

Planning and Development Committee Agenda

Date: Thursday, 14 September, 2017

Time: 9:00 am

Location: Council Chamber
Forum North, Rust Avenue
Whangarei

Elected Members: Cr Greg Innes (Chairperson)
Her Worship the Mayor Sheryl Mai
Cr Stu Bell
Cr Crichton Christie
Cr Vince Cocurullo
Cr Tricia Cutforth
Cr Shelley Deeming
Cr Sue Glen
Cr Jayne Golightly
Cr Phil Halse
Cr Cherry Hermon
Cr Greg Martin
Cr Sharon Morgan
Cr Anna Murphy

For any queries regarding this meeting please contact
the Whangarei District Council on (09) 430-4200.

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Planning and Development Committee – Terms of Reference

Membership

Chairperson: Councillor G C Innes

Members: Her Worship the Mayor Sheryl Mai
Councillors Stu Bell, Crichton Christie, Vince Cocurullo, Tricia Cutforth, Shelley Deeming, Sue Glen, Jayne Golightly, Phil Halse, Cherry Hermon, Greg Martin, Sharon Morgan, Anna Murphy

Meetings: Monthly

Quorum: 7

Purpose

To oversee planning, monitoring and enforcement activities, and guide the economic and physical development and growth of Whangarei District.

Key responsibilities include:

- Regulatory / Compliance
 - Environmental health
 - General bylaw administration
 - Animal (dog and stock control)
 - Hazardous Substances and New Organisms Control
 - Parking Enforcement (vehicles registrations and warrant of fitness)
 - Noise Control
 - Food Act
 - Landuse Consents
 - Building Act
- Building Control
 - Property Information and Land Information Memoranda
 - Consents and inspections
- Resource Consents
 - Subdivision, Land Use and Development Control
 - Development Contributions
- District Plan
 - Plan Changes
 - District Plan administration

- Strategic Planning
 - Futures planning
 - Urban design
- Economic Development
 - District Marketing/Promotions
 - Developer engagement
- Commercial Property
- Shared Services – investigate opportunities for Shared Services for recommendation to council.

Delegations

- (i) All powers necessary to perform the committee's responsibilities, including, but not limited to:
 - (a) approval of expenditure of less than \$5 million plus GST.
 - (b) approval of a submission to an external body
 - (c) establishment of working parties or steering groups.
 - (d) power to establish subcommittees and to delegate their powers to that subcommittee.
 - (e) the power to adopt the Special Consultative Procedure provided for in Section 83 to 88 of the LGA in respect of matters under its jurisdiction (this allows for setting of fees and bylaw making processes up to but not including adoption).
 - (f) the power to delegate any of its powers to any joint committee established for any relevant purpose under clause 32, Schedule 7 of the Local Government Act 2002

Item 3.1**Planning and Development Committee Meeting Minutes**

Date: Thursday, 17 August, 2017
Time: 9:00 a.m.
Location: Council Chamber
Forum North, Rust Avenue
Whangarei

In Attendance	Cr Greg Innes (Chairperson) Her Worship the Mayor Sheryl Mai Cr Stu Bell Cr Crichton Christie Cr Vince Cocurullo Cr Tricia Cutforth Cr Shelley Deeming Cr Sue Glen Cr Jayne Golightly Cr Cherry Hermon Cr Greg Martin Cr Sharon Morgan Cr Anna Murphy
Not in Attendance	Cr Phil Halse

Also present:

Rob Forlong (Chief Executive), Alison Geddes (General Manager Planning and Development), Jill McPherson (Strategy and Democracy), Jason Marris (Governance Manager), Tony Horton (Manager Strategy), Mike Hibbert (Commercial Portfolio Manager), Pete Gleeson (Economic Development Facilitator), Murray McDonald (Manager RMA Consents), Shireen Munday (Strategic Planner), Grant Couchman (Manager Health and Bylaws) and Carlyne Brindle (Senior Democracy Adviser)

1. Declarations of Interest**2. Apologies**

Cr Halse (absent) and Cr Deeming (early departure)

Moved by Cr Greg Innes (Chairperson)

Seconded by Cr Greg Martin

That the apologies be sustained.

Carried

3. Confirmation of Minutes of Previous Planning and Development Committee meeting held 20 July 2017

Moved by Cr Vince Cocurullo
Seconded by Cr Shelley Deeming

That the minutes of the Planning and Development Committee meeting held on Thursday, 20 July 2017, having been circulated, be taken as read and now confirmed and adopted as a true and correct record of proceedings of that meeting.

Carried

4. Decision Reports

4.1 New Road Name - Resource Consents

Moved by Cr Vince Cocurullo
Seconded by Cr Crichton Christie

That the Planning and Development committee approves a new Public Road off Bush Haven Drive be named Tanner Place.

Carried

4.2 New Road Name - Resource Consents

Moved by Cr Vince Cocurullo
Seconded by Cr Shelley Deeming

That the Planning and Development Committee approve the name of the new Private Right of Way off Otaika Valley Road as Jersey Lane.

Carried

5. Information Reports

5.1 Planning and Development and Strategy Operation Report

Moved by Cr Crichton Christie
Seconded by Cr Greg Martin

That the Planning and Development Committee note the Operational report for July 2017.

Carried

Cr Deeming left the meeting at 9.27am during discussions on Item 5.1.

Planning and Development Scoping meeting 17 August

Moved by Cr Greg Martin

Seconded by Cr Jayne Golightly

Planning and Development Scoping meeting

That the Planning and Development Scoping meeting scheduled for 10.30am today, be brought forward.

Carried

6. Public Excluded Business

There was no public excluded business.

7. Closure of Meeting

The meeting concluded at 9.30am

Confirmed this 14th day of September 2017

Councillor Greg Innes (Chairperson)

4.1 2017 Bylaw reviews – Adoption of Statements of Proposal

Meeting: Planning and Development Committee

Date of meeting: 14 September 2017

Reporting officer: Shireen Munday – Strategic Planner

1 Purpose

To review the Parking and Traffic Bylaw and the Keeping of Animals, Poultry and Bees Bylaw. To propose a new Parking and Traffic Bylaw and amendments to the Keeping of Animals, Poultry and Bees Bylaw. To adopt the corresponding Statements of Proposal.

2 Recommendations

That the Planning and Development Committee

- a) Approves the Section 155 & 77 Local Government Act 2002 assessments as provided in Attachment 2.
- b) Determines that -
 - i. in accordance with section 155(1) of the Local Government Act 2002, bylaws are the most appropriate way of addressing the perceived problems
 - ii. the current bylaws are not the most appropriate form of bylaw
 - iii. the proposed bylaws are the most appropriate form of bylaw
 - iv. there are no New Zealand Bill of Rights implications.
- c) Proposes to -
 - i. revoke and replace the Parking and Traffic Bylaw
 - ii. revoke and replace the Keeping of Animals, Poultry and Bees Bylaw and to rename it the Animals Bylaw.
- d) Approves the legislative process, analysis and consultation approach for both bylaws outlined in Attachment 1.
- e) Adopts the Statements of Proposal in Attachments 3 and 4 for public consultation.
- f) Authorises the Chief Executive to make any necessary minor drafting or presentation amendments to the Statement of Proposal and to approve the final design and layout of the documents prior to final printing and publication.

3 Background

The Terms of Reference of the Planning and Development Committee includes the power to undertake a Special Consultative Procedure in respect of matters under its jurisdiction, which includes all statutory bylaw reviewing processes, up to but not including; the making, amending or revoking of a bylaw.

The Committee commenced the statutory review process for two bylaws, the Parking and Traffic Bylaw and the Keeping of Animals, Poultry and Bees earlier this year. Staff have reviewed the bylaws; informal public feedback has been sought and internal stakeholder engagement has been completed to inform the statutory aspect of the review requirements. The Committee has been presented with updates on the process as the review has progressed.

The Committee can now commence the formal process to complete the first part of the review and to proceed with public consultation as the second part of the review process.

4 Discussion

The key legislative steps and requirements for each review process, including the association consultation requirements are summarised in Attachment 1. Key components of this review process are to make the relevant determinations of s155 of the Local Government Act 2002 (LGA) as well as an assessment in accordance with the decision-making requirements of s77 LGA.

Attachment 2 provides a report on these determinations for each bylaw. The outcomes of the assessments are that both bylaws should be revoked and replaced with new ones, for the following reasons:

- The current Parking and Traffic Bylaw needs extensive changes to the formatting and presentation, as well as change to meet the current legislative framework. It is also proposed to make the Bylaw solely under the Land Transport Act which does not have a statutory review period.
- The required changes to the Keeping of Animals, Poultry and Bees Bylaw are less significant, however due to a lack of clarity on the legislative requirements of the review process, it is considered prudent to make a new Bylaw rather than amending the existing one.

Statements of Proposal (SOPs) have been developed for each bylaw and these are provided in Attachments 3 and 4. Each SOP include the necessary content as required by legislation and additionally provides an overview of the proposed content of each bylaw.

All attachments should be read in conjunction with each other to support the Committee's decisions pertaining to the recommendations of this report.

5 Significance and engagement

5.1 Significance

Council's Significance and Engagement Policy (the Policy) requires an assessment of the significance of every issue requiring a decision in accordance with the Policy's criteria for determining significance. Staff consider the decisions to adopt the Statements of Proposal for the proposal to revoke and replace the Parking and Traffic Bylaw and the Keeping of Animals, Poultry and Bees Bylaw are not significant as it does not trigger two or more of the significance criteria.

5.2 Engagement

The Policy refers to the legislative requirements of the LGA for bylaw review processes, including consultation activities. The attachments to this report outline how the proposed process will meet these requirements.

6 Considerations

6.1 Financial/budget considerations

There are no financial or budget considerations in relation to the proposed consultation; however, implementation of the new and amended bylaw may incur some initial additional costs. It is expected these costs can be met within current budgets.

6.2 Policy and planning implications

Nothing in this report is inconsistent with any Council policy, plan or strategy.

6.3 Risks

The key risks associated with the proposal at this stage of the process relate to the consultation activities. It can be difficult to ensure all members of the community are aware of the consultation process and are therefore able to make their views known to Council. The consultation activities discussed in Attachment 1 aim to address these matters to the best practicable extent.

7 Attachments

1 - Legislative process, analysis and consultation requirements

2 - Section 155 & 77 Local Government Act 2002 assessments

3 – Statement of Proposal – Parking and Traffic Bylaw

4 – Statement of Proposal – Animals Bylaw

Attachment 1

2017 Bylaw reviews – Parking and Traffic (PTB) & Keeping of Animals, Poultry and Bees Bylaws (KAPBB)

Legislative process, analysis and consultation requirements

This document summarises all relevant legislative requirements for the process of reviewing the PTB and KAPBB bylaws, provides an overview of the associated analysis undertaken and includes the consultation activities proposed in accordance with legislative requirements. Noting these steps are based on Council resolving to accept all recommendations in the report as tabled relating the proposed process.

Process overview

1. Both bylaws are made under the Local Government Act 2002 (LGA), specifically ss145 and 146 of the LGA. The Parking and Traffic Bylaw also references Land Transport legislation.
2. The Local Government Act ss158 and 159 stipulate that bylaws must be reviewed five years after they were first made and then every ten years thereafter.
3. Both bylaws were last fully reviewed in December 2005 (the PTB was amended in 2006, 2007, 2009 and 2012, the KAPBB was last amended in 2007).
4. The review of the KAPBB was due in December 2015 in accordance with s159.
5. S160A LGA provides that a Bylaw remains in force for another two years after the five or ten-year review is due and is thereafter automatically revoked, which is December 2017.
6. S160 LGA prescribes the procedure for a review under s159.
7. The first step in a review is to make the determinations required by s155 LGA.
8. Under s155 Council must determine whether a bylaw remains the most appropriate way of addressing the perceived problem.
9. If Council determines that a bylaw remains the most appropriate way of addressing the perceived problem, Council needs also to determine:
 - Whether the existing bylaw is the most appropriate form of the bylaw
 - Whether the bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990.
10. Once the s155 analysis has been completed, Council has four options (s160(3) LGA) to give effect to the outcome of the review:
 - Amend the bylaw
 - revoke the bylaw
 - revoke the bylaw and replace it with a new bylaw
 - keep the bylaw as it is without any amendments.
11. In each case, Council is required to consult with the community before making a final decision.
12. S156 LGA requires Council to use the special consultative procedure (s83 LGA) as modified by s86 LGA when making, amending or revoking a bylaw if Council considers there is likely to be a significant impact on the public due to the proposed bylaw. Otherwise it can consult in accordance with the principles of s82 LGA.
13. The special consultative procedure requires the adoption of a Statement of Proposal.

Attachment 1

14. S86 LGA prescribes the content of a Statement of Proposal (s83(1)(a)) for the purposes of public consultation in relation to bylaws. This includes a statement that a bylaw is to be revoked and/or a draft of an amended or new bylaw, the reasons for the proposal and a report on any relevant determinations under s155 LGA.
15. Section 83 (1)(a)(ii) of the LGA provides that where necessary to enable public understanding of a proposal, a summary of information may also be required.

Analysis and application of the process requirements - Keeping of Animals, Poultry and Bees Bylaw

1. Council staff have obtained different legal views on the implications of S160A, relating to whether Council can still review and subsequently amend or keep a bylaw made under the LGA, or whether it has to make a new bylaw that is then subject to a five-year review period.
2. The only practicable difference between the two views is that the more conservative approach requires a review within 5 years, rather than 10 years.
3. In the interests of minimising risk to Council, it is considered appropriate to complete the review requirements; but instead of amending the bylaw, to revoke the existing bylaw and make a new bylaw and commit to a review by 2022.
4. This aligns well with both the rolling review of Council's District Plan as well as potential changes in legislation that may impact on the Bylaw within the next five years.
5. For completeness, the process undertaken has included the formal review requirements of the existing bylaw, rather than only provide for the statutory requirements pertaining to the making of a new bylaw, and incorporates the necessary determinations for the proposal of a new bylaw as well as the revocation of the existing bylaw.
6. The s155 analysis report (Attachment 2) provides that while a bylaw remains the most appropriate way of addressing the perceived problem, the existing bylaw is not the most appropriate form of the bylaw.
7. The s155 analysis shows that while amendments to the KAPBB would be appropriate, due to the issues raised in this document, it is considered prudent to revoke the existing bylaw and replace it with a new Animals Bylaw.
8. The s155 analysis details the requirements of s77 LGA (requirements in relation to decisions) which requires the identification of all reasonably practicable options and the associated advantages and disadvantages of these options.
9. This component of the analysis provides Council with a basis to make a determination for one of the four options available under s160(3). As discussed elsewhere in this document, it is proposed to revoke the current bylaw and replace it with a new one.
10. While the KAPBB does not attract a large number of complaints and related enforcement activities, it does have implications for a large proportion of the community. It is therefore considered that it is a sufficiently significant impact to warrant consultation in accordance with the special consultative procedure.
11. Due to the nature of the proposal, and the inclusion of the draft bylaw in the Statement of Proposal, it is not considered that a summary of the information is necessary.
12. The Statement of Proposal (Attachment 4) includes the necessary components as prescribed in s86 LGA for both the revocation of the existing bylaw and the making of the new one.

Analysis and application of the process requirements – Parking and Traffic Bylaw

13. Council staff have obtained different legal views on the implications of S160A, relating to whether Council can still review and subsequently amend or keep a bylaw made under the LGA, or whether it has to make a new bylaw that is then subject to a five-year review period.
14. In any case, the overall outcome of the s155 analysis is that it is proposed to make a new bylaw under s22AB Land Transport Act (LTA) rather than under the LGA.
15. The LTA has no statutory review period.
16. For completeness, the process undertaken has included the formal review requirements of the existing bylaw, rather than only provide for the statutory requirements pertaining to the making of a new bylaw, and incorporates the necessary determinations for the proposal of a new bylaw as well as the revocation of the existing bylaw.
17. The s155 report (Attachment 2) provides that while a bylaw remains the most appropriate way of addressing the perceived problem, the existing bylaw is not the most appropriate form of the bylaw.
18. The s155 analysis details the requirements of s77 LGA (requirements in relation to decisions) which requires the identification of all reasonably practicable options and the associated advantages and disadvantages of these options.
19. This component of the analysis provides Council with a basis to make a determination for one of the four options available under s160(3). As discussed elsewhere in this document, it is proposed to revoke the current bylaw and replace it with a new one.
20. S22AD of the LTA provides that s156 LGA (and the associated consultation requirements) applies to a bylaw being made under S22AB LTA.
21. The content of the proposed bylaw can, and does impact regularly on all road users in the District. It is therefore considered that it is a sufficiently significant impact to warrant consultation in accordance with the special consultative procedure.
22. Due to the nature of the proposal, and the inclusion of the draft bylaw in the Statement of Proposal, it is not considered that a summary of the information is necessary.
23. The Statement of Proposal (Attachment 3) includes the necessary components as prescribed in s86 LGA for both the revocation of the existing bylaw and the making of the new one.

Attachment 1

Summary of the special consultative procedure activities

This section of the report details the proposed process and activities designed to meet the consultation requirements of the LGA for both bylaws under review.

1. The Statement of Proposal (SOP) is adopted at a meeting of the Committee (in accordance with the Committee's delegated authority).
2. Council gives public notice of the proposal on our website and in the Whangarei Leader inviting members of the public to make submissions.
3. The SOP will be made available for public inspection on Council's website and at Council offices in Whangarei and Ruakaka and at public libraries at Whangarei, Kamo and Onerahi, and the Mobile Library.
4. The period within which views on the proposal may be provided must be no less than one month. The submission period for the proposal is scheduled to start 15 September and close 15 October.
5. Submitters to the pre-consultation process will be advised directly of the consultation.
6. A Have Your Say Event is scheduled for Tuesday 17 October and will be promoted in the SOP on Council's website, Facebook Page and in the Whangarei Leader
7. A hearing is scheduled for 1 November to provide an opportunity for persons to present their submissions to Council.
8. The committee considers all feedback received and any other comment or advice sought from staff or other persons and deliberates on these matters at a public meeting.
9. Based on the decisions made at the deliberations meeting, the Committee provides a recommendation report to Council for consideration.
10. Subject to the above process and all associated decisions of the Committee and Council, the new bylaws are scheduled to be made by resolution at the Council meeting in December 2017.

