring roles over the past two years. These changes, together with being unable to monitor during the Covid-19 period, have resulted in delays in reducing the backlog and in addressing new Resource Consents.

The fixed term role is currently to 30 June 2024. However, with the high volume of Resource Consent decisions being issued along with the current backlog, the continued workload would support this being a permanent arrangement.

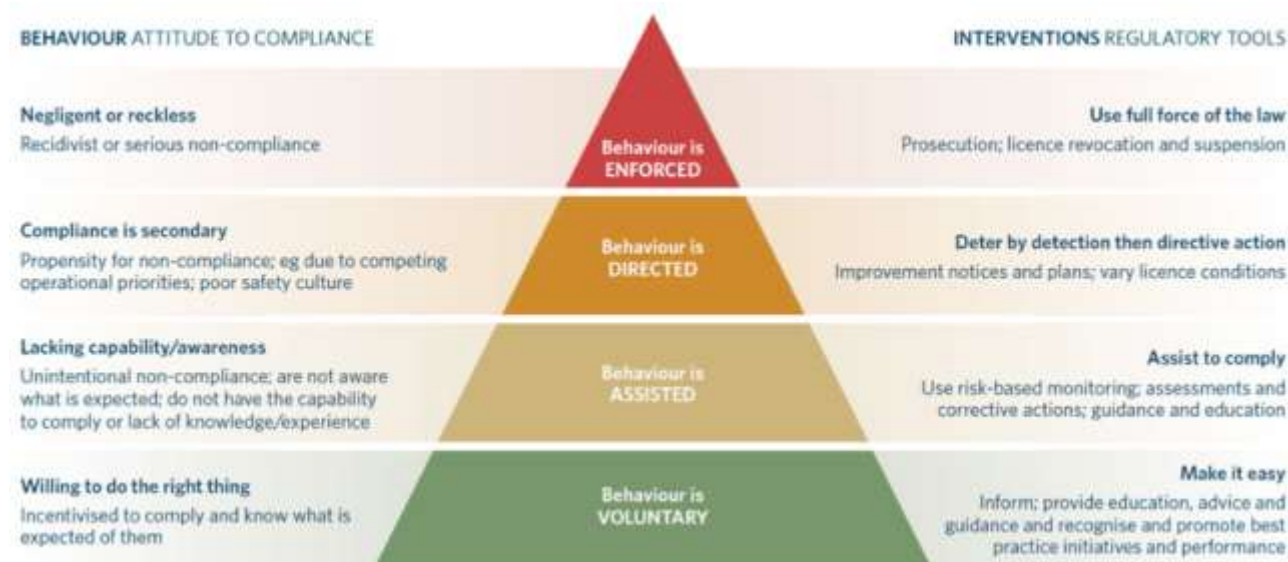
District Plan RFSs

The Monitoring and Compliance team investigates breaches of the District Plan.

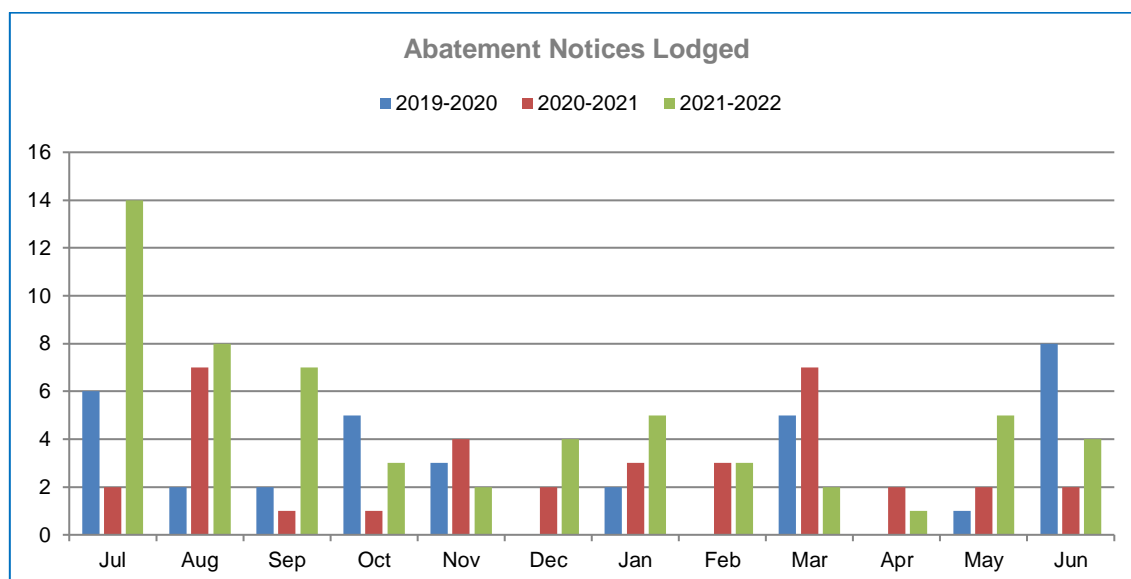
The graph below shows the number of RFSs received for potential RMA/District Plan breaches for the last three financial years. District Plan RFSs have decreased in 2021/22.



A rule breach equates to a breach of section 9 of the RMA. Compliance can be gained through advice, letters, abatement notices, infringements, and prosecution. The Monitoring team's policy is to promote voluntary compliance with the District Plan, however, there have been times during an investigation where it becomes necessary to escalate our enforcement process, as directed by the VADE (Voluntary-Assisted-Directed-Enforced) model.

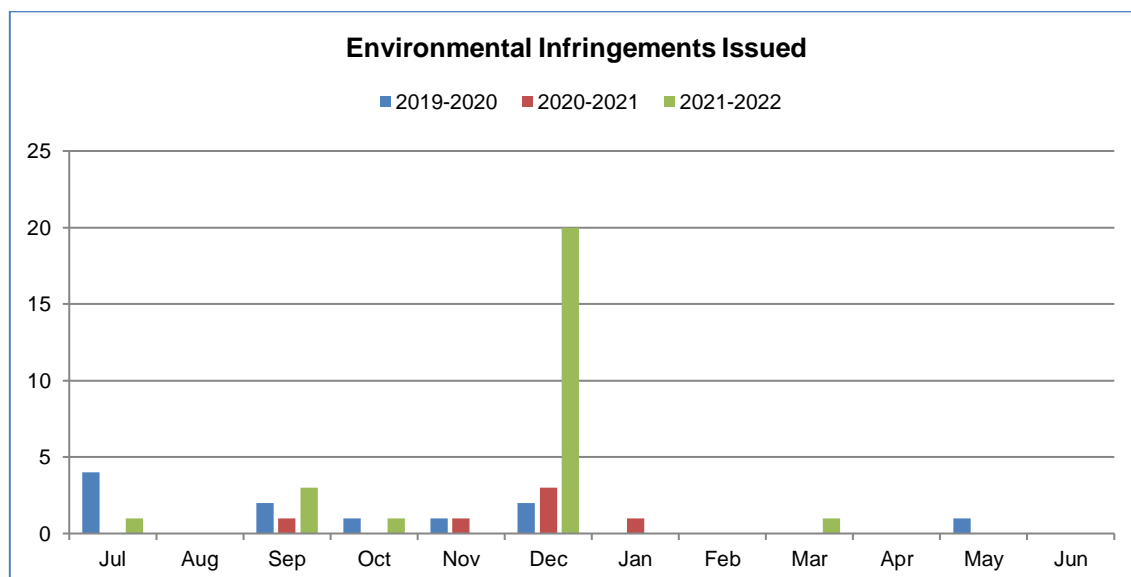


The RMA allows a warranted monitoring officer to issue an abatement notice to direct an offender to do something or cease something that is causing a breach of the RMA. Usually this means ceasing a breach of a rule in the District Plan. Abatement notices can also be issued for failing to comply with a condition in a resource consent. The graph below shows how many abatement notices have been issued by the Monitoring team over the last three financial years.



Abatement notices are issued with a specific date by which the offender must comply. If an offender has not complied with an abatement notice and is not showing a willingness to co-operate with Council, an Environmental Infringement Notice (EIN) of \$750 can be issued. The graph below shows how many EIN's have been issued by the monitoring team from 2019 to present.

If no EINs have been issued, this is partly due to the level of gaining compliance without having to infringe and in some cases due to Covid lockdown restrictions.



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

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

ĀPITIHINGA / ATTACHMENTS

Nil

6.3 ANNUAL REPORT ON DOG CONTROL POLICY AND PRACTICES 2021/2022**File Number:** A3830902**Author:** Rochelle Deane, Manager - Environmental Services**Authoriser:** Dean Myburgh, General Manager - District Services**TAKE PŪRONGO / PURPOSE OF THE REPORT**

That the Committee receives the Annual Report on Dog Control Policy and Practices 2021/2022

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

Section 10A of the Dog Control Act 1996 requires each territorial authority to report on its dog control policy and practices and provide specific statistical information.

