

Strategic Planning & Policy Committee Public Agenda 1 August 2023

Council Chambers
Waipā District Council
101 Bank Street
Te Awamutu



Chairperson
EM Stolwyk

Members

Her Worship the Mayor SC O'Regan, AW Brown, LE Brown, PTJ Coles, RDB Gordon, ML Gower, MG Montgomerie, DM Morgan, MJ Pettit, CS St Pierre, BS Thomas,

01 August 2023 10:00 AM

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Workshops (Indicative Timings Only)

Open:

9am: Brad Olsen - Infometrics (60 minutes)

1pm: Earl White - Bancorp (45 minutes)

1.45pm: Growth Projections (45 minutes)



APOLOGIES



DISCLOSURE OF MEMBERS' INTERESTS

Members are reminded to declare and stand aside from decision making when a conflict arises between their role as an elected member and any private or other external interest they may have.



LATE ITEMS

Items not on the agenda for the meeting require a resolution under section 46A of the Local Government Official Information and Meetings Act 1987 stating the reasons why the item was not on the agenda and why it cannot be dealt with at a subsequent meeting on the basis of a full agenda item. It is important to note that late items can only be dealt with when special circumstances exist and not as a means of avoiding or frustrating the requirements in the Act relating to notice, agendas, agenda format and content.



CONFIRMATION OF ORDER OF MEETING

Recommendation

That the order of the meeting be confirmed.

COMMITTEE AGENDA



To: The Chairperson and Members of the Strategic Planning and Policy Committee

From: Governance

Subject: **CONFIRMATION OF MINUTES**

Meeting Date: 1 August 2023

1 EXECUTIVE SUMMARY – WHAKARĀPOPOTOTANGA MATUA

The local authority, its committees, subcommittees and any local and community boards must keep minutes of their proceedings. These minutes must be kept in hard or electronic copy, authorised by a Chairperson’s manual or electronic signature once confirmed by resolution at a subsequent meeting. Once authorised the minutes are the prima facie evidence of the proceedings they relate to.

The only topic that may be discussed at a subsequent meeting, with respect to the minutes, is their correctness.

2 RECOMMENDATION – TŪTOHU Ā-KAIMAHI

That the open minutes of the Strategic Planning and Policy Committee meetings held on 30 May 2023, 6 June 2023 and 19 June 2023, having been circulated, be taken as read and confirmed as a true and correct record of those meetings.

3 ATTACHMENT - ĀPITITANGA

Strategic Planning and Policy Committee Open Minutes – 30 May 2023 (pre-circulated)
Strategic Planning and Policy Committee Open Minutes – 6 June 2023 (pre-circulated)
Strategic Planning and Policy Committee Open Minutes – 19 June 2023 (pre-circulated)

COMMITTEE MINUTES



Committee: Strategic Planning and Policy Committee
Time: 11.00am
Date: Tuesday 30 May 2023
Venue: Council Chambers, Waipā District Council
101 Bank Street, Te Awamutu

PRESENT

Chairperson

EM Stolwyk

Members

Her Worship the Mayor SC O'Regan, AW Brown, LE Brown, PTJ Coles, RDB Gordon, ML Gower, MG Montgomerie, MJ Pettit, CS St Pierre, BS Thomas, (Vacancy)

1 APOLOGIES

There were no apologies

2 DISCLOSURE OF MEMBERS' INTERESTS

None

3 LATE ITEMS

Nil

4 CONFIRMATION OF ORDER OF MEETING

RESOLVED

2/23/33

That the Strategic Planning and Policy Committee confirm the order of the meeting

Councillor Pettit / Councillor Thomas



5 AHU AKE, WAIPĀ COMMUNITY SPATIAL PLAN – PROPOSED CHANGES TO THE WORK PROGRAMME

The purpose of this report was to recommend that the Strategic Planning and Policy Committee approved the updated programme for the delivery of the next phase of Ahu Ake, Waipā Community Spatial Plan, to incorporate an enhanced community participatory process.

RESOLVED

2/23/34

That the Strategic Planning and Policy Committee

- a) *Receives the report of Vanessa Honore, Principal Strategic Planner, titled 'Ahu Ake, Waipā Community Spatial Plan – proposed changes to the work programme', (document number 11016512);*
- b) *Approves Council undertaking an enhanced community participation process, known as the 'World Café' approach', in the development of the draft Ahu Ake, Waipā Community Spatial Plan prior to formal consultation on the plan using the special consultative procedure under the Local Government Act 2002, as detailed further in the report.*

Councillor Coles / Councillor A Brown

There being no further business the meeting closed at 11.34am

CONFIRMED AS A TRUE AND CORRECT RECORD

CHAIRPERSON: _____

DATE: _____

COMMITTEE MINUTES



Committee: Strategic Planning and Policy Committee
Time: 9.00am
Date: Tuesday 6 June 2023
Venue: Council Chambers, Waipā District Council
101 Bank Street, Te Awamutu

PRESENT

Chairperson

EM Stolwyk

Members

Her Worship the Mayor SC O'Regan, AW Brown, LE Brown, PTJ Coles (Via Zoom); RDB Gordon, ML Gower, MG Montgomerie, MJ Pettit, CS St Pierre, (Vacancy)

1 APOLOGIES

RESOLVED

2/23/35

That the apology from Councillor Thomas who was away on personal business be received.

Councillor Pettit / Councillor L Brown

2 DISCLOSURE OF MEMBERS' INTERESTS

Item 9 - Councillor L Brown

3 LATE ITEMS

Nil

4 CONFIRMATION OF ORDER OF MEETING

RESOLVED

2/23/36

COMMITTEE MINUTES



That the Strategic Planning and Policy Committee confirm the order of the meeting

Councillor St Pierre / Councillor L Brown

5 CONFIRMATION OF MINUTES

RESOLVED

2/23/37

That the open minutes and public excluded minutes of the Strategic Planning and Policy Committee meeting held on 2 May 2023, having been circulated, be taken as read and confirmed as a true and correct record of that meeting.

Councillor St Pierre/ Councillor Montgomerie

6 DEVELOPMENT CONTRIBUTIONS POLICY UPDATES

This report sought approval to recommend to Council that it adopted the Development Contributions Policy 2023, which reflected minor increases to development contributions for the Hautapu and Pukerimu catchments.

RESOLVED

2/23/38

That the Strategic Planning and Policy Committee

- a) **Receives** the report of Tony Coutts, Principal Engineer - Growth titled 'Adoption of Development Contributions Policy', (ECM 11016834);
- b) **Notes** that minor changes are proposed to Council's Development Contribution Policy 2022 (ECM 10818661) to increase development contributions in accordance with section 106(2C) of the Local Government Act 2002, and pursuant to section 106(2B) of that Act, such increases may be made without consultation, formality, or a review of the Development Contributions Policy; and
- c) **Approves and recommends** to Council to adopt the Development Contributions Policy 2023 as detailed in Appendix 1 [ECM # 11017296], which implements the changes referred to in recommendation b).

Councillor Gower / Councillor A Brown

COMMITTEE MINUTES



7 ANNUAL PLAN 2023/24

[Councillor Coles left the meeting at 9.48am and re-joined at 9.58am]

The purpose of this report was to seek approval of the revised draft Annual Plan 2023/24, for recommendation to Council for adoption on 30 June 2023.

Financial Planner, Deborah Frederick presented a revaluation update to the Committee.

RESOLVED

2/23/39

That the Strategic Planning and Policy Committee

- a) *Receives the report of Melanie Andrews, Strategic Projects Driver titled Annual Plan 2023/24 Report [ECM 11010850];*
- b) *Approves and recommends to Council for adoption at its meeting on 30 June 2023, subject to minor editorial changes, the 'Waipā District Council revised draft Annual Plan 2023/24' (ECM 10983205 attached as Appendix 1); pursuant to sections 83, 93, 101A, 101B, 102, 108, 109, 104, 105, 110 and schedule 10 of the Local Government Act 2002;*
- c) *Approves and recommends to Council to set at its meeting on 30 June 2023 the Waipā District Council Rates for the financial year 2023/24 (pages 3 to 10 of this report) pursuant to the Local Government (Rating) Act 2002.*

Councillor Coles / Councillor A Brown

8 DRAFT PUBLIC PLACES BYLAW FOR CONSULTATION

[The meeting adjourned at 10am and reconvened at 10.24am]

The purpose of this report was to seek approval of the draft Public Places Bylaw and the Statement of Proposal for public consultation in June and July 2023.

An amendment was made to recommendation e) to include 'and draft bylaw'.

RESOLVED

2/23/40

That the Strategic Planning and Policy Committee

- a) *Receives the report of Graham Pollard, Strategic Projects Driver, titled 'Draft Public Places Bylaw For Consultation' (document number 11008392);*
- b) *Agrees that the Draft Public Places Bylaw (document number 10989281) meets the requirements of section 155 of the Local Government Act 2002, in that the bylaw:*

COMMITTEE MINUTES



- i) *is the most appropriate way of addressing the perceived problems;*
 - ii) *subject to the outcome of the consultation process, is the most appropriate form of bylaw; and*
 - iii) *does not give rise to any implications under, and is not inconsistent with, the New Zealand Bill of Rights Act 1990;*
- c) *Adopts the Draft Public Places Bylaw (document number 10989281) for public consultation in accordance with the special consultative procedure, as set out in sections 83, 86 and 156 of the Local Government Act 2002;*
 - d) *Adopts the Statement of Proposal (document number 11008396) for public consultation between 16 June and 16 July 2023;*
 - e) *Delegates to the Group Manager Service Delivery authority to make any final minor amendments to the Statement of Proposal and draft bylaw before issue.*

Councillor A Brown / Councillor L Brown

9 GAMBLING POLICY REVIEW 2023

[Councillor L Brown left the meeting for this item]

The purpose of this report was to seek a decision on the outcome of the review of the Waipā District Council Gambling Policy August 2019.

Graduate Strategic Projects Driver, Mieke Heyns advised the Committee that there had been legislative changes since the report had been submitted however this did not change anything substantially for Waipā District Council.

After robust discussion the Committee requested that consultation of the current policy and policy alternatives should be provided to seek the views of the community. Group Manager Strategy, Kirsty Downey was delegated authority to finalise and approve consultation documentation as necessary to undertake consultation.

An amendment was made to recommendation c) with a further addition of recommendation d) to reflect these changes.

RESOLVED

2/23/41

That the Strategic Planning and Policy Committee

- a) *Receives the report of Mieke Heyns (Graduate Strategic Projects Driver) titled Gambling Policy Review 2023 (ECM #11010908); and*
- b) *Notes that a review of the Waipā District Council Gambling Policy August 2019 (ECM #10095137), which is required under Section 102(5) of the*

COMMITTEE MINUTES



- Gambling Act 2003 and Section 97(4) of the Racing Industry Act 2020, has been undertaken and is outlined in this report; and*
- c) *Agrees to consult on the Current Policy to seek community views on the Current Policy and on policy alternatives.*
 - d) *Delegates to the Group Manager Strategy authority to finalise and approve consultation documentation as necessary to undertake consultation in accordance with recommendation c).*

Councillor St Pierre / Councillor Montgomerie

10 2024-2034 LONG TERM PLAN WORK PROGRAMME UPDATE

[Councillor L Brown re-joined the meeting at 11.04am]

This report provided Elected Members with an update on how the 2024-34 Long Term Plan project was progressing. The Strategic Framework, Groups of Activities (GOA) structure and significant forecasting assumptions were on the June Strategic Planning and Policy Committee agenda for approval. Staff are currently focusing on the reviews of the Finance and Infrastructure Strategies, financial policies and Significance and Engagement Policy, as well as working on the levels of service review.

The Committee requested a change of design to the table outlining the key building blocks to red, amber and green with dates showing progression or completion of activities to easily determine where progress was being made.

RESOLVED

2/23/42

That the Strategic Planning and Policy Committee receives the report of Anthea Sayer, Senior Strategic Projects Driver, titled '2024-34 Long Term Plan work programme update', (document number 11013348).

Councillor St Pierre / Councillor Gower

11 GROUP OF ACTIVITIES STRUCTURE FOR THE 2024-2034 LONG TERM PLAN

The purpose of this report was to approve the groups of activities (GOA) structure for the 2024 -2034 Long Term Plan (LTP).

COMMITTEE MINUTES



The Committee discussed Climate Change and where it would sit as an activity. Group Manager Strategy, Kirsty Downey advised the Committee that as highlighted by the KPMG internal audit review, Climate Change didn't sit within one particular activity area of the organisation. An Improvement plan will be presented to the Audit and Risk Committee at its meeting on 12 June 2023.

RESOLVED

2/23/43

That the Strategic Planning and Policy Committee

- a) *Receives the report of Anthea Sayer, Senior Strategic Projects Advisor titled 'Group of Activities structure for the 2024-2034 Long Term Plan', (document number 11015179); and*
- b) *Approves the 2024-2034 Long Term Plan (LTP) groups of activities structure, as follows:*

GOA	Activity
Governance	Representation
	Communications and Engagement
	Strategy
Planning and Regulatory	Animal Control
	Building Compliance
	Development Engineering
	Environmental Health
	Resource Consents, Enforcement and LIMs
Community Services and Facilities	Parks and Reserves
	Libraries
	Property Services
	Heritage
	Swimming Pools
	Waste Management and Minimisation
	Emergency Management
Transportation	Transportation
Stormwater	Stormwater
Wastewater Treatment and Disposal	Wastewater Treatment and Disposal
Water Treatment and Supply	Water Treatment and Supply
Support Services	Information Services
	Customer Support

Councillor Pettit / Councillor Montgomerie

COMMITTEE MINUTES



Councillor St Pierre requested her vote against be recorded

12 SIGNIFICANT FORECASTING ASSUMPTIONS FOR THE 2024-2034 LONG TERM PLAN

The purpose of this report was to seek approval of the significant forecasting assumptions that underpin planning for the 2024-34 Long Term Plan (LTP).

RESOLVED

2/23/44

That the Strategic Planning and Policy Committee

- a) *Receives the report of Anthea Sayer, Senior Strategic Projects Driver titled 'Significant Forecasting Assumptions for the 2024-34 Long Term Plan', (document number 11006481); and*
- b) *Approves the 2024-34 Long Term Plan Significant Forecasting Assumptions in Appendix 1.*

Councillor L Brown / Councillor Montgomerie

13 APPROVAL OF THE STRATEGIC FRAMEWORK FOR THE 2024-2034 LONG TERM PLAN

The purpose of this report was to approve the Strategic Framework to guide the development of the 2024-34 Long Term Plan (LTP).

Strategy Manager, Melissa Russo, discussed with the Committee reverting back to the original wording in the Strategic Framework document which recognised the diverse needs of the community. The Committee were in favour of this.

RESOLVED

2/23/45

That the Strategic Planning and Policy Committee

- a) *Receives the report of Anthea Sayer, Senior Strategic Projects Driver titled 'Approval of the Strategic Framework for the 2024-34 Long Term Plan', (document number 11008414); and*
- b) *Approves the Strategic Framework for the 2024-34 Long Term Plan in Appendix 1.*



Councillor A Brown / Councillor St Pierre

14 TE WAKA UPDATE

[Councillor Coles left the meeting at 11.41am and re-joined at 11.46am]

The Chief Executive of Te Waka, Fiona Carrick, presented to the Committee, providing an update on priorities, achievements and future projects.