Parking and Traffic Bylaw

Section 155 & 77 Local Government Act 2002 assessment

The current Parking and Traffic Bylaw (PTB) is made under the Local Government Act 2002 (LGA) and also references Land Transport related legislation.

The statutory review of the PTB requires an assessment under s155 of the LGA. This report details this assessment and should be read in conjunction with the 'Legislative process, analysis and consultation requirements' as attached to the Planning and Development Committee report of 14 September 2017, as well as the report itself. This assessment includes an analysis of the available reasonably practicable options to address the perceived problem, together with advantages and disadvantages of each in accordance with s77 LGA.

1. Assessment summary

1. The problems identified relating to vehicle and road use are required to be addressed by the Council. In brief, there appears to be a need to update the bylaw to reflect new legislation and changes to technology, and powers missing in the current bylaw that Council needs for enforcement purposes.
2. A bylaw is considered to be the most appropriate way of addressing the perceived problems.
3. The current bylaw is not the most appropriate form of bylaw.
4. The most reasonable practicable option is to revoke the existing bylaw and replace it with a new one.
5. The proposed bylaw is the most appropriate form of bylaw.
6. The proposed bylaw does not give rise to any NZ Bill of Rights implications.

2. Perceived problems

1. Activities related to vehicle and road use that are or could be problematic if not addressed by Council such as one way roads, U-turns and cycle lanes (currently covered) and livestock movement (not currently covered).
2. Activities related to parking that are problematic if not addressed by Council such as the need to restrict parking through time limits and or paid parking spaces (currently covered) or motorcycle parking spaces (not currently covered).
3. The main perceived problems are the unregulated use of roads and parking places for road safety and public convenience purposes. Unregulated parking could create hazards for other road users, pedestrians and motor vehicle users. For example, no rules at all could mean parking in dangerous locations on the road reserve.

The ability to impose time limits and charges and undertake associated enforcement is an effective method to support adequate supply and turnover of parking availability in the busier areas of the District.
4. Council sought community feedback on the current bylaw as part of the review on what problems the community would like to see remedied through a bylaw, which included, for example, an issue around heavy vehicle parking.

3. Is a bylaw the most appropriate way of addressing the problems?

The first step in a review process is always to assess what the perceived problem is and what mechanisms are available to Council to address the perceived problem. Table 1 outlines the assessment for each option available.

Table 1

Option	Outcome	Comments
Option A – no action taken to address perceived problems	Council would revoke the existing bylaw. Council would have no mechanisms available to control both traffic and parking behaviours in the District.	This option would not provide Council with any abilities to address the perceived problems and is therefore not recommended.
Option B – provide a non-regulatory policy on traffic and parking matters to address the perceived problem	Council would revoke the existing bylaw and develop a policy approach to the perceived problem. This would rely on voluntary compliance as it would not have any associated enforcement powers.	The fundamental difficulty with any voluntary compliance regime in this area is that individuals do not have an adequate incentive to comply. This option is not recommended.
Option C – provide a bylaw on traffic and parking matters.	Council has a bylaw that provides a policy approach to the relevant parking and traffic matters and this is supported through available enforcement activities.	This is the recommended option. Council has specific bylaw-making powers that allows it to make bylaws to address the perceived problems as outlined in this report. This options allows for enforcement activities for the benefit of all road users.

Option C is the preferred option.

4. Is the existing bylaw the most appropriate form of bylaw?

The current bylaw is not the most appropriate form of bylaw. The bylaw -

- appears overly prescriptive in some areas
- misses or is unclear on important powers in other areas
- duplicates powers Council already possesses under other legislation
- includes provisions that are difficult to enforce or address issues that are no longer considered sufficiently problematic to warrant inclusion in the bylaw
- needs to be revised to reflect current land transport legislation
- does not provide for changes to technology since the last review, such as parking payment methods.
- does not reflect modern drafting practice or use 'plain English' language.

The current bylaw was made under the Local Government Act 2002, the Local Government Act 1974, the Transport Act 1962, the Land Transport Act 1998 and the Land Transport Management Act.

Traffic and parking bylaw-making powers are now contained in section 22AB of the Land Transport Act 1998 (LTA), which was last amended in 2017 and was significantly amended in 2011. This includes the power to leave matters for Council resolution in s22AB(3).

The matters contained within s22AB have been assessed against the current bylaw and the perceived problems. All relevant matters are provided for within s22AB. Therefore, a PTB

can be made solely under the LTA, without reference to the LGA. Future reviews would only be subject to the provisions of the LTA rather than the LGA. It is noted for completeness that the LTA also provides that under s22AC LTA the Minister (currently the Minister of Transport) may amend, replace or disallow a bylaw made under the LTA.

5. Reasonably practicable options

The review requirements of section 160(2) of the LGA have now been addressed within this report. The Committee now has four options to consider in accordance with section 160(3) of the LGA as outlined in Table 2 below. These options also provide a link to the decision-making requirements of section 77 of the LGA, including the identification of reasonably practicable options.

Table 2

Option	Description	Advantages	Disadvantages
Option A - Amend the existing bylaw	Adopt a statement of proposal for public consultation including the proposed amended bylaw.	None identified.	Inconsistent with the analysis in this report regarding the appropriate form of bylaw. A significant amount of changes required, including the legislation under which the bylaw should be made.
Option B - Keep the bylaw as it is	Adopt a statement of proposal for public consultation with the current bylaw.	No changes to current situation, no new rules for community.	Inconsistent with the analysis in this report regarding the appropriate form of bylaw.
Option C - Revoke the bylaw	Adopt a statement of proposal for public consultation stating Council's intention to revoke the bylaw.	Reduces Council's enforcement activity requirements.	As per Table 1 of this report, not considered a reasonably practicable option in accordance with s77(1)(a) of the LGA.
Option D - Revoke and replace the bylaw	Adopt a statement of proposal for public consultation including a new bylaw.	As outlined in section 4 of this report.	Only able to address matters contained within s22AB LTA.

The analysis undertaken and described in this report shows that the most appropriate option is to revoke the existing bylaw and replace it with a new bylaw, made under the Land Transport Act 1998.

6. Is the proposed bylaw the most appropriate form of bylaw

The proposed bylaw addresses the perceived problems and overcomes the issues with the current bylaw. It -

- is not overly prescriptive
- adds important powers missed in the current bylaw
- removes duplication of powers Council already possesses under other legislation
- reflects legal developments and modern drafting practice
- uses plain English.

The Statement of Proposal for the new bylaw provides a more detailed overview of the proposed content changes.

7. Does the proposed bylaw give rise to any implications under the New Zealand Bill of Rights Act 1990

The only right or freedom under NZBORA potentially affected by the proposed bylaw is potentially the right to freedom of movement. Limitations on that right in the bylaw must be no more than is reasonably necessary to achieve the purpose of regulating parking in public places and providing traffic management controls to protect the public from nuisance and promote and maintain public health and safety. Council will have to bear this requirement in mind when it comes to establishing site specific controls by resolution as provided for in the bylaw.

Keeping of Animals, Poultry and Bees Bylaw

Section 155 & 77 Local Government Act 2002 assessment

The current Keeping of Animals, Poultry and Bees Bylaw (KAPBB) is made under the Local Government Act 2002 (LGA).

The statutory review of the KAPBB requires an assessment under s155 of the LGA. This report details this assessment and should be read in conjunction with the 'Legislative process, analysis and consultation requirements' as attached to the Planning and Development Committee report of 14 September 2017, as well as the report itself. This assessment includes an analysis of the available reasonably practicable options to address the perceived problem, together with advantages and disadvantages of each in accordance with s77 LGA.

1. Assessment summary

1. The problems identified in this report relate to the keeping of animals, poultry and bees and specifically associated issues in more populated in urban areas. In brief, there is a need to update the bylaw to reflect changes in community behaviour around bees and provide clear rules on this, as well as to provide clarity on the powers of Council, either missing or unclear in the current KAPBB.
2. A bylaw is considered to be the most appropriate way of addressing the perceived problems.
3. The current bylaw is not the most appropriate form of bylaw.
4. The most reasonable practicable option is to revoke the existing bylaw and replace it with a new one.
5. The proposed bylaw is the most appropriate form of bylaw.
6. The proposed bylaw does not give rise to any NZ Bill of Rights implications.

2. Perceived problems

7. The keeping of animals, poultry and bees can create odour, noise and other nuisances. They can create issues particularly in residential areas but there are also broader implications of animal ownership that should be addressed in the bylaw.
8. The keeping of bees has become a more widespread past-time since the KAPBB was last reviewed, and the current lack of restrictions on beehives in urban areas is cause of concern for some members of the community.
9. Powers are either missing, duplicated or not clearly articulated in the current bylaw that Council requires for enforcement purposes.

3. Is a bylaw the most appropriate way of addressing the problems?

The first step in a review process is always to assess what the perceived problem is and what mechanisms are available to Council to address the perceived problem. Table 1 outlines the assessment for each option available.

Table 1

Option	Outcome	Comments
Option A – no action taken to address perceived problems	Council would revoke the existing bylaw. Council would have no mechanisms available to control the ownership of animals.	This option would not provide Council with any abilities to address the perceived problems and is therefore not recommended.
Option B – provide a non-regulatory policy on animals to address the perceived problem	Council would revoke the existing bylaw and develop a policy approach to the perceived problem. This would rely on voluntary compliance as it would not have any associated enforcement powers.	The fundamental difficulty with any voluntary compliance regime in this area is that individuals do not have an adequate incentive to comply. This option is not recommended.
Option C – provide a bylaw on the management of animals in the District.	Council has a bylaw that provides a policy approach to the relevant matters and this is supported through available enforcement activities.	This is the recommended option. Council has specific bylaw-making powers that allows it to make bylaws to address the perceived problems as outlined in this report. This options allows for enforcement activities for the benefit of the community.

Option C is the preferred approach.

4. Is the existing bylaw the most appropriate form of bylaw?

The current bylaw is not the most appropriate form of bylaw. The bylaw -

- appears overly prescriptive in some areas
- misses or is unclear on important powers in other areas
- duplicates powers Council already possesses under other legislation
- Does not reflect modern drafting practice and does not use 'plain english' language.

For the reasons above, the existing bylaw is not the most appropriate form of bylaw.

5. Reasonably practicable options

The review requirements of section 160(2) of the LGA have now been addressed within this report. Council now has four options to consider in accordance with section 160(3) of the LGA as outlined in Table 2 on the following page. These options also provide a link to the decision-making requirements of section 77 of the LGA, including the identification of reasonably practicable options.

Table 2

Option	Description	Advantages	Disadvantages
Option A - Amend the existing bylaw	Adopt a statement of proposal for public consultation including the proposed amended bylaw.	The bylaw would be subject to a 10-year review period.	See discussion below.
Option B - Keep the bylaw as it is	Adopt a statement of proposal for public consultation with the current bylaw.	No changes to current situation, no new rules for community.	Inconsistent with the analysis in this report regarding the appropriate form of bylaw.
Option C - Revoke the bylaw	Adopt a statement of proposal for public consultation stating Council's intention to revoke the bylaw.	Reduces Council's enforcement activity requirements.	As per Table 1 of this report, not considered a reasonably practicable option in accordance with s77(1)(a) of the LGA.
Option D - Revoke and replace the bylaw	Adopt a statement of proposal for public consultation including a new bylaw.	As outlined in section 4 of this report.	See discussion below.

The legislative process and analysis, as attached to the Planning and Development Committee report of 14 September 2017, highlights a lack of legal clarity on the appropriate process. The review of the KAPBB did not occur prior to the ten-year required period, but is being undertaken within the two year 'extension' period as provided for in s160A of the LGA.

Generally, the required changes to the KAPBB would be of a scale to warrant amending the bylaw rather than revoking and replacing it. However, due to the circumstances, it is considered prudent to revoke and replace the bylaw instead. The only practicable implications of this is that the bylaw will be a new bylaw and therefore subject to a five year, rather than a ten year, review period.

6. Is the proposed bylaw the most appropriate form of bylaw

The proposed bylaw addresses the perceived problems and overcomes the issues with the current bylaw. It -

- provides clearly articulated restrictions on the keeping of bees in urban areas
- expands the general duty of animal owners to the entire District
- removes duplication of powers Council already possesses under other legislation
- reflects legal developments and modern drafting practice
- uses plain English.

The Statement of Proposal for the new bylaw provides a more detailed overview of the proposed content changes.

7. Does the proposed bylaw give rise to any implications under the New Zealand Bill of Rights Act 1990

It is considered that no rights or freedoms are being unreasonably limited by the proposed bylaw.

Attachment 3

Statement of Proposal – Parking and Traffic Bylaw

Introduction

A 'Statement of Proposal' (SOP) document is a legal requirement when Council is proposing to make, amend or revoke a bylaw. The SOP is the document that is made available to you as part of the consultation process to provide background information on the proposal to assist you in providing your thoughts to Council on the topic. Much of the content of this document is legally required.

Council is reviewing its Parking and Traffic Bylaw (PTB) in accordance with legislative requirements. The last time the PTB was reviewed was in 2005. A lot has changed since then, including some changes to the legislation that governs what Council can make bylaws about.

Reason for proposal

Council is required to review its Parking and Traffic Bylaw before December 2017. As a result of the review, Council is proposing to revoke our current PTB and replace it with a new one. This is not because Council wants to substantively change the overall content and context of the bylaw, but to provide a more simplified plain English version that will:

- reflect legislative and technological change
- remove duplication
- include missing provisions and powers.

Legal Considerations

Before making the decision to consult on revoking the current bylaw and making a new one, Council is required to consider several legislative requirements. The full report on these determinations can be found in the 14 September report to Council's Planning and Development Committee who adopted this SOP for public consultation. This section summarises the key aspects of the assessment undertaken.

Is a bylaw the most appropriate way of addressing the problems?

Council is responsible for:

- protecting the public from nuisance
- protecting, promoting, and maintaining public health and safety
- minimising the potential for offensive behaviour in public places.

Bylaws are an effective mechanism to achieve this. For example, a Parking and Traffic Bylaw can provide:

- controls on the road to minimise safety concerns
- parking management control to avoid public disturbance
- provisions for activities in public places that can cause nuisances or danger to health and safety

Council has considered non-regulatory options for addressing the problems addressed in the proposed bylaw. Council does not consider that non-regulatory measures will be sufficient to adequately address the problems. The difficulty with any voluntary compliance regime is that individuals may not have an adequate incentive to comply. A bylaw is the most effective method for Council to control parking and traffic related behaviour to avoid nuisance, danger and offensive behaviour.

Attachment 3

Is the proposed bylaw the most appropriate form of bylaw?

The analysis undertaken showed that the current bylaw:

- appears overly prescriptive in some areas
- misses or is unclear on important powers in other areas
- duplicates powers Council already possesses under other legislation
- includes provisions that are difficult to enforce or address issues that are no longer considered sufficiently problematic to warrant inclusion in the bylaw
- needs to be revised to reflect current land transport legislation
- Does not reflect modern drafting practice or use 'plain English' language.

Council also sought community feedback on the current bylaw prior to completing the review process and analysis. This feedback informed some further changes to the proposed bylaw.

It is proposed that Council revokes the existing bylaw and makes a new bylaw, for two reasons:

1. the extensive nature of proposed changes to the bylaw to remedy the identified issues
2. changes in the land transport legislation now provide an opportunity make the bylaw solely under the Land Transport Act 1998, rather than under the Local Government Act.

The proposed new PTB has been drafted following a comprehensive review of Council's various bylaw-making powers. It uses modern drafting practice and is not overly prescriptive. Legal advice was sought to ensure the bylaw is appropriately worded and structured. It is expected to be able to cope with the rapid pace of technological change. The proposed bylaw is considered the most appropriate form of bylaw.

Does the proposed bylaw give rise to any implications under the New Zealand Bill of Rights Act 1990?

The only right or freedom under NZBORA potentially affected by the proposed bylaw is potentially the right to freedom of movement. Limitations on that right in the bylaw must be no more than is reasonably necessary to achieve the purpose of regulating parking in public places and providing traffic management controls to protect the public from nuisance and promote and maintain public health and safety. Council will have to bear this requirement in mind when it comes to establishing site specific controls by resolution as provided for in the bylaw.

Summary of the proposed bylaw and comparison to the current bylaw

This summary discusses each of the key topics provided for in the proposed bylaw and also notes where the topic is generally provided for in the current bylaw, or where the topic is new. In some cases, the provision allows Council to make resolutions on these provisions for specific roads, parts of roads or other public places. This is indicated where applicable.

One way roads, no right turns and U-turns (current bylaw)

A perceived problem is that drivers may drive in a direction or turn in situations where they or other roads users are put at risk of harm. It is for Council to make the decision for each of its roads as to the appropriate direction of traffic and turning restrictions.

Signs and markings on roads are regulated by the Land Transport Rule: Traffic Control Devices 2004. The Rule requires Council to authorise and install or operate traffic control devices to instruct road users of a prohibition or requirement that Council has made concerning traffic on a road under its control.

Location specific decisions by resolution.

Attachment 3

Shared paths (replaces cycleways clause in current bylaw)

Shared paths and who can use them and how is provided for in the Land Transport Rule: Traffic Control Devices 2004. This provision replaces the cycle way provision of the current bylaw and allows Council to more accurately stipulate which users may use a shared path and how.

Location specific decisions by resolution.

Special vehicle lanes & shared zones (new provisions)

Special Vehicle Lanes and shared zones are provided for in the Land Transport (Road User) Rule 2004. This allows Council to establish shared zones special vehicle lanes for busses and bicycle lanes as well as for other specified classes of vehicles in accordance with the Rule to control what types of vehicles can use the lanes or zones and how or when.

Location specific decisions by resolution.

Unformed legal roads (new provision)

A danger can be created where a motor vehicle is taken onto an unformed legal road. Some pieces of unformed road are unsuitable for motor vehicles. This also applies to roads no longer actively maintained. There is a danger to the user and possibly other users of the road. To allow flexibility to be able to address each circumstance on its merits, it is proposed that the bylaws empower Council to set these limits by resolution.

Location specific decisions by resolution.

Livestock movement

Livestock being driven along or across a road can create a road safety hazard and can damage road surfaces (effluent is very corrosive to road surfaces). The proposed bylaw provides conditions for the moving of livestock and the regular moving of dairy cattle that support public safety, reduces risks and inconvenience and protects Council's roads and utilities.

