

Planning and Development Committee

Notice of Meeting

A meeting of the Planning and Development Committee will be held in the Council Chamber, Forum North, Whangarei on:

**Thursday
18 May 2017
9.00am**

Committee

Councillor 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

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

OPEN MEETING

APOLOGIES

DECLARATIONS OF INTEREST

Members are reminded to indicate any items in which they might have an interest.

INDEX

Item No	Page No
1. Minutes of Meeting of the Planning Development Committee held 20 April 2017	1
2. Operational Report – Planning and Development Committee	5
3. 2017 Bylaw Review and Consultation Programme	20
4. New Road Name – Jackson & Edge Contractors Ltd	24

Local Government Act 2002 Amendment Act 2012 – Decision making

Full consideration has been given to the provisions of the Local Government Act 2002 Amendment Act 2012 in relation to decision making and in particular the current and future needs of communities for good quality local infrastructure, local public services and performance of regulatory functions in a way that is most cost effective for households and businesses. Consideration has also been given to social, economic and cultural interests and the need to maintain and enhance the quality of the environment in taking a sustainable development approach.

**Recommendations contained in this agenda may not be final decisions.
Please refer to the minutes for resolutions.**

1. Minutes: Planning and Development Committee Thursday 20 April 2017

Minutes of a meeting of the Planning and Development Committee of the Whangarei District Council held in the Council Chamber, Forum North on Thursday 20 April 2017 at 9.00am

Present:

Cr Greg Innes (Chairperson)

Her Worship the Mayor Sheryl Mai, Crs Stu Bell, Vince Cocurullo, Tricia Cutforth, Shelley Deeming, Sue Glen, Jayne Golightly, Cherry Hermon, Greg Martin and Anna Murphy

Apologies:

Crs Crichton Christie, Phil Halse and Sharon Morgan

Moved: Cr Innes

Seconded: Cr Martin

“That the apologies be sustained.”

CARRIED

In Attendance:

Chief Executive (Rob Forlong), General Manager Planning and Development (Alison Geddes), Strategic & Governance General Manager (Jill McPherson), Governance Manager (Jason Marris), Building Compliance Manager (Paul Cook), District Promotions and Tourism Manager (Acting) (Sarah Archer), Economic Development Manager (Peter Gleeson), Team Leader Futures Planning Policy & Monitoring (Kerry Grundy), District Trends Analyst (Sonya Seutter), Policy and Monitoring Manager (Paul Waanders), Principle Planner (Murray McDonald), Regulatory Manager (Grant Couchman) and Executive Assistant (Judi Crocombe)

1. Confirmation of minutes of a Meeting of the Infrastructure Committee held on held on 18 March 2017

Moved: Cr Cocurullo

Seconded: Cr Glen

“That the minutes of the Planning and Development Committee meeting held on Thursday 18 March 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

2. Operational Report – Planning and Development

Moved: Cr Glen

Seconded: Cr Murphy

“That the Planning and Development Committee notes the Planning and Development operational report.

CARRIED

Cr Cocurullo withdrew from the table during discussion on page 20 of the Operational Report

3. Resource Consents Monitoring/Development Report 2015-16

Moved: Cr Cutforth
Seconded: Cr Glen

“That the Planning and Development Committee notes the Resource Consent Monitoring/Development Report 2015-2016.”

CARRIED

4. Contracts Approved Under Delegated Authority

Moved: Cr Bell
Seconded: Cr Golightly

“That the Planning and Development Committee note the contracts awarded under delegated authority.”

CARRIED

Cr Golightly requested her vote be recorded against.

5. Proposed Business Advisory Group

Moved: Cr Innes
Seconded: Her Worship the Mayor

“That the Planning and Development Committee:

- a) agree to a business advisory group (BAG) to provide early engagement and feedback between business and Council.
- b) request staff to prepare a draft terms of reference and membership for the business advisory group.”

Procedural motion

Moved: Cr Bell
Seconded: Cr Cocurullo

“That the item does lie on the table and be discussed at the Planning Scoping Meeting 18 May 2017.”

CARRIED

6. Appointment of a Councillor on the Hearings Panel for the Rural Plan Changes

Moved: Cr Deeming
Seconded: Cr Bell

“That the Planning and Development Committee appoints Cr Innes to the Hearings panel for the Rural Plan Changes.”

Amendment**Moved: Cr Innes****Seconded: Cr Glen**

“That the Planning and Development Committee appoints John Williamson to the Hearings panel for the Rural Plan Changes.”

On the Motion being put Cr Innes called for a division :

For the Motion:

Crs Deeming, Hermon, Glen, Innes, Murphy Her Worship the Mayor (6)

Against the Motion:

Crs Bell, Cocurullo, Golightly, Martin and Cutforth (5)

Absent:

Crs Christie, Halse and Morgan (3)

**The amendment was CARRIED
and subsequently CARRIED
as the substantive MOTION**

Cr Bell requested that his vote be recorded against the motion.

7. New Road Name – Resource Consent**Moved: Cr Glen****Seconded: Cr Murphy**

“That the Right of Way at 171 Prescott Road, Whangarei be named Pinenut Grove.”

CARRIED**8. New Road Name – Resource Consent****Moved: Cr Cocurullo****Seconded: Cr Golightly**

“That a new Private Road off Marsden Bay Drive, created to access a 3 Lot subdivision, be named Kitemoana Road.”

CARRIED**9. New Road Name – Resource Consent****Moved: Cr Deeming****Seconded: Cr Murphy**

“That a new Private Road off Marsden Bay Drive, created to access the new boat haulout, be named Hinemoana Lane.”

CARRIED

The meeting closed at 10.42am

Confirmed this 18th day of May 2017

G C Innes (Chairperson)

2. Planning and Development Operational Report

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

Date of meeting: 18 May 2017

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/s

That the Planning and Development Committee notes the Planning and Development operational report.

3 Discussion

Planning for the Lions tour is continuing to occupy the majority of time for the Economic Development Manager. Tourism and Marketing and the Regulatory team also have significant roles in preparing for this event and assisting at the time of the match.

Work has been done on further developing our presence on digital and social media which is increasingly important in promoting the District and Whangarei as a destination.

The Policy and Monitoring team is continuing with the rolling review of the District Plan according to the proposed schedule. Three Commissioners have now been engaged to hear the Rural Plan Changes. That piece of work is on track to take place in July.