This report acts as a medium for this information and is an update on the progress and processes of the Far North District Council Animal Management services.

The report (Attachment A) will be submitted to the Department of Internal Affairs and a link to the document will be made publicly available on the FNDC website

TŪTOHUNGA / RECOMMENDATION

That the Regulatory Compliance Committee receive the report Annual Report on Dog Control Policy and Practices 2021/2022.

TĀHUHU KŌRERO / BACKGROUND

The Dog Control Act 1996 requires all territorial authorities to report annually to the Department of Internal Affairs on their dog control activity. The information assists central government to assess national trends and developments. This requirement below came into place through the Dog Control Amendment Act 2003, which came into force on 1 December 2003:

10A Territorial authority must report on dog control policy and practices

- (1) A territorial authority must, in respect of each financial year, report on the administration of—
 - a) its dog control policy adopted under section 10; and
 - b) its dog control practices.
- (2) The report must include, in respect of each financial year, information relating to—
 - a) the number of registered dogs in the territorial authority district:
 - b) the number of probationary owners and disqualified owners in the territorial authority district:
 - c) the number of dogs in the territorial authority district classified as dangerous under section 31 and the relevant provision under which the classification is made:
 - d) the number of dogs in the territorial authority district classified as menacing under section 33A or section 33C and the relevant provision under which the classification is made:
 - e) the number of infringement notices issued by the territorial authority:
 - f) the number of dog-related complaints received by the territorial authority in the previous year and the nature of those complaints:
 - g) the number of prosecutions taken by the territorial authority under this Act.
- (3) The territorial authority must give public notice of the report—
 - a) by means of a notice published in—
 - i. 1 or more daily newspapers circulating in the territorial authority district; or

- ii. 1 or more other newspapers that have at least an equivalent circulation in that district to the daily newspapers circulating in that district; and

b) by any means that the territorial authority thinks desirable in the circumstances.

(4) The territorial authority must also, within 1 month after adopting the report, send a copy of it to the Secretary for Local Government.

MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

- All Dog Control functions in the district are carried out in-house which includes the administration, field, and shelter services. FNDC have a total of ten Animal Management Officers across the district, which includes a Team Leader and two Senior Officers.

This team is responsible for the reactive response to complaints about dogs at large or causing nuisance, ensuring compliance with the Dog Control Act 1996 and the Far North District Council Dog Management Policy and Bylaw, encouraging responsible dog ownership, the registration of dogs as well as community education.

The report in summary:

Responding to complaints (RFS)

There has been a total of 2,611 dog control customer requests for service received over the 2021/2022 period. This is 198 less individual requests for service than the previous year.

Dog Registration

The number of known dogs in the district remains steady at 10,917. Of these 8,347 were registered for 2021/2022 period, giving 76% compliance across the district.

The popular social media campaign (AROHA) promoting dog registration and responsible dog ownership was again launched in May 2022. This campaign was continued with an information insert 'Kuri Kāreere Doggo Digest' included with dog registration reminder notices - Attachment B). Images were also run at the Kerikeri Cinema.



Probationary and Disqualified Owners

There are five Disqualified owners in the district and no Probationary owners.

Enforcement

There has been a total of 199 infringements issued for offences under the Dog Control Act 1996. This is 32 less infringements issued than in 2020/2021.

The Far North Council initiated one prosecution during the year against a dog owner for a serious breach of the Dog Control Act 1996 which involved a dog attack against a person. A hearing date is still to be set for this case.

Menacing and Dangerous Dogs

There is a total of 171 menacing dogs in the district; 154 of these dogs were menacing dogs under section 33C of the Dog Control Act 1996. These dogs were of American Pitbull Terrier type. There are two classified dangerous dogs in the district.

Impounded Dogs

There was a total of 337 dogs impounded at the council animal shelter. 34% of impounded dogs were rehomed to Rescue Groups or adopted via the Council website.

69% of impounded dogs were either returned to their owners or rehomed.

107 (32%) of dogs impounded at the shelter were euthanised due to not being claimed by an owner and not being suitable for rehoming.

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

There are no financial or resource implications associated with this report.

ĀPITI HANGA / ATTACHMENTS

1. **Attachment A - Annual Report on Dog Control Policy and Practices 2021/2022 - A3860506** [!\[\]\(569ff5d1aa9137b5defb690d1175fea6_img.jpg\)](#) 
2. **Attachment B - Kuri Karere Doggo Digest Newsletter - A3860502** [!\[\]\(dd83808d77658902b474c9e02c5f52d1_img.jpg\)](#) 

Far North District Council Annual Report on Dog Control Policy and Practice **2021/2022**



Author: Rochelle Deane, Manager Environmental Services

2021/2022 Far North District Council Annual Report on Dog Control Policy and Practice

1

1. Introduction

1.1 Purpose

The Far North District Council, as a territorial authority is required to manage and enforce provisions pursuant to the Dog Control Act 1996 (the Act).

Section 10A of the Dog Control Act 1996 requires each territorial authority to report on its dog control policy and practices and provide specific statistical information.

This report fulfils this statutory requirement for the dog registration year 1 July 2021 to 30 June 2022 and provides an update on the progress and processes of the Far North District Council Animal Management services.

1.2 Background

All Dog Control functions in the district are carried out in-house which includes the administration, field and shelter services. FNDC have a total of ten Animal Management Officers across the district, which includes a Team Leader and two Senior Officers.

This team is responsible for the reactive response to complaints about dogs at large or causing nuisance, ensuring compliance with the Dog Control Act 1996 and the Far North District Council Dog Management Policy and Bylaw, encouraging responsible dog ownership, the registration of dogs as well as community education.

The Animal Management team have officers dedicated to either the north or south of the district which allows for the officers to interact with dog owners and the public in those areas. By having local knowledge, the officers can respond to complaints and request for service in a timelier way. The Animal Management team have a work roster to cover after-hour emergencies.

2. The Council's Dog Control Policy and Practices

2.1 FNDC Dog Management Policy

The Council adopted a Dog Management Policy in February 2019 which outlines the Council's requirements regarding controlling dogs in public places. The policy is enforceable under the FNDC Dog Management Bylaw 2018.

Key objectives of the policy are:

- Prevent injury, distress and nuisance from dogs
- Identify dog access areas
- Provide for the neutering of menacing dogs

- Minimise potential danger or distress to protected wildlife
- Promote responsible dog ownership

2.2 Fees

Dog Registration

The council provides a discounted rate for dog owners that de-sex their dog and those who pay registration prior to 1 September.

Fees are used for:

- Dog Control activities including law enforcement, patrols and complaint investigation.
- Dog incident prevention (including finding unregistered dogs, and the classification and enforcement of menacing and dangerous dogs)
- Education programs for schools and community groups
- Signs for the Council's Dog Management Bylaw and Dog Management Policy
- Shelter Services (including lost and found, adoption and micro-chipping)
- Running the annual dog registration renewal program

Key Achievements 2021/2022

Responding to complaints (RFS)

AMOs responded to a total of 2,611 dog control customer requests for service over the 2020/2021 period. This does not include proactive work. This is 198 less individual requests for service than the previous year.

The Animal Management team completed the year meeting response times with an average of 95.3% for urgent RFS (attacks and aggressive RFS) and 96.5% for non-urgent.

Dog Registration

The number of known dogs in the district remains steady at 10,917. Of these 8,347 were registered for 2021/2022 period. This is a decrease of 602 registered dogs from the previous year giving 76% compliancy with registration down from 81% in 2020/2021.

This decrease is largely due to the limited availability of the Animal Management team to take an early focussed proactive effort on following up unregistered dogs due to covid restrictions and staff vacancies in the second and third quarter of the year.

Historically approximately 50% of the noncompliant dogs are either deceased or left the area with no notification to Council.

The popular social media campaign (AROHA) promoting dog registration and responsible dog ownership was again launched in May 2022. This campaign was continued with an information insert 'Kuri Kārere Doggo Digest' included with dog registration reminder notices. Images were also run at the Kerikeri Cinema.



Probationary and Disqualified Owners

There are five Disqualified owners in the district and no Probationary owners.

Anybody who has received three or more infringement notices within a two-year period, or who has been convicted of any offence under the Dog Control Act 1996 may be classified as a Disqualified Owner.

Enforcement

Animal Management has a range of enforcement measures that can be taken for offending. These can be as simple as sending an infringement for lower levels of offending, or as serious as prosecuting the dog owner which can lead to a criminal conviction, destruction of the dog and disqualification as a dog owner for 5 years.

FNDC follow the VADE (Voluntary, Assisted, Directed, Enforced) model to facilitate compliance.