Parking – time-limited and/or paid parking requirements (current bylaw)

Council needs to be able to regulate matters such as time, payment, parking within the space, and direction of parking to provide for equity in use of parking spaces, cover the costs of providing parking, especially dedicated car parks and car parking buildings and as an incentive for people to vacate parking spaces so others can use them.

The current bylaw is overly prescriptive in specifying the manner and method of payment. The proposed bylaw requires payment of the amounts and in the manners specified by resolution and as shown on applicable signs and road markings. This will allow flexibility for the rules to keep pace with changes in technology and practice.

It is relevant to note here that the exact location and restrictions for time limited and paid parking (such as the amount payable) are determined through Council's Parking Strategy, the PTB provides the mechanism for establishing and enforcing those locations and restrictions.

Location specific decisions by resolution.

Mobility parking (current bylaw)

The current bylaw provides for Council to designate mobility parking spaces but the provisions are complex and unclear. This has resulted in confusion for both enforcement staff and users. The proposed bylaw includes a suite of provisions for mobility parking permit holders that provide concessions as well as clearly articulating how these concessions apply to both mobility parking spaces and standard parking spaces.

Location specific decisions by resolution.

Attachment 3

Motorcycle parking (new provision)

This provision allows Council to designate parking spaces specifically for motorcycles.

Location specific decisions by resolution.

Clearways, passenger service vehicles, transport stations & loading zones (current bylaw)

The proposed bylaw allows Council to provide and control parking and stopping for taxis, busses and other passenger service vehicles and goods vehicles to ensure appropriate access for these vehicles without impeding traffic; and to create temporary no parking zones during busier commuter hours to assist in traffic flow.

Location specific decisions by resolution.

Heavy vehicle parking (new provision)

Heavy vehicles such as trucks, trailers, large motor homes and campervans can create special problems relating to parking especially on narrow or winding roads and in residential areas. They can block sight lines for other road users as well as take up more space to park meaning less room for other road users to park their vehicles. This has been an issue in certain areas of the District when truck drivers park overnight at the side of the road outside motels or private residences. The proposed bylaw will allow Council to be able to regulate where and when heavy vehicles may park.

Location specific decisions by resolution.

Permits and reserved parking places (current bylaw)

Council can provide permits for parking in time limited and/or paid parking locations for a variety of purposes, as well as being able to provide reserved parking areas for specific users. In some cases, a payment for such a permit is required or it is provided as a concession. The proposed bylaw more clearly sets out the types of permits and reserved parking available.

Parking off a roadway (new provision)

It is proposed that the parking bylaws prohibit parking on grass, lawn or garden areas on the edge of a road in areas with a speed limit of 50km/h or less. Parking on these areas in rural locations is less likely to cause damage. Council generally expends more resources on the maintenance of the roadside in urban areas and more expensive damage is likely to occur if people park there.

Machinery and equipment on roads (current bylaw)

This provision ensures that Council can control the placement of machinery and equipment on roads to ensure traffic safety and traffic flow is not unduly impeded.

Repairs on vehicles and broken down vehicles (current bylaw)

This provision supports efficient and safe traffic flows in the District.

General provisions

The bylaw has a number of other general provisions that support the overall aims of the bylaw including exemptions and powers of Council to remove vehicles or other items that are in breach of the bylaw.

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Other changes

The table below summarises the provisions that are in the current bylaw but have been omitted from the proposed bylaw and provides a comment for each one.

Clause	Comments
Licensing of vehicles animal power	Council has not provided a single permit for such a license in known history. The issue of animals in public places can be addressed in Council's Public Places Bylaw if a related problem arises in the future.
Abandoned vehicles	Covered by provisions in the Local Government Act 1974.
Resident Parking Scheme	Council does not currently have any of these. Should it wish to put any in place a best practice approach would be an amendment to the bylaw including public consultation.
Engine braking	This provision is not considered necessary as it is very difficult to enforce. Signage requesting no engine braking will remain in place.
Loss of traction	Provided for in section 22A of the Land Transport Act 1998, enforceable by NZ Police.
Window washing	Provided for in the Land Transport (Road User) Rule 2004, enforceable by NZ Police.
Parking vehicles for advertising and sale	Council's records show a limited number of complaints in relation to these provisions. In many cases the vehicles were illegally parked and therefore other enforcement mechanisms are available for such situations. The use of a vehicle to advertise a product or service will be reviewed as part of the Advertising Signs Bylaw review.
Caravans/mobile homes	The removal of this clause has been consulted on with the community as part of the Camping in Public Places Bylaw development and has been addressed through that process.
Various	Several clauses, for example 'prescribed coins only to be deposited' have been removed. They are considered too difficult to enforce, both in identifying the relevant party as well as the costs of taking any enforcement action. Further, there are few, if any recorded events of these types occurring in the past to warrant their inclusion.

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Parking and Traffic Bylaw 2017

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1 Title

This Bylaw is the Parking and Traffic Bylaw 2017

2 Commencement

To be confirmed

3 Application

This bylaw applies to all roads, including public places, under the care, control or management of Whangarei District Council.

Explanatory note: This Bylaw does not apply to land under the care, control or management of the New Zealand Transport Agency, unless the Council and the Agency have entered an agreement to apply this Bylaw.

Part 1 – Preliminary Provisions

4 Purpose

The purpose of this Bylaw is to set the requirements for parking and control of vehicular or other traffic on any road under the care, control or management of Whangarei District Council.

5 Interpretation

5.1 Any word used in this Bylaw that is defined in section 2 of the Act, has, for the purposes of this Bylaw, the same meaning as in section 2, unless otherwise provided for in this section.

5.2 Any word used in this Bylaw that is defined in rule 1.6 of the Rules, has, for the purposes of this Bylaw, the same meaning as in rule 1.6, unless otherwise provided for in this section.

5.3 In this Bylaw, unless the context otherwise requires -

Act means the Land Transport Act 1998 and any regulations or rules made under that Act

Approved disabled person's parking permit means a disabled person's parking permit or mobility parking permit:

- (a) issued by CCS Disability Action Incorporated or Sommerville Centre for Special Needs Wanganui Incorporated, or
- (b) approved by Whangarei District Council

Class of vehicle means groupings of vehicles defined by reference to any common feature and includes:

- (a) vehicles by type, description, weight, size or dimension
- (b) vehicles carrying specified classes of load by the mass, size or nature of such loads
- (c) vehicles carrying no fewer or less than a specified number of occupants
- (d) vehicles used for specified purposes
- (e) vehicles driven by specified classes of persons
- (f) carpool and shared vehicle
- (g) vehicles displaying a permit authorised by Whangarei District Council.

Clearway means a length of roadway over which a no-stopping parking restriction applies for the purpose of increasing the number of through traffic lanes or providing increased space to allow for the free movement of traffic during the period for which the clearway restriction applies.

Council means the Whangarei District Council

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Emergency vehicle means a vehicle used for attendance at emergencies and operated -

- (a) by an enforcement officer
- (b) by an ambulance service
- (c) as a fire service vehicle
- (d) as a civil defence emergency vehicle
- (e) as a defence force emergency vehicle.

Livestock means any horse, cattle, sheep, pig, goat, mule, ass, llama or deer and includes any other animal farmed for profit

Mobility parking permit means an approved disabled person's parking permit

Mobility parking space means a space reserved by Council for vehicles lawfully displaying a mobility parking permit

Motorcycle includes a moped

Parking place means a place (including a building or a road) where vehicles, or any class of vehicles, may stop, stand, park.

Parking space means a parking place or part of a parking place identified by sign, marking or notice for the use of a single vehicle or a specified number of motorcycles and includes time limited parking spaces.

Paid parking space means a parking space for which by resolution Council has determined a charge is to be paid.

Parking machine means a parking meter or other device that is used to collect payment in exchange for parking a vehicle in a paid parking space for a limited time.

Rule means the Land Transport (Road User) Rules 2004

Shared path means an area of road, separated from a roadway, that may be used by some or all of the following -

- (a) pedestrians
- (b) cyclists
- (c) mobility devices
- (d) wheeled recreational devices,

at the same time, and includes a cycle path.

Transport station means a place where passenger service vehicles may wait between trips

- 5.4 Any explanatory notes and attachments are for information purposes, do not form part of this Bylaw, and may be inserted, amended or revoked without formality.
- 5.5 The Interpretation Act 1999 applies to this Bylaw.

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6 Resolutions made under this Bylaw

- 6.1 A resolution may be made under this Bylaw:
- (1) to regulate, control or prohibit any matter or thing generally, or for any specific classes of case, or in a particular case, or
 - (2) that applies to all vehicles or traffic or to any specified class of vehicles or traffic using a road, or
 - (3) that applies to any road or part of a road under the care, control, or management of Council, or
 - (4) that applies at any specified time or period of time.

Part 2 – Vehicles and Road Use

7 One-way roads

- 7.1 Council may by resolution require vehicles on roads to travel in one specified direction only.
- 7.2 Every driver of a vehicle must travel only in the direction specified on a one-way road.
- 7.3 Council may specify by resolution that cycles may travel in the opposite direction on a one-way road.

8 Left or right turns and U-turns

- 8.1 Council may by resolution prohibit -
- (1) vehicles or classes of vehicles on any road from turning to the right or to the left or from proceeding in any other direction;
 - (2) vehicles turning from facing or travelling in one direction to facing or travelling in the opposite direction (performing a U-turn) on specified roads.
- 8.2 A person must not turn a vehicle to the left, or to the right, or perform a U-turn, or proceed in any other direction on any road where Council has prohibited or restricted such movements.

9 Shared paths

- 9.1 Council may by resolution -
- (1) fix the length, route and location of a shared path;
 - (2) determine priority for users of a shared path on a shared path that may be used by some or all of the following persons at the same time:
 - (a) pedestrians
 - (b) cyclists
 - (c) riders of mobility devices
 - (d) riders of wheeled recreational devices.
- 9.2 A person must not use a shared path in a manner contrary to any restriction made by Council.

10 Special vehicle lanes

- 10.1 Council may by resolution prescribe a road, or a part of a road, as a special vehicle lane that may only be used by a specified class or classes of vehicle.
- 10.2 A person must not use a special vehicle lane contrary to any restriction made by Council.

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11 Shared zones

- 11.1 Council may by resolution specify any road to be a shared zone.
- 11.2 Except where Council has by resolution specified otherwise, no person may stand or park a vehicle in a road specified as a shared zone.
- 11.3 A person must not use a shared zone in a manner contrary to any restriction made by Council.

12 Unformed legal roads

- 12.1 Council may by resolution restrict the use of motor vehicles on unformed legal roads for the purposes of protecting the environment, the road and adjoining land, and the safety of road users.
- 12.2 A person must not use a motor vehicle on an unformed road contrary to a restriction made by Council.

13 Livestock movement

- 13.1 No person shall move livestock along or across any road; unless confined within a vehicle:
 - (1) During the hours of darkness
 - (2) at any time when there is not sufficient visibility to clearly see a person, a vehicle or livestock at no less than 170 metres away
 - (3) on any road with an average daily traffic count of 2500 vehicles a day or more
 - (4) Where dairy cattle can be moved using a cattle race on private land or a cattle underpass.
- 13.2 A person may move livestock along any road with an annual average traffic volume of less than 2500 vehicles per day, subject to the following conditions:
 - (1) The number of livestock in any one mob shall not exceed 600 head, or 3,000 head in the case of sheep
 - (2) each mob shall be accompanied by one experienced drover per 300 head of cattle and per 1500 head of sheep
 - (3) each mob shall be accompanied by pilot vehicles in front and behind of the mob. All vehicles shall maintain a distance of no less than 200 metres from the mob.
- 13.3 Dairy cattle may be moved regularly across a road, subject to the correct construction, installation and usage of the following facilities at all crossing points:
 - (1) Entranceways, including additional adjacent shoulders, that are constructed to Council's requirements for Vehicle Entrance Crossings
 - (2) warning signs that meet the requirements of the Transit New Zealand Manual of Traffic Signs and Markings
 - (3) an amber flashing light operating for the period the dairy cattle are on the road
 - (4) at least one person in charge of the herd being present for the period the dairy cattle are on the road.
- 13.4 Council may recover the costs incurred in repairing any damage to a road or private property, or cleaning up any animal excreta on the road, caused by the movement of livestock from the person in charge of the livestock.

Explanatory note: The purpose of controlling the movement of livestock on roads is to support the safety of, and minimise inconvenience to, road users, to protect Councils' roads and any utilities within the roads, and to prevent roads being used as stock races.

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Part 3: Parking

14 Stopping, standing and parking

14.1 Council may by resolution:

- (1) prohibit or restrict the stopping, standing or parking of vehicles on any roads; or
- (2) limit the stopping, standing or parking of vehicles on any road and vehicles of any specified class or description.

14.2 A person must not stop, stand or park a vehicle on any road in contravention of a prohibition, restriction or limitation made by Council.

15 Parking places

15.1 Council may by resolution:

- (1) reserve any area of land or any road or any part of a road or any building or any part of a building owned or under the care, management or control of Council to be a parking place
- (2) specify the vehicles or classes of vehicle that may or must not use a parking place
- (3) prescribe the times, manner and conditions for the parking of vehicles or classes of vehicles in a parking place
- (4) prescribe:
 - (a) any charges to be paid for the use of a parking place
 - (b) how parking charges may be paid; including parking machines or any other specified manner
 - (c) the manner of displaying proof of payment if necessary
 - (d) opening and closing times for off-street parking places.

15.2 Any restrictions that apply to a parking place, do not apply in parking spaces within that parking place where other specific stopping, standing or parking restrictions apply.

15.3 A person must not park a vehicle in a parking place in contravention of a prohibition or restriction made by Council.

Explanatory note: This clause allows Council to designate parking spaces or prohibit parking for specific types of vehicles, including, but not limited to, electric vehicles and heavy vehicles.

16 Mobility parking

16.1 Council may by resolution reserve any parking space and prescribe any time limits and parking charges for vehicles lawfully displaying a mobility parking permit.

16.2 A vehicle lawfully displaying a mobility parking permit may park in a mobility parking space for which payment is required, subject to the following condition and concession:

- (1) Payment is required for up to the first hour of parking, or the applicable part payment for a period shorter than an hour.
- (2) a payment for the first hour allows that vehicle to remain in the parking space for up to the maximum time indicated.

Explanatory note: Mobility parking spaces generally have a maximum time limit of P180/P240 to ensure turnover of access for other users. Clause 16.2 provides that payment is required for up to the first hour of parking only. If a user wishes to use the parking space for less than an hour, then full payment for the elected parking period is required. Example: If a vehicle parks in a mobility parking space where \$1 per hour payment is required and the user wishes to park for 30 minutes, then a payment of 50 cents is required. If the user pays \$1 then the vehicle may remain in the parking space up to the maximum time limit.

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16.3 A vehicle lawfully displaying a mobility parking permit may park in a time limited parking space for which payment is required, subject to the following condition and concession:

- (1) Payment is required for up to the first hour of parking, or the applicable part payment for a period shorter than an hour.
- (2) a payment for the first hour allows that vehicle to remain in the parking space for up to the maximum time indicated.

Explanatory note: Most time limited paid parking spaces have at least a two-hour (120 minute) parking limit. Clause 16.3 provides the same concession as for mobility parking spaces, but ensures turnover of parking spaces by applying the same maximum parking period for all users.

16.4 A vehicle lawfully displaying a current approved mobility parking permit may park in any time unlimited paid parking space for double the length of time paid for.

Explanatory note: Clause 16.4 provides that in an unlimited paid parking place, payment is required for the first half of the intended parking period. Example: If a mobility parking permitted vehicle is parked in an unlimited paid parking space which attracts a charge of \$1 per hour and the user intends to use the space for 4 hours, then a payment of \$2 is required.

16.5 A vehicle lawfully displaying a mobility parking permit may park in any time limited parking space for double the length of the indicated time limit for that parking space, but only where the space displays a time limit of 120 minutes or less.

Explanatory note: To support the turnover of available parking spaces, Clause 16.5 limits this concession for parking spaces with a time limit of 120 minutes or less. This means that for parking spaces with a 180 or 240 minute maximum time limit there is no concession and the indicated time limit applies for all vehicles. Example: A mobility parking permitted vehicle may park in a 60 minute parking space for 120 minutes, but may only park for 180 minutes in a 180 minute parking space.

16.6 A person must not park a vehicle displaying a mobility parking permit unless the vehicle is being used to convey a disabled person or to pick up or drop off a disabled person.

16.7 A person must not park a vehicle which is not displaying a mobility parking permit in a mobility parking space.

17 Motorcycle parking

17.1 Council may by resolution determine any parking place to be reserved for the sole use of motorcycles and prescribe the maximum number of motorcycles that can park in the parking place.

17.2 No person may park a vehicle that is not a motorcycle in a parking place reserved for motorcycles.

17.3 No person may park a motorcycle in a parking space reserved for motorcycles other than at right angles to the road way.

17.4 Where more than one motorcycle occupies a standard paid parking space, only one parking fee shall be required.

17.5 No motorcycle may remain parked if the payment for a standard paid parking space has expired.

Explanatory note: If two motorcycles share a standard paid parking space, then a valid payment for one of the motorcycles must be in place for the entire duration of the parking time for both motorcycles. Motorcycles must park in accordance with the general restrictions of clause 21 of this Bylaw.

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18 Clearways, passenger service vehicles and transport stations

18.1 Council may by resolution -

- (1) determine any road, part of a road or any parking space to be a clearway, a stand or stop for specified classes of passenger service vehicle, or a transport station
- (2) specify the vehicles or classes of vehicles that may or must not use a clearway, a stand or stop for specified classes of passenger service vehicle, or transport station
- (3) prescribe the times, manner and conditions for the parking of vehicles in a clearway, a stand or stop for specified classes of passenger service vehicle, or transport station.

18.2 A person must not park a vehicle in a clearway, a stand or stop for specified classes of passenger service vehicle, or transport station in contravention of a prohibition or restriction made by Council.

19 Loading zone

19.1 Council may by resolution -

- (1) determine any road or part of a road or any parking space to be a loading zone
- (2) specify the class(es) of vehicle that may use the loading zone
- (3) prescribe the maximum length of time any vehicle or class of vehicle may park in a loading zone.

20 Heavy vehicle parking

20.1 Council may by resolution determine any road or part of a road, or any parking space, to be an area where the parking of heavy vehicles is prohibited or restricted.