The scoping of the proposed content of a Climate Change Strategy has been completed. The emphasis is two-fold; firstly, working to reduce our own environmental footprint, and secondly to ensure we use our influence and practice to adapt the District for climate change. The new strategy is planned to be completed later this year.

The newest growth projections released by Statistics NZ have placed Whangarei urban area into the high growth category. This has implications under the National Policy Statement for Urban Development capacity. A workshop is to be held with MfE during May to discuss these requirements. Staff are testing the growth assumptions used in the new projections.

The Bank Street revitalisation project is progressing with the street furniture being installed over the next month. A meeting will be held with the Bank Street Revitalisation Group on 10 May to discuss input into the LTP.

Resource Consent processing has received 55 new applications this month and the YTD of 475 applications received is 37% higher than the same period last year. there has been a lift in rural subdivision, probably ahead of the District Plan hearings and anticipated changes.

Likewise, the volume of building consents being processed is 40% higher than at the same time last year. The team has stepped up to the challenge and putting in longer hours to maintain the throughput of consents throughout April, however throughput against KPIs may be affected over the next 2-3 months. This has been communicated to the industry.

With regard to the Armourguard contract, a meeting of the Sponsor Group which includes senior managers from Armourguard national office, Kaipara District Council and WDC (Alison Geddes and Alan Adcock) was held on 2 May 2017, where a review of the performance of the contract over the last 6 months was presented by Armourguard. Matters of mutual interest were discussed openly and the meeting was very constructive.

Results show that customer service KPIs have consistently been met and there have been some adjustments to resourcing made in the initial stages of the contract to ensure these targets were met during the transition. Proactive responses have been made to cope with seasonal demands, such as extra Ruakaka beach patrols over Christmas. A joint response between the community, NZ Police, Armourguard and WDC Regulatory and Waste staff led to major improvements in driver behaviour, littering and other nuisances general behaviour. Further examination of resource allocation is being undertaken and a further meeting is taking place this later this month.

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 - April

Operational Report – Planning and Development Committee May

Economic Development

Preparations continue for the opening match of the DHL New Zealand Lions Series 2017 on 3 June at Toll Stadium against the Provincial NZ Barbarians in which two local players have been selected.

Ticket sales are going well with approximately 5000 General Admission left to sell. Two temporary stands providing 2500 extra seats will be erected toward the end of May at the West and East ends.

The stadium is undergoing a spring clean make over with the rye grass growing well making the pitch carpet looking in rich green tones.

Plans are under way for a Welcome for the NZ Provincial Barbarians Team upon their arrival into Whangarei.

Over the next month the Host City dressing will take place with flags and bunting being evident and numerous activities will take place with the “Late Lunch” event happening in the Laneway on Match Day prior to kick off.

Destination Marketing

Digital & Social Channels

Destination Marketing Website – WhangareiNZ.com Statistics – April 2017

	Users Month End	Users Year End	Pageviews Month End	Pageviews Year End
2016	9,719	114,853	28,821	436,883
2017	12,809	107,956	35,464	384,161
% change	32.0%	-6.0%	23.0%	-12.0%

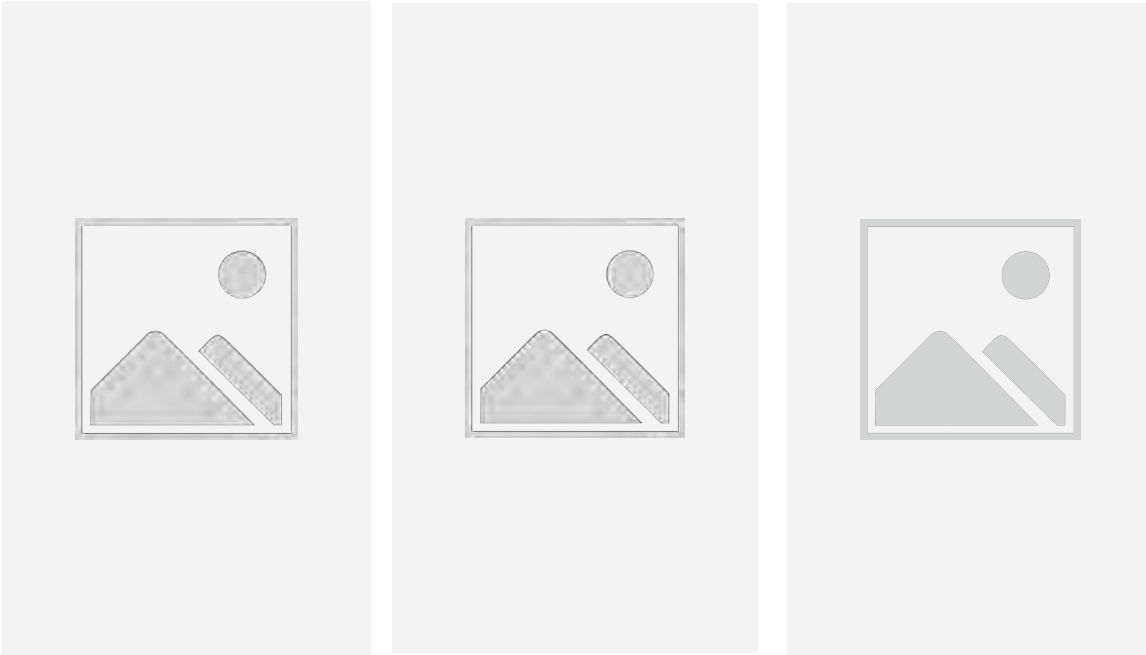
Campaign & Advertising

Media Visit

Choice Hotels sent ten up and coming Instagrammers from the travel/lifestyle (“TravelGrammers”) sphere to a different location within NZ in April, to share their experiences with their followers. We hosted social media influencers and Instagrammers, Bianca&Brett @kiwisoffcourse, as part of the campaign.

Estimated advertising value for Brett and Bianca’s social media activity, based in Whangarei, is approximately \$8,000.

New Zealand wide, the TravelGrammer campaign reached a cumulative audience of approximately eight million through a combination of social media posts and media coverage across TV, radio, print and online outlets.



Facebook

Paid Facebook advertising, with the aim of increasing brand awareness and motivating Aucklanders to visit Whangarei, in April included the following posts promoting Tutukaka and Whangarei Heads for family visits.