This means our staff take the approach of engaging with our customers in the first instance, taking every opportunity to educate them and provide an opportunity to be voluntarily compliant, and then, if necessary, taking the appropriate enforcement action. This approach has resulted in better relationships with dog owners in our communities.

There has been a total of 199 infringements issued for offences under the Dog Control Act 1996. This is 32 less infringements issued than in 2020/2021.

The Far North District Council initiated one prosecution during the year against a dog owner for a serious breach of the Dog Control Act 1996 which involved a dog attack against a person. A hearing date is still to be set for this case.

Although prosecution numbers are low it is preferable not to be prosecuting. Prosecutions are used only as a last resort where it is necessary to ensure community safety.

Menacing and Dangerous Dogs

There is a total of 171 menacing dogs in the district, this is a decrease of 20 dogs from the previous year.

154 of these dogs were menacing dogs under section 33C of the Dog Control Act 1996. These dogs were of American Pitbull Terrier type. Under the Dog Control Act 1996 (the Act) all dogs must be classified as menacing if it belongs to a breed or type currently listed in schedule 4 of the Act, or if the local authority considers the dog poses a threat to people or other animals and wildlife due to its behaviour. All dogs registered within the district and classified as menacing by Council, or any other territorial authority must be neutered.

There are two classified dangerous dogs in the district. One classification is a result of sworn evidence attesting to the aggressive behaviour of the dog, and the other by owner admittance. This second dog was classified by another territorial authority and transferred into district.

Impounded Dogs

A total of 337 dogs were impounded in the council shelter in 2021/22. This is 86 less dogs than the previous year.

69% of impounded dogs were either returned to their owners or rehomed.

107 (32%) of dogs impounded at the shelter were euthanised due to not being claimed by an owner and not being suitable for rehoming. This is 5% higher than last year and is attributed to the reduction in claimed dogs and the type of dogs impounded not meeting the adoption threshold.

All unclaimed dogs are put through the same behavioural assessment program and if they are designated for euthanasia its likely they failed this behavioural assessment test.

65 dogs found new homes via the FNDC adopt a dog Facebook page <https://www.facebook.com/adoptadogFNDC>. This page now has over 4,500 followers.

This is a credit to the Animal Management team and something we are very proud of. Rehomed dogs are temperament tested, vaccinated, microchipped registered and desexed prior to going to their new homes. New owners are also vetted, and properties checked to endeavour to match appropriate dogs with the right owner.

The first new Animal Shelter for the Far North District was officially opened and became operational on 23 July 2021 and has received the entire districts impounded dogs since 1 August 2021.

FNDC was awarded \$1 Million for animal shelter projects through a successful bid for funding from the Provincial Development Unit (PDU) as part of the shovel-ready projects.

A second shelter in Kaikohe is expected to be operational mid-2023.



Concept Drawing Southern Animal Shelter - Kaikohe

Community Engagement

Covid restrictions did not allow for an organised community Ngā Kuri event. To enable a continued focus on desexing dogs within the Far North district the allocated Ngā Kuri budget was used in a 'voucher' desexing scheme managed by Animal Management Officers that saw 53 dogs desexed across the district.

Planned Activities for 2021/2022

- Focus on engaging further with remote rural communities across the district, to connect with dog owners and assist communities to take steps towards compliance and reduce unwanted dogs.
- Continue proactive registration and compliance action plans to increase registration rates and identify unknown dogs as well as ensuring compliance with classifications.
- Complete the build and refurbishment of a second new Animal Shelter for the district in Kaikohe.

Summary

Covid restrictions and staff shortages across the year limited the planned proactive registration work. The focus in 2022/23 will be further engaging with remote rural communities to promote responsible dog ownership.

Going forward, the Animal Management team aim to achieve a continued improvement in all areas as well as focusing their resources on consistency in operations and improving value for the customer.

Dog Control Statistics

Table one: Registration/Classification related data

	Total 2019/2020	Total 2020/2021	Total 2021/22
Dogs Registered	11,119 Known 8,284 Registered	11,069 Known 8,949 Registered	10,917 Known 8347 Registered
Dog Owner Classification			
Probationary	0	0	0
Disqualified	1	5	5
Menacing Classification			
- By breed	201	159	154
- By deed	36	32	17
Combined	237	191	171
Dangerous Classification			
Section 31(1) a	0	0	0
Section 31(1) b	1	1	1
Section 31(1) c	0	1	1
Total Dangerous	1	2	2

Table two: Request for Service (RFS) Data

Customer request break down by RFS type			
RFS Type	2019/2020	2020/2021	2021/2022
Attacks	172	201	229
Straying	318	486	446
Rushing	30	54	89
Barking	180	323	285
Aggressive	100	128	100
Miscellaneous Enquiries*	438*	869*	671*
Lost and Found	240	252	281
Pick-Up Request	373	416	424
Dog Welfare	38	80	86
Grand Total	1908	2809	2,611

* Miscellaneous Enquiries includes adoption queries (223), refund requests, infringement notice enquiries, bylaw enquiries/patrols, signage, general information etc.

Table three: Compliance Data

	2019/2020	2020/2021	2021/2022
Prosecutions	5	1	1
Infringement Offence			
18 Wilful Obstruction of dog control officer or ranger	0	0	1
19(2) Failure or refusal to supply information or wilfully providing false particulars	0	1	1
19A (2) Failure to supply information or wilfully provide false about dog	0	0	0
20(5) Failure to comply with any bylaw authorised by the section	19	12	17
23A (2) Failure to undertake dog owner education program of dog obedience course (or both)	0	0	0
24 Failure to comply with the obligations of a probationary owner	0	0	0
28(5) Failure to comply with the effects of disqualification	0	0	0
32(2) failure to comply with the effects of classification of dog as dangerous	0	0	0
32(4) fraudulent sale or transfer of dangerous dog	0	0	0
33EC (1) Failure to comply with the effects of classification of dog as menacing	0	0	0
33F (3) Failure to advise person of muzzle and leashing requirements	0	0	0
36A (6) failure to implant microchip transponder in dog	0	0	0
41 False statement in relation to dog registration	0	0	0
41A Falsely notifying death of dog	0	0	0
42 failure to register dog	110	179	131
46(4) Fraudulent procurement or attempt to procure replacement dog registration label or disc	0	0	0
48(3) Failure to advise change of dog ownership	0	0	0
49(4) Failure to advise change of address	0	0	0
51(1) Removal, swapping or counterfeiting of registration label or disc	0	0	0
52A Failure to keep dog controlled or confined	8	4	6
53(1) Failure to keep dog under control	29	35	43
54(2) failure to provide proper care and attention, to supply proper and sufficient food, and to provide adequate exercise	0	0	0
54A Failure to carry leash in public	0	0	0
55(7) Failure to comply with barking dog abatement notice	0	0	0

62(4) Allowing dog known to be dangerous to be at large unmuzzled or unleashed	0	0	0
62(5) Failure to advise of muzzle and leashing requirements	0	0	0
72(2) releasing dog from custody	0	0	0
Total	166	231	199

Table four: Shelter data

	2019/2020	2020/2021	2021/2022
Impounded Total	373	423	337
Total number of dogs returned to owner	151	178	117
% dogs returned to owner	40%	42%	35%
Total number of dogs to Rescue Groups	95	64	48
Total number of dogs adopted via Council	19	69	65
% dogs to Rescue Groups/Adopted	31%	31%	34%
Total number of dogs euthanised	108	112	107
% dogs euthanised	29%	27%	32%

Kurī Kārere Doggo Digest

Doggo updates and registration info for 2022



Your annual dog registration is due. It helps us keep our canine community safe.

A

AROHA — THE FEELING OF LOVE

Briar adopted Flynn from us about 18 months ago. She estimates he's just over two years old now. Flynn has boundless energy when it comes to ball time, but also loves chilling in his cosy bed at night. Flynn has found the ultimate forever home with Briar and her partner. Because Flynn is desexed he qualifies for a cheaper registration fee.



R

REHITATANGA | REGISTRATION

Your dog registration fee supports lots of good stuff, like:

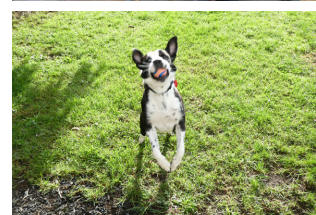
- a dog management service that helps people and dogs interact safely
- our adoption scheme, which unites dogs with new homes across the country
- community canine concerns — straying, barking, aggressive dogs and dog attacks
- pro-active community work promoting responsible dog ownership.



O

HE TAIMA WAHO | OUTSIDE TIME

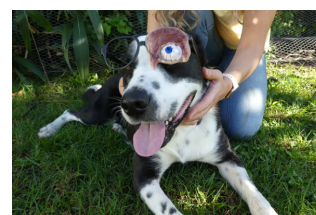
When going 'walkies' with your dog make sure you are aware of council bylaws. Every dog area is unique — we have off-leash and on-leash areas, as well as kiwi and DOC zones. Dog walking areas are listed at the bottom of this page or find our maps online by following these steps: fndc.govt.nz/our-services/dogs; open the Dog Management Policy 2018; find the map for your area from page 20.