20.2 No person may park any heavy vehicle on any road or in any parking space where the parking of heavy vehicles has been prohibited.

20.3 No person may park any heavy motor vehicle on any road or in any parking space where the parking of heavy vehicles has been restricted other than in accordance with those restrictions.

Explanatory note: Restrictions may apply during specified hours or for specified periods of time that are different from general parking restrictions in that area.

21 General restrictions

21.1 No person may park a vehicle in a parking space -

- (4) so that any part of the vehicle extends beyond the marked space or is not entirely within the space; or
- (5) that is already occupied by another vehicle unless the vehicles are motorcycles.

21.2 Notwithstanding sub clause 21.1 of this Bylaw, if, because of its size, it is necessary for a vehicle to extend onto an adjoining and unoccupied parking space, it may do so. If the parking spaces are paid parking spaces, then the fee for each occupied space must be paid.

21.3 No person shall park any vehicle in a parking space

- (1) Beyond the expiry of the time paid for in a paid parking space
- (2) Beyond the maximum period for parking in that parking space

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- 21.4 No person may park in any paid parking space without paying the required parking fee by correctly activating any parking meter controlling the space or making payment in compliance with any instructions on any signs or machines located at the parking place.
- 21.5 A person parking in a paid parking space using a pay and display receipt must display that receipt in or on the vehicle in a place so that it can be easily read by a parking warden.
- 21.6 No person may park in a parking space where parking is temporarily discontinued by Council using signs or cones.

22 Community concession parking permits

- 22.1 Council may issue concession parking permits to community groups or sectors, or volunteer organisations that allow permit holders to park in parking places free of charge and/or without being restricted to any maximum time limits.
- 22.2 Permits to be issued include, but are not limited to, the following groups of applicants:
 - (1) Drivers over 70 years of age
 - (2) Disabled person working parking permits
 - (3) Volunteer community organisations
- 22.3 Council may prescribe any conditions, including specifying parking areas or identified parking spaces, for the use of permits issued.
- 22.4 Council may by resolution -
 - (1) charge a fee for receiving and processing an application and issuing a permit
 - (2) prescribe any charges to be paid for the use of a permit
 - (3) determine situations when permit fees may be remitted, refunded or waived.
- 22.5 A permit may be cancelled by Council at any time.

Explanatory note: All permits and associated application processes, forms and conditions under clause 22 of this Bylaw are managed under Council's adopted Grants, Concessions and Loans Policy.

23 Parking permits

- 23.1 Council may issue parking permits that allow permit holders to park in parking places without requiring the charges for the parking space to be paid and/or without being restricted to any maximum time limits.
- 23.2 Council may prescribe any conditions, including specifying parking areas or identified parking spaces, for the use of permits issued.
- 23.3 Council may by resolution -
 - (1) charge a fee for receiving and processing an application and issuing a permit
 - (2) prescribe any charges to be paid for the use of a permit
 - (3) determine situations when permit fees may be remitted, refunded or waived.
- 23.4 A permit may be cancelled by Council at any time.

Attachment 3

24 Reserved or leased parking places

- 24.1 Council may by resolution declare a parking place or part of a parking place to be a reserved parking area or a leased parking area.
- 24.2 Council may set the fees payable for the parking of vehicles in a reserved parking area or leased area and prescribe the method of payment of those fees.
- 24.3 No person may park a vehicle in a reserved parking space or leased parking space other than in accordance with a current written agreement with Council for the use of that parking space.

25 Parking vehicles off a roadway

A person must not stop, stand or park a motor vehicle on that part of the road in an area for which the speed limit is 50km/h or less, which is laid out as a lawn or cultivated area, including a grass plot, a flower bed or shrubbery.

- 25.1 A person may stop, stand or park a motor vehicle in contravention of this clause if -
 - (1) that part of the road is designed and constructed to accommodate a parked vehicle
 - (2) Council has given written permission to stop, stand or park a vehicle in that part of the road.

26 Machinery or equipment on roads

- 26.1 A person must not leave any machinery, equipment, materials or freight containers on any road unless that person has the written permission of Council. This clause does not apply to containers that are used solely for kerbside collection of waste or diverted material authorised by Council and placed off the roadway, if such containers are not left on any road for a period not exceeding 24 hours.

27 Repairs on vehicles

- 27.1 A person must not carry out repairs or modifications to a vehicle on a road unless those repairs or modifications are of a minor nature and do not impede the flow of traffic or are necessary to enable the vehicle to be moved.

28 Broken down vehicles

- 28.1 A person must not leave a vehicle on any road for a continuous period exceeding seven days if that vehicle does not have effective motive power or is in such a state that it cannot be safely driven.

Part 4: Enforcement Powers

29 Removal of vehicles and things

- 29.1 In addition to the powers conferred on it by any other enactment, Council may remove or cause to be removed from any parking place, transport station or road any vehicle or thing using those places stations or roads in breach of the Bylaw.
- 29.2 Council may recover from the person who committed the breach of this Bylaw the appropriate costs in connection with the removal of the vehicle or thing.

Attachment 3

30 Removal of construction

- 30.1 Council may remove or alter a work or thing that has been constructed in breach of this Bylaw and may recover any costs of removal or alteration from the person who committed the breach.

Part 5: Offences and Penalties

31 Bylaw breaches

- 31.1 A person who fails to comply with any control, restriction, limitation or prohibition made pursuant to this Bylaw commits an offence under the Act and is liable to the penalties set out in the Act.

Part 6: Exceptions

32 Exceptions

- 32.1 Exceptions

- (1) A person is not in breach of this Bylaw if that person proves that:
 - (a) the act or omission complained of took place in response to a situation on a road; and
 - (b) the situation was not of the person's own making; and
 - (c) the act or omission was taken:
 - i. to avoid the death or injury of a person
 - ii. if the act or omission did not create a risk of death or injury or greater damage to any property, to avoid damage to any property.
- (2) Clause 33 (1) does not apply if a court is considering, in proceedings for an offence specified in the Act, whether or not a person had complied with this Bylaw.
- (3) Any restrictions made under Parts 2 and 3 of this Bylaw do not apply to -
 - (a) a vehicle that is engaged in urgent repair work to a public utility service
 - (b) a vehicle that is being used as an emergency vehicle in transit to or attendance at an emergency
 - (c) A branded Whangarei District Council vehicle used by any officer or contractor engaged in work for the Council.
- (4) A person is not in breach of this Bylaw if that person proves that the act or omission -
 - (a) took place in compliance with the directions of an enforcement officer or a parking warden; or
 - (b) in the case of an act or omission done by an enforcement officer or a parking warden, was necessary in the execution of the person's duty.

Part 7: Savings

33 Savings

- 33.1 Any resolutions, approvals, permits or other acts of authority made under the Whangarei District Council Parking and Traffic Bylaw 2005, current at the time of revocation of those bylaws, remain in force on their terms until amended, replaced or revoked by Council.

Attachment 4

Statement of Proposal – Animals Bylaw

Introduction

A 'Statement of Proposal' (SOP) document is a legal requirement when Council is proposing to make, amend or revoke a bylaw. The SOP is the document that is made available to you as part of the consultation process to provide background information on the proposal to assist you in providing your thoughts to Council on the topic. Much of the content of this document is legally required.

Council is reviewing its Keeping of Animals, Poultry and Bees Bylaw (KAPBB) in accordance with legislative requirements. The last time the KAPBB was reviewed was in 2005.

Reason for proposal

Council is required to review its KAPBB before December 2017. As a result of the review, Council is proposing to revoke our current KAPBB and replace it with a new one, to be called 'Animals Bylaw'. This is not because Council wants to substantively change the overall content and context of the bylaw, but to provide a more simplified plain English version that will:

- reflect legislative and technological change
- remove duplication
- include missing provisions and powers.

Legal Considerations

Before making the decision to consult on revoking the current bylaw and making a new one, Council is required to consider several legislative requirements. The full report on these determinations can be found in the 14 September report to Council's Planning and Development Committee who adopted this SOP for public consultation. This section summarises the key aspects of the assessment undertaken.

Is a bylaw the most appropriate way of addressing the problems?

Council is responsible for:

- protecting the public from nuisance
- protecting, promoting, and maintaining public health and safety
- minimising the potential for offensive behaviour in public places.

Bylaws are an effective mechanism to achieve this. For example, a bylaw can control the number of animals that can be kept on properties, where the lots sizes are small enough that unrestricted numbers of animals could cause considerable nuisances, through odours or noise, to the neighbouring residents.

Council has considered non-regulatory options for addressing the problems addressed in the proposed bylaw. Council does not consider that non-regulatory measures will be sufficient to adequately address the problems. The difficulty with any voluntary compliance regime is that individuals may not have an adequate incentive to comply. A bylaw is the most effective method for Council to control parking and traffic related behaviour to avoid nuisance, danger and offensive behaviour.

Attachment 4

Is the proposed bylaw the most appropriate form of bylaw?

The analysis undertaken showed that the current bylaw:

- appears overly prescriptive in some areas
- misses or is unclear on important powers in other areas
- duplicates powers Council already possesses under other legislation
- includes provisions that are difficult to enforce
- does not reflect modern drafting practice or use 'plain English' language.

Council also sought community feedback on the current bylaw prior to completing the review process and analysis. This feedback also informed the proposed bylaw.

It is proposed that Council revokes the existing bylaw and makes a new bylaw. Generally, the required changes to the KAPBB would be of a scale to warrant amending the bylaw, rather than revoking and replacing it. However, due to the legislative framework that applies to the review and a lack of clarity on whether Council is technically able to amend the bylaw, it is considered prudent to revoke and replace the bylaw instead. The only practicable implications of this is, that the bylaw will be a new bylaw and therefore subject to a five year, rather than a ten year, review period.

The proposed new Animals Bylaw has been drafted following a comprehensive review of Council's various bylaw-making powers. It uses modern drafting practice and is not overly prescriptive. Legal advice was sought to ensure the bylaw is appropriately worded and structured. The proposed bylaw is considered the most appropriate form of bylaw.

Does the proposed bylaw give rise to any implications under the New Zealand Bill of Rights Act 1990?

It is considered that no rights or freedoms are being unreasonably limited by the proposed bylaw.

Summary of the proposed bylaw and comparison to the current bylaw

This summary discusses each of the key topics provided for in the proposed bylaw and provides some background. Each topic is already contained in the existing bylaw but has been modified in accordance with the outcome of the analysis undertaken as part of the review. Some clauses have been omitted as they are already provided for in other bylaws of Council or in national legislation.

Overview

The issues raised in the feedback received during the informal consultation undertaken as part of the review process are considered to have been largely addressed in the proposed bylaw, particularly in relation to bees in urban areas.

One of the issues raised in the feedback related to the transition between urban and rural environments and the impacts of lesser restrictions on animals in rural areas impacting on adjacent smaller residential allotments.

This issue, sometimes also described as 'reverse sensitivity', is when people acquire residential sized properties, that are either adjacent to, or even still in a rural environment, but do not necessarily understand the implications this may have in relation to animal ownership on adjacent properties. The rolling review of the Whangarei District Plan is aware of this issue and is aiming to address some aspects of it through future 'transitional' environments. Once this review is completed, it is anticipated the bylaw will be reviewed for potential alignment with these environments.

A further issue is what is commonly called 'existing use rights'. This is where a property that is currently in a rural environment is rezoned as an urban environment under the District Plan and is then subject to the provisions of this bylaw. The proposed bylaw provides for a permit application process for animal owners captured by such changes, to support a suitable transition period.

Attachment 4

Obligations of animals owners in general (current bylaw)

This clause has been expanded to apply to the entire District, in the current bylaw this is only provide for the urban environments. If the obligations of this clause are not met, Council can enter the property and remove and dispose of the animals.

Poultry (current bylaw)

This clause has been amended to restrict the numbers of poultry on smaller urban premises to six birds rather than the existing 12, in accordance with best practice for urban areas of this size. For urban premises larger than 2000 square metres the limit has been set at 12, rather than being unrestricted as it currently is. It is not considered appropriate to have no limits on the number of poultry in an urban environment. The associated restrictions on distances from boundaries and buildings have however been removed. The clause maintains the current restriction on roosters in the urban areas.

Stock (current bylaw)

This clause replaces the current clauses on pigs, horses, goats and cattle and maintains the restrictions in the urban areas.

Bees (current bylaw)

This clause has been considerably modified to provide clear rules on beehives in the urban areas. Hives are proposed to be restricted to a maximum of two to minimise nuisance for neighbouring residents. Hives must also be kept in accordance with several conditions.

General provisions

The bylaw has general provisions that support the overall aims of the bylaw including and powers of Council to remove animals or structures that are in breach of the bylaw.

Animals Bylaw

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1 Title

This Bylaw is the Animals Bylaw

2 Commencement

To be confirmed

3 Application

This Bylaw applies to the Whangarei District.

Part 1 – Preliminary Provisions

4 Purpose

The purpose of this Bylaw is to provide for the ownership of animals (excluding dogs) in a way that protects the public from nuisance and maintains and promotes public health and safety.

Explanatory note: The Bylaw supplements, rather than duplicate other animal owner obligations, including but not limited to; the Animal Products Act 1999, Animal Welfare Act 1999, related codes of welfare and the Northland Regional Pest and Marine Pathway Management Plan 2017 – 2027. Council also has responsibilities and powers regarding animals under the Biosecurity Act 1993, Health Act 1956, Impounding Act 1955, Reserves Act 1977, Resource Management Act 1991 and the Whangarei District Plan

5 Interpretation

5.1 In this Bylaw, unless the context otherwise requires:

Animal means any member of the animal kingdom, including any mammal, bird, finfish, shellfish, reptile, amphibian, insect or invertebrate, and includes their young or eggs and the carcass or its constituent parts, but does not include humans or dogs.

Beehive and hive means any receptacle housing a honey bee colony.

Council means the Whangarei District Council

Enforcement Officer means an enforcement officer appointed under section 177 of the Local Government Act 2002

Nuisance has the same meaning as Section 29 of the Health Act 1956 and includes a person, animal, thing or circumstance causing unreasonable interference with the peace, comfort or convenience of another person.

Explanatory note: Circumstances that may be deemed a nuisance can include noises and odour associated with keeping animals.

Owner, in relation to any animal, means a person who has an animal in their possession or custody, or under that person's care, control, or supervision, and includes the parent or guardian of a person under the age of 16 years who -

- (a) owns the animal; and
- (b) is a member of the parent's or guardian's household living with and dependant on the parent or guardian; -

but does not include any person who has seized or taken custody of an animal under the Animal Welfare Act 1999 or the National Parks Act 1980 or the Conservation Act 1987 or any order made under the Animal Welfare Act 1999.

Person has the meaning given by the Interpretation Act 1999.

Permit means a licence, permit or approval to do something under this Bylaw and includes all conditions to which the permit is subject.

Poultry means any live bird that is kept or raised to produce eggs, hatching eggs or poultry products or for rearing on behalf of any other person, and includes chickens, ducks, geese, peacocks, peahens, pheasants and roosters.

Premises means any private land that is occupied or unoccupied.

Stock means cattle, deer, llamas, alpacas, donkeys, mules, horses, sheep, goats, pigs and any other animal kept in captivity, or farmed, and dependant on humans for their care and sustenance.

Swarm means a cluster or flying mass of honey bees, including workers, queen and drones.

Urban area means all Environments of the Whangarei District Plan; except for the following Environments:

- (a) Countryside Environment
- (b) Coastal Countryside Environment
- (c) Rural Living Environment (or any alternative final title for this Environment as an outcome of the Whangarei District Plan review)
- (d) Rural Countryside Environment (or any alternative final title for this Environment as an outcome of the Whangarei District Plan review)
- (e) Rural 'Urban Expansion' Environment – un-serviced sites only (or any alternative final title for this Environment as an outcome of the Whangarei District Plan review)

Explanatory note: The rolling review of the Whangarei District Plan intends to change the names of the primarily rural areas of the District as part of the review. This review has yet to be finalised and the titles provide are still subject to change until the Plan becomes operative.

- 5.2 Any explanatory notes and attachments are for information purposes, do not form part of this Bylaw, and may be inserted, amended or revoked without formality.
- 5.3 The Interpretation Act 1999 applies to this Bylaw.

Part 2 – General requirements

6 Obligations of animal owners in general

- 6.1 The owner or person in charge of any animal must always:
- (1) Ensure that animal does not cause a nuisance to any other person
 - (2) ensure that animal does not cause a risk to public health and safety
 - (3) ensure that animal does not damage any property belonging to any other person
 - (4) ensure that animal may not roam off the property on which it is kept.
- 6.2 Any owner who, in the opinion of an enforcement officer, fails to comply with these obligations, must act on any requests of the enforcement officer to comply with these obligations, including, if directed, to remove the animals from the property within a specified period.

Explanatory note: Animal owners are required under the Animal Welfare Act 1999 to provide for the physical, health and behavioural needs of their animals, including food, water, shelter and exercise.

Part 3: Specific restrictions

7 Keeping poultry in urban areas

- 7.1 No person may keep a rooster on any premises in an urban environment.
- 7.2 A person may keep up to six head of poultry in an urban area on premises smaller than 2000 square metres.
- 7.3 A person may keep up to 12 head of poultry in an urban area on premises of 2000 square metres or more.

8 Keeping stock in urban areas

- 8.1 A person must not keep stock in an urban area on premises smaller than 4000 square metres.
- 8.2 Council may issue permits to keep stock in an urban area on premises of 4000 square metres or more.
- 8.3 Council may issue permits to persons to keep stock whose premises, due to plan changes to the Whangarei District Plan after the date of this Bylaw coming into force, change from a rural to an urban environment.
- 8.4 Council may prescribe any conditions, including specifying distances from boundaries, maximum number of permissible stock and time limits on permits issued.
- 8.5 Council may by resolution:
- (1) charge a fee for receiving and processing an application and issuing a permit
 - (2) prescribe any charges to be paid for the use of a permit
 - (3) determine situations when permit fees may be remitted, refunded or waived.
- 8.6 A permit may be cancelled by Council at any time.