RESOLVED

2/23/46

That the Strategic Planning and Policy Committee receives the report of Kirsty Downey, Group Manager Strategy, titled 'Te Waka Update', (document number 11017246).

Mayor O'Regan / Councillor L Brown

There being no further business the meeting closed at 12pm

CONFIRMED AS A TRUE AND CORRECT RECORD

CHAIRPERSON:

.....

DATE:

.....

COMMITTEE MINUTES



Committee: Strategic Planning and Policy Committee
Time: 9.00am
Date: Monday 19 June 2023
Venue: Council Chambers, Waipā District Council
101 Bank Street, Te Awamutu

PRESENT

Chairperson

EM Stolwyk

Members

Her Worship the Mayor SC O'Regan, AW Brown, PTJ Coles, RDB Gordon, ML Gower, MG Montgomerie, MJ Pettit (joined the meeting at 9.16am via Zoom), CS St Pierre, BS Thomas, (Vacancy)

1 APOLOGIES

RESOLVED

2/23/47

That the apology from Councillor L Brown who was on council business be received and the apology from Councillor Pettit for lateness who was on personal business be received.

Councillor A Brown / Councillor Thomas

2 DISCLOSURE OF MEMBERS' INTERESTS

3 LATE ITEMS

Nil

4 CONFIRMATION OF ORDER OF MEETING

RESOLVED

COMMITTEE MINUTES



2/23/48

That the Strategic Planning and Policy Committee confirm the order of the meeting

Mayor O'Regan / Councillor Gordon

5 HEARING REPORT – DRAFT SAINSBURY ROAD RESERVE MANAGEMENT PLAN

[Councillor Pettit joined the meeting via Zoom at 9.16am]

The purpose of this report was to enable the Strategic Policy and Planning Committee to receive, consider, and hear submissions on the draft Sainsbury Road Reserve Management Plan, and approve the final Reserve Management Plan in accordance with the Reserves Act 1977.

A total of 60 submissions were received, with 3 submitters requesting to present their submissions in person.

Submitter Adrian Bathgate, Pirongia Mountain Bike Club

Submitter Ange Carson, Pirongia Horse Riders Club

Submitter Bill Harris, Ngāti Apakura

Consultant, Amanda Banks provided the Committee with an overview of the submissions.

An amendment was made to recommendation d) that dogs would remain regulated under Council's Dog Control Bylaw and Policy and not the Reserve Management Plan.

RESOLVED

2/23/48

That the Strategic Planning and Policy Committee:

- a) *Receives the report of Amanda Banks, Consultant – Lightning Rod Consultancy titled Hearing Report – Draft Sainsbury Road Reserve Management Plan (document number 11011072);*
- b) *Notes that Waipā District Council, as administering body of the Sainsbury Road Reserve, consulted on the draft Sainsbury Road Reserve Management Plan in accordance with section 41 of the Reserves Act 1977;*
- c) *Receives and considers the written submissions attached as Appendix 2 (document number 11032536) to this report, and receives, hears and considers the verbal submissions, arising from the consultation on the draft Sainsbury Road Reserve Management Plan;*

COMMITTEE MINUTES



- d) *Approves the staff recommendations included in the report and the summary of submissions for changes to the draft Sainsbury Road Reserve Management Plan arising as a result of the submissions referred to in recommendation c), as attached in Appendix 2 (document number 11032536), subject to updating the staff recommendations so that the Reserve Management Plan will no longer deal with dogs, instead dogs will be remain regulated under Council's Dog Control Bylaw and Policy;*
- e) *Approves the draft Sainsbury Road Reserve Management Plan attached as Appendix 1 (document number 10970936) pursuant to section 41 of the Reserves Act 1977 to take effect on 1 August 2023, as amended:*
 - i) *to incorporate the staff recommendations outlined in recommendation d)*
 - ii) *following deliberations of submissions by the Committee;*
- f) *Delegates to the Group Manager Customer and Community Services authority to amend the draft Sainsbury Road Reserve Management Plan to implement the approval under recommendation e), and make typographical, formatting and other minor amendments to the RMP prior to publication, and;*
- g) *Delegates to the Group Manager Customer and Community Services authority to remove reference to the Sainsbury Road Reserve from the Urban Reserves Management Plan Volume 2 (Pirongia, Kihikihi & Ohaupo) (document number 50932640), as a consequence of the approval in recommendation e)*

Councillor Gower/ Councillor Thomas

There being no further business the meeting closed at 9.30am

CONFIRMED AS A TRUE AND CORRECT RECORD

CHAIRPERSON:

DATE:

COMMITTEE REPORT



INFORMATION ONLY

To: The Chairperson and Members of the Strategic Planning and Policy Committee

From: Senior Strategic Projects Driver

Subject: **2024-34 Long Term Plan work programme update**

Meeting Date: 1 August 2023

1 EXECUTIVE SUMMARY – WHAKARĀPOPOTOTANGA MATUA

This report provides Elected Members with an update on how the 2024-34 Long Term Plan (LTP) project is progressing. The Strategic Framework, Groups of Activities (GOA) structure and significant forecasting assumptions were approved at the June Strategic Planning and Policy Committee. Staff are currently focusing on the reviews of the Financial and Infrastructure Strategies, financial policies and Significance and Engagement Policy, as well as working on business cases and the levels of service review.

2 RECOMMENDATION – TŪTOHU Ā-KAIMAHI

That the Strategic Planning and Policy Committee receives the report of Anthea Sayer, Senior Strategic Projects Driver, titled '2024-34 Long Term Plan work programme update', (document number 11052115).

3 COMMENTARY - KŌRERO

The LTP is a complex project comprising many different processes and content requirements. The table below outlines the 11 building blocks that make up the LTP and notes progress made as well as what's coming up. This update will be provided at every Strategic Planning and Policy Committee meeting until the LTP is adopted in June 2024.

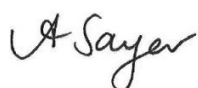
Key Building Blocks		Update	Status
1	Strategic Framework	The Strategic Framework was approved at the June 2023 Strategic Planning and Policy Committee meeting. The framework is now driving planning for the 2024-2034 LTP.	Completed

Key Building Blocks		Update	Status
2	Group of activities structure	The 2024-34 LTP GOA structure was approved at the June Strategic Planning and Policy Committee meeting.	Completed
3	Significant forecasting assumptions	Significant forecasting assumptions were approved at the June Strategic Planning and Policy Committee meeting. The assumptions will be relooked at later in 2023 and updated where necessary.	Completed
4	Significance and Engagement Policy	<p>The review of the Significance and Engagement Policy is progressing. An Elected Members' workshop on the policy will take place on 22 August.</p> <p>It is anticipated that consultation on the policy will begin in early October with adoption of the policy scheduled for December.</p>	On track
5	Budgeting process	<p>The budgeting process sets capital and operating expenditure each year over the ten years of the LTP.</p> <p>Planning for this process is progressing with budgeting for operating expenditure likely to begin in August. The budget for capital expenditure is being worked through via the business case process.</p> <p>It is anticipated that a first cut of the budget will be presented to Elected Members in early October with the final LTP budget being adopted by Council on 12 December.</p>	On track
6	Financial and funding policies	<p>The suite of financial and funding policies includes:</p> <ul style="list-style-type: none"> • Revenue and Financing Policy; • Treasury Management Policy; • Remission and Postponement of Rates and Water Charges Policy. <p>The review of these policies is underway with an Elected Members' workshop scheduled for 22 August.</p> <p>The policies will be consulted on as part of formal LTP consultation in March/April 2024.</p>	On track

Key Building Blocks		Update	Status
7	Financial Strategy	<p>The Financial Strategy describes the factors that could have a significant impact on the Council over the ten years of the LTP and expected infrastructure expenditure. It also outlines limits on rates increases and borrowing.</p> <p>Elected Members had their first opportunity to feed into the strategy review at a workshop on 13 June. Subsequent workshops will take place on 15 August, 3 October and 31 October.</p> <p>The strategy will be adopted as an LTP 'supporting document' in December and consulted on as part of the formal LTP consultation in March/April 2023.</p>	On track
8	Infrastructure Strategy	<p>The Infrastructure Strategy identifies Council's significant infrastructure issues over the next 30 years, the main options for managing those issues and the implications of those options.</p> <p>Elected Members had their first opportunity to feed into the strategy review at a workshop on 13 June. Subsequent workshops will take place on 15 August, 26 September and 31 October.</p> <p>The strategy will be adopted as an LTP 'supporting document' in December and consulted on as part of the formal LTP consultation in March/April 2023.</p>	On track
9	Development Contributions Policy	<p>The Development Contributions Policy enables Council to set levies on new developments to ensure that any development that creates additional demand on Council infrastructure contributes to the extra cost imposed on the community.</p> <p>This policy review is underway with an Elected Members' workshop on the policy scheduled for 22 August.</p>	On track

Key Building Blocks		Update	Status
		The draft policy will be consulted on as part of formal consultation on the LTP in March/April 2023.	
10	Activity management planning	<p>This deliverable includes the update of activity management plans (AMPs) and level of service reviews.</p> <p>AMPs outline how Council manages its physical assets, their performance and maintenance expenditure and the associated risks over their life cycles. Waipā District Council has 10 AMPs including:</p> <ul style="list-style-type: none"> • Parks; • Public toilets; • Cemeteries; • Heritage • Libraries; • Transportation; • Property; • Stormwater; • Wastewater; • Water Supply. <p>Work on the AMPs is progressing. Seven AMPs have gone through a peer review process and action plans have been developed for staff to work through before they are finalised. The remaining three AMPs will be handed over for peer review in July.</p> <p>At the 13 June Elected Members' workshop, it was agreed that the following areas would be looked at as part of a level of service review:</p> <ul style="list-style-type: none"> • Sportsfields; • Footpath maintenance; • Public toilets; • Multi-modal transport; • Roading funding in light of reduced Waka Kotahi funding. <p>Feedback from these reviews will be reported back to Elected Members at a workshop on 8 August.</p>	On track

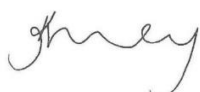
Key Building Blocks		Update	Status
		The review of performance measures is also underway. Elected members will see a first draft of the performance measures at a workshop scheduled for 12 September. Approval of the new performance measures is scheduled for 7 November.	
11	Consultation and engagement	<p>Feedback received during the Ahu Ake community engagement process is being used to inform LTP planning and is being considered as pre-engagement.</p> <p>A workshop with Community Boards is scheduled for 2 August. Briefings with the Cambridge and Te Awamutu Chambers of Commerce as well as iwi and mana whenua are being planned for August.</p> <p>Formal consultation on the LTP will take place in March/April 2024.</p>	On track



Prepared by Anthea Sayer
SENIOR STRATEGIC PROJECTS DRIVER



Reviewed by Melissa Russo
MANAGER STRATEGY



Approved by Kirsty Downey
GROUP MANAGER STRATEGY

COMMITTEE REPORT



To: The Chairperson and Members of the Strategic Planning and Policy Committee

From: Strategic Projects Driver

Subject: **Draft Dangerous, Affected and Insanitary Buildings Policy For Consultation**

Meeting Date: 1 August 2023

1 PURPOSE - TAKE

The purpose of this report is to approve the draft Dangerous, Affected and Insanitary Buildings Policy (Policy) and the Statement of Proposal for public consultation in August and September 2023.

2 EXECUTIVE SUMMARY – WHAKARĀPOPOTOTANGA MATUA

Council’s Dangerous, Affected and Insanitary Buildings Policy 2017 has been reviewed under the terms of the Building Act 2004 (Act). The resulting draft Policy is now ready for public consultation, and a Statement of Proposal has been prepared accordingly.

A relatively small number of amendments have been made to the Policy. The most significant changes are made to Council’s procedures and criteria for classifying buildings.

3 RECOMMENDATION – TŪTOHU Ā-KAIMAHI

That the Strategic Planning and Policy Committee

- a) **Receives** the report of Graham Pollard, Strategic Projects Driver, titled ‘Draft Dangerous, Affected and Insanitary Buildings Policy For Consultation’ (document number 11007551);
- b) **Agrees** that the Draft Dangerous, Affected and Insanitary Buildings Policy (document number 11007553) meets the requirements of sections 131 to 132A of the Building Act 2004, in that the Policy:
 - i) states the approach Council will take in performing its functions in respect of dangerous and insanitary buildings; and
 - ii) states Council’s priorities for performing those functions; and

- iii) *states how the Policy will apply to heritage buildings; and*
- iv) *takes into account affected buildings.*
- c) **Agrees** to consult between 11 August and 11 September 2023 on the Draft Dangerous, Affected and Insanitary Buildings Policy (document number 11007553) in accordance with the special consultative procedure pursuant to section 132 of the Building Act 2004 and section 83 of the Local Government Act 2002;
- d) **Adopts** the draft Statement of Proposal (document number 11054359) for the public consultation referred to recommendation c);
- e) **Delegates** to the Group Manager District Growth and Regulatory Services the authority to make any final minor amendments to the Statement of Proposal and draft Policy before issue.

4 BACKGROUND – KŌRERO WHAIMĀRAMA

Section 131 of the Building Act 2004 requires territorial authorities to adopt a policy on dangerous and insanitary buildings. Section 132A subsequently added a requirement to include affected buildings in that policy.

Section 132(4) of the Act requires that the Policy is reviewed every 5 years. Council's current Policy was adopted in 2017. The Policy does not cease because it is being reviewed or due for review (section 132(5)), nevertheless, the Policy review urgently needs to be completed.

The review process has included amending the document to include more detail and clarity. This will provide the public with a better understanding of Council's approach, processes and expectations. The substantive changes to the draft Policy relate to:

- Clarifying Territorial Authority and Building Control Authority responsibilities.
- Providing a more detailed explanation of Council's role (clause 5.5).
- Adding more detail of related legislation (clause 6).
- Providing clearer detail of Council's response to the receipt of information regarding a dangerous, affected or insanitary building (clause 7).
- Providing more detailed information on Council's procedures (clause 8). These include the assessment of buildings, and the power to inspect buildings.
- More detailed criteria for determining the degree of priority to be given a dangerous or insanitary building (clause 8).
- More specific information of what actions Council will take, the processes to be followed, and liability for the costs of actions (clause 8).
- Clarification about when enforcement action will be taken by Council (clause 8).
- Clarification on when a building is deemed to be 'affected' (clause 8).
- Clarification on how Council work with the owners of dangerous, affected and insanitary buildings (clause 8).

The draft Statement of Proposal also highlights these changes.

Changes from the Dangerous, Affected and Insanitary Buildings Policy 2017 are shown as tracked changes in Appendix 3 (ECM 11060764).

Consultation

Under section 132(2) of the Act, the policy may be amended or replaced only in accordance with the special consultative procedure (section 83 of the Local Government Act 2002).