H

HAUORA KŌRERO | HEALTH INFO

Dogs that suffer from allergies can display excessive licking, chewing of paws, higher than normal hair loss and scratching. Itch can be caused by parasites like fleas, or it may be due to an allergy from something in your dog's diet or environment. Most skin irritations are treatable, your vet can help you identify what's causing your dog's itch and suggest effective treatments to provide relief.



A

HE KAI TIKA MĀRIKA | A GOOD DIET

A balanced doggie diet is vital to its overall health and wellbeing. A balanced diet meets your dog's energy needs and contains quality digestible proteins, carbohydrates, fats, minerals and vitamins. Dogs require a wide range of nutrients in different quantities over the course of their lives. For more information about dog nutrition talk to your veterinary health care team.



Dog Walking Areas

• Off-leash all year:

Kaikohe: Old Landfill at Lindvart Park
Kerikeri: Rolands Wood, Sammaree Reserve, Waitotara Reserve.

• Off-leash all year (except 15 Dec-31 Jan and public holidays, from 10am -5pm):

Ahipara, Cable Bay, Coopers Beach, Hihi Beach, Mahinepua Beach, Paihia Beach, Russell Beach, Tapeka Point Beach.

Special Character Beaches

• that include Prohibited zones:

Taupō Bay, Te Haumi, Te Tii Bay, Waitangi beaches

• that include off-leash and on-leash areas:

Tauranga Bay.

Take the lead

Pay online with myfndc



- It's quicker, easier and available 24/7.
- Your dog registration will be cheaper if you pay before 1 September.

Register for My FNDc to make payments easier at:
fndc.govt.nz/our-services/dogs/register-your-dog

Lost & found hounds

Do you want to increase your chances of finding your missing pooch? And reduce the time it takes to find them? Then get your pal microchipped.

Make it even easier to find your dog by keeping a note of its 15-digit microchip code.

If your dog loses its collar and reg tags, a microchip is vital. We can add the microchip code to the National Dog Database for you.

Found a dog?

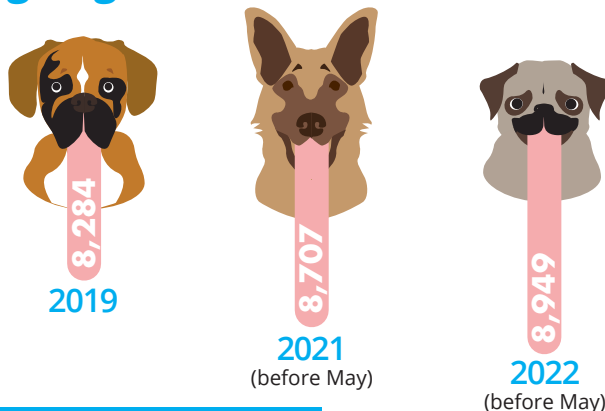
Let us know as soon as possible to reduce stress — for the dog, the owner and you.

Adopt a dog



- It pays to be kind — desexing, microchipping, vaccination, parvo tests and registration are ALL included in our adoption fee.
- To find out more about doggos wanting a forever home, go to:
www.facebook.com/adoptadogFNDc
- We spread the love by adopting out across the country. So, send friends and whānau looking for a fur friend our way or to our facebook page.

Dogs registered in the Far North

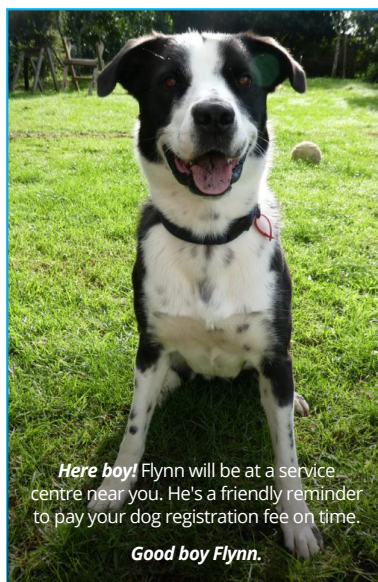


All dogs must be registered by law

Source: FNDc Animal Management Team, May 2022

Doggone it

Your dog registration helps us to:



New animal shelter opens

We've opened a brand new animal shelter in Kaitiāia for dogs from across the district.

It has quarantining for puppies, exercise areas and veterinary facilities.

During its first eight months, 34 dogs were adopted from the shelter and 20 were given to rescue groups. The purpose-built shelter cost \$1.5 million.



FNDc Animal Control services

Call: 0800 920 029

Email: ask.us@fndc.govt.nz

Visit: www.fndc.govt.nz/our-services/dogs

Facebook: facebook.com/adoptadogFNDc

6.4 BUILDING CONSENT AUTHORITY AND BUILDING COMPLIANCE UPDATE

File Number: A3860195

Author: Trent Blakeman, Manager - Building Services

Authoriser: Dean Myburgh, General Manager - District Services

TAKE PŪRONGO / PURPOSE OF THE REPORT

To provide the Regulatory Compliance Committee with an update on the current state of the statutory compliance of the Building Consents Authority (BCA) with the building (Accreditation of Building Consent Authorities) Regulations 2006 (the Regulations) and the building compliance teams (TA) statutory requirements under the building Act 2004.

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- The BCA have started the new fiscal year with a solid performance of 100%. Building consent figures are down 13% for the same month last year and 8% down on the four-year average. Code compliance certificates compliance is 100% for July with issued CCC down 5% on last year and 8% down on the 4-year average.
- Average days to issue building consent and code compliance certificates were 10 and 6 days respectfully.
- The BCA is tracking well with its internal audits and looks forward to the IANZ audit in October this year.
- The building controls industry is facing an unprecedented shortage of staff, with experienced staff shopping around for the most favourable employment conditions. On-going performance for the BCA will depend on its ability to attract and retain experienced staff. An area of concern is the availability of favourable applicants for technical roles, which places a heavy reliance on our contractors and affects our overall resilience to deliver services.
- The building compliance team stats for the month of July against July figures for the last two years, show RFS were lower, pool inspections were exceeded, Building Warrants of Fitness (BWofFs) on par, NTF's on par, CoA 80% less, with 3 infringements issued. There are graphs in the attached report. Overall, the team is performing well on its statutory requirements under the Building Act

TŪTOHUNGA / RECOMMENDATION

That the Regulatory Compliance Committee receive the report Building Consent Authority and Building Compliance Update.

TĀHUHU KŌRERO / BACKGROUND

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

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

The Building Compliance Team (part of the Territorial Authority (TA)) are regulators operating under the Building Act 2004 which sets out the rules for the construction, alteration, demolition, and maintenance of new and existing buildings in New Zealand.

Its purpose is to ensure people can use buildings safely and without endangering the health or the property of others. The team manages the spheres of Building Compliance, Building Warrant of Fitness, swimming pools, Certificates of Acceptance and Exemptions.

MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

As we adjust to the new normal post covid environment, the BCA is looking at enhancing the resilience of the service it provides to the community. Staff positions are being filled, with an emphasis on retaining staff when they join the team. The BCA will focus on reducing consenting days for all admin tasks to add resilience to the over- all compliance with statutory times. While Covid and the flu have caused some disruption, the BCA has, to date, maintained a 99-percentile performance on 20-day statutory compliance. Challenges are being experienced with the recruitment of experienced inspectors and the BCA is working with People and Capability to address ways of being more competitive in the current labour market.

The (TA) building compliance team is tracking well with its obligations under the building act. They have completed an audit of the tri annual swimming pool inspections and of the 915 known pools in our district over the last 3 years only 11 pools still require inspection. A full audit of all BWOF stock has been completed with only some schools and Marae still requiring Audit. All other functions are tracking well.

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

Nil

ĀPITI HANGA / ATTACHMENTS

1. Building Services July Business Report - A3860521  

Building Services

This section contains performance information for the Building Services department.

Introduction

The Building Services Department consists of two teams, the Building Consent Authority (BCA) and the Territorial Authority (TA). A territorial authority must perform the functions of a BCA for its own city or district. In addition to these responsibilities, a territorial authority performs the following functions, including any functions that are incidental and related to, or consequential upon these.