9 Keeping bees in urban areas

- 9.1 No person shall keep more than two beehives on premises in an urban area, subject to the following conditions:
- (1) Hives must be registered in accordance with the provisions of the Biosecurity (national American Foulbrood Pest Management Plan) Order 1998
 - (2) registration codes must be displayed in a visible manner on the apiary or hive

- (3) the owner of the beehives must provide evidence on request of the completion of an American Foul Brood (AFB) course
 - (4) hives must be kept a minimum distance of 10 metres from any adjoining property
 - (5) a suitable flyway barrier must be installed within a maximum of two metres from the hives.
- 9.2 In an urban area on a site of 4000 square metres or more, Council may issue permits for exemptions from the conditions provided in 9.1.
- 9.3 Any swarms occurring from a beekeeping activities in an urban area must be removed by the owner as soon as possible.
- 9.4 Any swarms notified to Council that are not removed within 24 hours of notification, will be removed by Council and Council may recover the cost incurred in the removal activity from the owner of the hive from which the swarm occurred.

Part 4: Enforcement Powers

10 Consequences of breach of bylaws

- 10.1 In addition to the powers conferred on it by any other enactment, an enforcement officer may enter land or premises and inspect the land or premises for compliance with this Bylaw.
- 10.2 Council may remove or alter a work or thing that is, or has been, constructed in breach of this Bylaw.
- 10.3 Council may recover the costs of removal or alteration from the person who committed the breach.

Part 5: Offences and Penalties

11 Penalties

- 11.1 It is an offence to breach this Bylaw with a penalty, on conviction, of a fine not exceeding \$20,000 under the Local Government Act 2002.

Part 7: Savings

12 Savings

- 12.1 Any permissions, approvals or other authorisations given under the Keeping of Animals Poultry and Bees Bylaw 2007 continue in force in accordance with their terms, unless cancelled by Council.

4.2 New Road Name – RMA Consents - Belton

Meeting: Planning and Development
Date of meeting: 14 September 2017
Reporting officer: Keryn Ryan – Team Leader – Support (RMA Consents)

1 Purpose

To name a Private Right of Way in the Whangarei District Council.

2 Recommendation

That the Council or committee approves the new Private Right of Way off Parakiore Road continue to be named Parakiore Road.

3 Background

A road naming application for Gavin Belton has been received on 15 August 2017 for the new Private Right of Way off Parakiore Road. It is proposed that the new ROW continue with the name Parakiore Road.

LINZ have confirmed that Parakiore Road (extension) will be accepted as a road name for the Private ROW at the end of Public Parakiore Road.

4 Discussion

Road name has been considered in accordance with the Council Road Naming Policy.

5 Significance and engagement

Having considered the significance and Engagement Policy this proposal or decision is not considered significant and the public will be informed via agenda publication on the website.

6 Attachments

1. Application for naming of a new private ROW.
2. Location Map.

Application for the naming of a new private Right of Way

Subdivision off Parakiore Rd, Kamo, Whangarei

Below is a summary of the road name submission from the developer.

Proposed status & class of road	Proposed road name	Reason and relevance	Accepted/Rejected	Local Māori consulted & evidence supplied
Private ROW	Parakiore Road	ROW to continue with the existing public road name	Yes – LINZ have accepted the continuation of the public road name for the new private ROW	Yes, Parakiore Rd name approved upon original submission as a Public Road

Consultation

LINZ have confirmed that Parakiore Road (extension) will be accepted as a road name for the Private ROW at the end of Public Parakiore Road.

Neighbouring properties all support the continuation of Parakiore Road for the new private ROW.

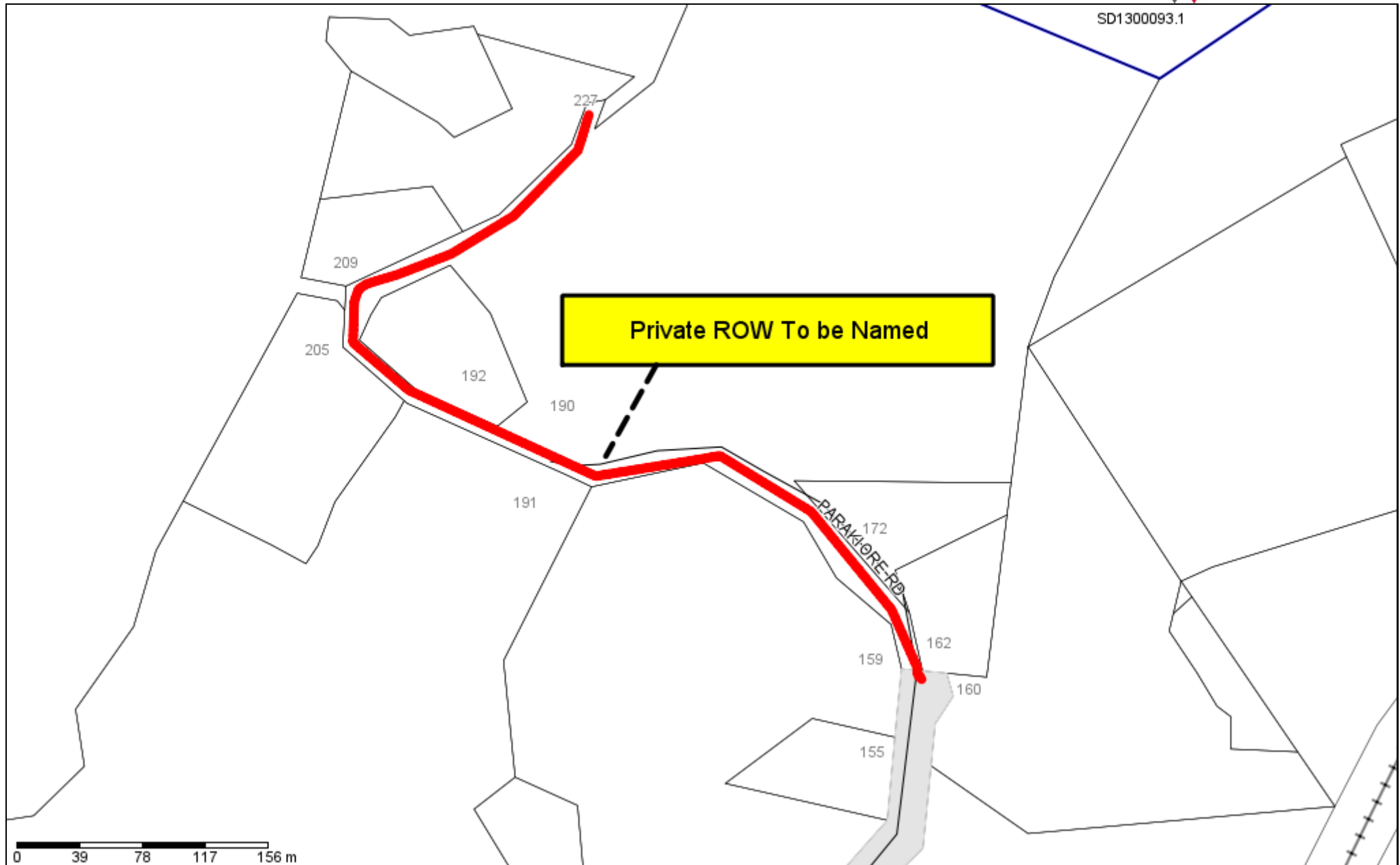
No further names have been submitted at this stage.

Recommendation

That the new private ROW off Parakiore Road continue to be named as Parakiore Road.

Document References

Location Map.



4.3 New Road Name – RMA Consents – Huia Street Limited

Meeting: Planning and Development
Date of meeting: 14 September 2017
Reporting officer: Keryn Ryan – Team Leader – Support (RMA Consents)

1 Purpose

To name a private Right of Way in the Whangarei District.

2 Recommendation

That the Planning and Development Committee approve the new Private Right of Way off Huia Street to be named Eric Wakelin Lane.

3 Background

A road naming application by Huia Street Limited has been received on 22 August 2017, for a private Right of Way off Huia Street, Whau Valley.

4 Discussion

All road names have been considered in accordance with the Council Road Naming Policy.

5 Significance and Engagement

Having considered the significance and Engagement Policy this proposal or decision is not considered significant and the public will be informed via agenda publication on the website.

6 Attachments

1. Application.
2. Location Map.

Application for the naming of a new private Right of Way.

Subdivision at Whau Valley

Below is a summary of the road name submissions from the developer in order of preference

Proposed status & class of road	Proposed road name	Reason and relevance	Accepted/Rejected	Local Māori consulted & evidence supplied
Private ROW	Eric Wakelin	Mr Wakelin built the original homestead at 10 Huia Street in 1906. He is a historical owner of the farm and father of one of the current owners.	Accepted	N/A
	Stream Lane	Access runs adjacent to an existing stream, to the South, with many neighbours having views of the stream.	Accepted	N/A
	Stream View Lane	Variation to option 2 (Stream Lane), relating to the view of the existing stream.	Accepted	N/A

Consultation

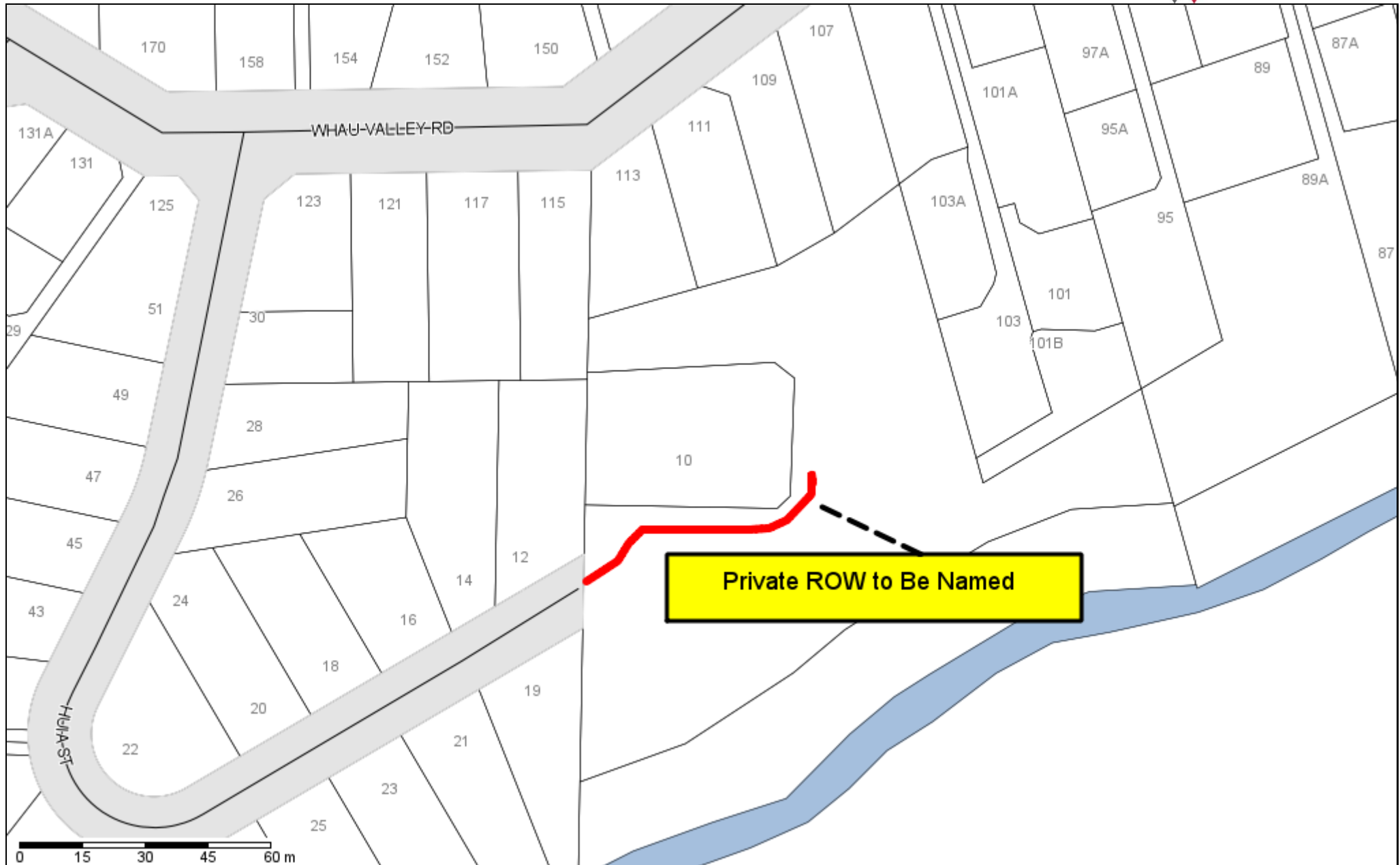
Aside from owners of 10 Huia Street, no consultation has been undertaken with other parties, as the access way is only related to new lots created from the subdivision.

Recommendation

That the new private Right of Way off Huia Street be named Eric Wakelin Lane.

Document References

Location Map



5.1 Service Delivery Review Update – Economic Development

Meeting: Planning and Development
Date of meeting: 14 September 2017
Reporting officer: Pete Gleeson Economic Development

1 Purpose

To provide an overview of the completed service delivery review for Economic Development activities.

2 Recommendation

That the Planning and Development committee note the report and discuss the key findings to consider whether there's an opportunity for a joint approach for how local authorities provide economic development activities and services in Northland.

3 Background

Section 17A of the LGA requires local authorities to periodically review the way they govern, fund and deliver their services. This means considering alternative ways of providing the service, analysing any of those options that could prove beneficial and providing a recommendation as an outcome of the review.

The four Northland councils have undertaken a joint review of their economic development activities, including tourism and destination marketing services. This review, undertaken by MartinJenkins, was done to ensure compliance with the requirements of section 17A of the Local Government Act 2002. The section 17A review must consider three elements: how a service is governed; how it is funded; and how it is delivered. The intention is that the recommendations from the review will inform the development of respective councils' Long Term Plans 2018-2028.

The final reports, both detailed and summary, have been circulated to each council. The summary report is attached in Appendix 1 and the full report is available upon request. While there are specific recommendations that each council can digest individually, the key question for councils collectively to consider is whether, as recommended, there's any appetite for councils to take a more collaborative approach to the provision of councils' economic development activities and services in Northland.

The report recommends that a jointly-owned Council Controlled Organisation (CCO) would be the most effective and efficient delivery model.

Should councils not wish to make such a significant move, the report suggests that Far North District Council and Kaipara District Council adopt a similar joint resourcing agreement to the arrangement that Whangarei District Council has implemented with Northland Inc.

4 Discussion

If Council feels there may be appetite for a jointly-owned CCO, then senior staff could be tasked to prepare further analysis of how this could best be progressed for further discussion.

4.1 Financial/budget considerations

Currently Whangarei District Council contribute a total of \$105,000 per annum to Northland Inc economic development activities, including tourism and destination marketing services.

Should Council decide to progress to a CCO model the contribution required from Whangarei District Council could possibly increase. Northland Inc. is currently, largely funded by Northland Regional Council.

4.2 Policy and planning implications

If changes are to be made through the pending Long Term Plan (LTP) processes, then progress needs to be made in a timely fashion.

4.3 Options

There are two options to consider;

- a) Maintain the current joint resourcing arrangement that Whangarei District Council has with Northland Inc that was implemented at the beginning of 2016.
- b) Pursue a jointly-owned Council Controlled Organisation.

Council staff can investigate the pros and cons of each option to assist Councillors to reach a decision.

5 Significance and engagement

The decisions or matters of this report do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via [report publication on the website, Council News, Facebook or any other channel you currently use to inform customers – please also advise Communications]

Where a matter is considered significant, or more extensive engagement is proposed (i.e. it falls within the consult to empower range of the spectrum), greater consideration will be required using the separate sub-headings 5.1 and 5.2. Any decision on a significant matter must be made by Council.

6 Attachments

- 1. Review of Economic Development Arrangements in Northland-Summary Report.
- 2. Review of Economic Development Arrangements in Northland-Final Report (available upon request).

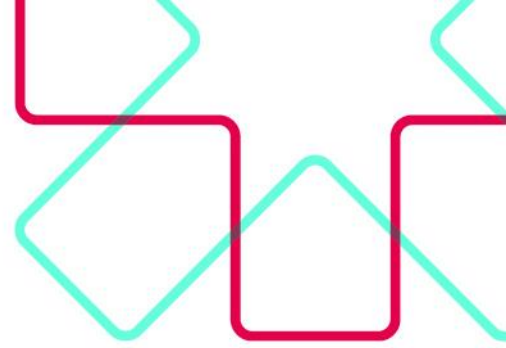
REVIEW OF ECONOMIC DEVELOPMENT ARRANGEMENTS IN NORTHLAND

Summary Report

for Local Authorities in Northland - Northland Regional
Council, Far North District Council, Kaipara District
Council, Whangārei District Council

July 2017





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Introduction

Northland Regional Council (NRC), Far North District Council (FDNC), Kaipara District Council (KDC) and Whangārei District Council (WDC) invest close to \$6.5 million annually in economic development activities. These activities are either directly delivered by Councils or through Northland Inc, a Council-Controlled Organisation (CCO) of NRC.

The main types of activities being delivered are:

- Destination marketing and management (e.g., marketing campaigns and collateral, events facilitation)
- Business development and innovation support (e.g., business assessments, facilitation of capability and R&D funding)
- Sector development and investment support (e.g., cluster facilitation, impact assessments of major industry projects, sector profiles)
- Economic strategy support and economic intelligence.

The Councils commissioned MartinJenkins to undertake a review of economic development arrangements in the region. In particular, they wanted to understand:

- The role of local government in economic development in the region, based on an analysis of challenges and opportunities facing the Northland economy, rationales for local government activities in economic development, and legislative and central government expectations.
- Economic development activities, identifying strengths, weaknesses and any relevant gaps in the activities, based on:
 - the Councils' objectives, priorities and performance targets
 - identifying any overlaps and/or duplication across Councils' and Northland Inc's activities and with other relevant agencies
 - an assessment of the efficiency of current arrangements and the benefits of the activities versus costs
 - an assessment of the overall effectiveness of the current delivery models of the four Councils, including governance arrangements, funding arrangements and current economic development reporting and accountability mechanisms.
- Options for future economic development delivery arrangements, based on clear criteria, and recommendations for any changes in functions, form and funding.



What is working well?