A minimum one-month consultation period is required for this Policy in accordance with section 83 of the Local Government Act 2002. Consultation is planned to run for four weeks from 11 August 2023 to 11 September 2023. This timing should enable the reviewed Policy to be adopted in October 2023.

5 SIGNIFICANCE & ENGAGEMENT – KAUPAPA WHAI MANA ME NGĀ MATAPAKINGA

Staff have considered the key considerations under the Significance and Engagement Policy, in particular sections 7 and 8 and have assessed that the matter(s) in this report have a high level of significance. As required by section 132(2) of the Act, the reviewed Policy must be subject to public consultation in accordance with the special consultative procedure.

6 OPTIONS – NGĀ KŌWHIRINGA

Option	Advantages	Disadvantages
Option 1: Do nothing	<ul style="list-style-type: none"> No further staff or other Council resources need be committed to this project 	<ul style="list-style-type: none"> Unable to meet legislative requirements
Option 2: Approve draft documents	<ul style="list-style-type: none"> Enables documents to be completed for consultation without further work Enables legal compliance at the earliest date 	N/A
Option 3: Amend draft documents	<ul style="list-style-type: none"> Documents for consultation more accurately reflect the Committee's wishes 	<ul style="list-style-type: none"> Further staff resource is required to complete amendments Compliance with the Act is delayed further

The recommended option is Option 2 as enabling Council to restore compliance with the Act.

7 OTHER CONSIDERATIONS – HEI WHAIWHAKAARO

Council’s Vision and Strategic Priorities

The Policy aligns with Council’s community outcomes by helping Waipā continue to be a great place to live, work, play and invest. It also helps achieve environmental awareness and responsibility within the community.

Legal and Policy Considerations – Whaiwhakaaro ā-Ture

Staff confirm that this review of the draft Policy, and options 2 above, complies with the requirements of the Building Act 2004; and use of the special consultative procedure complies with the Local Government Act 2002.

Financial Considerations – Whaiwhakaaro ā-Pūtea

The total costs to complete this review are covered by existing 2023/24 budgets when the costs will be incurred.

Risks - Tūraru

The following significant risks have been identified and will be treated as set out below:

Risk Description	Current Residual Risk Rating	Current Treatments	Target Residual Risk Rating – if different from current rating	Planned Additional Treatments
Failure to comply with s132(2) of the Building Act 2004	High	Completion of current review of Dangerous, Affected and Insanitary Buildings Policy	Low	Completion of review of the Policy at the earliest possible date

8 NEXT ACTIONS

Action	Responsibility	By When
Public consultation	Strategy, Communications, Building Control	11 September 2023
Hearing and consideration of submissions	SP&P	October 2023
Adoption of final Policy	Council	October 2023

9 APPENDICES - ĀPITITANGA

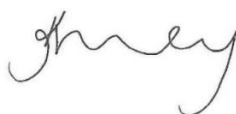
No:	Appendix Title
1	Draft Dangerous, Affected and Insanitary Buildings Policy (ECM 11007553)
2	Draft Statement of Proposal for the draft Dangerous, Affected and Insanitary Buildings Policy (ECM 11054359)
3	Draft Dangerous, Affected and Insanitary Buildings Policy– tracked change version (ECM 11060764)



Graham Pollard
STRATEGIC PROJECTS DRIVER



Reviewed by Melissa Russo
MANAGER STRATEGY



Approved by Kirsty Downey
GROUP MANAGER STRATEGY



Approved by Wayne Allan
GROUP MANAGER DISTRICT GROWTH AND REGULATORY SERVICES

APPENDIX 1

Draft Dangerous, Affected and Insanitary Buildings Policy (*ECM 11007553*)



Dangerous, Affected and Insanitary Buildings Policy 2023

April 2023

Consultation Draft

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1 Introduction

- 1.1 The Dangerous, Affected and Insanitary Buildings Policy (Policy) has been prepared by Council to comply with sections 131 and 132A of the Building Act 2004 (Act), which requires Council to have a policy on Dangerous, Affected and Insanitary Buildings.
- 1.2 The Act requires the Policy to state the Council’s approach to performing its functions, and its priorities, in relation to dangerous and insanitary buildings, and how the Policy will apply to heritage buildings. The Policy must also take into account affected buildings. These are buildings adjacent to, adjoining, or nearby to a dangerous or insanitary building.

2 Policy Purpose

- 2.1 The purpose of this Policy is to:
- reduce the potential risk posed to residents in the district by dangerous, affected or insanitary buildings;
 - outline the approach the Council will take and clarify the Council’s priorities in performing its functions under the Building Act 2004 relating to dangerous, affected and insanitary buildings; and
 - set out how the Policy will apply to heritage buildings.
- 2.2 In setting this Policy, Council has endeavoured to strike a balance between the threats posed by Dangerous, Affected and Insanitary buildings and the broader social and economic issues affecting the community that are involved.
- 2.3 The relevant principles of section 4 of the Act have been taken into account in preparing this Policy, and will be taken into account in the performance of Council’s functions, powers and duties.

3 Policy Scope

- 3.1 This Policy applies to all buildings within the Waipā District.
- 3.2 Earthquake-prone buildings are addressed in Council’s Earthquake-Prone Building Policy and are therefore excluded from this Policy.

4 Definitions

- 4.1 For the purposes of this Policy the definitions in the table below shall apply.
- 4.2 Where a definition below refers to a definition in the Act, any amendments to the definition in the Act will apply to the meaning of that term in this Policy.

Term	Definition
Act	means the Building Act 2004.
Affected building	has the same meaning as section 121A of the Act, as follows: a building is an affected building for the purposes of this Act if it is adjacent to, adjoining, or nearby –

Term	Definition
	(a) a dangerous building as defined in section 121; or (b) a dangerous dam within the meaning of section 153.
Building	has the same meaning as section 8 of the Act, as follows: In this Act, unless the context otherwise requires, building – (a) means a temporary or permanent movable or immovable structure (including a structure intended for occupation by people, animals, machinery, or chattels); and (b) includes— (i) a mechanical, electrical, or other system; and (ii) a fence as defined in section 2 of the Fencing of Swimming Pools Act 1987; and (iii) a vehicle or motor vehicle (including a vehicle or motor vehicle as defined in section 2(1) of the Land Transport Act 1998) that is immovable and is occupied by people on a permanent or long-term basis; and (iv) a mast pole or a telecommunication aerial that is on, or forms part of, a building and that is more than 7 m in height above the point of its attachment or base support (except a dish aerial that is less than 2 m wide); and (c) includes any 2 or more buildings that, on completion of building work, are intended to be managed as one building with a common use and a common set of ownership arrangements; and (d) includes the non-moving parts of a cable car attached to or servicing a building; and (e) after 30 March 2008, includes the moving parts of a cable car attached to or servicing a building.
Council	means the Waipā District Council.
Dangerous building	has the same meaning as section 121 of the Act, as follows: (1) A building is dangerous for the purposes of this Act, if— (a) in the ordinary course of events (excluding the occurrence of an earthquake), the building is likely to cause— (i) injury or death (whether by collapse or otherwise) to any persons in it or to persons on other property; or (ii) damage to other property; or (b) in the event of fire, injury or death to any persons in the building or to persons on other property is likely. (2) For the purpose of determining whether a building is dangerous in terms of subsection (1)(b), a territorial authority— (a) may seek advice from members of the New Zealand Fire Service who have been notified to the territorial authority by the Fire Service National Commander as being competent to give advice; and (b) if the advice is sought, must have due regard to the advice.
Heritage building	has the same meaning as section 7 of the Act, as follows: means a building that is included on — (a) the New Zealand Heritage List/Rārangi Kōrero maintained under section 65 of the Heritage New Zealand Pouhere Taonga Act 2014; or

Term	Definition
	(b) the National Historic Landmarks/Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu list maintained under section 81 of the Heritage New Zealand Pouhere Taonga Act 2014.
Household unit	<p>has the same meaning as section 7 of the Act, as follows:</p> <p>(a) means a building or group of buildings, or part of a building or group of buildings, that is —</p> <p>(i) used, or intended to be used, only or mainly for residential purposes; and</p> <p>(ii) occupied, or intended to be occupied, exclusively as the home or residence of not more than 1 household; but</p> <p>(b) does not include a hostel, boarding house, or other specialised accommodation</p>
Insanitary building	<p>has the same meaning as section 123 of the Act, as follows:</p> <p>a building is insanitary for the purposes of this Act if the building —</p> <p>(a) is offensive or likely to be injurious to health because—</p> <p>(i) of how it is situated or constructed; or</p> <p>(ii) it is in a state of disrepair; or</p> <p>(b) has insufficient or defective provisions against moisture penetration so as to cause dampness in the building or in any adjoining building; or</p> <p>(c) does not have a supply of potable water that is adequate for its intended use; or</p> <p>(d) does not have sanitary facilities that are adequate for its intended use.</p>
Inspection	<p>has the same meaning as section 222 of the Act, as follows:</p> <p>means the taking of all reasonable steps —</p> <p>(a) to determine whether—</p> <p>(i) building work is being carried out without a building consent; or</p> <p>(ii) building work is being carried out in accordance with a building consent; or</p> <p>(iii) a notice to fix has been complied with;</p> <p>(b) to ensure that —</p> <p>(i) in relation to buildings for which a compliance schedule is issued, the inspection, maintenance, and reporting procedures stated in the compliance schedule are being complied with; or</p> <p>(ii) in relation to buildings that have specified systems, the requirement for a compliance schedule is being complied with;</p> <p>(c) to enable a territorial authority to —</p> <p>(i) identify dangerous, earthquake-prone, or insanitary buildings within its district; and</p> <p>(ii) carry out its functions or duties in relation to those buildings;</p> <p>(d) to satisfy a territorial authority as to whether a certificate of acceptance for building work should be issued under section 96.</p>
Owner	<p>has the same meaning as section 7 of the Act, as follows:</p> <p>in relation to land and any buildings on the land —</p> <p>(a) means the person who —</p> <p>(i) is entitled to the rack rent from the land; or</p>

Term	Definition
	<ul style="list-style-type: none"> (ii) would be so entitled if the land were let to a tenant at a rack rent; and (b) includes — <ul style="list-style-type: none"> (i) the owner of the fee simple of the land; and (ii) for the purposes of sections 32, 44, 92, 96, 97, and 176(c), any person who has agreed in writing, whether conditionally or unconditionally, to purchase the land or any leasehold estate or interest in the land, or to take a lease of the land, and who is bound by the agreement because the agreement is still in force.
Territorial authority	<p>has the same meaning as section 7 of the Act, as follows:</p> <ul style="list-style-type: none"> (a) means a city Council or district Council named in Part 2 of Schedule 2 of the Local Government Act 2002; and — <ul style="list-style-type: none"> (i) in relation to land within the district of a territorial authority, or a building on or proposed to be built on any such land, means that territorial authority; and (ii) in relation to any part of a coastal marine area (within the meaning of the Resource Management Act 1991) that is not within the district of a territorial authority, or a building on or proposed to be built on any such part, means the territorial authority whose district is adjacent to that part; and (b) includes the Minister of Conservation or the Minister of Local Government, as the case may be, in any case in which the Minister of Conservation or the Minister of Local Government is the territorial authority under section 22 of the Local Government Act 2002.

5 Council's Role

- 5.1 Buildings may become dangerous or insanitary due to a number of reasons, such as unauthorised alterations being made, from a fire, from a natural disaster, or as a result of its use or neglect by an occupant.
- 5.2 When buildings that may be dangerous or insanitary come to the attention of Council, Council will act promptly to investigate and if Council determines them to be dangerous or insanitary, ensure they are made safe.
- 5.3 Council has a statutory responsibility to act promptly to ensure the safety of persons or property when buildings that may be dangerous or insanitary come to the Council's attention. Council is also required to consider whether any other buildings may be affected by a dangerous or insanitary building and if so, what action, if any, is appropriate.
- 5.4 The concept of an affected building arises in the context of a dangerous building that is physically close enough to potentially pose a danger to people within the affected building. Note: affected buildings are defined as buildings which are adjacent to, adjoining, or nearby a dangerous building.
- 5.5 If a building is found to be dangerous, affected or insanitary, the Council will work with the building owners(s), and if necessary use powers it has available, to ensure appropriate action is taken to make the building, its occupants and the public safe.

6 Related Legislation

- 6.1 In considering how to address non-compliance, Council may consider other legislative requirements or compliance mechanisms in addition to the Building Act 2004. This may include in particular, consideration of the following:
- Local Government Act 2002
 - Resource Management Act 1991
 - Civil Defence Emergency Management Act 2002
 - Heritage New Zealand Pouhere Taonga Act 2014
 - Health Act 1956
- 6.2 Where a state of emergency has been declared (or following a state of emergency, when a transition period has been declared) the Council may choose to exercise powers under the Civil Defence Emergency Management Act 2002 instead of or in addition to powers under the Building Act 2004.

7 Council Policies

7.1 Council's approach to dangerous, affected or insanitary buildings

- 7.1.1 Council will not proactively inspect all buildings within the District but will make it a priority to quickly and efficiently respond to information received regarding potentially dangerous, affected or insanitary buildings to ascertain the extent of any issues.

7.2 Application of Policy to heritage buildings

- 7.2.1 This Policy applies to heritage buildings in the same way it applies to all other buildings. Where Council receives information regarding buildings which have a heritage classification under Heritage New Zealand Pouhere Taonga, in addition to consulting with affected owners Council will consider seeking advice from Heritage New Zealand Pouhere Taonga. Council will consider working with the building owner to ensure the development of appropriate management and planning for these buildings for their protection, wherever possible.
- 7.2.2 When considering heritage buildings under the Policy, account will be taken of:
- a) the importance of recognising any special traditional or cultural aspects of the intended use of the building;
 - b) the need to facilitate the preservation and ongoing use of buildings and areas of significant cultural, historical, or heritage value;
 - c) the circumstances of each owner and each building, including whether the building has undergone any recent building work.
- 7.2.3 When considering what action to take with a listed or scheduled heritage building that is deemed dangerous or insanitary, the Council will take into account the heritage values of the building in determining possible courses of action and seek to avoid demolition wherever possible. Suitably qualified professionals with heritage expertise will be engaged where necessary to advise and recommend on possible actions.

7.3 Co-operation with other agencies

- 7.3.1 Council will work with Heritage New Zealand Pouhere Taonga, the New Zealand Fire Service, the New Zealand Police and other agencies where it considers this necessary or desirable to help achieve the purposes of the Building Act 2004.

7.4 Costs

- 7.4.1 Council may issue a notice under section 124(2)(c) of the Act requiring work to be carried out on dangerous or insanitary buildings to reduce or remove the danger, or to prevent the building from remaining insanitary. If work required under such a notice issued by Council is not completed or proceeding with reasonable speed, Council may invoke its powers under section 126 of the Act and apply to the District Court to gain authorisation to carry out building work required in the notice.
- 7.4.2 If Council carries out building work, it is entitled to recover costs associated with that work from the building owner, as set out in section 126(3) of the Act.

7.5 Immediate danger

- 7.5.1 If a building presents an immediate danger to the safety of people or immediate action is necessary to fix insanitary conditions, Council may choose to invoke its powers under section 129 of the Act. Council will consider how significant the relevant risks are and how such risks may be managed before exercising such powers.