Outcomes included:

- 96,596 Reached (the number of people saw the post)
- 2,437 Link clicks (the number of people who clicked the links to WhangareiNZ.com)

The image shows two screenshots of Facebook posts from the page 'Whangarei : Love it Here', written by Tania Robson. The left screenshot is dated April 18 at 3:28pm and features two images: 'Play at Ocean Beach' and 'Climb the Mt Manaia track'. It shows 62,101 people reached, 69 shares, and 29 comments. The right screenshot is dated March 29 and features two images: 'Build sandcastles at Wooleys Bay' and 'Make a splash at Matapouri Bay'. It shows 39,347 people reached, 39 shares, and 21 comments. Both posts include 'Like', 'Comment', and 'Share' buttons, and a 'Learn More' button for each image.

Whangarei Love It Here! Promotions

Facebook

Likes have increased by 685 to 10,853 at April 30.

Organic (unpaid) posts targeting the Whangarei community and aiming to lift local pride include the following ANZAC Day post which reached 27,404 people, had 950 Likes and was shared by 77 people. Comments included:

- “Whangarei had more people at their Dawn Service than at the Auckland one. 3 cheers for our little town!”
- “Such a special service today- well done to all involved”
- “whangarei is my home town but I moved away years ago. but it still holds a special place in my heart.”

Whangarei : Love it Here added 2 new photos.
Published by Tania Robson [?] · April 25 at 7:58am

ANZAC Day Dawn Service, 2017, Whangarei.
Lest we forget.



27,404 people reached [Boost Post](#)

Like Comment Share

Sandy Callanan, Peter Price and 950 others [Top Comments](#)

77 shares 25 Comments

Promotional Activity

The Shutter Room photography competition, with the theme of Whangarei Love It Here! had over 200 entrants. The six finalist images will be created as billboards and installed along the Hatea Loop for the duration of the DHL New Zealand Lions Series 2017.

Two of the winning images were:



Zachary Snushall, age 15 "Kauakarangi Manaia".



John Jayme, "Entering Golden Hour"

DHL New Zealand Lions Series 2017

As part of the city theming the airport will be themed with bunting and pull up banners and a billboard to welcome visitors to Whangarei during this period. The i-SITE and Te Manawa The Hub will have new 'Featured' carousels advertising local upcoming events with advertising opportunities for operators.

Commercial Property

Town Basin

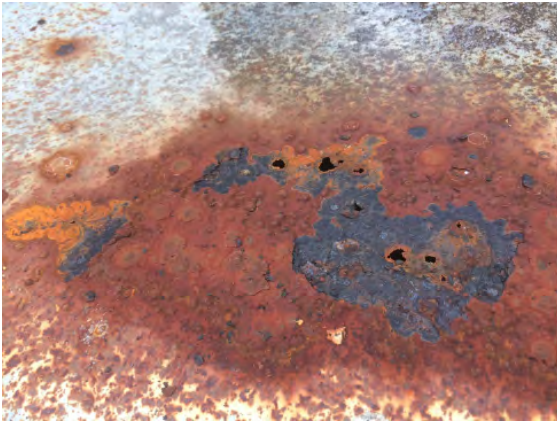
Cleaning and preventive maintenance schedules are being compiled and the reprioritisation of work reviewed.

Both Parks and Property staff are working on opportunities to combine maintenance plans to streamline the timing of work and potential cost savings. Examples include the cleaning and maintenance of the canopy bridge and windbreak, laneway canopy and Toll stadium.

With the winter weather approaching, the replacement of roofs at five tenancies has been prioritised. A tender process has been completed and will be awarded this month. Work is expected to be completed by 30 June.

The repainting of the Marina Office roof has been completed.

Existing roof conditions due for replacement



“Story Time” officially opened its doors as the Town Basin’s newest tenant. Although very early in the term, feedback to staff has been positive.

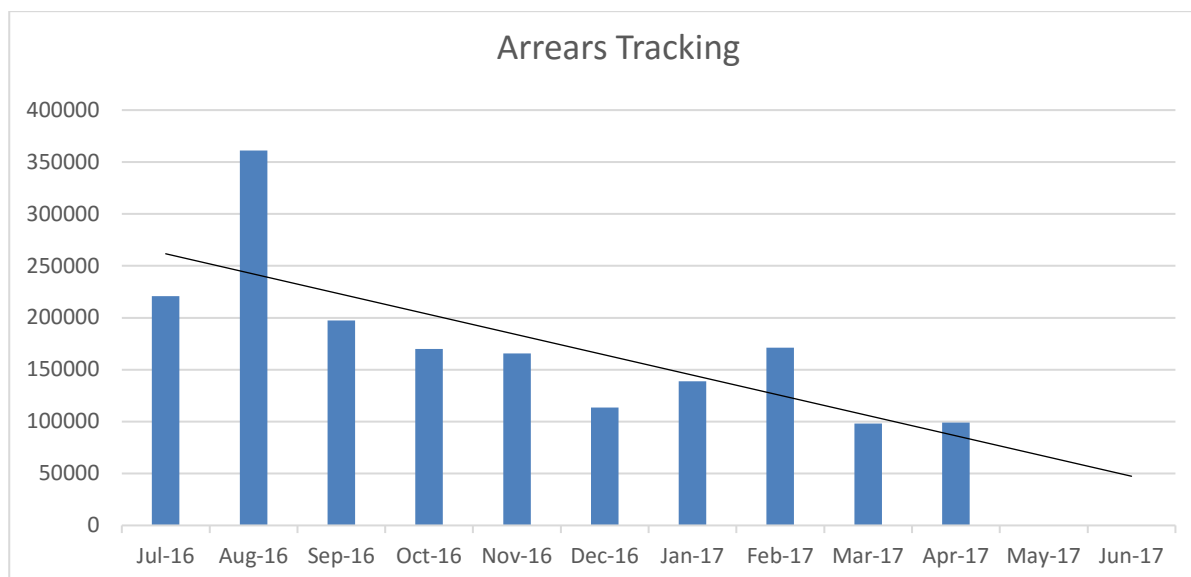
Staff continue to explore potential tenancies for the vacant ex Kauri Clocks site at the HUB.