1. A large number of activities are being delivered and services are reaching a large number of organisations and individuals

- Given the level of investment and resources going into economic development activities and what we have observed in other regions, in our view there is a relatively large number of services and initiatives being delivered in the region. For example:
 - Northland Inc facilitated over \$350,000 of NZTE funding and over \$1 million of Callaghan Innovation funding to local businesses over 2014/15 and 2015/16
 - More than 20 investors were hosted in the region in 2015/16
 - Support for the development of six new tourism products and experiences was provided through the Investment & Growth Reserve (IGR) over 2014/15 and 2015/16
 - A large range of events have been supported by the Far North and Whangārei District Councils annually
 - Support for the development of five industry good opportunities was provided through the IGR over 2014/15 and 2015/16.
- A large number of organisations and entrepreneurs are being reached through these services. For example, in 2015/16 Northland Inc had over 250 unique business interactions and made 57 mentor matches. 90,000 Northland visitor guides were produced and distributed. NorthlandNZ.com had close to 208,000 sessions and WhangereiNZ.com had close to 138,000 users and 375,000 page views in the same year.
- Organisations in all parts of the region are getting supported, for example, there were 24 active business engagements in the Far North, 45 engagements in Whangārei and 11 engagements in Kaipara in 2015/16. There were 16 mentor matches in the Far North, 30 in Whangārei and 11 in Kaipara in the same year. Tourism and sector development projects supported through the IGR were located in all parts of the region.

2. There are no major gaps in economic development services

Economic development activities delivered in Northland are consistent with other regions

- All regions of New Zealand support the provision of economic development services and activities (there are over 20 economic development entities and 30 regional tourism organisations in New Zealand). Depending on the regional context and priorities, economic development activities tend to span business development support, skills support, promotion of innovation, investment attraction and promotion, internationalisation support, industry development and major sectoral project support, destination promotion and events attraction, and district or community improvement.



- Economic development activities supported through the Councils and Northland Inc cover the spectrum of economic development services offered in most other regions. As with every other region, destination marketing and promotion (including events) and business development support are major areas of activity. Northland is more active in investment facilitation and sector development projects than several other regions, leveraging the NRC's Investment & Growth Reserve (IGR).
- Although Councils in Northland are active in district marketing, broader regional destination marketing and promotion currently has limited emphasis compared to other regions.

3. The right types of activities are being delivered

The vast majority of economic development activities are consistent with the identified opportunities and needs facing the region and are generally supported by evidence

- Research and consultation suggests that the major economic development challenges and opportunities facing Northland relate to:
 - Improving infrastructure & connectivity, particularly roading and UFB. Consistent with this, Northland Inc and Councils have developed the digital enablement plan for the region and been involved in advocating for and supporting roading and signage improvements.
 - Harnessing the potential of Māori land and capability. Several Maori/iwi economic development projects have been supported through the IGR.
 - Increasing the productivity and value generated by key sectors. Northland Inc facilitates industry coalitions and has, with NRC, supported IGR projects for a variety of sector projects.
 - Improving the quality of marketing and improving the visitor value proposition of the region through enhancing tourism products. Northland Inc supports this through promotional campaigns, the regional destination website, hosting media and trade personnel, and participating in tourism events. Territorial authorities support a range of district events, local information centres and local promotional campaigns.
 - Improving the capability and scale of local businesses. Northland Inc supports this through providing business information and referrals, facilitating business mentoring and its role as a regional partner for NZTE and Callaghan Innovation.
 - Improving the quality of information on the potential of the economy and key assets and advantages in order to attract and retain investment and talent. Northland Inc hosts investors, has developed an investment prospectus and facilitates feasibility studies and IGR applications for major investment projects. WDC works with Northland Inc to facilitate investment into the district.
 - Upgrading skills and connections between employers and potential employees. This is an area that has not been a focus for Northland Inc or Councils, although Councils have been involved in a few skills initiatives such as a skills attraction campaign and jobs initiatives.



There are clear rationales for Councils supporting the types of activities that are being delivered

- Councils and Northland Inc are appropriately focused on facilitation, information provision and addressing collective action issues, which are the types of activities where there are good arguments for local government involvement. Only the provision of funding directly to firms through the IGR could be regarded as potentially inconsistent with appropriate roles of local government, given that it is direct assistance, benefits are captured privately and there are other providers of such capital. However, each case depends on the extent of private versus public benefits associated with the investment and whether the investment is generating additional activity that otherwise would not occur.

4. In most cases, Northland Inc and Councils work together well and with other support organisations

- There is little overlap in economic development activities between Northland Inc and the Councils or between the Councils. Councils tend to be involved in activities closer to their core roles (e.g., supporting improvements in connectivity or the quality of the regulatory environment) or on district-focused activities such as local events and marketing and supporting community improvement initiatives. Northland Inc tends to focus on activities that are based on overcoming regional issues and taking up regional opportunities, such as supporting regional marketing and business capability improvement.
- There are several examples of joint work between Councils and between Councils and Northland Inc, for example:
 - The development of the regional response and submission for UFB2, RBI2 and mobile blackspot funding and the digital enablement plan
 - The development of the Twin Coast Cycleway and Twin Coast Discovery project
 - A range of sector and investment projects, for example, the assessment of the proposed Ngawha wood processing facility and facilitation of Hawaiki Cable.
- There are activities where Councils and Northland Inc are both operating, such as marketing, supporting tourism product, sector development and investment projects as these can have regional and district dimensions to them. However, the roles tend to be complementary rather than competing. For example, Northland Inc and WDC explicitly work together on the 'landing pad' investment promotion and facilitation initiative.
- Stakeholders consulted indicated that there were generally good working relationships between Northland Inc, Councils and other support providers in the region and that complementary business and economic development services are usually well coordinated.



5. It appears that businesses and industry value the activities that are delivered

There are high levels of client satisfaction with Northland Inc

- 89 percent of respondents to a Regional Business Partner survey said that their overall level of satisfaction with Northland Inc was good or better in the year ended June 2016. 92 percent of respondents said Northland Inc's information was good to excellent and 97 percent said the service and support they received helped their business.
- Several of the organisations interviewed for this review that interacted with Northland Inc were positive about the information and facilitation assistance provided, even if they had not received financial support.

There is a high level of co-investment (time and funding) in activities and projects, which signals that organisations are getting value out of economic development activities

- Several of the activities that are delivered require co-investment and most require a high level of organisation participation, for example:
 - Clients that access NZTE capability vouchers or Callaghan Innovation R&D funding also have to contribute their own funds to the project (often 50 percent of the total contribution, or more in the case of R&D grants) and generally reasonable time and staff resources (e.g., attendance at training, time spent on testing and refining a new product).
 - There is considerable co-investment in marketing initiatives. For example, 14 businesses attended the TRENZ event with Northland Inc in 2015, including 3 first-time companies that were incentivised by Northland Inc; businesses co-invested \$155,000 in Northland Inc marketing collateral in 2016; and an international marketing group co-funded \$32,500 towards an offshore trade marketing programme with Northland Inc.
 - All projects supported through the IGR involve co-funding feasibility studies, business cases and the implementation of projects.

6. Local government is adequately resourcing economic development in the region in total

- Council investment in economic development represented around 2.2 percent of total local government operating expenditure in the region in 2015. The investment was the equivalent of close to \$39 of economic development spend per capita. This is slightly higher than the national average of 2.1 percent of local government operational spending and \$26 per capita.



7. There is some evidence that broader impacts are being achieved and activities are making a genuine difference

- Some business development services appear to be making a difference, with 69 percent of Northland clients that had received Regional Business Partner support saying they had implemented business improvements or changes as a result. This was higher than the average result across New Zealand.
- Economic impact assessments of events supported by FNDC and WDC also indicate that major events are generating a good return on investment. For example, the Bay of Islands Ocean Swim series is estimated to have injected \$2.4 million into the economy over 2014 to 2017; the Kainui Vineyard Concert had 12,000 visitors in 2016 with 50 percent from outside the Bay of Islands and the concert was estimated to add \$650,000 to the Far North's GDP; the Whangārei Fritter Festival in 2016 attracted 5,300 attendees with 20 percent of these from outside the district and the economic impact was estimated to be \$1.05 million; the FIFA U20 World Cup games in 2015 were estimated to result in new direct spend of \$1.5 million into Whangārei.
- Organisations involved in industry coalitions said that the groups were delivering results beyond what would otherwise been achieved. For example, it was unlikely that the international education strategy proposal would have been developed without Northland Inc's advice and support. Several members of the food and beverage coalition would not have attended the Auckland Food show without Northland Inc support and feedback suggested that Northland Inc played an important role in facilitating the development of the Savour brand.
- IGR supported feasibility and business case reports have been used to influence decision-making. Moreover, the IGR process and funding has leveraged a significant amount of funding from external sources, including central government and the private sector. An additional \$24.7 million has been invested in the projects on top of local government funding. \$10.3 million of this is from central government, so has been new to the region.

8. Northland Inc is relatively efficient at delivering services

- Northland Inc's expenditure has increased steadily over the last three years by around 14 percent per annum. However, its level of outputs has also increased over the period and in several cases at a proportionally higher rate than the increase in funding (for example, the number of business engagements has increased by 36 percent per year; the number of IGR projects Northland Inc has facilitated has almost doubled over the three years; the number of industry coalitions facilitated has increased from 2 to 5 over the three years). There appears to have been no reduction in efficiency. In addition, Northland Inc's proportion of staff costs to total expenditure is about average compared to similar economic development agencies. Moreover, the level of visitor spending and visitor nights in the region is high relative to the level of local government investment in destination marketing activities.



What could be improved?

1. Economic strategy development and priority setting

There is limited buy-in to the Tai Tokerau Northland Economic Action Plan (TTNEAP)

- Ideally, there should be a high degree of consistency between the priority areas and desired outcomes of the Tai Tokerau Northland Growth Study/TTNEAP and He Tangata (the Tai Tokerau Māori Economic Development Strategy), and local government economic development priorities and outcomes as articulated in Northland Forward Together, Long-Term Plans (LTPs), district economic development plans and the Statement of Intent (SOI) and Business Plan of Northland Inc. However, overall there are relatively few areas of clearly consistent priorities and outcomes across all of these strategic documents, although Kaipara has faced other priorities in the last few years. No Councils have adopted the outcomes in TTNEAP.
- There are some areas of alignment between He Tangata, the Growth Study/TTNEAP and Council priorities. However, there are differences in the specification of the respective outcomes and goals and feedback indicated that areas of alignment were largely cosmetic rather than purposeful.
- There was consistent feedback provided that the Councils and other stakeholders do not really regard TTNEAP as a 'regional plan' and that they have not bought into all the outcomes and actions of the Plan. There were several views that TTNEAP does not really have a clear set of priorities and instead has included a 'laundry list' of every conceivable action. In addition, there are views that TTNEAP was driven by central government and that there was limited regional engagement beyond the core group of agencies involved in developing TTNEAP (e.g., Central government, Council and Northland Inc representatives). Similarly, discussions with Māori groups indicated that the process by which TTNEAP was developed did not involve sufficient engagement with Māori and hence there is not genuine alignment between TTNEAP and He Tangata.

There is limited communication and engagement between Councils and Northland Inc on priorities

- Ideally, economic development priorities should translate from economic strategies and Council plans to Northland Inc investment decisions and actions via a combination of discussions between the Councils and Northland Inc, an NRC Letter of Expectation (LOE) with Northland Inc, other Council funding agreements with Northland Inc, and Northland Inc's Statement of Intent and Business Plan as shaped by these discussions and expectations. In addition, priorities should also be informed by input and feedback from other key economic development partners and stakeholders in the region, such as Māori/iwi organisations, industry groups, infrastructure companies, educational institutions etc.
- Interviews have indicated that there is good engagement between Northland Inc and NRC in considering activities for the year ahead as part of the SOI process. However, it is not apparent that this results in any changes in prioritisation. Northland Inc currently has too many objectives and spreads its resources over a large number of activities to achieve all of the objectives.



Northland Inc also presents its intended priorities and activities to the WDC Council and has done so with the NRC Māori Advisory Committee. However, in these cases we heard that this is more of a presentation than a discussion where genuine input can be provided and debate had, which reflects the nature of formal Council meetings. Northland Inc has not been able to engage with the other Councils in a meaningful way.

- There is no formal process of engagement with other economic development partners and stakeholders when setting Northland Inc priorities. Northland Inc previously developed an MOU with Iwi Chief Executives to provide support for He Tangata, but this did not progress.

2. Service mix and reach

- There are some areas where the current level of emphasis does not appear to be sufficient based on identified opportunities, comparisons with other regions and stakeholder feedback:
 - **Regional destination marketing.** A major economic opportunity identified through research and the Tai Tokerau Northland Growth Study was the need for improved destination marketing activities but it does not appear that there is sufficient resources going into that area at a regional level. There are also differences in views about whether Northland Inc, Councils or local promotion organisations are best placed to deliver domestic-focused destination marketing activities.
 - **Regional events.** Several stakeholders suggested that major events could benefit from regional leadership and coordination. They suggested that there were current events that could be of regional significance if they were better promoted and coordinated with other activities. Northland does not have a visitor or events strategy or plan, which is common to many other regions.
 - **Māori/iwi economic development.** Stakeholders noted that Māori/iwi are increasingly playing an important role in shaping the economic growth of the region. Some questioned whether sufficient work was being undertaken with iwi organisations or Māori businesses to support the development of their capability and growth. It was considered by some that opportunities are being missed to connect Māori businesses with networks and resources. Although Northland Inc has made a genuine effort to support Māori economic development through a dedicated advisor and IGR projects, it is time to refresh this approach.
 - **Industry development.** Representatives from some primary sectors indicated that, at times, Northland Inc did not support industry initiatives that were underway and that they thought this was because staff in the organisation did not have a good understanding of the sector. Some also thought that Northland Inc could do more to work with existing industry groups and seek their advice on potential projects.
- Whangārei has been receiving a relatively high level of business development outputs, with the Far North receiving a relatively low level of outputs on the basis of their business population and Kaipara receiving a mixed level of services across different activities. However, there are variations in reach from year to year. It has been difficult for Northland Inc to ensure reach of some services, such as business development and investment facilitation activities, into parts of



the region because of the distances and travel time required to reach businesses beyond the Whangārei district.

3. Destination marketing and management activities

- There are some mixed results on the effectiveness of destination marketing activities. Neither Northland Inc nor WDC have been meeting their website traffic targets. Whangārei's branding is not always meaningful for visitors. Although Northland's domestic visitor expenditure had been growing at a reasonable rate, the region is not performing as well on international visitor expenditure. On the positive side, industry representatives are contributing resources to both regional and district marketing activities. However, some operators in the Far North do not regard regional marketing as being effective for the Bay of Islands.
- The region's regional marketing spend is well below the national average. The region invests around \$7 per rateable property, \$4 per capita and \$0.35 per guest night in regional destination marketing and promotion, compared to an average of \$25 per ratepayer, \$11 per capita and \$1.19 per guest night across all RTOs.
- There is considerably more investment going into district marketing than regional marketing although it is not apparent that the returns for this marketing activity are better than regional marketing. National evidence suggests that destination marketing tends to provide a positive return on investment by improving the awareness of the region with potential visitors and reinforcing decisions to travel to the region, i.e., it encourages new visitors to the region. However, some elements of district marketing are geared to attracting visitors and spend from other parts of the region rather than generating new spend for the region.

4. Investment and Growth Reserve

- There are several issues with the processes involved in developing and assessing applications for the IGR:
 - The quality of the cases has been variable. In several cases the broader benefits and impacts are not well articulated, particularly in relation to commercial investments.
 - In all cases, there has not been a strong argument made for the local government funding contribution. The arguments are generally that the projects will be good for the communities and generate jobs but the reasons why local government should contribute funding for these benefits relative to other parties (and the levels of funding sought) are not well made.
 - There has not been a prioritisation of the projects – they have been assessed and considered for local government support as they have developed. It's not clear that all of the projects are the most important for the region and how they fit within regional economic development priorities.
 - The transaction costs involved in approving relatively small amounts of IGR funding for feasibility studies and business cases are too high as both the Northland Inc Board and the Northland Regional Council assess all applications.



- In some cases there have been very long timeframes involved between an initial discussion about a project and a final decision on an application. Several stakeholders noted that they did not understand the process or the documentation requirements of the IGR.
- There is limited funding available to meet the current pipeline of projects. It is highly likely that, even with improved prioritisation, future requests for funding will exceed the annual allocation each year, with the consequence that the balance of the fund will reduce over time and no new projects will be able to be funded.

5. Assessing and reporting on the impact of economic development activities

- As is common across regions in New Zealand, there is limited information on the impact of economic development activities with the exceptions of some forms of business development support and major events. There has not been any formal evaluation of Northland Inc's services beyond the national programmes it facilitates in the region. Because of the limited and mixed evidence available about outcomes, it is difficult to suggest that the benefits of all activities exceed their costs or, conversely, that there are obvious areas of economic development activities that are not effective and that should be discontinued.
- Economic development performance indicators used by Councils and Northland Inc are of mixed use for performance measurement or resource decisions. Measures are either focused on outputs or long-term outcomes that are difficult for organisations to influence in any one year and tend to be limited in scope. There are few 'intermediate outcome' measures which are more directly attributable to the activities. Some current indicators may incentivise the wrong types of behaviours by encouraging a focus on achieving a quantity of outputs rather than quality.

How should the current model be improved?

- Based on an assessment of the identified areas for improvement, consideration of services that should be delivered together and functions that should be in-house versus independent of Council, feasible options for improving the delivery of economic development activities in the region are:



- The Status Quo
- Enhanced Status Quo – this would mean that Northland Inc would remain a CCO of NRC, but that: a) additional mechanisms would be adopted to ensure more effective engagement and communication between Northland Inc, Councils and other economic development partners; and b) Northland Inc would extend its delivery into the Far North, for example, by having representation based in FNDC and/or a co-funded resource with FNDC.
- Refocusing Northland Inc. This would involve transferring some of Northland Inc's current activities to Councils such as the portfolio management role for TTNEAP and IGR applications associated with major strategic projects.
- Leveraging other providers. This would involve changing Northland Inc from a CCO to an independent organisation and for Councils to contract with Northland Inc and potentially other organisations (e.g., Chambers) for economic development services.
- Extended Regional Model. This would involve converting Northland Inc from a NRC CCO to a jointly owned CCO, with all Councils in the region taking an ownership and governance role in Northland Inc and jointly contributing funding to Northland Inc. This would also involve Northland Inc extending its presence in different districts through having satellite offices or joint staff with the respective Council.
- The pros and cons of these options were assessed against a range of criteria, including practicality, representation and responsiveness, effectiveness, costs, accountability, and ability to leverage the resources of others.