8 Procedures

8.1 Identifying dangerous and insanitary buildings

- 8.1.1 Once Council has received information regarding a potentially dangerous, affected or insanitary building it will:
- check the details of the property against Council records;
 - have an authorised officer undertake an inspection of the building in question. In doing this, Council may seek advice from the New Zealand Fire Service, or any other professional or organisation deemed appropriate by Council; and
 - prioritise the issue in light of the perceived risks around the building.
- 8.1.2 All inspections of potentially dangerous, affected or insanitary buildings will involve assessment of the condition of the building in terms of the definitions in sections 121, 121A and 123 of the Act. Inspection records will be prepared to document any inspection.
- 8.1.3 Authorised officers are not required to inform or obtain approval for inspections to determine whether or not a building is dangerous or insanitary, unless the building is a household unit. In these circumstances Council must either obtain consent of the occupier of the household unit or an order from a District Court.
- 8.1.4 Council may engage a subject expert matter to assist with determining whether a building is dangerous, affected or insanitary, and/or the course of action to rectify the issue if it is.

8.2 Criteria for determining priority of issue

- 8.2.1 A building is less likely to be classified as dangerous, affected or insanitary if it is unoccupied; however, the risk to the public and other properties must still be considered. Council will carefully consider these issues and determine whether they warrant immediate action to prevent injury or death. Each case must be considered on its own merits.

8.3 Actions for dangerous, affected or insanitary buildings

- 8.3.1 Taking action to resolve any dangerous and/or insanitary building is the responsibility of the building owner(s). Regardless, there may be circumstances that require Council to take action or carry out work (e.g. if we believe a building is an immediate danger or insanitary condition). If Council does have to take action or carry out work in accordance with sections 126 and 129 of the Act:

- the owner of the building is liable for the costs of the work or action taken; and
- Council may recover those costs from the owner; and
- the amount recoverable by the Council becomes a charge on the land on which the building is situated or the work was carried out.

- 8.3.2 The priority for action for a dangerous, affected or insanitary building will be decided after the initial assessment of the building.

- 8.3.3 In undertaking its monitoring and enforcement functions under the Act and the Policy, the Council will utilise a risk-based strategy to target compliance activities. This approach recognises graduated categories of behaviour that determine the nature of the compliance intervention – Voluntary, Assisted, Directed and Enforced (VADE). Compliance and enforcement responses escalate depending on the seriousness of the conduct, extent of the harm and public interest factors. In operational terms, this approach recognises that most people and businesses are willing to voluntarily comply with their regulatory obligations or can be encouraged to do so; and enforcement responses are tailored according to the degree of harm to individuals, amenities or the environment.

- 8.3.4 Council may do any or all of the following if a building is deemed dangerous, affected or insanitary:

- Consult with the owners of the relevant building to further determine the circumstances and decide on an appropriate course of action. This may include voluntary rectification by the owner.
- except for an affected building, attach a notice to the building (sections 124 & 125 of the Act) requiring the owner to undertake building work to reduce or remove the danger, or prevent the building from remaining insanitary. This may include demolishing all or part of the building.
- Put up a hoarding or fence to prevent people from approaching the building nearer than is safe.
- issue a notice (section 124(2)(d) of the Act) restricting entry to the building for particular purposes or restricting entry to particular people or groups of people. The notice may be issued for a maximum of 30 days, and only re-issued once for a further period of 30 days (section 125(1A) of the Act). A copy of a notice must be issued to all people listed under section 125(2) of the Act.

- Take any action that is necessary to remove any immediate danger to the safety of people, or immediate action that is necessary to fix insanitary conditions (sections 129 and 130 of the Act). The owner is liable for the Council's costs in doing so, and the amount recoverable becomes a charge on the land.

8.3.5 Where a notice requiring building work to be undertaken has been attached to a dangerous or insanitary building, Council:

- will contact the owner at the end of the time period set down in the notice to gain access to the building and check whether the notice has been complied with.
- If the required work has not been carried out in accordance with the notice, may carry out the required work itself on application to the District Court (section 126 of the Act). The owner is liable for the costs, and the amount recoverable becomes a charge on the land.
- may pursue further enforcement action under the Act if the requirements of the notice are not met within a reasonable period of time, or for any other non-compliance matters (e.g. if the danger or insanitary conditions are as a result of unconsented building works).
- may consider any other enforcement options available to it, including the Health Act 1956 and Resource Management Act 1991.

8.4 Working with building owners

8.4.1 Where there is an agreement between the Council and the building owner to rectify any deficiency, the Council may elect to forego the issue of a formal notice, but will retain details of the building in the property file.

8.4.2 Where an acceptable agreement between the building owner and the Council cannot be obtained or where more urgent action is required, the Council may exercise its powers and issue a notice under section 124 of the Act. The section 124 notice will outline the danger to be removed and a timeframe to achieve the necessary result.

8.5 Recording a buildings dangerous or insanitary status and access to the information

8.5.1 Council will keep a record of all dangerous, affected and insanitary buildings noting the status of requirement for improvement or the results of improvements as applicable. All information relating to dangerous, affected or insanitary buildings will be filed on the relevant property file.

8.5.2 The Local Government Official Information and Meetings Act 1987 (section 44A) requires the Council to include information concerning any consent, certificate, notice, order, or requisition affecting the land or any building on the land previously issued by the territorial authority on the Land Information Memorandum (LIM) for a property:

8.5.3 In particular, the Council will include information relating to notices that have been issued by Council regarding dangerous and insanitary conditions, or affected building status that are not resolved.

8.5.4 The Council is required (under section 216 of the Act) to hold a summary of any written complaint concerning alleged breaches of the Act, and the Council's response. This information will be provided upon request, subject to the requirements of section 217.

9 Disputes

- 9.1 If a building owner disputes a Council decision, or proposed action, relating to the exercise of Council's powers under sections 124 or 129 of the Building Act, the owner may apply for a determination from the Chief Executive of the Ministry of Building, Innovation and Employment, as set out in the Building Act.
- 9.2 Such a determination is binding on all parties.

10 Application and review

- 10.1 The Policy will be reviewed at least every five (5) years, as required by section 132(4) of the Building Act 2004. If, following the review, or at any other time, Council decides to amend or replace the Policy it must do so by using the special consultative procedure in section 83 of the Local Government Act 2002.
- 10.2 The Policy does not cease to have effect because it is due for review or is being reviewed.
- 10.3 Clause 10.1 does not preclude this Policy from being reviewed within the time frame stated in the Act to meet the needs of Council and best practice.

Signed _____ Date _____

Wayne Allan
GROUP MANAGER DISTRICT GROWTH & REGULATORY SERVICES

Signed _____ Date _____

Garry Dyet
CHIEF EXECUTIVE

APPENDIX 2

Draft Statement of Proposal for the draft Dangerous, Affected and Insanitary Buildings Policy (*ECM 11054359*)

Cover page:

Dangerous, Affected and Insanitary Buildings Policy Review

This document summarises key changes we're proposing to make to our Dangerous, Affected and Insanitary Buildings Policy.

We want to know what you think!

Feedback is open until 5pm, Monday 11 September 2023

[logo]

0800 WAIPADC (0800 924 723)

waipadc.govt.nz

Insider cover:

This document summarises the key changes we're proposing to make to our Dangerous, Affected and Insanitary Buildings Policy.

We recommend you look at the full policy if you want more detail.

You can view this:

- Online at waipadc.govt.nz/dangerousbuildings
- Hard copies are available from Council offices and libraries.

This Statement of Proposal has been prepared in accordance with Section 83 of the Local Government Act 2002 and Section 132 of the Building Act 2004.

Introduction

The Building Act 2004 (Act) requires every council to have a Dangerous, Affected and Insanitary Buildings Policy. Every five years Council is required to review our Policy, as part of the terms of the Act. This review will ensure our Policy is fit-for-purpose when we need to use it and will better reflect the requirements set out in the Building Act.

The Waipā District Council Dangerous, Affected and Insanitary Buildings Policy sets out rules to make sure people can live and work in buildings without compromising their health or safety. The Policy outlines the steps Council will take when one of these buildings is identified or reported. It also covers how heritage buildings will be managed if they are dangerous, insanitary or affected.

What do we consider as dangerous, affected and insanitary?

A building is **dangerous** if:

- the building is likely to cause injury or death to someone or could cause damage to other property, excluding in the event of an earthquake. Earthquake-prone buildings are addressed by the Ministry of Business Innovation and Employment's national earthquake-prone building system;
- in the event of a fire, the injury or death to any persons in the building or on other property is likely.

A building is **affected** if:

- the building is next to or near a building or a dam that is dangerous . One example is a poorly built farm shed that is in a dangerous state so could fail damaging a house, meaning the house would be the affected building.

A building is **insanitary** if:

- it's offensive or likely to cause damage or harm to health because of its state of disrepair or poor construction. One example of an offensive building could be a failed septic tank where untreated waste water is on the ground, impacting human health
- it doesn't have a supply of drinking water
- it has high levels of dampness due to poor construction, such as no ventilation
- it doesn't have sanitary facilities such as toilets, washing and bathing facilities.

These definitions would be applied on a case by case basis and the situations included in the above points are just some examples. The definitions are set out in full in the Building Act 2004.

Council must strike a balance between the threats posed by these types of buildings and the broader social and economic issues affecting the communities that are involved.

We have a responsibility to reduce the risks these types of buildings can have on our community.

You can take a look at the full policy at waipadc.govt.nz/dangerousbuildings

Now's the time to have your say on what we're proposing to change to our current Policy. It's not a lot, but we'd love your input before final decisions are made.

What we're proposing

We're proposing to make a small number of changes to the current Policy. The changes are not significant but help define Council's procedures and criteria for classifying these types of buildings. As well as these changes, we're adding key points from the Building Act and have rewritten the Policy to make it easier to read and understand.

Council's role

The Policy explains **Council's role** in managing dangerous, affected or insanitary buildings in Waipā and outlines how it will act.

We're proposing to add in the following:

If a building is found to be dangerous, affected or insanitary, the Council will work with the building owner(s), and if necessary, take appropriate action to make the building, its occupants and our community safe.

This is because we have a statutory responsibility to act promptly to ensure the safety of people or property when such a building is brought to our attention.

Council policies

The revised Policy provides detail of **how and when** Council will respond when we're made aware of a building that's in bad shape. Some of this detail isn't included in the current Policy.

We're proposing that when Council receives information regarding a possible dangerous, affected or insanitary building, we'll respond quickly and efficiently and investigate the extent of the issues.

Heritage buildings are treated in the same way as any building. When Council is made aware of a heritage building at risk, we also seek advice from Heritage New Zealand Pouhere Taonga when addressing the building's issues. We're proposing to add to the Policy that we'll also consider working with the building owners when creating management plans to protect the building's heritage, where possible, while protecting people and other property.

We're also proposing to consider the traditional and cultural importance of the building and whether the owner has done recent building work. We've included the option to engage qualified professionals when managing or fixing the heritage building.

Procedures

These proposed changes follow the expectations set by the Building Act. If you'd like to understand more, you can [view the Building Act online](#). The procedures have the most proposed changes and these will ensure we're better aligned with the Building Act.

These changes outline **how** Council will act when processing and actioning information received on a potentially dangerous, affected or insanitary building.

The following changes are new additions that we are proposing to add to our Policy. The proposed changes include:

Identifying dangerous and insanitary buildings

- Council won't need to obtain approval for inspections unless the building is a household. In this instance, Council will need consent from the person living in the building or obtain an order from a District Court.
- Following an initial inspection, Council will set priorities for the works that align with the risks the building has.
- The Building Act's definitions of 'dangerous', 'affected' and 'insanitary' will be used for assessment and inspections. Inspection records will be created and maintained, and during the assessment Council can bring on board a subject matter expert to assist.

Criteria for identifying priority work

- A building is less likely to be classified as dangerous, affected and insanitary if it isn't occupied, but Council will still consider and factor in the risk to the public and other properties. Council will carefully consider the issues and determine whether they warrant immediate action. Each case will be considered on its own merits.

Actions for dangerous, affected or insanitary buildings

- It's a building owner's responsibility to do the right thing and fix a building's issues, but there may be situations where Council needs to act, for example if we believe a building is dangerous or in an insanitary condition, but an owner cannot make improvements. If Council has to take action, then the owner is liable for the costs.
- Council will consider a building owner's approach to the issue, are they volunteering, being assisted, being directed or enforced to fix the issues. More often than not, a building owner will comply and get the issues sorted, but if they don't, this gives us a standard to follow when things escalate to an enforcement level.
- Following an assessment, if the building is deemed dangerous, affected or insanitary, Council staff will have the ability to:
 - work with the building owner to understand the situation and take the right course of action.
 - place a notice on the building that tells the owner to fix the issue, which may include demolishing all or part of a building. This doesn't apply to affected buildings.
 - put up a fence to prevent people from getting too close to the building.
 - advise those with interest in a building that they are not allowed to enter. These people can include the building owner, occupier or landowner, as set out by the Building Act. The notice can be in place for up to 30 days and can only be reissued once for a further 30 days.
 - take necessary action to remove any immediate danger to the safety of people, including for insanitary conditions. One example could include the building doesn't have the sanitary facilities that are required for the building's intended use or there could be an overflowing septic tank causing the insanitary conditions. The owner is liable for the costs.
 - contact the owner to gain access to the building and check compliance at the end of the time set in the notice attached to a dangerous or insanitary building.
 - take enforcement action if the building owner doesn't fix the building's issues within good time or if other requirements aren't met under the Building Act. One example is if the danger is caused by unconsented building works, enforcement could shut down a building site until the issue is fixed. Council can also enforce other relevant Acts,

such as the Local Government Act, Health Act, Heritage New Zealand Pouhere Taonga Act, Civil Defence Emergency Management Act or Resource Management Act.

Legislative requirements

Section 131 of the Building Act 2004 requires territorial authorities to adopt a policy on dangerous and insanitary buildings. Section 132A subsequently added a requirement to include affected buildings in that policy. Section 132(4) of the Act requires that the Policy is reviewed every five years. Council's current Policy was adopted in 2017 and has been under review since 2022.

Over to you!

This document outlines the changes we're proposing to the Dangerous, Affected and Insanitary Buildings Policy but we want to know what you think before any decisions are made.

We need your feedback by 5pm, Monday 11 September, 2023

Our draft Dangerous, Affected and Insanitary Buildings Policy is available with this Statement of Proposal and can be found:

- Online at waipadc.govt.nz/dangerousbuildings
- In hard copy form from Council offices and libraries

This document summarises most of the changes proposed but we recommend you read the Policy in full to see the full suite of changes.

You can make a submission:

- **Online:** visit waipadc.govt.nz/dangerousbuildings and complete the online form.
- **By post:** Complete a hard copy form and post to:
FREEPOST 167662 (no stamp necessary)

Waipā District Council
Attn: Dangerous Buildings
Policy Review
Private Bag 2402
TE AWAMUTU 3840
- **By email:** To submissions@waipadc.govt.nz.
Subject: Dangerous Buildings Policy Review

All feedback will be collated and presented to the Mayor and Councillors (the decision-makers) for their consideration, likely in November.