Rent Reviews/Renewals

Rental reviews and renewals continue in accordance with both Ground and Commercial Freehold leases.

Staff have been notified via Council’s legal advisors that significant progress has been made regarding the arbitration hearing prior to December 2016. Resolution and the details of the award are expected in the next 4 weeks.

Commercial rent arrears have continued to track well with a continued decline over the 2016/17 financial year. A handful of tenancies have been identified with long term arrears. Staff have already established payment schedules for most, however further communications with some individual tenancies are being arranged.



Land Sales/Enquiries

Existing property transactions continue, including the processing of resource consents and subdivisions. All are expected to be completed within the financial year.

Enquiries regarding the purchase of Council's Lessors interest continue.

Staff continue to explore investment/strategic opportunities specific to existing property interest.

Policy and Monitoring

The Resource Legislation Amendment Act (RLAA), Act 15 of 2017 was promulgated on 18 April 2017. This Act changes close to 40 amendments to the Resource Management Act and changes five different other Acts. Some of the more significant changes for Councils are:

- The management of risk from natural hazards becomes a matter of national importance
- The NPS on Urban Development Capacity has now been included in the Act
- Control of hazardous substances is no longer an explicit function of local authorities
- Iwi participation in various ways are enhanced including Mana Whakahono a rohe which also includes commissioners with tikanga Maori.
- Resource Consents provisions have been adjusted
- Electronic addresses will become the prevalent communications address and plans will be available online
- Financial contributions will be phased out in favour of Development contributions and
- National Planning Standards will have to be incorporated into plans within a certain timeframe or sit alongside plans.

Details can be found on the Minister for the Environment's website at <http://www.mfe.govt.nz/rma/rma-reforms-and-amendments/about-resource-legislation-amendment-bill-2015>

Progress with the rolling review

Staff are finalising the section 42A hearing reports for the Rural, Mineral, Coast and Landscape plan changes which will be circulated to submitters early June to prepare for the hearings to take place in the first week of July 2017. Commissioner John Williamson has been appointed as the third commissioner according to the Council resolution.

The Papakainga Plan Change (PC94B) which has been approved by Council has been sent to submitters. An appeal has been lodged with the Environment Court and the mediation or negotiation process will be started as soon as details are available

Private Plan Change PC135 from GNLC Ltd has been progressed through all the first stages of the process and a hearing has been set down for 31 May 2017.

Strategic Planning (Futures)

Climate Change Strategy

Staff have completed a scoping exercise for a Whangarei District Council Climate Change Strategy.

The strategy will focus on how, as an organisation, we can improve our own sustainability and reduce our carbon footprint. This strategy will include actions around sustainable procurement policies, reducing our organisation's energy use and ways to reduce our waste. The strategy will also collate all actions WDC currently carries out across the district, around adaptation to the effects of climate change.

The strategy will be completed in-house and is expected to take up to 10 months to complete, accounting for consultation and a collaborative organisation wide approach to drafting the content.

National Policy Statements

Staff are continuing to work with the Ministry for the Environment and the Ministry of Business, Innovation and Employment to understand the implications of National Policy Statement on Urban Capacity (NPS-UC). A workshop with the Ministry has been arranged for June 2017.

Staff are also drafting feedback to a recent Ministry for Business Innovation and Employment report on Urban Development Authorities. The report can be accessed here:

<http://www.mbie.govt.nz/info-services/housing-property/consultation/urban-development-authorities>

Upper North Island Strategic Alliance (UNISA)

Staff are preparing for the next Technical Officer's meeting to be held on 5 May. This meeting will focus on the UNISA work programme for the next 12 – 24 months.

Urban Design

Urban design guidelines for subdivisions, residential and commercial development are progressing.

The Bank Street Revitalisation Project is progressing. The five timber bench seats have been delivered and are awaiting installation. Shop drawings for the bespoke furniture items have been approved and are currently being constructed. All furniture will be installed by 1 June 2017.

A meeting is scheduled with the Bank Street Revitalisation Group representatives on 10 May 2017 to discuss a submission for further funding from the LTP.

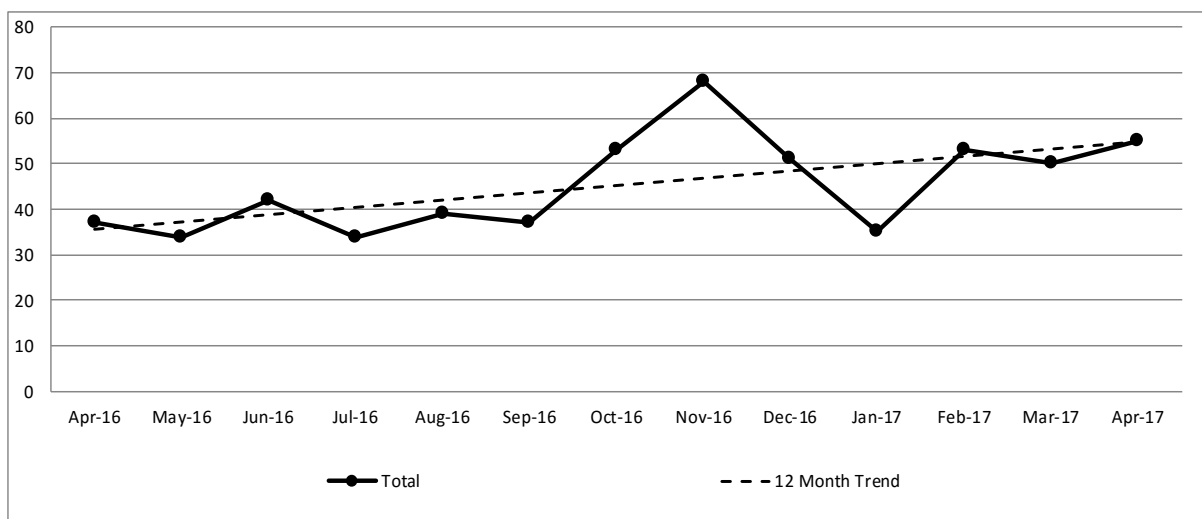
Growth Model Review

Staff have prepared a report to be delivered to the Strategic Leadership Team with a recommendation for the growth model review.

Resource Consents

Resource Consent Processing

April has seen a continuation of the trend of high resource consent numbers with 55 applications received. At present application numbers are 475 YTD being 37% higher than the same point compared to last financial year.