1. Improving the current delivery arrangements and service mix

- Overall, our assessment is that the that the best approach for enhancing the existing model is:
 - For Northland Inc to become a jointly-owned CCO, with joint shareholding across the four Councils and a joint committee to provide direction and oversee Northland Inc's performance and resourcing.
 - To extend the delivery of Northland Inc into each district through a hub and spoke delivery model, for example by having representation and joint resourcing arrangements in each district with the district Councils and potentially the Bay of Islands Marketing Group and/or other promotion groups.
 - To increase Northland Inc's destination marketing activity relative to other economic development activities. The increase in activity should include the introduction of a regional events facilitation and marketing role.
 - At a minimum, the current three-year IGR allocation for regional tourism promotions that Northland Inc is receiving should be added to their baseline. However, Northland Inc and NRC should also consider opportunities for reallocating funding from other activities. There is also likely to be opportunities to obtain leverage from district marketing and event activities through Northland Inc extending its services into the districts.



- To ensure that Northland Inc and Council destination marketing and management activities (including events) are focused on the right priorities and opportunities over the long-term, Northland Inc and the Councils should work with partners and stakeholders to develop a regional visitor and events strategy and plan for the region.
- To improve engagement between Northland Inc & Councils and Māori/iwi organisations on economic development priorities and services. The model provides for the potential to increase the level of engagement with Māori through a joint resourcing approach with the Iwi Chief Executive's collective or other Māori/iwi organisations.

2. Enhancing communication and engagement between the Councils and Councils and Northland Inc

- The current model can also be enhanced by improving Council and Northland Inc engagement in setting priorities and assessing and communicating the impacts/outcomes of activities, including:
 - Workshop sessions between Northland Inc and the Joint Committee of Councils to discuss key developments during the year (up to twice per year).
 - An annual strategy session involving representative Councillors, the Chief Executive and senior management of Councils, and Northland Inc's Board, Chief Executive and senior management. Representatives from major industry, support and iwi organisations should also be invited to the annual strategy session.
 - Regular meetings between the Chief Executives of the Councils and Chief Executive of Northland Inc (e.g., quarterly).
 - Improved reporting by Northland Inc and Councils on economic development activities.

3. Improving Northland Inc and Council reporting on economic development

- Assessing the benefits of economic development activities can be improved by more clearly identifying the linkages between outputs, immediate impacts and short-medium term outcomes and capturing better feedback from business and industry clients about their views on the changes that have resulted from activities. This can be articulated in an agreed output and outcome framework that sets out an intervention logic about how the range of activities delivered Councils and Northland Inc contributes to desired outcomes. This will also provide a framework for monitoring progress towards outcomes and the basis for Councils to develop a monitoring and evaluation plan, which should include a formal evaluation of Northland Inc's activities at an appropriate time (e.g., by 2020).

4. Improving the operation of the Investment & Growth Reserve

- The operation of the IGR can be improved by:
 - Focusing the fund on feasibility studies, business cases and impact investments, as the economic development rationales and benefits from commercial projects are limited.



- Introducing guidelines and templates for feasibility studies and businesses cases to ensure that additional and wider economic benefits are clearly assessed and specified.
- Prioritising the pipeline of projects to focus on those with the greatest potential impact and public benefits, aligned with regional economic development priorities.
- Enabling the Northland Inc Board to make decisions on feasibility and business case applications, up to an agreed maximum (e.g., \$100,000), with NRC officials' providing advice as part of the process.

5. Improving TTNEAP and its support arrangements

TTNEAP and its support arrangements can be improved by:

- Revamping TTNEAP to become a regional economic development strategy and plan, with agreed priority areas, goals and outcomes and which is aligned with Northland Forward Together, He Tangata, Council Plans and Northland Inc priorities. The aim should be for the strategy and plan to more aspirational about the future of the region and to provide greater direction about how economic development activities will support this future.
- Revamping the TTNEAP Advisory Group so that it provides direction and decision-making on priorities and involves a genuine partnership between local government, Māori/iwi, the business community and central government.
- Ensuring engagement with the region to discuss and update the priorities and Plan annually, for example, through holding workshops between Councils, Northland Inc, business leaders, Māori/iwi leaders and other major economic development partners.

What are the benefits and costs?

Key benefits associated with the recommended changes include:

- Greater alignment of economic development priorities and outcomes across Council/s and Northland Inc and hence better opportunity to leverage the resources of all to achieve common goals.
- Relatively little disruption to Northland Inc or Council operations and delivery as a result of implementing changes.
- Reduced compliance costs for Northland in reporting to different Councils.
- Improved measurement of economic development activity performance and impacts and subsequently a better ability to make appropriate changes to resource and investment decisions.
- Increased flexibility/agility by being able to make decisions about changes to activities across Councils and Northland Inc through the joint committee structure, which would have previously necessitated a reliance on a larger number of decision-making mechanisms across Councils.



- Increased opportunity to identify efficiencies in delivering activities across all Councils and Northland Inc as a result of increased engagement.

Key costs and risks associated with the recommended arrangements include:

- An increase in Council staff and Councillor time required to develop and agree on: priorities with Northland Inc; the Shareholders Agreement; the Joint Committee role and structure; and the outcome and output framework. Some Councils (e.g., KDC and FNDC) will now be expected to participate in additional meetings and workshops with Northland Inc.
- An increase in Northland Inc staff and Board time required to help develop the outcome and output framework, improve reporting and participate in workshops with the Councils. This may divert resources away from delivery.
- Time and costs associated with public consultation on the changes to the CCO arrangements. This can be minimised by utilising existing consultation processes, such as those associated with the update of the LTPs and Annual Plans.
- Costs involved in extending Northland Inc's services into districts (e.g., set-up costs, coordination costs) although some costs could be minimised by sharing overheads with others.
- A risk that Councils will attempt to influence operational rather than strategic matters through the new engagement/communication mechanisms.

In our view these costs and risks are manageable and will not outweigh the benefits of the proposed arrangements.

Recommendations

We recommend that:

Strategy and priority setting

- The Councils and Northland Inc work with Māori/iwi, central government, key industry and economic support organisation representatives to develop a regional economic strategy and plan that sets the goals and priorities for economic development in the region.
 - This should effectively be a revamp of TTNEAP and should aim to align Northland Forward Together, He Tangata, Council Plan and Northland Inc priorities.
 - The process needs to involve engagement with businesses and communities across the region.
 - The process should be led by a revamped TTNEAP Advisory Group which involves a genuine partnership between and representation from local government, Māori/iwi, the business community and central government.
- District-level economic plans and activity-specific strategies (e.g., the proposed visitor and events strategy) need to be aligned with the regional strategy and plan over time.



- Northland Inc should become a jointly owned-CCO, with joint shareholding across the four Councils and a joint committee to provide direction and oversee Northland Inc's performance and resourcing.
- Councils and Northland Inc should adopt a broader range of mechanisms to discuss and agree on Northland Inc's objectives and priorities each year, including an annual strategic workshop with economic development partners and stakeholders, workshops between Northland Inc and the Joint Committee of Councils, and a Letter of Expectations that sets out combined Council expectations about outputs, outcomes, performance measurement and reporting.

Opportunities for improving the service mix and reach

- Northland Inc should extend its delivery across districts through a hub and spoke delivery model, for example, by having representation and joint resourcing arrangements with the district Councils and potentially the Bay of Islands Marketing Group and/or other promotion groups.
- Northland Inc and Councils should extend the delivery of economic development activities to Māori/iwi organisations and discuss the potential for a joint servicing arrangement with Iwi Chief Executives and/or other Māori organisations.
- Resourcing and delivery of regional destination marketing should be increased relative to other forms of regional economic development activity.
 - The expansion of activity should include major regional events facilitation and marketing.
 - The current three-year regional promotion budget funded through the IGR should be added to Northland Inc's baseline.
 - Northland Inc should work with NRC to identify potential areas for reallocating funding from other activities.
- A regional visitor and events strategy should be developed to help prioritise tourism product development, coordinate district and regional marketing efforts, determine how to create better leverage from events, and to identify appropriate levels and sources of funding for destination marketing and management activity in the region over the long-term.
- The IGR should be refocused to support impact investments (and associated feasibility studies and business cases) and the pipeline should be prioritised to focus on those with the greatest potential impact, aligned with regional economic development priorities
 - Guidelines and templates for feasibility studies and business cases should be introduced to ensure that additional and wider economic benefits are clearly assessed and specified.

Opportunities for getting greater value from economic development investment

- NRC should discuss appropriate levels of funding support for Northland Inc from the other Councils as part of the process for implementing the joint CCO arrangement.



- There will be a stronger basis for these discussions once there are agreed economic development priorities across the Councils. In the first instance, we recommend that FNDC and KDC consider adopting a joint Council-Northland Inc resourcing arrangement similar to the arrangement that WDC has implemented.
- Councils should assess the costs and benefits of introducing a differential rate or other charging arrangements for destination marketing activities as part of the development of the visitor and events strategy, including whether and how such mechanisms could be implemented.

Assessing and reporting on activities and impacts

- The Councils and Northland Inc should develop an output and outcome framework that sets out the intervention logic between the resources being used for economic development, the activities being delivered and outputs, and the desired short, medium and longer-term outcomes.
- Councils and Northland Inc should develop and adopt a monitoring and evaluation plan, which should specify how performance information will be collected, to consistently measure and report on economic development activities. This should include a formal evaluation of activities at an appropriate time (e.g., in 2020).



5.2 Planning and Development and Strategy Operational Report

Meeting: Planning and Development

Date of meeting: 14 September 2017

Reporting officer: Alison Geddes (General Manager Planning and Development)
Jill McPherson (Acting General Manager Strategy and Democracy)

1. Purpose

To provide a brief overview of work occurring, in the current financial year, across functions that the Planning and Development Committee has responsibility for

2. Recommendation

That the Planning and Development Committee notes the Operational report for August 2017.

3. Discussion

Planning and Development

Volumes of applications for Resource Consents and Building Consents remain high and significant progress has been made on securing overflow contractors. Evaluation of potential building consent processing and inspections contractors is currently underway and an additional Building Control Officer has been appointed.

An appointment has also been made to the position of District Development Manager to head the new district development team. Adam Worley, currently a resident of Waipu, has been appointed to the role and brings with him experience of managing economic development and place-based town centre management from the UK. Adam will start in mid-October.

Interest in investing into the District has picked up noticeably, possibly due to greater certainty around the Hundertwasser project.

Work continues on the City Centre Plan and the District Development and District Plan Teams are working closely with the Strategy Team to ensure that there is ongoing input from commercial property, economic development, urban design and district plan development to ensure the Plan is well integrated.

Workloads in alcohol licensing and health food premises remain high with the buoyant economy. One notable change is the number of new food premises (63) which are being set up, many of them in residential homes which are now able to operate with food control plans.

Strategy and Democracy

The new Strategy team have had a busy month. Highlights include:

- The second Business Forum for the City Centre Plan was held 5 September. The results will be reported to the Scoping meeting of this Committee. The Plan is still on track for completion before the end of the calendar year.
- A Growth Model and Environmental Scan have been completed for use as a context for the development of the Long-Term Plan 2018-28. This shows the pressures Whangarei is experiencing and will continue to experience from growth, demographic changes, technology and other trends that will affect the work of Council.
- The first quarterly report required under the National Policy Statement for Urban Development capacity has been completed in draft and is being reviewed for compliance by the Ministry for the Environment. Once final, it will be reported to this Committee at a Scoping Meeting.

4. Significance and engagement

The decisions or matters of this report do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via report publication.

5. Attachments

Planning and Development Operational Report - August

Operational Report – Strategy, Planning and Development August (reporting on August activities)

Economic Development

For the eight-month period end August 2017, 20 inward investors were hosted, facilitated and provided with information and data to progress their due diligence. Of these, there were two delegations from China and one from Malaysia.

Now that the Hundertwasser Wairau Art Centre has reached its funding goal, there appears to have been renewed interest in investment in the District.

In total five referrals were made to appropriate third parties where purchase or lease of suitable land was required.

One construction development has been completed whilst several projects are currently being advanced through the Council consenting processes.

The Northland Investment Prospectus was launched in both hard copy as well as online within the Northland Inc web site, the content of which provides an insight into the regions business landscape and demographic.

One presentation workshop was undertaken to an audience comprising of investors and developers.

Commercial Property

Town Basin

The washing and cleaning of Town basin tenancies is planned to commence in the first week of September. The work will be completed afterhours and will both speed up the job and also reduce the inconvenience to tenants and their customers.

Painting of the ground level tenancies will then commence mid-September to ensure the majority of maintenance is completed before labour weekend. Historical leaks in some areas will also be explored including the removal of weather boards.

Investigative work associated with blockages of the public toilets on the southern side of the Town Basin (playground) continue. There has been a significant decline in call outs as a consequence some of the changes staff have implemented to resolve the matter.

Staff continue to explore potential tenancies for the vacant ex Kauri Clocks site at the HUB, including possible pop-up tenancies. In the absence of a current tenancy the Festival of Architecture will be occupy the space from 7 – 17 September. The festival included local architecture and concepts associated with the Hihiaua Precinct Plan and also provides a great opportunity to promote the Whangarei City Centre Plan through the new District Development team.

Arbitration Award

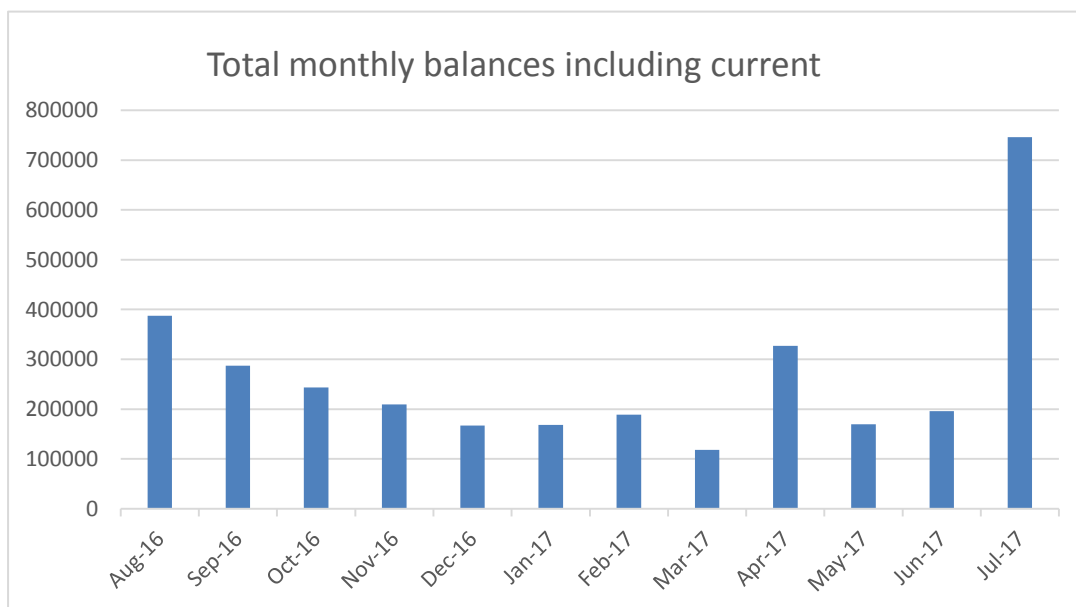
Staff formalised the required legal process to recover costs associated with the arbitration. Arrears from the lessee are yet to be received. In the event that such payment is not made within the required timeframes, further legal proceedings are available to resolve the matter. It is hoped that the outcome as determined by the award is achieved and no further legal process will be required.

201-209 Port Road (ex-Balance/ Fertilizer Stores)

Onsite inspections from independent experts have been completed on site and a final scope of works for the demolish of the ex-Balance site structures is expected to be completed mid to late September. Project Staff have started the draft contract documentation.

Rent Reviews/Renewals

Rental reviews and renewals continue in accordance with both Ground and Commercial Freehold leases. The recent arbitration award reflects the significance of arrears now outstanding based on the implementation of the rent a consequent arrears owing over the past two years.



*The data is not completely reflective of the entire August invoicing cycle.

Airport Management Contract Review

The Registration of Interest (ROI) process is underway and closes on Friday 1 September. A short list of genuine potential suppliers will participate in a pre-Request for Proposal (RFP) meetings, scheduled for 7 September prior to a full RFP document being released. Evaluation stages are also included later in the process

between relevant staff and suitable independent technical advisors. Dates for each evaluation are yet to be determined.

Strategic Planning

Growth Model

The growth model has been updated to support the development of the 2018-2028 Long Term Plan. An overview of the model will be presented at a Council Briefing on 6 September.

Whangarei City Centre Plan

A business sector group meeting was held on the 8 August to seek input from building and business owners in the City Centre.



Following this feedback staff are developing the structure and format of the document as well as key objectives and actions.

A second staff workshop was held on 28 August and a second business sector meeting was held on the 5 September.

National Policy Statement on Urban Development Capacity

Staff are working on the first quarterly monitoring report requirement which will be presented to Council. This report will contain information on house and land prices, rent and housing affordability measures.

Bylaw Development

Following the close of submissions on 4 August, deliberations for the proposed Camping in Public Places Bylaw will take place on 7 September

A statement of proposal for the Parking & Traffic Bylaw and the Keeping of Animals, Poultry and Bees Bylaw will be included as an agenda item to the 14 September Planning and Development Committee.

Living Roof Guide

Staff are working with Unitec and 4Sight Ltd to produce a design guide to encourage green buildings. It will also contain technical information to support our staff in assessing development with green building technology.

Unitec and 4Sight Ltd are working towards an exhibition in Whangarei in late September to showcase their work. This will include a presentation to local environmental groups, architects and developers.

Upper North Island Strategic Alliance (UNISA)

An officer meeting was held on the 11 August. This meeting included discussion on a possible port strategy, feedback on the Auckland Plan Refresh, working together on the National Policy Statement for Urban Development Capacity and agenda items for future Chief Executive Meeting to be held on 13 October.

Kaipara Moana Treaty Settlement Working Party

A meeting was held on the 21 August in Warkworth. Councillor Phil Halse chaired the meeting, which confirmed a work programme to be completed over the next two months. This work includes a review all contributions Council make to the improving the health of the Kaipara Harbour and its Catchment. Staff will be working closely with Northland Regional Council, Auckland Council and Kaipara District Council to complete this work.