You are most welcome to have your say in person as part of this process. Let us know if you want to do this when you complete the submission form and then we'll be in touch to arrange the details closer to the time.

If you have any further queries or would like further copies of the draft Policy, please contact Council on 0800 (WAIPADC) 924 723 or call into one of our Council offices.

Closing cover

Standard WDC contacts – physical, phone, website, social media and logo.

Submission form

[Council logo]

Dangerous, Affected and Insanitary Buildings Policy

Submission form

Submissions close: 5pm, Monday 11 September 2023

1. Your details

Full name:

Organisation: (if applicable)

Address for correspondence:

Email:

Phone:

2. The Policy

Do you support Council's proposed changes to the Dangerous, Affected and Insanitary Buildings Policy?

Yes No In part

Are there any comments you would like to make?

I have attached additional information: Yes No

I'd like to present my views to Council in person at a public meeting:

Yes No

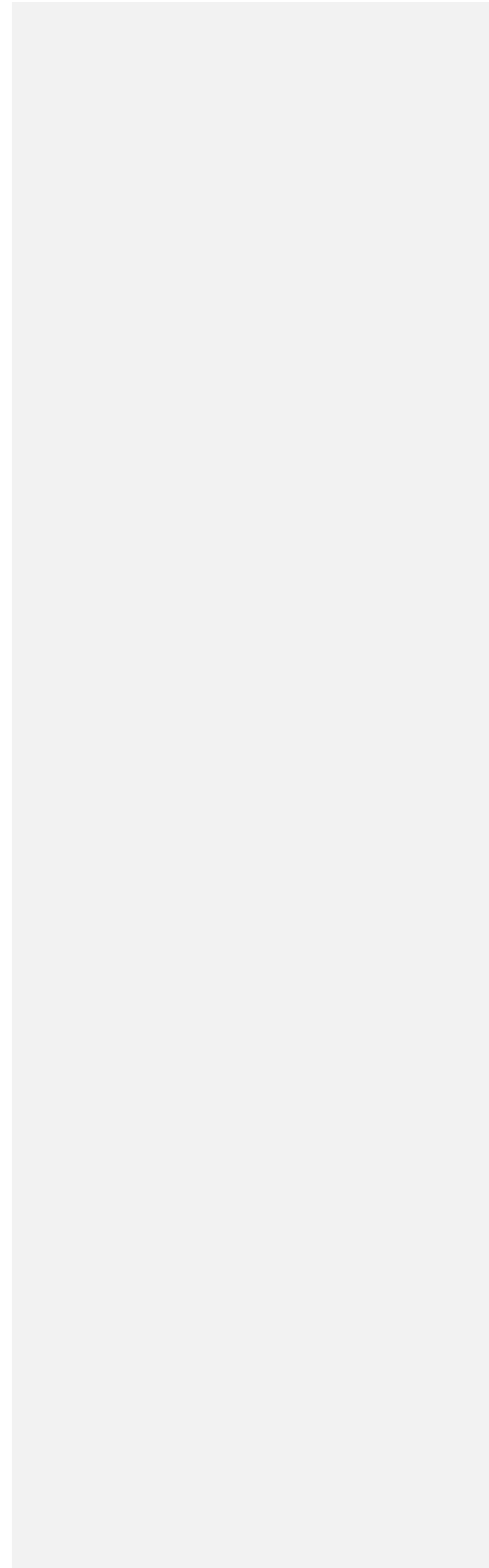
If you select yes, please include your phone number on the form and we will be in touch with you to confirm this.

Privacy statement: Your personal information will be used for the purpose of the engagement process, including informing you of the outcome of the consultation. All submissions (including names and contact details) may be provided in full to elected members and Council officers for this purpose. Submissions (including names but not contact details) may be made available to the public at our office and on our website. All information collected will be held by Waipā District Council, 101 Bank Street, Te Awamutu with submitters having the right to access, and request correction to, their personal information. You can read our full privacy statement at waipadc.govt.nz/privacy-statement.

Footer: 0800 WAIPA DC (924 723) | waipadc.govt.nz | F/WaipāDistrictCouncil

APPENDIX 3

Draft Dangerous, Affected and Insanitary Buildings Policy – tracked change version
(ECM 11060764)





Dangerous, Affected and Insanitary Buildings Policy 2023

April 2023

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Dangerous, Affected and Insanitary Buildings Policy

1 Introduction

~~1.1~~ The Dangerous, Affected and Insanitary Buildings Policy (“the Policy”) has been prepared by Council to comply with sections 131 and 132A of the Building Act 2004 (“the Act”), which requires Council to have a policy on Dangerous, Affected and Insanitary Buildings.

~~1.1.2~~ The Act requires the Policy to state the Council’s approach to performing its functions, and its priorities, in relation to dangerous and insanitary buildings, and how the Policy will apply to heritage buildings. The Policy must also take into account affected buildings. These are buildings adjacent to, adjoining, or nearby to a dangerous building.

~~1.2~~ The Act also required the policy to state the Territorial Authorities (i.e. Waipa District Council) policy approaches regarding affected buildings, which are building adjacent to, adjoining to, adjoining or nearby to a dangerous building. This policy supersedes Council’s Dangerous and Insanitary Building Policy 2012.

2 Policy Purpose

2.1 The purpose of this policy is to:

- Reduce the potential risk posed to residents in the district by dangerous, affected or insanitary buildings;
- To outline the approach the council will take and clarify the councils priorities in performing its functions under the Building Act 2004 relating to dangerous, affected and insanitary buildings.
 - Set out how the policy will apply to heritage buildings.
- ~~Improve the control of, and encourage better practice in design and construction; and~~
- ~~Provide a clear framework of how Council will manage unsatisfactory building conditions.~~

2.2 In setting this policy, Council has endeavoured to strike a balance between the threats posed by Dangerous, Affected and Insanitary buildings and the broader social and economic issues affecting the community that are involved.

2.3 This policy sets out:

~~2.4~~ The relevant principles of section 4 of the Act have been taken into account in preparing this policy, and will be taken into account in the performance of Council’s functions, powers and duties.

3 Policy Scope

3.1 This policy applies to all buildings within the Waipa District ~~Council's territorial authority district.~~

3.2 Earthquake-prone buildings are addressed in Council's Earthquake-Prone Building Policy and are therefore excluded from this policy.

4 Definitions

4.1 For the purposes of this policy the definitions in the table below shall apply.

4.2 Where a definition ~~below refers to a has the same meaning as a~~ definition in the Act, ~~any amendments to the definition in the Act will apply to the meaning of that term in this policy. the definition for the purposes of this Policy includes any subsequent amendment to the definition in the Act. For the avoidance of doubt, where a definition in the Act differs from a definition in this Policy, the definition in the Act has precedence.~~

Term	Definition
"The Act"	means the Building Act 2004.
"Affected building"	has the same meaning as section 121A of the Act, as follows: a building is an affected building for the purposes of this Act if it is adjacent to, adjoining, or nearby – (a) a dangerous building as defined in section 121; or (b) a dangerous dam within the meaning of section 153.
"Building"	has the same meaning as section 8 of the Act, as follows: In this Act, unless the context otherwise requires, building – (a) means a temporary or permanent movable or immovable structure (including a structure intended for occupation by people, animals, machinery, or chattels); and (b) includes— (i) a mechanical, electrical, or other system; and (ii) a fence as defined in section 2 of the Fencing of Swimming Pools Act 1987; and

	<p>(iii) a vehicle or motor vehicle (including a vehicle or motor vehicle as defined in section 2(1) of the Land Transport Act 1998) that is immovable and is occupied by people on a permanent or long-term basis; and</p> <p>(iv) a mast pole or a telecommunication aerial that is on, or forms part of, a building and that is more than 7 m in height above the point of its attachment or base support (except a dish aerial that is less than 2 m wide); and</p> <p>(c) includes any 2 or more buildings that, on completion of building work, are intended to be managed as one building with a common use and a common set of ownership arrangements; and</p> <p>(d) includes the non-moving parts of a cable car attached to or servicing a building; and</p> <p>(e) after 30 March 2008, includes the moving parts of a cable car attached to or servicing a building.</p>
“Council”	means the Waipa District Council.
“Dangerous building”	<p>has the same meaning as section 121 of the Act, as follows:</p> <p>(1) A building is dangerous for the purposes of this Act, if—</p> <p>(a) in the ordinary course of events (excluding the occurrence of an earthquake), the building is likely to cause—</p> <p>(i) injury or death (whether by collapse or otherwise) to any persons in it or to persons on other property; or</p> <p>(ii) damage to other property; or</p> <p>(b) in the event of fire, injury or death to any persons in the building or to persons on other property is likely.</p> <p>(2) For the purpose of determining whether a building is dangerous in terms of subsection (1)(b), a territorial authority—</p> <p>(a) may seek advice from members of the New Zealand Fire Service who have been notified to the territorial authority by the Fire Service National Commander as being competent to give advice; and</p> <p>(b) if the advice is sought, must have due regard to the advice.</p>

<p>“Heritage building”</p>	<p>has the same meaning as section 7 of the Act, as follows:</p> <p>means a building that is included on —</p> <p>(a) the New Zealand Heritage List/Rārangi Kōrero maintained under section 65 of the Heritage New Zealand Pouhere Taonga Act 2014; or</p> <p>(b) the National Historic Landmarks/Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu list maintained under section 81 of the Heritage New Zealand Pouhere Taonga Act 2014.</p>
<p>“Household unit”</p>	<p>has the same meaning as section 7 of the Act, as follows:</p> <p>(a) means a building or group of buildings, or part of a building or group of buildings, that is —</p> <p>(i) used, or intended to be used, only or mainly for residential purposes; and</p> <p>(ii) occupied, or intended to be occupied, exclusively as the home or residence of not more than 1 household; but</p> <p>(b) does not include a hostel, boarding house, or other specialised accommodation</p>
<p>“Insanitary building”</p>	<p>has the same meaning as section 123 of the Act, as follows:</p> <p>a building is insanitary for the purposes of this Act if the building —</p> <p>(a) is offensive or likely to be injurious to health because—</p> <p>(i) of how it is situated or constructed; or</p> <p>(ii) it is in a state of disrepair; or</p> <p>(b) has insufficient or defective provisions against moisture penetration so as to cause dampness in the building or in any adjoining building; or</p> <p>(c) does not have a supply of potable water that is adequate for its intended use; or</p> <p>(d) does not have sanitary facilities that are adequate for its intended use.</p>
<p>“Inspection”</p>	<p>has the same meaning as section 222 of the Act, as follows:</p> <p>means the taking of all reasonable steps —</p> <p>(a) to determine whether—</p>

	<p>(i) building work is being carried out without a building consent; or</p> <p>(ii) building work is being carried out in accordance with a building consent; or</p> <p>(iii) a notice to fix has been complied with:</p> <p>(b) to ensure that —</p> <p>(i) in relation to buildings for which a compliance schedule is issued, the inspection, maintenance, and reporting procedures stated in the compliance schedule are being complied with; or</p> <p>(ii) in relation to buildings that have specified systems, the requirement for a compliance schedule is being complied with:</p> <p>(c) to enable a territorial authority to —</p> <p>(i) identify dangerous, earthquake-prone, or insanitary buildings within its district; and</p> <p>(ii) carry out its functions or duties in relation to those buildings:</p> <p>(d) to satisfy a territorial authority as to whether a certificate of acceptance for building work should be issued under section 96.</p>
<p>“Owner”</p>	<p>has the same meaning as section 7 of the Act, as follows:</p> <p>in relation to land and any buildings on the land —</p> <p>(a) means the person who —</p> <p>(i) is entitled to the rack rent from the land; or</p> <p>(ii) would be so entitled if the land were let to a tenant at a rack rent; and</p> <p>(b) includes —</p> <p>(i) the owner of the fee simple of the land; and</p> <p>(ii) for the purposes of sections 32, 44, 92, 96, 97, and 176(c), any person who has agreed in writing, whether conditionally or unconditionally, to purchase the land or any leasehold estate or interest in the land, or to take a lease of the land, and who is bound by the agreement because the agreement is still in force.</p>

<p>“Territorial authority”</p>	<p>has the same meaning as section 7 of the Act, as follows:</p> <p>(a) means a city Council or district Council named in Part 2 of Schedule 2 of the Local Government Act 2002; and —</p> <p>(i) in relation to land within the district of a territorial authority, or a building on or proposed to be built on any such land, means that territorial authority; and</p> <p>(ii) in relation to any part of a coastal marine area (within the meaning of the Resource Management Act 1991) that is not within the district of a territorial authority, or a building on or proposed to be built on any such part, means the territorial authority whose district is adjacent to that part; and</p> <p>(b) includes the Minister of Conservation or the Minister of Local Government, as the case may be, in any case in which the Minister of Conservation or the Minister of Local Government is the territorial authority under section 22 of the Local Government Act 2002.</p>
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5 Council’s Role

- 5.1 ~~Buildings may become dangerous or insanitary due to a number of reasons, such as unauthorised alterations being made, from a fire, from a natural disaster, or as a result of its use or neglect by an occupant. When buildings that may be dangerous or insanitary come to the attention of Council, Council will act promptly to investigate and if determined to be dangerous or insanitary ensure they are made safe.~~
- 5.2 ~~When buildings that may be dangerous or insanitary come to the attention of Council, Council will act promptly to investigate and if Council determines them to be dangerous or insanitary, ensure they are made safe. Buildings may become dangerous or insanitary due to a number of reasons, such as unauthorised alterations being made, from a fire, from a natural disaster, or as a result of its use by an occupant.~~
- 5.3 Council has a statutory responsibility to act promptly to ensure the safety of persons or property when buildings that may be dangerous or insanitary come to the Council’s attention. Council is also required to consider whether any other buildings may be affected by a dangerous or insanitary building and if so, what action, if any, is appropriate.
- 5.4 The concept of an affected building arises in the context of a dangerous building that is physically close enough to potentially pose a danger to people within the affected building. Note: affected buildings are defined as buildings which are adjacent to, adjoining, or nearby a dangerous building.

~~5.5 If a building is found to be dangerous, affected or insanitary, the council will work with the building owners(s), and if necessary use powers it has available, to ensure appropriate action is taken to make the building, its occupants and the public safe.~~

6 Related Legislation Documents

~~6.1 In considering how to address non-compliance, it is likely the Council may consider other legislative requirements or must be mindful of any matters that require consideration under other legislation or compliance mechanisms. In particular, in addition to the Building Act 2004, this may include in particular, consideration of the following:~~

- ~~• Local Government Act 2002~~
- ~~• Resource Management Act 1991~~
- ~~• Civil Defence Emergency Management Act 2002~~
- ~~• Heritage New Zealand Pouhere Taonga Act 2014~~
- ~~• Protection of Personal and Property Rights Act 1988~~

~~• Mental Health Act 1992~~

~~The Waipa District Plan contains rules that support this policy. Together, the two documents create robust guidelines and enforcement methods to maintain the safety and amenity of buildings and places in the Waipa district.~~

~~6.2 The Waipa District Plan has rules pertaining to maintenance of buildings, sites and infrastructure. These rules can be found in Section 20 – Health and General Amenity; 20.4.2.4 to 20.4.2.11.~~

~~Where a state of emergency has been declared (or following a state of emergency, when a transition period has been declared) the Council may choose to exercise powers under the Civil Defence Emergency Management Act 2002 instead of or in addition to powers under the Building Act 2004~~

7 Council Policies

7.1 Council approach to dangerous, affected or insanitary buildings

7.1.1 Council will not proactively inspect all buildings within the District but will make it a priority to quickly and efficiently respond to information received regarding potentially dangerous, affected or insanitary buildings.