The BCA perform the following functions:

- issue building consents
- inspect building work for which it has granted a building consent
- issue notices to fix
- issue code compliance certificates
- issue compliance schedules



A territorial authority issue:

- project information memoranda
- certificates of acceptance
- certificates for public use
- compliance schedules (and amends compliance schedules)



A territorial authority also:

- follows up and resolves notices to fix
- enforces the provisions relating to annual building warrants of fitness
- performs functions relating to dangerous or insanitary buildings
- determines whether building work is exempt under Schedule 1 from requiring a building consent



Power to inspect and enter land

- Sections 222 to 228 provide details of the powers of entry to undertake an inspection

Building Services Executive Summary – July 2022

The BCA have started the new fiscal year with a solid performance of 100%. Building consent figures are down 13% for the same month last year and 8% down on the four-year average. Code compliance certificates compliance is 100% for July with issued CCC down 5% on last year and 8% down on the 4-year average.

Average days to issue building consent and code compliance certificates were 10 and 6 days respectively.

The BCA is tracking well with its internal audits and looks forward to the IANZ audit in October this year.

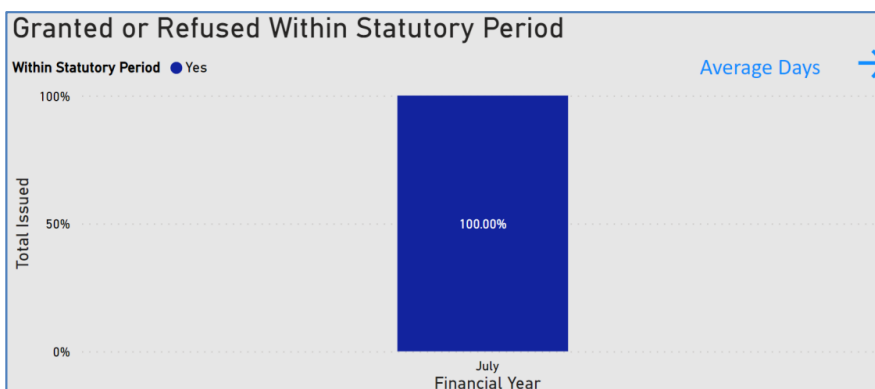
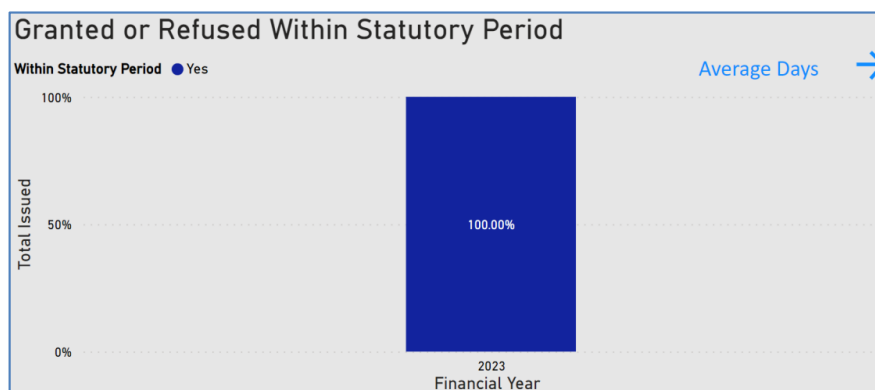
The building controls industry is facing an unprecedented shortage of staff, with experienced staff shopping around for the most favourable employment conditions. On-going performance for the BCA will depend on its ability to attract and retain experienced staff.

Areas of concern are the availability of favourable applicants for technical roles and the ongoing reliability of the BCA administrative function. This has been registered on the BCA risk schedule and measures have been put in place to monitor the function leading into the upcoming audit as this puts the overall compliance of the BCA at risk.

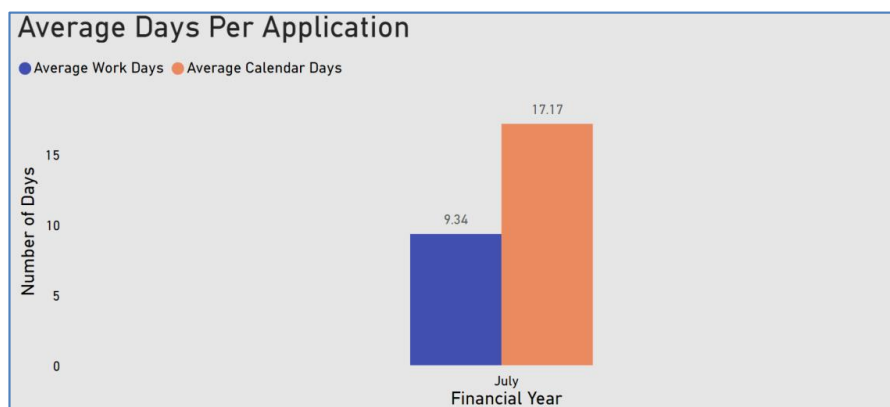
The building compliance team stats for the month of July against July figures for the last two years, show RFS were lower, pool inspections were exceeded, BWoFs on par, NTF's on par, CoA 80% less, with 3 infringements issued.

Levels of Service

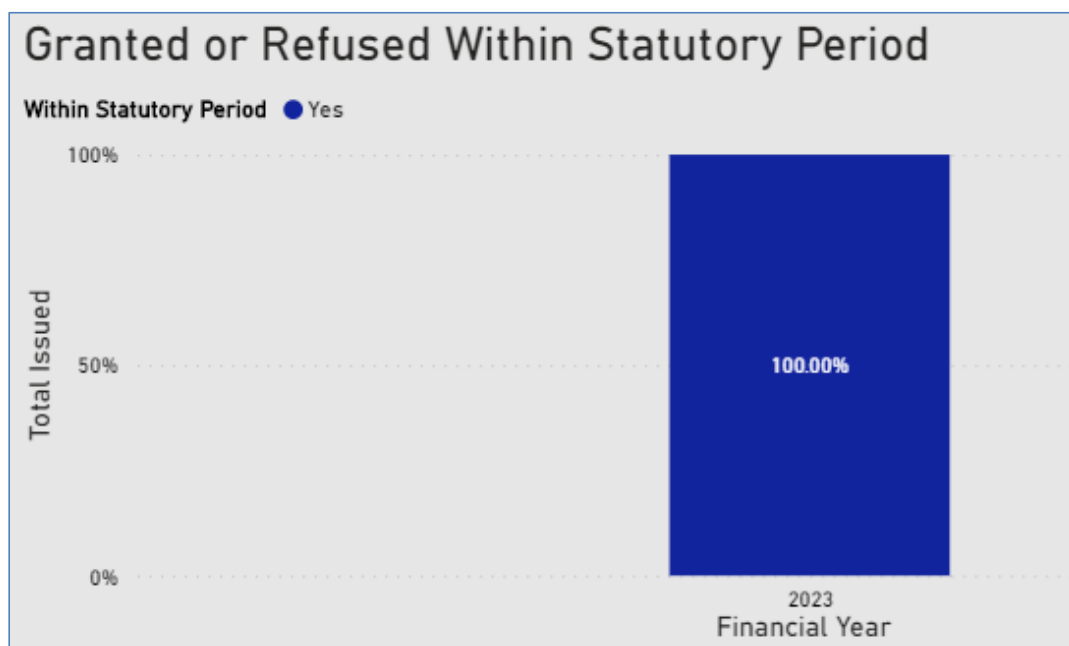
Building consent processing has achieved 100% compliance for the first month of the 2023 Fiscal Year. 89 consents were granted, compared to 1435 consents granted in July last year

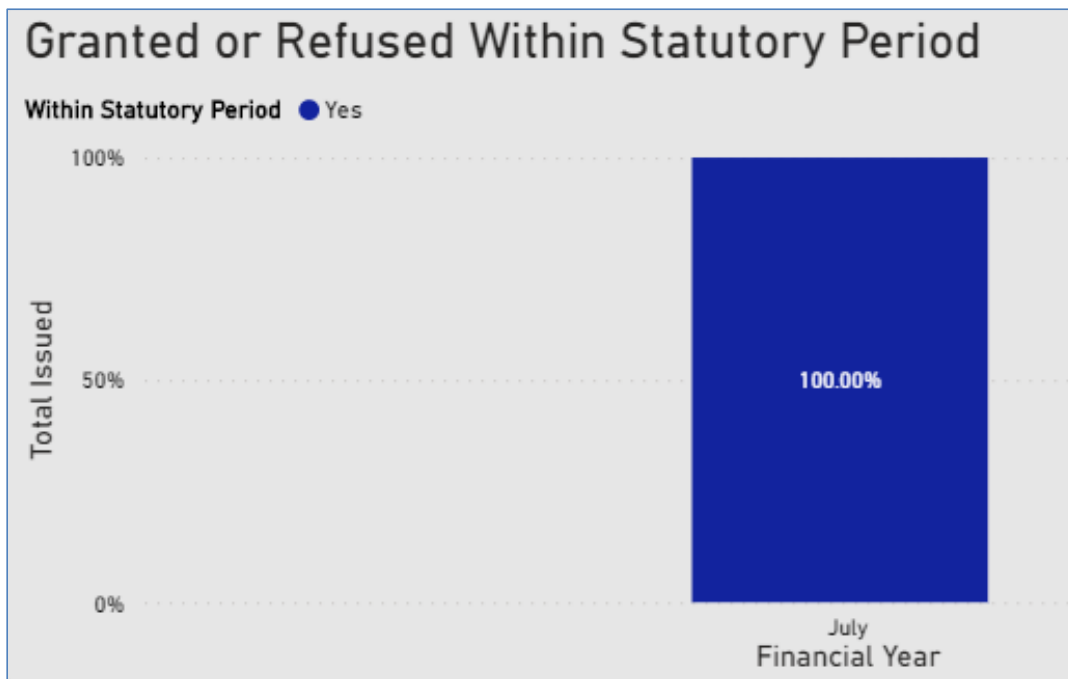


In July there was a marginal increase in average statutory days and a further decrease in average calendar days to issue a building consent. An easing in consent application numbers is helping but generally the improvements that have been continually implemented are paying dividends. Average statutory and calendar days for consents to be issued in July 2022 were 11.32 and 35.27 respectively. This represents a significant improvement in the customer experience.