Auckland University Geography Field Trip



The Auckland University 3rd year geography class returned to Whangarei for the 3rd year for their field course. Approximately 90 students and 9 staff attended a

presentation on the 4th August by Council staff to help them understand local government process and to make decisions about their research topic.

A number of Council staff were present for the question and answer session. Feedback from students was positive and they will return in September to complete their research projects.

District Plan

PC94B Papakainga (Phase 2)

Appeal to PC94B was resolved via Environment Court Mediation, Consent Order has been signed by parties and submitted to the Environment Court.

PC85 A- D, PC86 Rural, PC87 Coastal Area, PC102 Minerals and PC114 Landscape

Written right of reply reports for the rural, coast, landscape and mineral plan changes have been completed and circulated to submitters who were heard. All evidence, statements, hearing reports are available online.

PC131 GMO

Federated Farmers of New Zealand have appealed the GMO provisions in the Auckland Unitary Plan. Council has joined as a s274 party.

PC135 GNLC Ltd (Private Plan Change Application)

The 30-working day period to lodge an appeal closed on 5 September 2017. At the date of writing this report no appeals had been lodged.

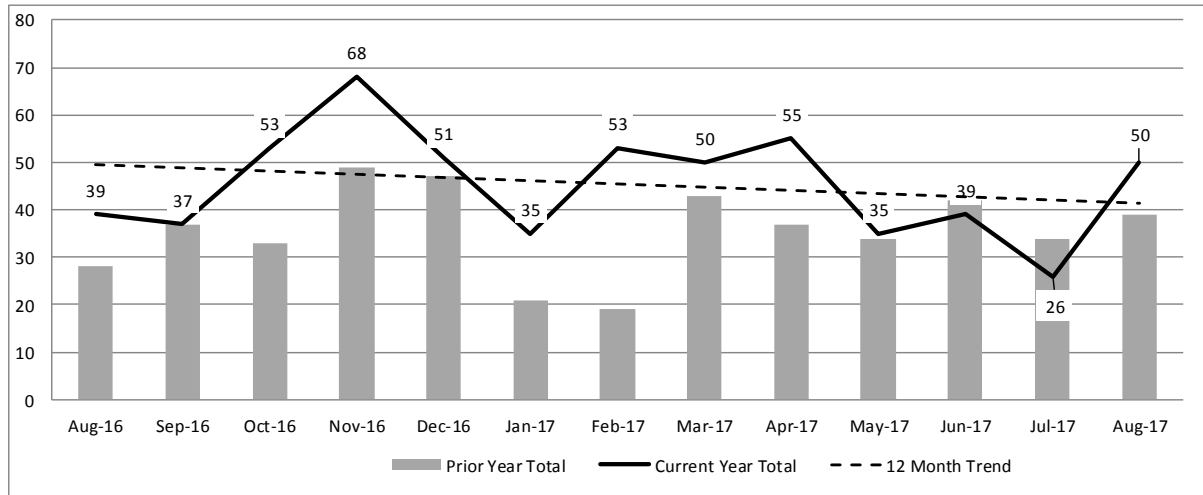
PC90 Coastal Hazards

NRC have completed and publicly released final versions of coastal hazard mapping for Whangarei District. Including newly mapped areas on the north shore of the Whangarei Harbour, for which draft maps were not previously released. Work now continues with PC90 drafting provisions and s32 to implement the RPS and coastal hazard mapping.

RMA Consents

Resource Consent Processing

August has seen a pick-up in the resource consent numbers with 50 applications received. This is busier than the same time last year and reverses the trend of the last 2 months.



Subdivision

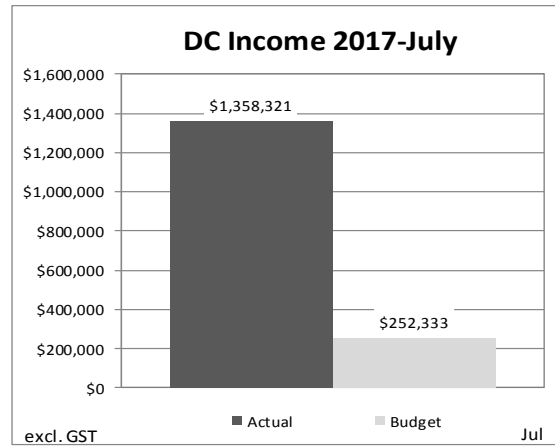
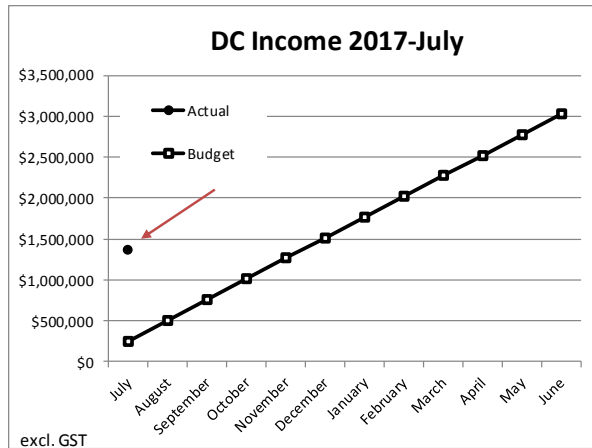
Subdivision applications equated to 60% of the total number of applications. This is a slight drop from previous months. The majority of these subdivisions are rural based proposals utilising the current rules which may change as a result of the plan changes currently being processed.

Landuse

Landuse applications made up 40% of the total number of resource consents for the period.

Development Contributions (end of July)

DCs invoiced to end of July totalled \$1.35M, well ahead of the estimated \$250k. This is due to one project in Waipu completing a stage of their development which contained 41 allotments. The budgeted income for the end of year is a little over \$3.0M. This reflects the expected continuation development activity. As DCs recover part of the cost of past and future projects, which have or will be been undertaken in anticipation of growth, this money is already allocated to those projects.



Appeals

There are no current appeals.

Building Control

Building Consent Processing

Building consent applications have continued to show a steadiness in activity. The number of consents issued within timeframe has declined from last month's figures.

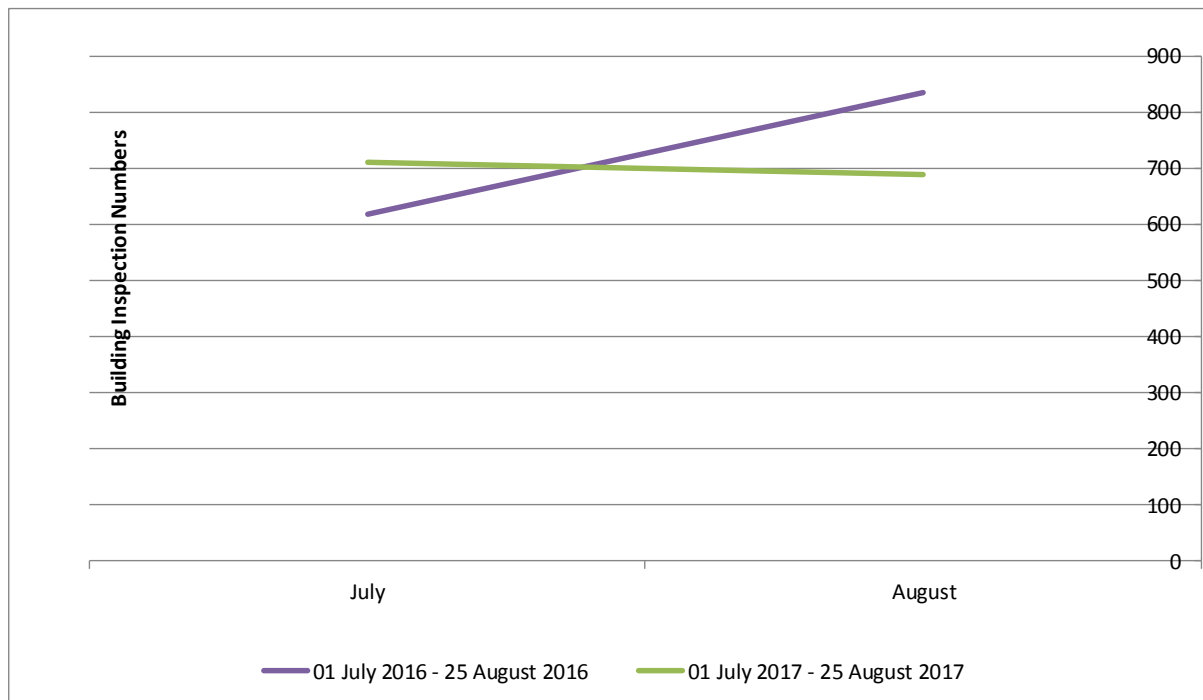
Performance Indicators			
		Aug-17	Year's Average To Date
Building Consents	Issued In 20 Days	51%	56%
LIMs	% Within 7 Days	96%	95%
LIMs (Statutory Requirement)	% Within 10 Days	100%	100%
PIMs	% Within 5 Days	98%	90%
Inspections (Completed within 48 Hrs)	% Complete Within 2 Working Days	94%	96%

The procurement process has now moved into a request for proposal for an overflow contractor and the business case has been approved to increase resourcing and growing our own technical staff.

Inspections

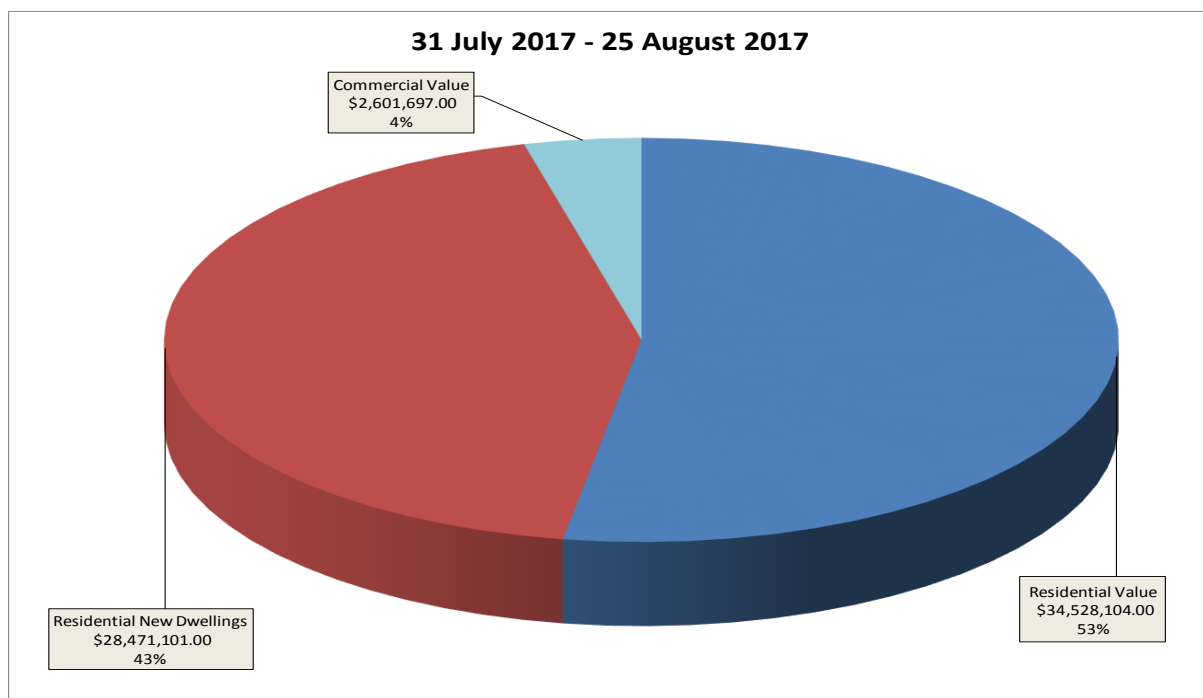
Inspection numbers have reduced compared to last year, however reduction is due to the availability of technical staff not demand.

The average wait for an inspection is increasing.



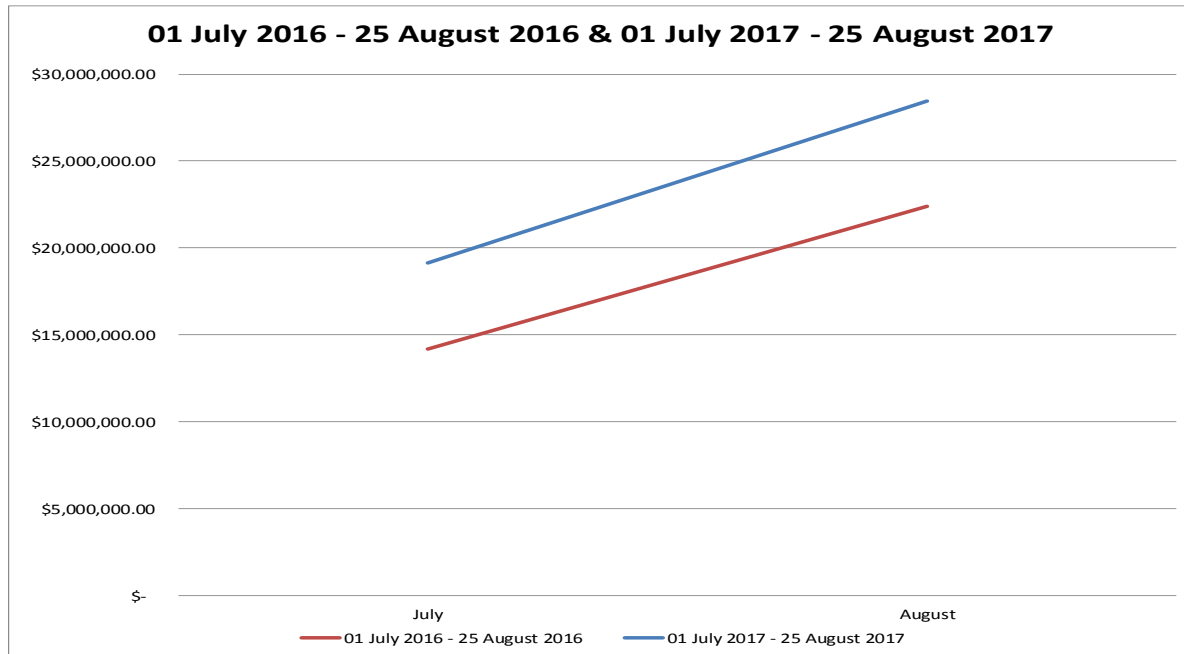
Residential and Commercial trends

The residential sector continues to show strength and resilience with new dwellings being 43% of all the overall building work. This continues to be a national and North Island trend in areas like Northland, Tauranga (the Bay of Plenty) and Hamilton.



New Dwelling Values Trends

New dwellings have continued to increase in volume and in particular the dollar value compared to last year has shown a positive growth of approximately three million dollars to 28.5 million.



Health and Bylaws

Seizures of stereos

During July, there were 11 seizures of stereos from residential properties and this is a record number for a month. This is surprising given that the number of complaints received in the winter month of July are low at around 200 compared to double that number in summer months when most seizure activity would be expected.

Noise complaints are investigated by Armourguard enforcement officers under section 327 of the Resource Management Act 1991. Where a direction is given by an officer to a person making the noise requiring the noise to be reduced and that person fails to comply with the direction, then the officer, accompanied by Police, will undertake seizure. In all cases in July noisy parties have been the source of complaint from affected neighbours. Over the last three years the number of noise complaints received by Council have declined from 3600 to 3000 but the number of seizures has remained consistent at around 20.

Removal of abandoned vehicle from inner city street

The parking enforcement team receive a number of complaints from shop owners in the Clyde Street and Lower Cameron Street area about workers who park in the area and take up parking intended for shoppers and business customers.

The parking team respond to complaints and undertake two sweeps through these areas each day. There are a small number of motorists who park overtime and ignore infringement notices issued to them.

In one case recently, a vehicle owned by a person who lives in the CBD, was ticketed on numerous occasions over a number of months in various streets in the area. None of the tickets were paid and these fines are now before the courts to be chased up. There is no other remedy available to Council to deal with unpaid tickets. The vehicle became inoperative, was left in the same parking space in Lower Cameron Street and deemed abandoned. Notice was served on the owner under the Traffic and Parking Bylaw and the vehicle towed from the street following failure of the owner to remove the vehicle. The vehicle has not been recovered by the owner and steps are now underway to dispose of the vehicle to recover towing and storage costs.

Increasing food and alcohol businesses activity

Within the district there are currently 528 food premises requiring annual registration and dependent upon the risk category, usually requiring annual verification or inspections by Environmental Health Officers.

This number includes 63 brand new food businesses registered for the first time during the past year and many of these are home kitchens which now are able to operate under food control plans from residential sites. Typically, these businesses manufacture food for sale off the site (caterers, sale at markets) and are able to operate in compliance with District Plan rules. The number also includes early childhood centres, and a small number of cafes and sushi outlets.

The Environmental Health team has also been required to report on an increasing number of Temporary Authority applications as the result of the change of ownership of an alcohol licensed premises. There are 184 licensed premises in the district and this includes 7 new on and off licensed businesses which have opened in the last year.

The Environmental Health team are finding it difficult to meet verification timeframes set under the Food Act 2014 and a review of staffing levels is underway.

RESOLUTION TO EXCLUDE THE PUBLIC**Move/Second**

That the public be excluded from the following parts of proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered		Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for passing this resolution
1.1	Kaipara Moana Treaty Settlement Update	Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
1.2	Appointment of Independent Hearings Commissioner		

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public, are as follows:

Item	Grounds	Section
1.1	To enable Council to carry on without prejudice or disadvantage negotiations (including commercial and industrial negotiations). To prevent the disclosure or use of official information for improper gain or improper advantage.	Section 7(2)(i) Section 7(2)(j)
1.2	To protect the privacy of natural person	Section 7(2)(a)

Resolution to allow members of the public to remain

If the council/committee wishes members of the public to remain during discussion of confidential items the following additional recommendation will need to be passed:

Move/Second

"That _____ be permitted to remain at this meeting, after the public has been excluded, because of his/her/their knowledge of Item _____.

This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because _____.

Note: Every resolution to exclude the public shall be put at a time when the meeting is open to the public.