7.2.1 This policy applies to heritage buildings in the same way it applies to all other buildings. Where Council receives information regarding buildings which have a heritage classification under Heritage New Zealand Pouhere Taonga, in addition to consulting with affected owners Council will consider seeking advice from Heritage New Zealand Pouhere Taonga. The Council will consider working with the building owner to ensure the development of appropriate management and planning for these buildings for their protection, wherever possible.

7.2.2 When considering heritage buildings under the Policy, account will be taken of:

- a) The importance of recognising any special traditional or cultural aspects of the intended use of the building;
- b) The need to facilitate the preservation and ongoing use of buildings and areas of significant cultural, historical, or heritage value;
- c) The circumstances of each owner and each building, including whether the building has undergone any recent building work.

7.2.3 When considering what action to take with a listed or scheduled heritage building that is deemed dangerous or insanitary, the Council will take into account the heritage values of the building in determining possible courses of action and seek to avoid demolition wherever possible. Suitably qualified professionals with heritage expertise will be engaged where necessary to advise and recommend on possible actions.

7.3 Co-operation with other agencies

7.3.1 Council will work with Heritage New Zealand Pouhere Taonga, the New Zealand Fire Service, the New Zealand Police and other agencies where it considers this necessary or desirable to help to achieve the purposes of the Building Act 2004.

7.4 Costs

7.4.1 Council may issue a notice under Section 124(2)(c) of the Act requiring work to be carried out on dangerous or insanitary buildings to reduce or remove the danger, or to prevent the building from remaining insanitary. If work required under such a notice issued by Council is not completed or proceeding with reasonable speed, Council may invoke its powers under Section 126 of the Act and apply to the District Court to gain authorisation to carry out building work required in the notice.

7.4.2 If Council carries out building work, it is entitled to recover costs associated with that work from the building owner, as set out in Section 126(3) of the Act.

7.5 Immediate danger

7.5.1 If a building presents an immediate danger ~~or health hazard to~~ the safety of people or immediate action is necessary to fix insanitary conditions, within and/or around it, or to surrounding buildings, Council may choose to invoke its powers under Section 129 of the Act. Council will consider how significant the relevant risks are and how such risks may be managed before exercising such powers. If the risk is significant immediate action may be warranted. Sometimes you might have a situation where the risk is significant but can be managed; in other situations, it may not be possible to manage the risk.

8.1 Detect-Identifying dangerous and insanitary buildings

8.1.1 Once Council has received information regarding a potentially dangerous, affected or insanitary building it will:

- Check the details of the property against Council records;
- Have an authorised officer undertake an inspection of the building in question. In doing this, Council may seek advice from the New Zealand Fire Service, or any other professional or organisation deemed appropriate by Council; and

Prioritise (the immediacy) of the issue in light of the perceived risks around the building.

8.1.2 All inspections of potentially dangerous, affected or insanitary buildings will involve assessment of the condition of the building in terms of the definitions in section 121, 121A and 123 of the Act. Inspection records will be prepared to document any inspection.

8.1.3 Authorised officers are not required to inform or obtain approval for inspections to determine whether or not a building is dangerous or insanitary, unless the building is a household unit. In these circumstances Council must either obtain consent of the occupier of the household unit or an order from a District Court.

8.1.4. Council may engage a subject expert matter to assist with determining whether a building is dangerous, affected or insanitary, and/or the course of action to rectify the issue if it is.

8.2 Assess Criteria for determining priority of issue

8.2.1 A building (or part of a building) will be classified as dangerous or affected if it is likely to cause

8.2.23 The immediacy of the issue depends upon whether the building is occupied or poses a danger to

8.3 Actions for dangerous, affected and/or insanitary buildings

8.3.1 Taking action to resolve any dangerous and/or insanitary building is the responsibility of the building owner(s). Regardless, there may be circumstances that require council to take action or carry out work (e.g. if we believe a building is an immediate danger or insanitary condition). If Council does we do have to take action or carry out work in accordance with Sections 126 and 129 of the Act:

- The owner of the building is liable for the costs of the work or action taken; and
- CouncilWe may recover those costs from the owner; and
- The amount recoverable by the Council becomes a charge on the land on which the building is situated or the work was carried out.

8.3.3 In undertaking its monitoring and enforcement functions under the Act and the Policy, the Council will utilise a risk-based strategy to target compliance activities. This approach recognises graduated categories of behaviour that determine the nature of the compliance intervention – Voluntary, Assisted, Directed and Enforced (VADE). Compliance and enforcement responses escalate depending on the seriousness of the conduct, extent of the harm and public interest factors. In operational terms, this approach recognises that most people and businesses are willing to voluntarily comply with their regulatory obligations or can be encouraged to do so; and enforcement responses are tailored according to the degree of harm to individuals, amenities or the environment.

8.3.4 Council may do any or all of the following if a building is deemed dangerous, affected or insanitary will:

- Consult with the owners of the relevant affected building to further determine the circumstances and decide on an appropriate course of action. This may include voluntary rectification by the owner.
- May except for an affected building, attach a notice to the building (sec 124 & 125 of the Act) requiring the owner to undertake building work to reduce or remove the danger, or prevent the building from remaining insanitary. This may include demolishing all or part of the building.
- Put up a hording or fence to prevent people from approaching the building nearer than is safe. Attach in a prominent place on, or adjacent to, the building a notice that warns people not to approach the building.
- May carry out work on application to the District Court (Sec 126 of the Act). The owner is liable for the costs, and the amount recoverable becomes a charge on the land.
- May take any action that is necessary to remove any immediate danger to the safety of people, or immediate action that is necessary to fix insanitary conditions (Sec 129 and 130 of the Act). The owner is liable for the Council's costs in doing so, and the amount recoverable becomes a charge on the land.

8.3.5 Where a notice requiring building work to be undertaken has been attached to a dangerous or insanitary building, Council:

- Will will contact the owner at the end of the time period set down in the notice to gain access to the building and check whether the notice has been complied with.
- If the required work has not been carried out in accordance with the notice, may carry out the required work itself on application to the District Court (Sec 126 of the Act). The owner is liable for the costs, and the amount recoverable becomes a charge on the land.
- Will may consider any other enforcement statutory options available to it, including the Health Act and Resource Management Act etc.

8.3.3 The priority for action will be decided after initial assessment if the building is deemed to be affected, Council may do any or all of the following:

Authorised officers are not required to inform or obtain approval for inspections to determine whether or not a building is dangerous or insanitary, unless the building is a household unit. In these circumstances Council must either obtain consent of the occupier of the household unit or an order from a District Court.

8.3.3 Council may also engage a subject expert matter to assist with determining the course of action.

8.3.64 Inform complainants of the inspection results and Council's intended course of action to deal with the situation.

8.4 Working with building owners

8.4.1 Where there is an agreement between the council and the building owner to rectify any deficiency, the council may elect to forego the issue of a formal notice, but will retain details of the building in the property file.

8.4.2 Where an acceptable agreement between the building owner and the council cannot be obtained or where more urgent action is required, the council may will exercise its powers and issue a notice

under section 124 of the Act. The section 124 notice will outline the danger to be removed and a timeframe to achieve the necessary result.

~~8.4.3 In urgent instances the council may at the outset serve formal notices under section 124 of the Act.~~

8.54 Recording a buildings dangerous or insanitary status and access to the information Monitor

~~8.5.1 Council will keep a record of all dangerous, affected and insanitary buildings noting the status of requirement for improvement or the results of improvements as applicable. All information relating to dangerous, affected or insanitary buildings will be filed on the relevant property file. This will include a copy of the original inspection record and any further action taken. This information will also be included on any land information memorandum (LIM) prepared for the property.~~

~~8.5.2 The Local Government Official Information and Meetings Act 1987 (section 44A) requires the Council to include information concerning any consent, certificate, notice, order, or requisition affecting the land or any building on the land previously issued by the territorial authority on the Land Information Memorandum (LIM) for a property.~~

~~8.5.3 In particular, the Council will include information relating to notices that have been issued by Council regarding dangerous and insanitary conditions, or affected building status that are not resolved.~~

~~8.5.4 The Council is required (under section 216 of the Act) to hold a summary of any written complaint concerning alleged breaches of the Act, and the Council's response. This information will be provided upon request, subject to the requirements of section 217.~~

9 Disputes

~~9.1 If a building owner disputes a Council decision, or proposed action, relating to the exercise of Council's powers under sections 124 or 129 of the Building Act, the owner may apply for a determination from the Chief Executive of the Ministry of Building, Innovation and Employment, as set out in the Building Act.~~

~~Such a determination is binding on all parties.~~

9 ~~Amendments~~

10 Application and review

~~10.2 The Policy does not cease to have effect because it is due for review or is being reviewed.~~

~~10.3 Clause 8.10.1 does not preclude this policy from being reviewed within the time frame stated in the Act to meet the needs of Council and best practice.~~

~~10.3 The policy will take effect from 4 July 2017 which is the date it was formally adopted by Council.~~

Signed _____ Date 10 July 2017

~~Wayne Allan David Hall~~

~~GROUP MANAGER DISTRICT GROWTH & REGULATORY SERVICES PLANNING AND COMMUNITY RELATIONS~~

Signed _____ Date 10 July 2017

Garry Dyet

CHIEF EXECUTIVE

COMMITTEE REPORT



INFORMATION ONLY

To: The Chairperson and Members of the Strategic Planning and Policy Committee

From: Group Manager District Growth and Regulatory Services

Subject: District Growth Quarterly Report – 1 April to 30 June 2023

Meeting Date: 1 August 2023

1 EXECUTIVE SUMMARY – WHAKARĀPOPOTOTANGA MATUA

The purpose of this report is to provide the Committee with a quarterly update on matters relating to growth in the Waipā District. This includes matters arising at national, regional, sub-regional and district levels. This report is provided for information purposes and does not require any decision making on the part of elected members. Please note that matters pertaining to capital projects and their associated risks will be separately reported to Council’s Service Delivery and Audit & Risk committees respectively.

2 RECOMMENDATION – TŪTOHU Ā-KAIMAHI

That the Strategic Planning and Policy Committee receives the report of Wayne Allan, Group Manager District Growth and Regulatory Services titled District Growth Quarterly Report 1 April to 30 June 2023 (ECM# 11050004).

3 COMMENTARY - KŌRERO

3.1 NATIONAL & REGIONAL LEGISLATION, REGULATIONS, PLANNING AND POLICY

There was one submission made just after this quarter closed. This is listed below:

Organisation	Submission	Document Number	Submission Date	Author
Parliamentary Select Committee	Water Services Entities Amendment Bill	11049647	5 Jul 2023	Dawn Inglis

Appendix 7 to this report contains a copy of the submission.

RESOURCE MANAGEMENT REFORMS

At the end of June 2023, the Environment Select Committee released to Parliament its recommendations on the Natural and Built Environment Bill (NBE Bill) and the Spatial Planning Bill (SP Bill). The Committee recommends the Bills for passing with its amendments.

These Bills are two of three pieces of legislation intended to replace the Resource Management Act 1991 (RMA). The third piece of legislation, the Climate Adaptation Bill, is still to be introduced to Parliament.

The Select Committee has made significant amendments to improve the flow of the two Bills in response to submissions received. Nonetheless, due to the short turnaround time, the Bills remain complex.

NATIONAL POLICY STATEMENT INDIGENOUS BIODIVERSITY (NPSIB)

The NPSIB has been released and comes into effect 4 August 2023. This has legal force as national direction and must be implemented by Council.

The objective of the NPSIB is to maintain indigenous biodiversity across Aotearoa so that there is no net loss in biodiversity after the commencement date (4 August 2023) and sets out how this is to be achieved. Important elements of the NPSIB include the following:

- Every territorial authority must undertake a district wide assessment of the land in its district to identify areas of significant indigenous vegetation or significant habitat of indigenous fauna that qualify as Significant Natural Areas (SNA). Local authorities must publicly notify a plan change to in relation to SNAs within 5 years after the commencement date. The plan change must include the location of the SNA, a map of the area, and a description of its merits.
- Every territorial authority must include in their plans provisions for assessing a resource consent application for an activity that would have more than minor adverse effects on indigenous biodiversity. These provisions must be publicly notified within a plan change within 5 years after the commencement date.
- Territorial authorities must work in partnership with tangata whenua to determine the indigenous species, populations and ecosystems that are taonga and must identify these in the District Plan, including mapping and descriptions of the areas.
- Regional councils must record areas outside SNAs that are highly mobile fauna areas and include a map and description of areas in their regional policy statement (RPS) and local authorities must include objectives, policies or methods in their policy statements.
- Local authorities must include objectives, policies and methods to promote restoration of indigenous biodiversity, including requiring resource consent and designation conditions for restoration or enhancement.
- Regional councils must set a target of at least 10% indigenous vegetation cover for any urban or non-urban environment that has less than 10% coverage and consider in consultation with tangata whenua and territorial authorities, setting higher targets if areas already meet the 10% requirement. These targets are to be included in the RPS.

- Regional councils must work together with relevant authorities and stakeholders to develop a regional biodiversity strategy within their regions and each of their districts, which is to be completed 10 years after the commencement date.
- Regional councils must work together with relevant authorities and stakeholders to develop a monitoring plan for indigenous biodiversity within their regions and each of their districts.

3.2 SUB-REGIONAL STRATEGIC PLANNING INITIATIVES

FUTURE PROOF

A more detailed update on Future Proof has been prepared and will be shared with elected members as part of the Friday mailout. It is intended that updates will be provided monthly.

Work continues with the 2023 update to the Future Proof Strategy to incorporate the Future Development Strategy required by National Policy Statement on Urban Development (NPS-UD). Time frames have been extended as the findings of 2023 Housing and Business Capacity Assessment have not yet been received.

The project team is currently aiming to notify the updated Future Proof Strategy, incorporating the Future Development Strategy, in October 2023.

SUB REGIONAL THREE WATERS PROJECT

There is no further progress to report in the sub-regional three waters space for this quarter.

HAMILTON WAIKATO METRO TRANSPORT PROGRAMME BUSINESS CASE

Future Proof has established a Sub Committee on Public Transport under the Future Proof Implementation Committee to better coordinate public transport planning and implementation across the sub-region.

Work is progressing at a local council level through the development of the 2024-34 Long Term Plans. This includes work on individual business cases to follow through with recommendations from the programme business case.

3.3 DISTRICT LEVEL STRATEGIC PLANNING

AHU AKE

This project is reported to the Committee separately and as required.

MONITORING OF DEVELOPMENT

Work is almost complete to establish a process for a monthly monitoring of development (using building consent information) across the Future Proof subregion. This work is being coordinated through the Future Proof Policy and Planning Working Group and is led by Hamilton City Council staff.