Subdivision

Subdivision applications equated to 40% of the total number of applications. The majority of subdivisions are rural based proposals utilising the current rules which may change as a result of the plan changes currently being processed.

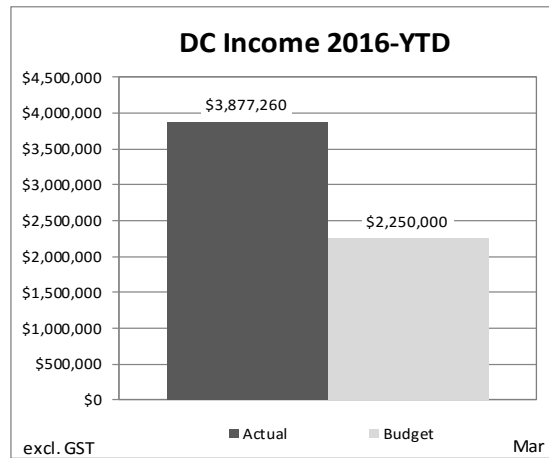
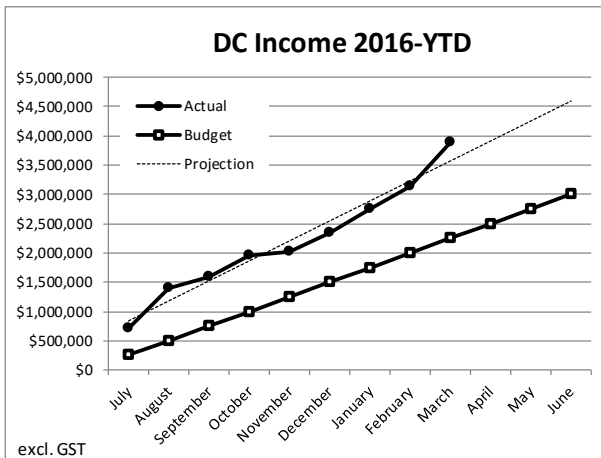
Landuse

Landuse applications made up 60% of the total number of resource consents for the period. Applications of note include an 8-unit apartment block at Riverside which is currently being processed whilst a 16-unit townhouse development at Reyburn Street has been approved.

An application for a brothel based in a motel at Riverside has been received. At the time of writing it had not been determined if the application would be subject to public notification.

Development Contributions

DCs invoiced to end of March total \$3.9M. The budgeted income for the year is \$3.0M. This reflects an increase in development activity generally. However, with winter approaching there is an expectation that development completion is to taper off. As DCs recover part of the cost of past and future projects, which have or will be undertaken in anticipation of growth, this money is already allocated to those projects.



Appeals

The appeal against the NZTA designation (Tarewa Road) by Mr V. Cocurullo has been settled and a consent order is currently being prepared. As such no Environment Court hearing, will now be required.

Building

Building Consent Processing

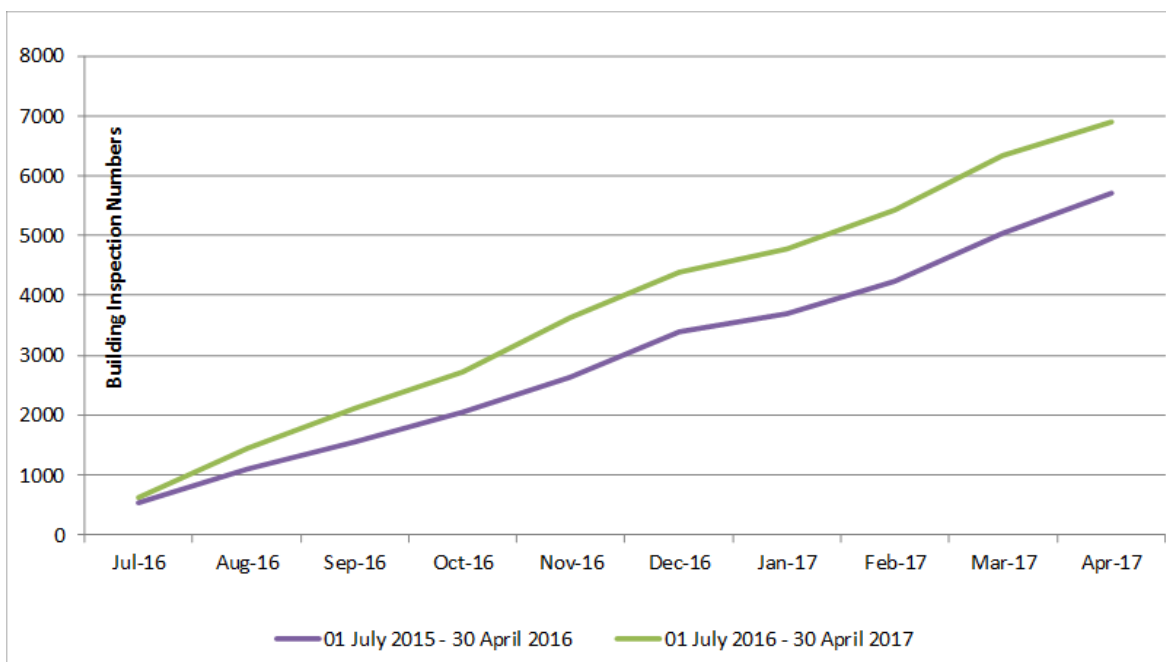
Building consent applications have continued to show an increase in numbers compared to the last financial year and the percentage completed on time is under pressure in consenting.

Performance Indicators		Apr-17	Year's Average To Date
Building Consents	Issued In 20 Days	61%	86%
LIMs	% Within 7 Days	87%	84%
LIMs (Statutory Requirement)	% Within 10 Days	100%	100%
PIMs	% Within 5 Days	99%	84%
Inspections (Completed within 48 Hrs)	% Complete Within 2 Working Days	97%	98%

The technical vetting has been suspended for the months of April and May and this will be re-introduced as it is an effective tool in reducing re-work.