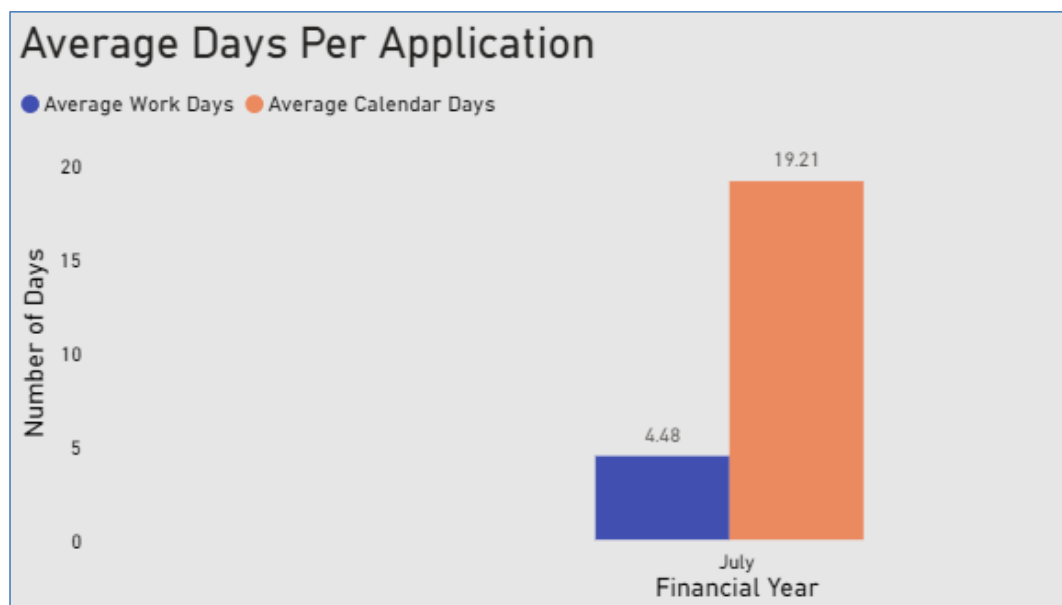


The BCA has achieved a 100% compliance rate for the month of July for issuing code compliance certificates. A total of 79 certificates were issued. This is a significant decrease in the amount of CCC's issued in the same period last year when 133 were issued.

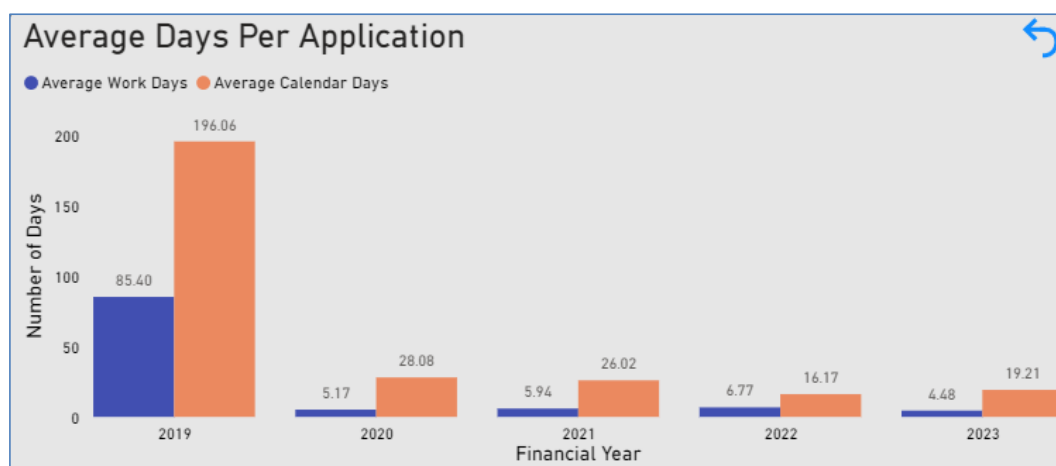




On average CCCs for July were issued in 5 Days.

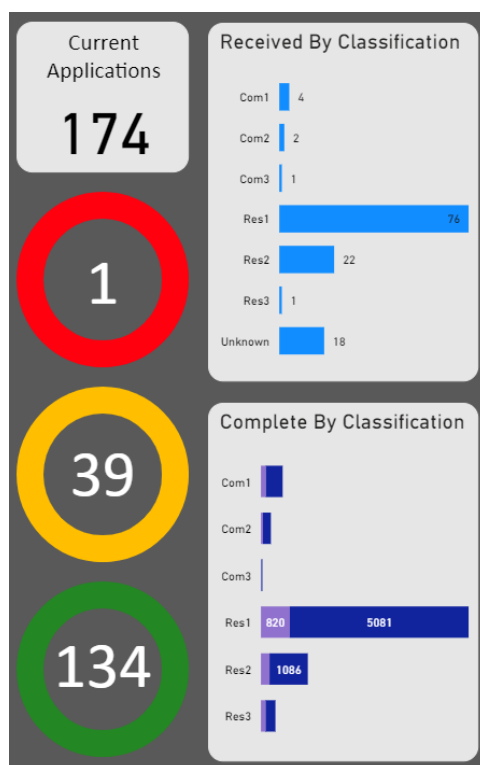


The BCA's performance in issuing Code Compliance Certificates illustrates continuous improvement. Calendar days were marginally higher than for June due to a reduction in staff availability.