Once in place it will enable the partner councils to prepare a joint annual monitoring report as required by the National Policy Statement on Urban Development.

DISTRICT PLAN

E-PLAN (NATIONAL PLANNING STANDARDS)

The e-Plan is currently being tested to ensure the accuracy of data, and to seek feedback surrounding the end user experience.

A Communication Plan has been drafted which will accompany the e-Plan deployment, this is currently under review within the Communications and Engagement team. Internal discussions are underway to finalise the training and go live approach. It is anticipated that the e-plan will be available for internal use in September 2023 and available to the public in October 2023.

NATIONAL DIRECTIONS

Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021

The mandatory medium density zoning plan change (Plan Change 26) has completed the submission periods and two hearings. A joint hearing pertaining to strategic matters occurred 14 to 17 February 2023, and the hearing for substantive matters directly related to Plan Change 26 provisions occurred 26 April to 3 May 2023. A third hearing related to financial contribution provisions was scheduled to be held jointly with Hamilton City Council following their substantive hearing set for 4 September – 22 September. Hamilton City Council have since requested from the Minister an amended timetable for their intensification plan change process to enable flood hazard modelling to be completed. The hearing for financial contributions is yet to be scheduled but will be determined following 19 September 2023 after the exchange of evidence and legal submissions.

National Policy Statement Indigenous Biodiversity

Refer previous update.

PLAN CHANGES

Proposed Plan Change 17 – Hautapu Industrial Zones

This plan change seeks to lift the deferment on C9 Growth Cell to enable a ‘live’ industrial zoning, along with the rezoning of approximately 20ha of land north of Hautapu Road from Rural to Industrial. By way of submission, the adjoining landowner to the north is seeking ‘Deferred Industrial Zoning’, which has been determined to be within scope of the plan change as determined by an Independent Commissioner by way of an objection process under s357 of the RMA. The hearing occurred in June, and at the time of writing this report no decision has been released.

Proposed Private Plan Change 20 – Airport Northern Precinct Extension

The Waikato Regional Airport Ltd sought to rezone approximately 89ha of land to the northwest of the Airport from Rural to Airport Business zone. The hearing for the plan change commenced on the 15 March 2023 and a decision was released 22 June 2023

approving the plan change subject to modification. The appeal period closes 5pm on the 4 August 2023.

Draft Plan Change 21 – Housing General Review

The scope of Draft Plan Change 21 has been approved to include:

- Urban infill and intensification for Growth Cells T6 and C11 (Large Lot Residential Zone)
- Strengthening urban design provisions
- Housing affordability and inclusionary zoning (to incentivize or require affordable housing). This is to be considered as a possible separate plan change by the Committee.

Work is currently being undertaken to include additional matters:

- Potential to rezone small section along intersection of Golf & Kihikihi Roads from Rural to Large Lot Residential.
- Reconsideration of the secondary dwelling provisions in the Residential Zone.
- Character clusters.
- Additional controls in relation to development adjoining railway lines.
- Including a definition for ‘community corrections’ facilities and an activity status within the Commercial zone.
- Review and/or provide more definition to the current commercial zoning framework in terms of a zone hierarchy and NZ Planning Standards e.g. Town Centre Zones vs Neighbourhood Centre Zones .
- Proposed setbacks from Significant Natural Areas and reserves extended to all dwellings on a site and consideration to including trees on public land in the schedule of protected trees.

Draft Plan Change 23 – Papakāinga

The first round of Māori engagement commenced in February 2023 and finished at the end of March. A second round of Māori engagement, along with key stakeholders and community boards is to occur in August and September. The intention is to draft the provisions and obtain approval to proceed with public notification in November 2023.

Private Plan Change 29 – Rezoning of land at 2025 Ohaupo Road

A private plan change was formally lodged in late December (Proposed Plan Change 29) for the rezoning of rural land at 2025 Ohaupo Road to enable urban development. This proposes “greenfields” zoning outside an identified growth cell for an over 55’s development. This plan change has been accepted for processing but has been put on hold at the applicants request until a decision on Plan Change 26 has been released.

Plan Change 30

A Council led plan change to amend various parts of the District Plan to improve the workability of the existing provision. Confirmation is being sought from the Strategic Planning and Policy Committee to the extent of scope for this plan change.

Potential Private Plan Changes

A private plan change (PC28) for the C5 growth cell (excluding the land within it between Maungatautari Road and Lamb Street) and including adjoining rural land to the east and north is currently out for stakeholder consultation by the developer. The plan change seeks to rezone the land from Deferred Residential and Rural to a mix of residential along with two commercial areas and reserve areas. The plan change is expected to be lodged in late 2023/early 2024. An additional 3 confirmed private plan changes are expected to be lodged later this year.

Table 1: Plan Changes update (as at 1 August 2023) refer [Current Plan Changes](#) for additional details

PLAN CHANGES	STATUS	NOTIFICATION (INDICATIVE)	HEARINGS
Draft Plan Change 14 Hautapu C10 rezoning	Scope: Rezone the balance of C10 growth cell from Rural to Industrial Status: SP&P approval in principle to commence has been received (meeting on 7 February 2023).	End 2023	TBC
Proposed Plan Change 17 Hautapu Industrial Zones	Scope: Structure plan update, live zone Growth Cell C9, and includes the rezoning of an area north of Hautapu Rd from rural to Industrial. Status: Awaiting a decision from the Hearing Panel.	n/a	Occurred 14 June 2023 (elected members and two independent commissioners)
Proposed Private Plan Change 20 Airport Northern Precinct Extension	Scope: Extends the "northern precinct" (rezone Rural to Airport Business Zone), and makes various incidental changes to the Airport Business Zone. Status: Submissions closed, hearing concluded and decision issued. Appeal period closed 5pm 4 August 2023.	n/a	Hearing process concluded.
Draft Plan Change 21 Housing General review	Scope to be reviewed: affordable housing, T6 and C11 intensification, strengthening urban design. Technical investigations have commenced.	Late 2023	2023/24
Draft Plan Change 23 Papakāinga	Scope: Enables Papakāinga housing in the District Plan. Status: Scoping report completed; first round of iwi engagement concluded. A second round of engagement and consultation with key stakeholders and community board members is scheduled for August/ September.	November 2023	2023/24

PLAN CHANGES	STATUS	NOTIFICATION (INDICATIVE)	HEARINGS
Proposed Plan Change 26 Residential Zone Intensification	<p>Scope: Introduces mandatory medium density residential standards; reviews financial contributions; and any consequential amendments.</p> <p>Status: Submissions closed, joint hearing # 1 with Hamilton City Council (HCC) and Waikato District Council has occurred in relation to strategic matters. The substantive hearing #2 occurred in late April/early May. The matter of Financial Contributions is to be heard at a further hearing #3 to be scheduled after 19 September following exchange of evidence and legal submissions.</p>	n/a	<p>Stage 1 (strategic matters) commencing 14th February 2023</p> <p>Stage 2 (substantive matters) commencing 26 April 2023.</p> <p>Stage 3 (financial contributions) to be scheduled.</p> <p>Independent commissioners David Hill (Chair), Dave Serjeant, Nigel Mark-Brown, Vicki Morrison-Shaw.</p>
Private Plan Change 29 Rezone 2025 Ōhaupō Rd from Rural to residential	<p>Scope: Proposal is to rezone greenfields (non-growth cell) at 2025 Ōhaupō Rd from Rural to Residential for around 400 over 55's "lifestyle" units.</p> <p>Status: ON HOLD. Formally lodged 18 January 2023 and accepted for processing. The application has been put on hold at the request of the applicant, pending a decision being issued on Plan Change 26.</p>	TBC	TBC
Draft Plan Change 30 Minor amendments	<p>Scope (under review): Updates and fixes to various rules to improve the workability and practicality of the current provisions of the Operative District Plan.</p> <p>Status: under review and being scoped. Confirmation on scope being sought from the Committee.</p>	Late 2023/early 2024	Early – mid 2024
Private plan Changes	<p>Confirmed: at least 4 confirmed private plan changes to be lodged late 2023/early 2024. This figure includes the plan change for the development of growth cell C5 and the adjoining land, whereby the applicant has initiated engagement with stakeholders prior to lodgement. In terms of the other 3 confirmed private plan changes, no further details available as these remain in pre-application stage and subject to refinement and/or commercial sensitivity.</p> <p>Unconfirmed: various unconfirmed private plan change "ideas" being progressed through due diligence.</p>	To Be Confirmed	To Be Confirmed

RESOURCE CONSENTS

UPCOMING HEARINGS

There are no scheduled resource consent hearings.

RECENTLY HEARD APPLICATIONS

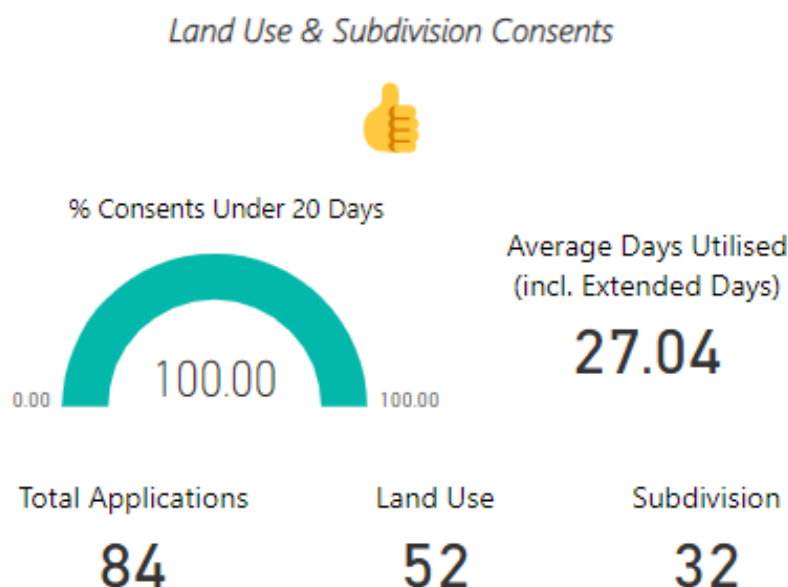
There have been no resource consent hearings during this period.

ENVIRONMENT COURT APPEALS

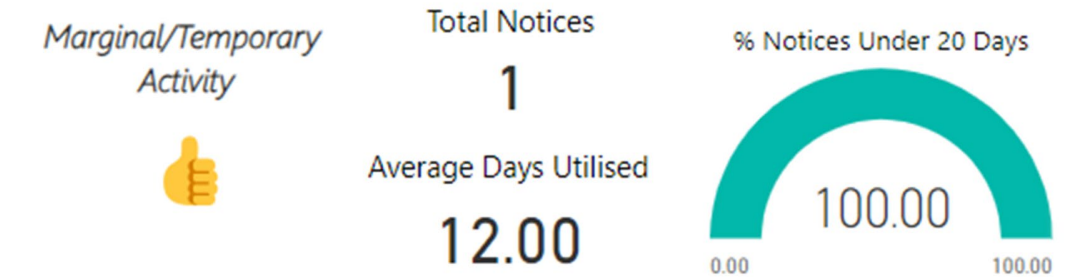
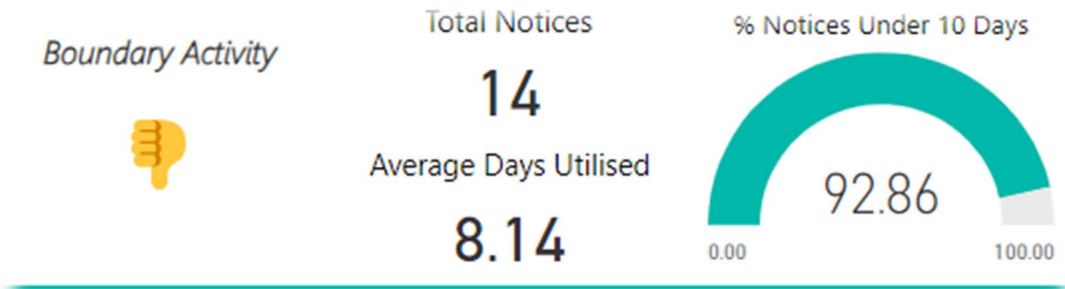
No mediation or hearing dates have been confirmed in relation to a notice of appeal that was filed with the Environment Court by the submitters N & V Jennings. The appeal relates to an application to establish artificial structures and shelterbelt planting for a kiwifruit orchard on Parallel Road, Cambridge.

CONSENTS SUMMARY

This reporting period shows a slight increase in numbers with 84 consents processed (52 for Land Use and 32 for Subdivision) this quarter with 83 consents processed the previous quarter. All consents this quarter have been processed within the allowable statutory timeframe. Forty-seven consents were processed in under 20 working days with thirty-seven consents having the allowable processing timeframe extended. The average days utilised including extended days was 27.04 - see figure below.

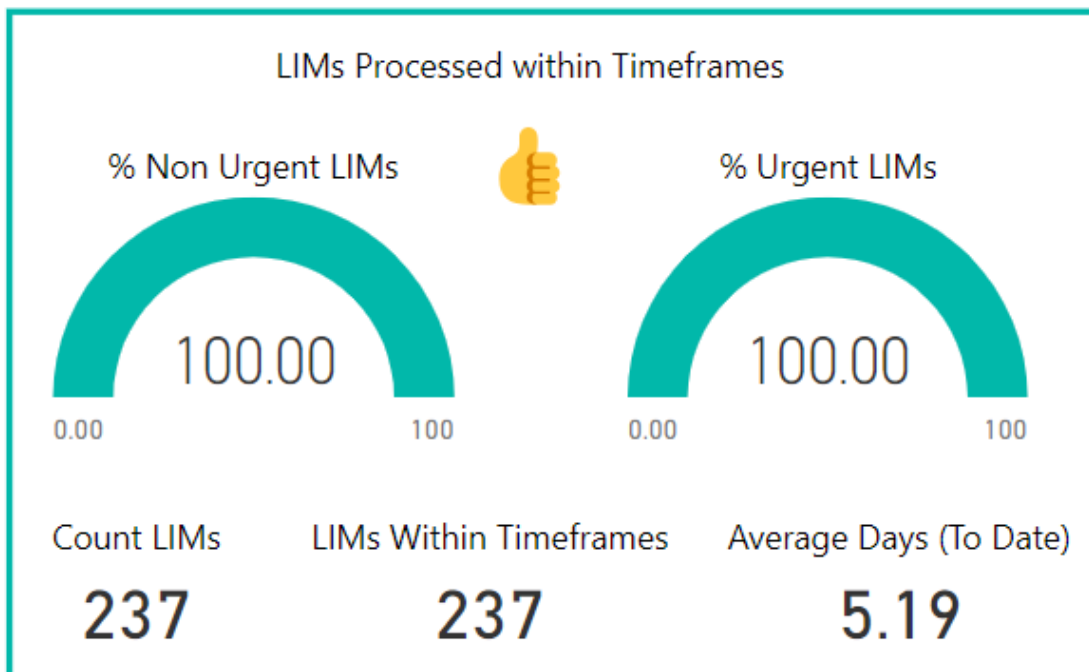


Fourteen Deemed Permitted Boundary Activities (Notices) were processed with one exceeding the allowable timeframe and one Deemed Marginal Activity was also processed with 100% compliance.