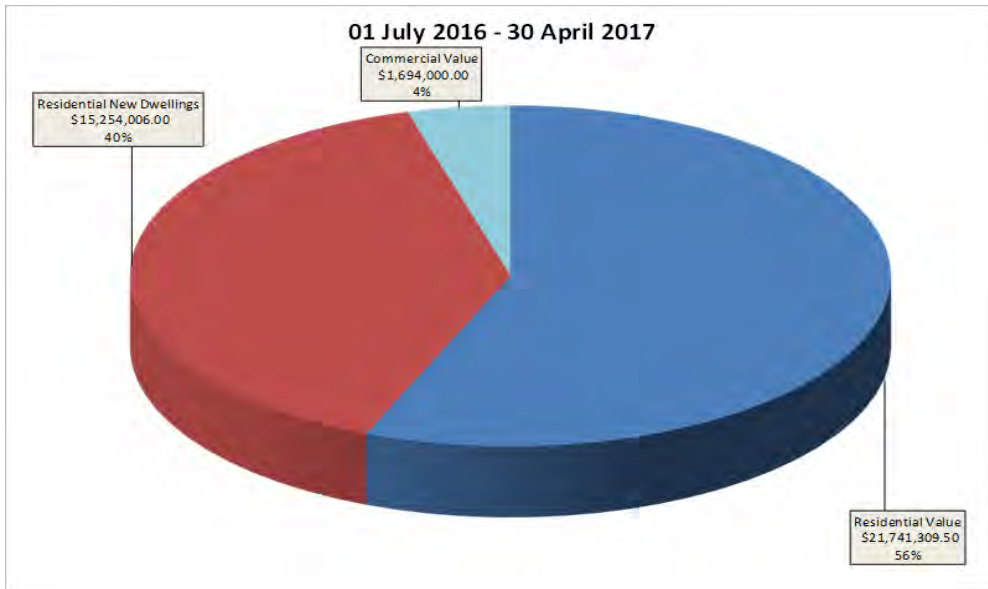
Inspections

Inspection numbers are high compared to the last year's figures with an increase of approximately 40%. This is expected to continue and align with the increase in building consent applications received. Another vehicle has been put on the road to meet the increase in demand for inspections and Saturday morning inspections have been introduced for overflow for the month of April.



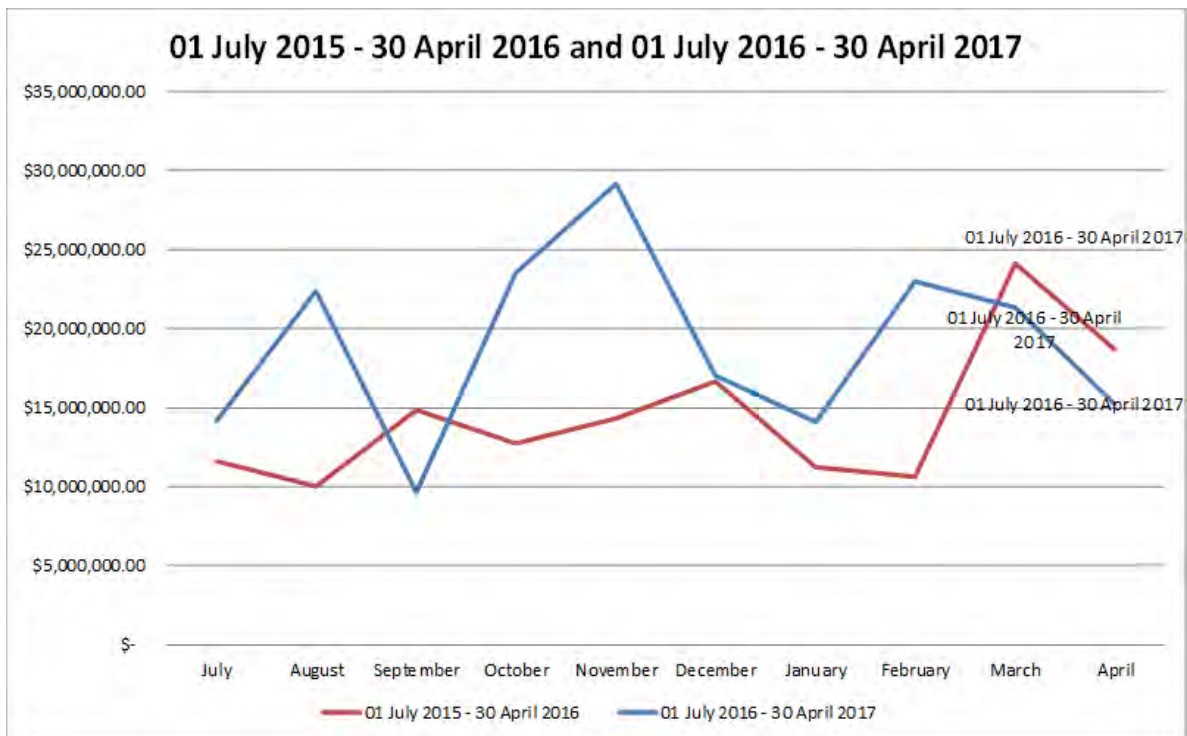
Residential and Commercial trends

The residential sector continues to show strength with new dwellings being 40% of all the overall building work. This is a national and North Island trend in areas like Northland, Tauranga (the Bay of Plenty) and Hamilton.



New Dwelling Trends and Wards

New dwellings have decreased in dollar value. The district is showing a consistency in the wards for growth, with Bream Bay and the city (Denby/Okara) growing most strongly. The graph below refers to the new dwellings growth in dollar value.



Regulatory Services

Dangerous Building notice

A slip which occurred in Rauhomaumau Road near Tutukaka during the recent heavy rain in the area affected two buildings on one property below the slip. One building, a small cottage, was riding on the slip and the second building, the main residence, sat in the path of the slip on the down hill side. Because of the instability of the surrounding ground, the buildings were deemed unsafe to occupy. A Dangerous Building Notice was issued on the property requiring the evacuation of the buildings until engineering assessment was undertaken. This assessment has now been received and the main dwelling has been cleared for re-occupation.

Lions Rugby Game – right protection enforcement

Planning is underway with the Ministry for Business, Innovation and Employment (MBIE) to ensure that the clean zone around the Event Centre remains free from unauthorised street trading and advertising during the upcoming Lions rugby game in Whangarei. Council enforcement officers will team up with MBIE officers to monitor the clean zone, as they did in 2011 during the Rugby World Cup and in 2015 during the Under 21 Soccer World Cup.