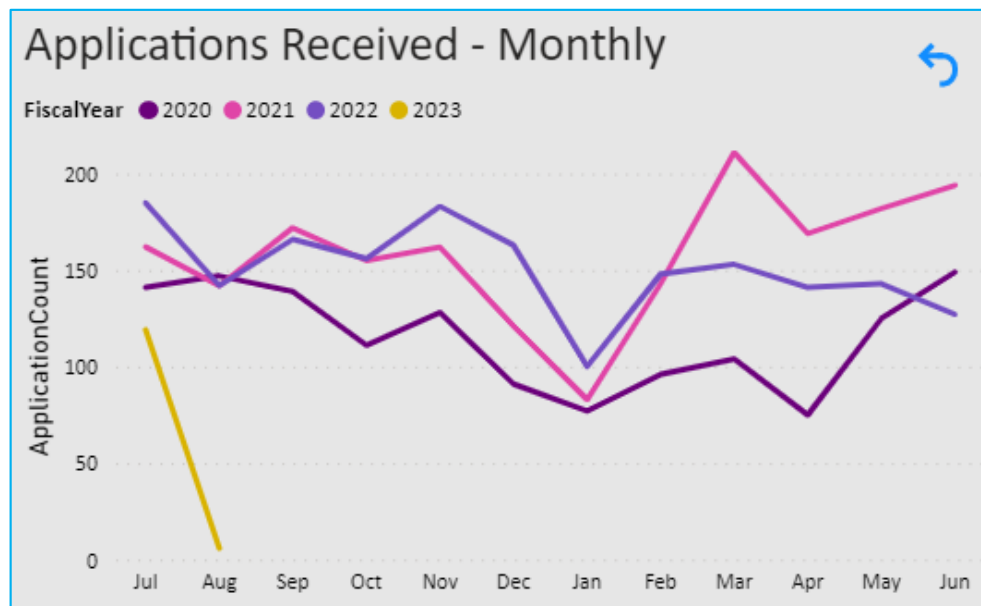


Building Consent Authority

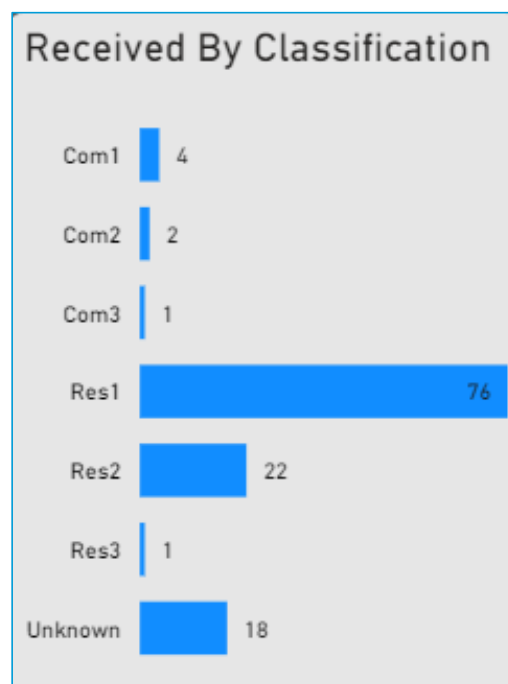
The dashboard below shows the consents currently being processed by the BCA. There are 108 Residential 1 (Res1), 35 Residential 2 (Res2), 5 Residential 3 (Res3), 18 Commercial 1 (Com 1), 7 Commercial 2 (Com 2) and 2 Commercial 3 (Com 3) applications. Use of contractors (building consultants) is currently at 52%. Three of our in house processors have increased competency in the last month and the focus is now on productivity and filling the vacancy in the team to increase capacity. The 1 consent in the Red has actually been granted within the statutory timeframe and once issued will no longer show on the traffic light.



The number of consent applications received for July is significantly lower than received for the comparative period last year. July consent application numbers are the lowest they have been since 2017. The easing recorded in June continues.



The dashboard below shows the building consent applications received by category. Res 1 applications dominate the current workload of the BCA with a total of 76 Res 1 applications received for the 2023 Financial Year.



Building Compliance

The Building Compliance Team (part of the Territorial Authority) are regulators operating under the Building Act 2004 which sets out the rules for the construction, alteration, demolition, and maintenance of new and existing buildings in New Zealand.

Its purpose is to ensure people can use buildings safely and without endangering the health or the property of others. The team manages the spheres of Building Compliance, Building Warrant of Fitness, swimming pools, Certificates of Acceptance and Exemptions.

Building compliance issues are not always Council's responsibility. Other agencies such as the NZ Police or other government agencies may be responsible or certain matters may be civil matters to be decided either legally or through mediation.

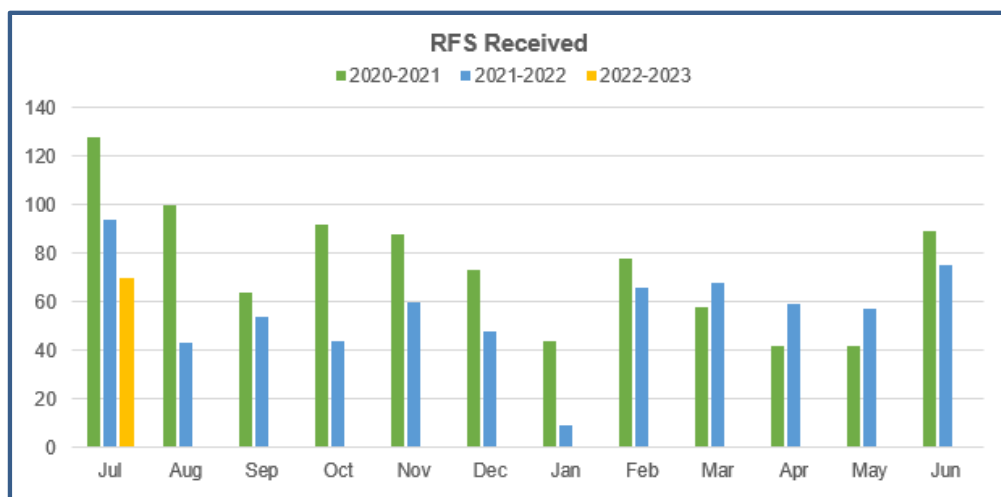
Council ensures compliance by inspecting or monitoring sites to ensure they comply with legislation. Depending on the level of non-compliance, there is a range of enforcement options the Council can take, from education to formal enforcement such as notices and prosecution.

Formal enforcement is not taken lightly. It is based on thorough investigation and considers the impact as well as any steps that may have been taken to address the non-compliance.

Requests for Service (RFS)

Requests for service range from general requests about legislation and owner obligations, through to requests to investigate suspected breaches of the Building Act 2004.

July was another busy month for incoming RFS, with the normal topics of stormwater, alleged illegal building complaints. A third of the RFS received were BWOF related with June and July being the busy months for BWOF renewals. The Building Compliance team continues to deal with a range of Building Act 2004 non-compliances.



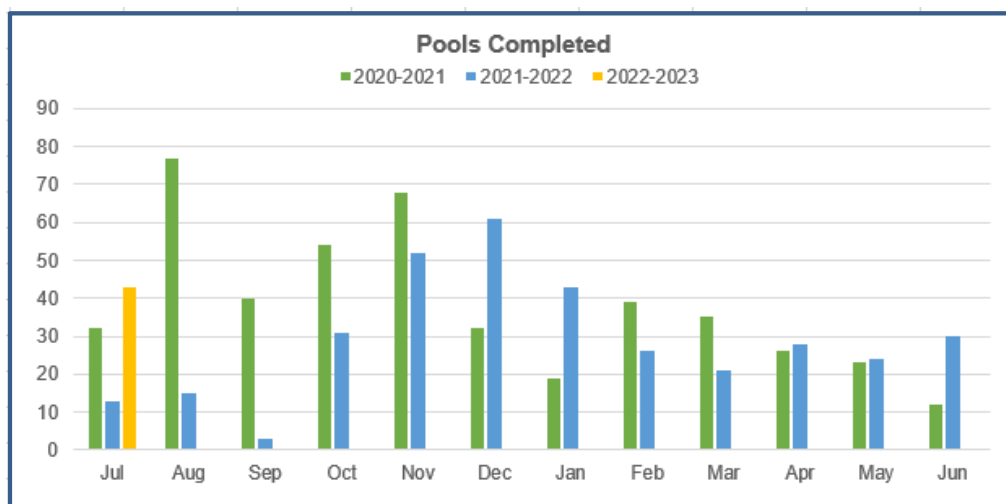
Swimming Pools

From 1 January 2017, the provisions of the Fencing of Swimming Pools Act 1987 were incorporated into and form part of the Building Act 2004. The Act applies to all residential pools and small heated pools with a depth of 400mm or more.

Pools that are filled (or partly filled) with water must have a physical barrier that restricts access to the pool by unsupervised children under the age of 6 years of age. Residential pools, including indoor swimming pools are subject to an inspection every 3 years.

A total of 43 swimming pool inspections were carried out during the month of July, with the completion of inspections on track and as per the allotted inspections for the year.

The swimming pool fail rate was 48% for this period. Council is working hard to provide these homeowners with the knowledge and information to help them achieve compliance and reduce the risk of drowning in the district.



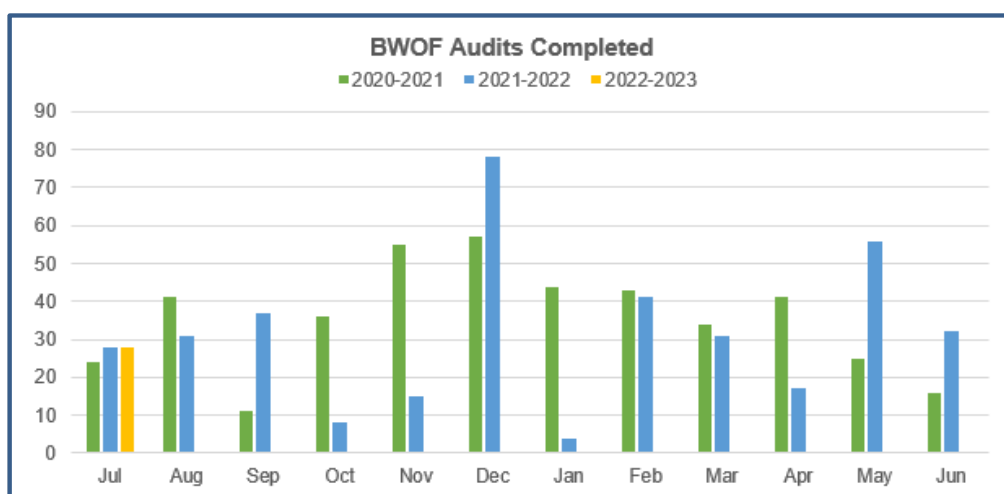
Building Warrant of Fitness (BWOF)

A building warrant of fitness (BWOF) is an annual certificate that confirms that specified systems in a building have been inspected and maintained and that requirements of the compliance schedule have been met.