Ruakaka Beach enforcement programme

Staff have commenced meetings with the various agencies and groups involved at Ruakaka Beach to progress an inter-agency programme for the upcoming summer period which will seek to encourage safe behaviour both on the beach and in the water.

3. 2017 Bylaw review and consultation programme

Reporting officer: Shireen Munday (Policy & Bylaws Analyst)

Date of meeting: 18 May 2017

1 Purpose

To present the 2017 bylaw review and consultation programme for approval.

2 Recommendation/s

That the Planning and Development Committee

- a) Approves that all matters of the 2017 bylaw review programme, preceding the final decision of Council to make, amend, replace or revoke each bylaw, will be the responsibility of Planning and Development Committee.
- b) Approves the bylaw review programme for 2017 as detailed in Table 1 of this report.
- c) Approves the proposed review and consultation process for the programme as detailed in Table 2 of this report.

3 Background

Most bylaws of Council are subject to a statutory review period. Council has three bylaws that were last fully reviewed, and subsequently amended, in December 2005. These are the:

- Parking and Traffic Bylaw
- Keeping of Animals, Poultry and Bees Bylaw
- Hawkers, Mobile Shops, Stalls and Stands Bylaw

In accordance with the requirements of section 159 of the Local Government Act 2002 (LGA), these bylaws were due for review in 2015. Due to circumstances, the reviews did not proceed. Section 160A of the LGA provides a further two-year grace period. If a bylaw is not reviewed at the end of this period, then it is automatically revoked.

The review of these bylaws needs to be completed prior to December 2017 to ensure they are not automatically revoked.

A bylaw review process is always a two-step process. Council must first review a bylaw, which means it must consider the matters provided for in s155 of the LGA. The key issues to be assessed are whether:

- A bylaw remains the most appropriate way of addressing the problem
- the bylaw is the most appropriate form of bylaw
- the bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990.

Once the review has been completed, Council must then decide on one of four options, which are:

- Amend the bylaw
- revoke the bylaw
- replace the bylaw with a new bylaw on the same topic
- keep the bylaw in its existing form.

Council is required to consult with the community in each of the above cases before making a final decision.

4 Discussion

4.1 Planning and Development Committee functions

Schedule 7, clause 32(1)(b) of the LGA provides that Council may not delegate the power to make a bylaw. This clause has been interpreted to also include that Council may also not delegate the power to revoke, replace or amend a bylaw. Clause 32(2) further provides:

“Nothing in this clause restricts the power of a local authority to delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority the power to do anything precedent to the exercise by the local authority (after consultation with the committee or body or person) of any power or duty specified in subclause (1).”

The Terms of Reference of the Planning and Development Committee include the responsibility of general bylaw administration as well as a specific delegation for powers in relation to the Special Consultative Procedure of the LGA and the associated processes.

Staff recommend that the review process of the bylaw, up to the final decision (making, amending, revoking or replacing a bylaw) is managed and governed by the Planning and Development Committee. On completion of the review process, a recommendation report will be provided to Council for a final decision.

4.2 2017 bylaw review schedule

Staff propose that both steps in the review process can be completed for the Parking and Traffic Bylaw and the Keeping of Animals, Poultry and Bees Bylaw prior to December 2017. This includes consulting with the community before making a final decision on the bylaws and completing the full review outcome.

The Hawkers, Mobile Shops, Stalls and Stands Bylaw presents a slightly more complex set of issues. Since its review in 2005, Council has also reviewed its Public Places Bylaw. Both bylaws now include provisions around trading and events in public places under the control of Council. The Public Places Bylaw is not due for a statutory review until 2019. Staff consider that both bylaws should be reviewed in conjunction with each other to support the development of consistent and simplified regulations for trading and events in public places. Initial research also shows that there may be further desirable alignments with Council's Control of Advertising Signs Bylaw.

This is a more substantial workload and would not be able to be completed prior to December this year. While it is a statutory requirement that the first part of the process, being the review, is completed within the required timeframe, the second phase can occur after this date. Staff propose that the review phase of the Hawkers, Mobile Shops, Stalls and Stands Bylaw is completed by December 2017, but that the subsequent phase, including a review of the relevant sections of the Public Places Bylaw and the Control of Advertising Signs Bylaw is commenced and completed in 2018. Table 1 below summarises the proposed schedule.

Table 1

Bylaw	Review completed by	Proposed changes/bylaw consulted on	Process completed
Parking and Traffic	August 2017	August-October 2017	December 2017
The Keeping of Animals, Poultry and Bees			
Hawkers, Hawkers, Mobile Shops, Stalls and Stands Bylaw	December 2017	Early/Mid 2018	Mid/late 2018

4.3 Consultation process

To date, when consulting with communities on new or proposed amendments to bylaws, Council has followed the standard process for consultation that meets the requirements of the Special Consultative Procedure of the LGA. This process included a public notice advising of the consultation topic and period, inviting written submissions and holding formal hearings to hear the submitters who expressed a wish to be heard, and then deliberating on the issues raised in submissions before making a final decision.

Staff are proposing some changes to the consultation processes for bylaw reviews. These changes are proposed because:

- Council has had more flexibility in how it fulfils the requirements of the Special Consultative Procedure since the 2014 amendments to the LGA
- this allows the proposed approach to support a more direct involvement of Councillors in the consultation process
- the proposed process includes 'touching base' with stakeholders and the public through a pre-consultation activity, to more clearly determine the scope of the final proposal for formal public consultation.

The key components of the proposed consultation process are summarised in Table 2 on the following page.

Table 2

Undertake pre-consultation process to determine scope of bylaw review requirements
Draft Statement of Proposal adopted by PDC and PDC creates a Hearings Panel
Written submissions invited
<p>'Have your say' event held during consultation period:</p> <ul style="list-style-type: none"> • Attendees do not have to provide a written submission • attended by all Councillors on Hearings Panel • each Councillor has a staff member support • attendees are invited to discuss their issues with a Hearings Panel member • staff member documents and checks back with attendee and Councillor to confirm all key points have been accurately summarised • staff collate all key points for reporting purposes • no formal hearings held.
Hearings Panel deliberates on all submission issues raised
Hearings Panel provides recommendation report for final decisions to Council
Council receives report and makes resolutions

5 Significance and consultation

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

4 New Road Name – Resource Consents

Reporting officer: Keryn Ryan – Team Leader – Support (Resource Consents)

Date of meeting: 18 May 2017

1 Purpose

To name a Private Road in the Whangarei District.

2 Recommendation/s

That a new Private Road off Tavinor Road, Otakia Valley be named Moorey Lane.

3 Background

A road naming application for Jackson & Edge Contractors Ltd has been received on 6 April 2017, for a Private Road off Tavinor Road, Otakia Valley.

4 Discussion

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

It is noted that the second and third choices are not acceptable as Willow Place and Jackson Road already exist. No such conflict exists with Moorey Lane.

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 new road
2. Location Map

Application for the naming of a new road

Subdivision at Tavinor Road, Otaika 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	Moorey Lane	The Moorey family purchased this land and surrounding land in 1954 and developed the land for farming. This name is part of the area heritage. Consultation has occurred with the Moorey family and they would be delighted to have a road named after them.	Yes	N/A
	Willow Lane	Named after the willow trees lining the stream that runs through the property	Rejected	N/A
	Jackson Lane	Named after the Jackson family who own this land and the land on the other side of the road since the early seventies.	Rejected	N/A

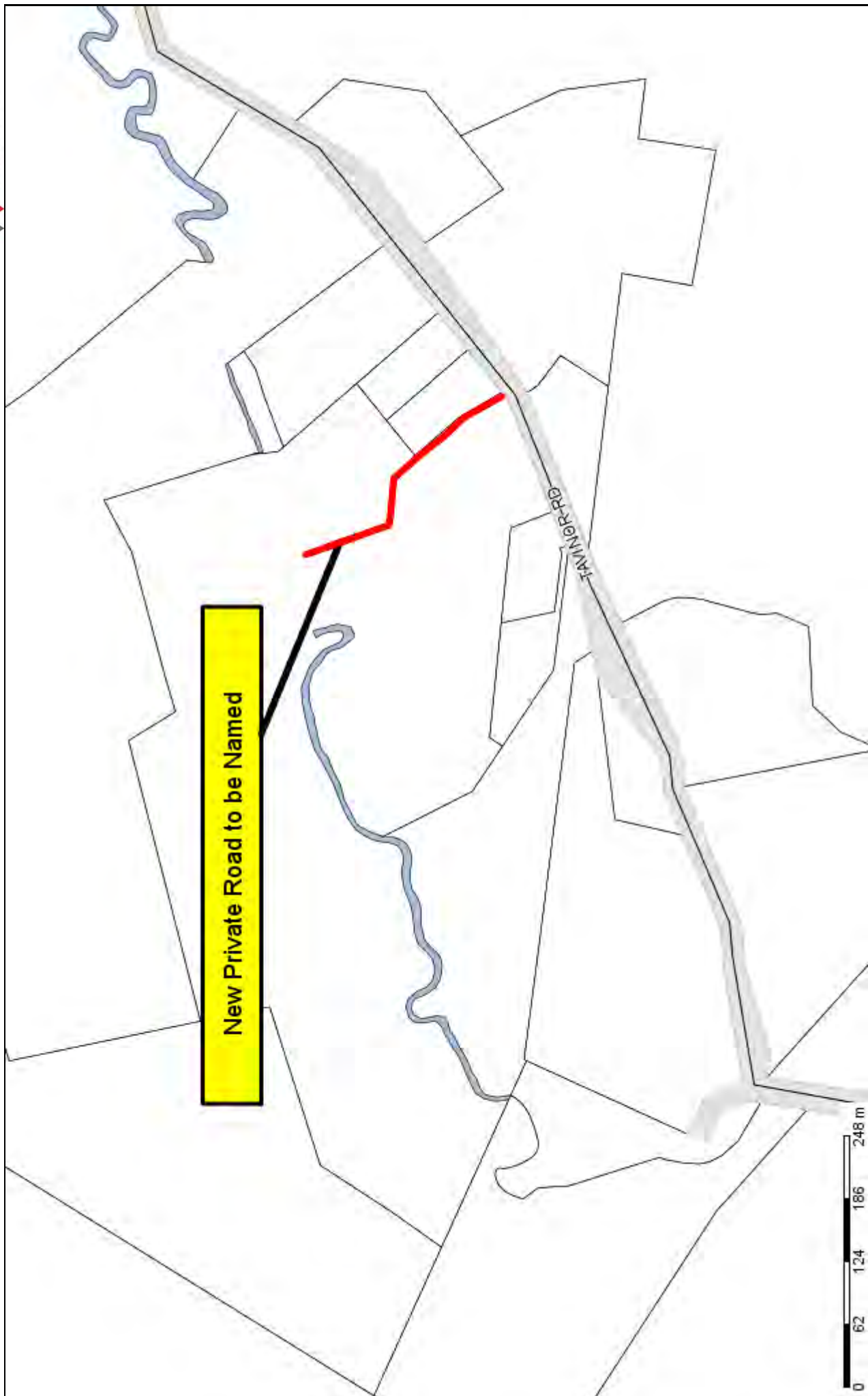
Consultation

Recommendation

That the new private road off Tavinor Road be named Moorey Lane. It is noted that the second and third choices are not acceptable as Willow Place and Jackson Road already exist. No such conflict exists with Moorey Lane.

Document References

Original road name application received on 6 April 2017



Private Road to Be Named

18 May 2017
Council Meeting

SD1600222
Jackson & Edge Contractors LTD

RESOLUTION TO EXCLUDE THE PUBLIC

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:

1.	The making available of information would be likely to unreasonably prejudice the commercial position of persons who are the subject of the information. {Section 7(2)(c)}
2.	To enable the council (the committee) to carry on without prejudice or disadvantage commercial negotiations. {(Section 7(2)(i))}.
3.	To protect the privacy of natural persons. {Section 7(2)(a)}.
4.	Publicity prior to successful prosecution of the individuals named would be contrary to the laws of natural justice and may constitute contempt of court. {Section 48(1)(b)}.
5.	To protect information which is the subject to an obligation of confidence, the publication of such information would be likely to prejudice the supply of information from the same source and it is in the public interest that such information should continue to be supplied. {Section7(2)(c)(i)}.
6.	In order to maintain legal professional privilege. {Section 2(g)}.
7.	To enable the council to carry on without prejudice or disadvantage, negotiations {Section 7(2)(i)}.

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.