Building owners are required to engage an independent qualified person (IQP) to inspect and certify the specified systems, display a copy of the BWOF certificate within the public area of the building and to provide the Council with a copy of the BWOF and IQP certificates of compliance.

The Council undertake BWOF audits of commercial buildings following a risk-based approach. Audits are carried out on a 1, 3, or 5-year cycle, but can also include any requests for service where there are concerns about a building owner's on-going compliance with the regulations.

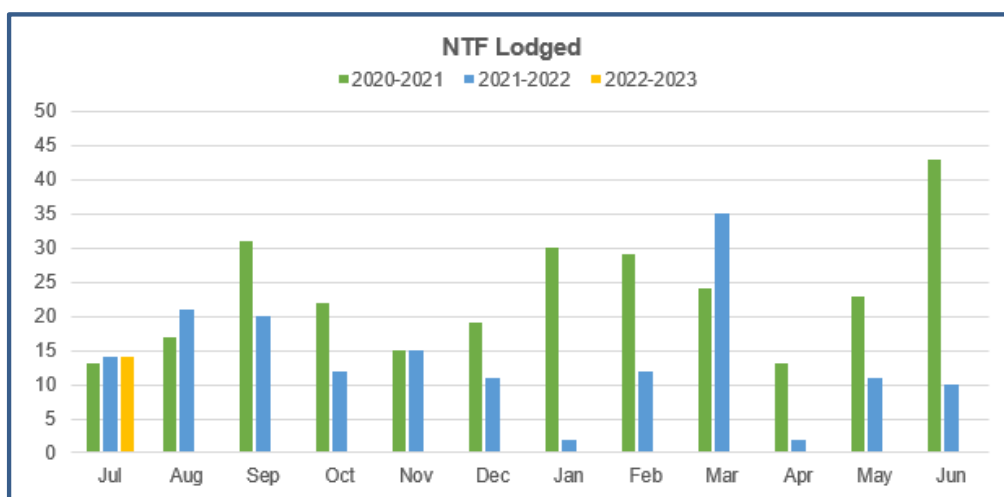
28 BWOF audits were carried out during July. The Compliance Schedule audit project is drawing to a close with only the big buildings (e.g. schools and hospitals) to complete. The team now focuses on delivering qualitative audits and establishing a work rhythm, supported by digital transformation and new dashboards to track performance.



Notices to Fix

A Notice to Fix (NTF) is a statutory notice requiring a person to remedy a breach of the Building Act 2004 or regulations under that Act. A NTF can be issued for all breaches of the Act, not just for building work.

14 Statutory Notices were served during the month of July for breaches of the Building Act 2004.

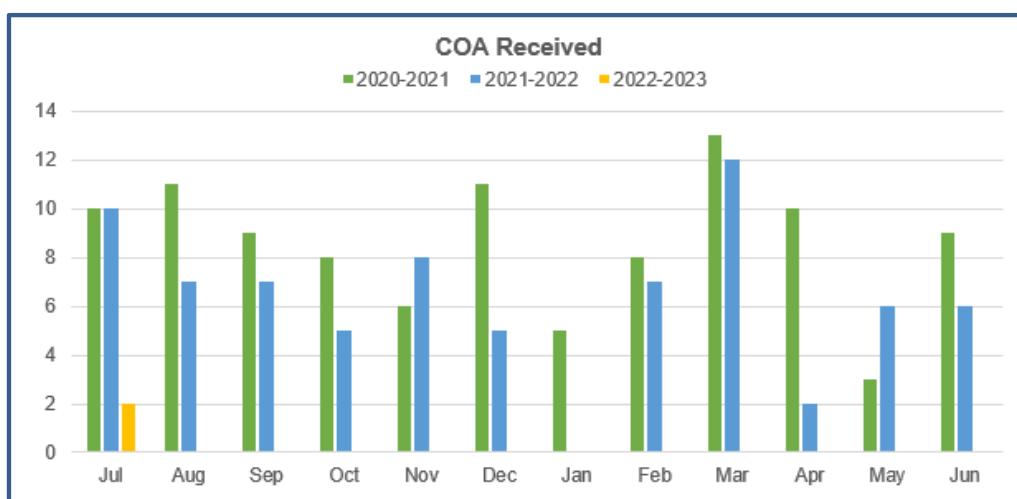


Certificates of Acceptance

A Certificate of Acceptance (COA) provides building code certification on work that can be inspected. It excludes work that cannot be inspected, so is not as comprehensive as a Code of Compliance Certificate (CCC). A certificate of acceptance applies where:

- work that requires a building consent was completed without one
- urgent work is carried out under section 42 of the Building Act
- another building consent authority or building certifier refuses to or cannot issue a CCC

Council received 2 COA applications during the month of July. The number of COA applications remain consistent month to month.



Infringements

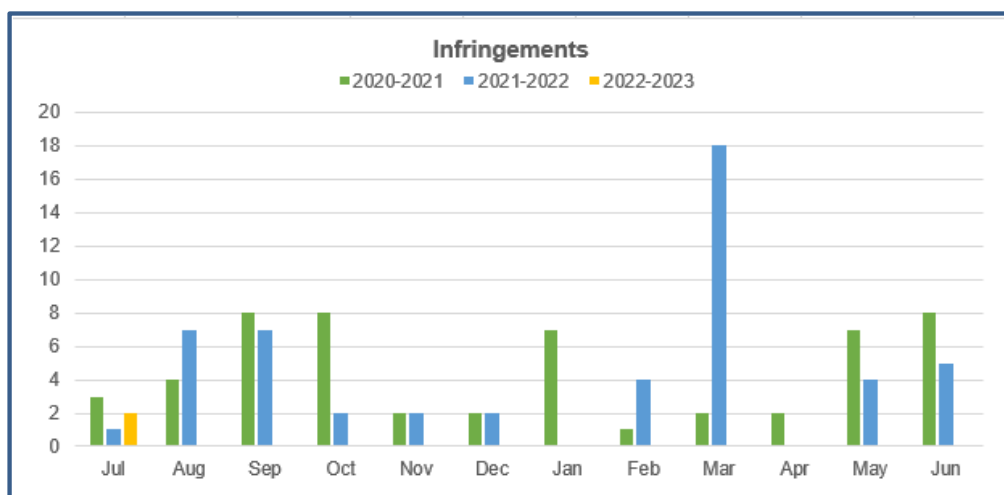
Under Section 372 of the Building Act, an infringement notice may be served on a person if an enforcement officer observes the person committing an infringement offence or has reasonable cause to believe an infringement offence is being or has been committed by that person.

The Building Infringement Regulations contain a clear and unambiguous list of infringement offences. These infringement offences are based on specific existing building offences. The fees are prescribed by regulations, following consultation with territorial and regional authorities, and building sector representatives, with the following principles in mind:

- Higher fees would reflect direct risks to health and safety
- There should be consistency between offences that are similar in nature

Fees range from \$250 (for procedural offences) to \$2,000 (for more serious breaches), with the level of fee reflecting a smaller percentage of the maximum fine already specified in the Building Act.

2 infringements were issued during the month of July. The infringements were for the breach of section 40 and for carrying out restricted building work without the appropriate licence.



6.5 REGULATORY COMPLIANCE COMMITTEE ACTION SHEET UPDATE JUNE 2022**File Number:** A3859708**Author:** Marlema Baker, Democracy Advisor**Authoriser:** Aisha Huriwai, Team Leader Democracy Services**TAKE PŪRONGO / PURPOSE OF THE REPORT**

To provide the Regulatory Compliance Committee with an overview of outstanding decisions from 1 January 2020.

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- Council staff have reintroduced action sheets as a mechanism to communicate progress against decisions/resolutions and confirm when decisions have been implemented.
- The focus of this paper is on decisions made by the Regulatory Compliance Committee.
- Action sheets are also in place for Council and Community Boards.
- There are no outstanding or overdue actions for the Regulatory Compliance Committee. All actions from 1 January 2020 have been completed.

TŪTOHUNGA / RECOMMENDATION

That the Regulatory Compliance Committee receive the report Action Sheet Update June 2022.

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 have been designed as a way to close the loop and communicate with elected members on the decisions made by way of resolution at formal meetings. Action sheets are not intended to be public information but will provide updates to elected members, who, when appropriate can report back to their communities and constituents.

There are no outstanding or overdue actions for the Regulatory Compliance Committee. All actions for the Regulatory Compliance Committee from 1 January 2020 have been completed.

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

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.

Take Tūtohunga / Reason for the recommendation

To provide the Regulatory Compliance Committee with an overview of outstanding committee decisions from 1 January 2020. There are no outstanding or overdue actions for the Regulatory Compliance Committee. All actions from 1 January 2020 have been completed.

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.

ĀPITIHINGA / ATTACHMENTS

Nil

7 KARAKIA WHAKAMUTUNGA – CLOSING PRAYER

8 TE KAPINGA HUI / MEETING CLOSE