LAND INFORMATION MEMORANDUMS (LIMS)

LIM volumes have increased with 237 LIMs processed this quarter compared with 223 LIMs processed the previous quarter. All LIMs were processed within the required timeframes.



INFRASTRUCTURE DEVELOPMENT

APPLICATION SUMMARY

There continues to be a significant number of Engineering plan approvals and section 224 applications across the growth cells for active subdivisions. *(Refer to Growth Cell Maps in Appendix 1)*

CAMBRIDGE

C1 Growth Cell: The developer was granted consent for the most Northern section of this growth cell and construction is completed.

C2 Growth Cell: Progressing with development. The retirement village within the site has commenced and progressing quickly, Stage 1A and Stage1B of the 3M's development has been completed within the growth cell and Stage 1C is nearing completion with final tidying up & laying of top soil on sections.

C3 Growth Cell: Design planning for the St Peters School/3MS joint venture block is progressing. Earthworks has commenced under a Land Use consent.

C4 Growth Cell: Kotare Properties is now completed and S224 issued. Development has commenced and progressing well on the adjoining Sanderson development.

C8 Industrial Growth Cell: Work continues on the development of part of this area, the WW pump station has been completed & commissioning with Water Services is nearly complete, no S224 application received but expected soon.

Cambridge North: Engineering input into various consents and proposals is continuing and the development off Swayne Road is near completion.

TE AWAMUTU

T1 GROWTH CELL: No change - this is currently on hold from the developer.

T2 Growth Cell: Stage 3 complete with approx 65 lots; S224 issued.

T9 Growth Cell: Progressing, although issues with landowners on intersection arrangement road naming approved and a 9 lot subdivision is nearing completion.

T11 Growth Cell: Resource consent for subdivision (76 lots) has been granted. Engineering designs were submitted but the developer has decided to put all work on hold.

T15 Growth Cell: An application for the large lot residential area has been lodged and approved.

PIRONGIA

A 45-lot development in Hudson Street has had Engineering plans approved for construction.

Amberviews S224 application has been received for Stage 1 for 11 lots. Minor remedial work required

NGĀHINAPŌURI

N1: A large lot development (18 Lots) has started construction

AIRPORT AREA

The airport area continues to be developed. The western precinct is almost fully developed. Recent subdivision works within the Titanium Park area have been completed.

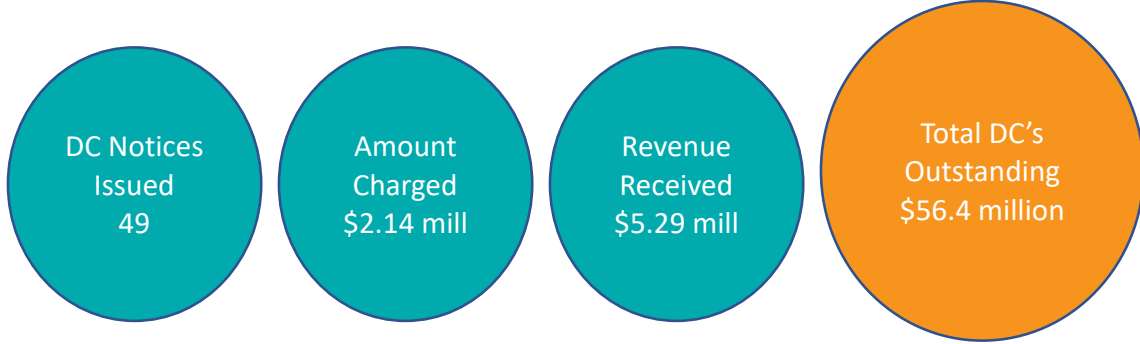
DEVELOPMENT CONTRIBUTIONS

Looking at Quarter 4 (1 April to 30 June 23), we have issued 49 Development Contribution Notices equating to \$2,141,321. Of those notices generated, were 23 from Building consents, 4 from Land Use consents and 22 from Subdivisions. Recovery this quarter is \$5,291,977. There has been a significant increase in recovery over the previous quarter, which has been great to see. A lot of these recoverable Development Contributions revenues have come through from Development Agreements and larger consent that were working through their final conditions of consent. Overall, \$56.4 million is outstanding in development contributions as per out ECM portal figures.

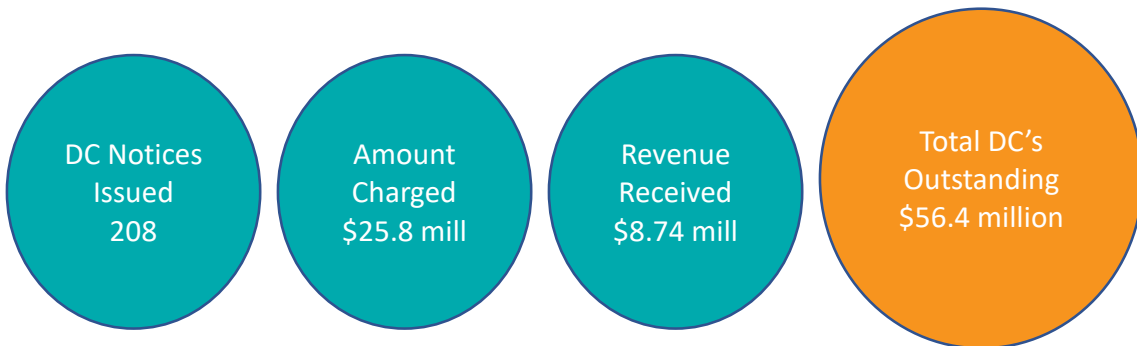
For the full financial year, we have issued 208 Development Contribution Notices equating to \$25,796,140. Of those notices generated, were 67 from Building consents, 36 from Land Use consents and 105 from Subdivisions. Recovery for this year has been \$8,741,208. This recovery is a significant increase over the previous year (\$4,987,015). The largest recovery of Development Contributions was seen in the Cambridge North (CN) and Cambridge West catchments (C2 and C3) as shown in the below graphs. This does help demonstrate that where we are funding growth projects, we are starting to see recovery too.

With the Long Term Plan review and implementation, the Development Contribution Policy will also be reviewed and consulted on. Our review of the Policy will cover various aspects, including incorporating financial inputs into the model, potential clustering growth cells, updating demand calculations, refining assessment criteria, and addressing legislative requirements. We will consider stakeholder priorities, align growth cells based on reports, update infrastructure demands, adjust wording for financial contributions, explore new growth cell implementation approaches, review stormwater requirements, assess compact housing and commercial demands, and address retirement village considerations. Compliance with three waters reform will also be ensured.

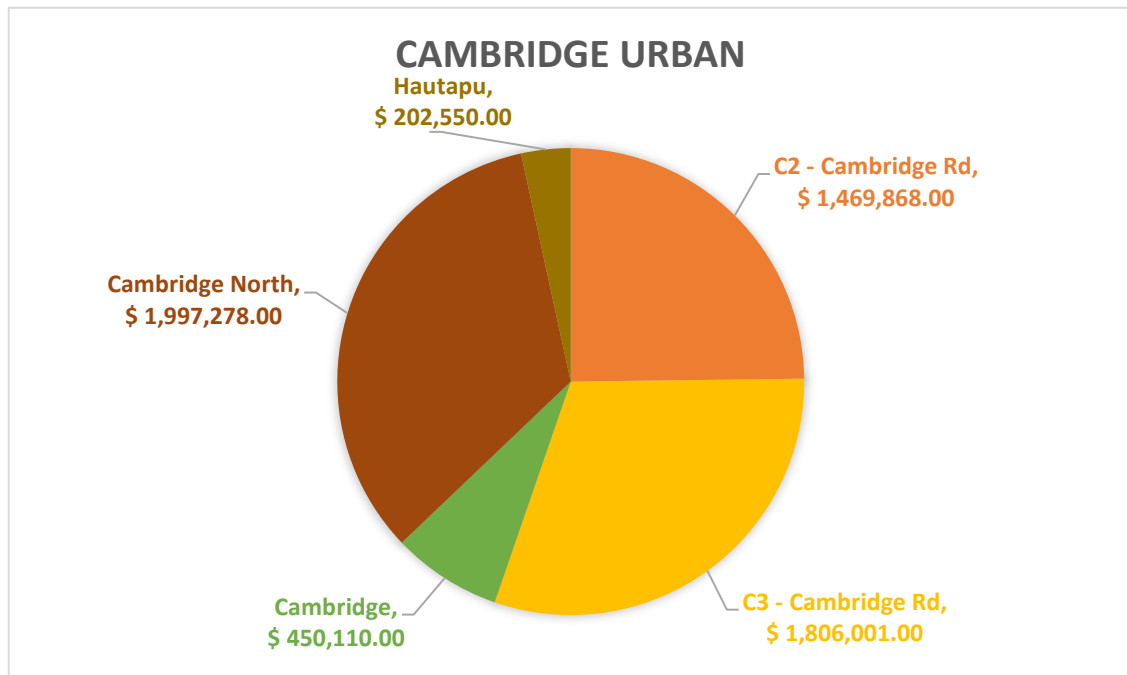
DEVELOPMENT CONTRIBUTION NOTICES - QUARTER FOUR 22/23

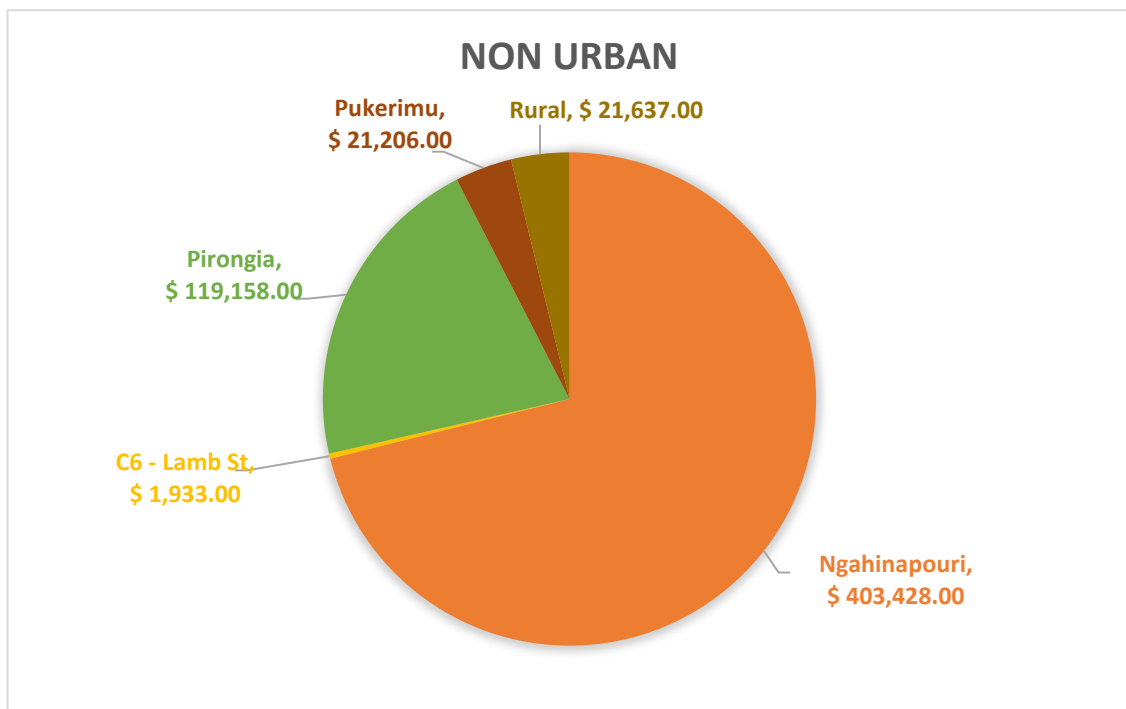
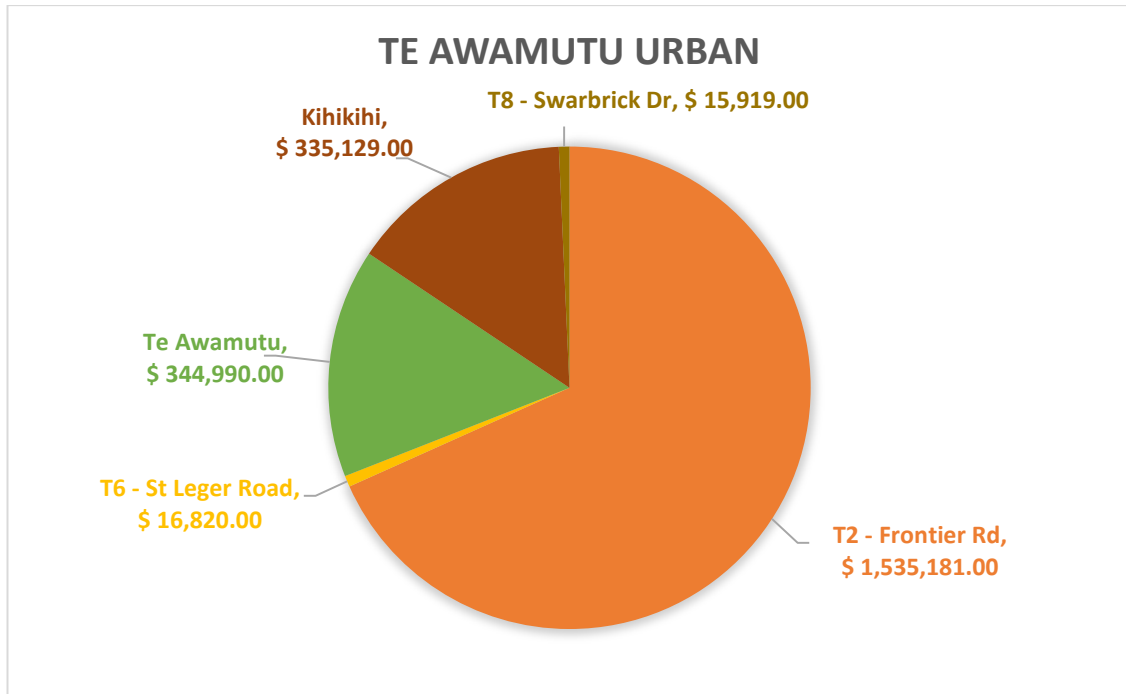


DEVELOPMENT CONTRIBUTION NOTICES - FINANCIAL YEAR 22/23



DEVELOPMENT CONTRIBUTION RECOVERY BY CATCHMENTS 22/23





BUILDING COMPLIANCE

Below is a summary of Building Consents that were issued (refer Figure 3 below), and code compliance certificates (CCC's) issued (refer Figure 4 below) during the quarter (April to June 2023).

Council issued 471 building consents in total during this quarter. When compared to the same period in 2022 this is showing a decrease of 81 applications. The scope of the work for new applications are a mix of commercial and residential.

Of the 471 building consents issued this quarter, we note this number includes building consent applications for amendments which are not captured in Appendix 3 numbers.

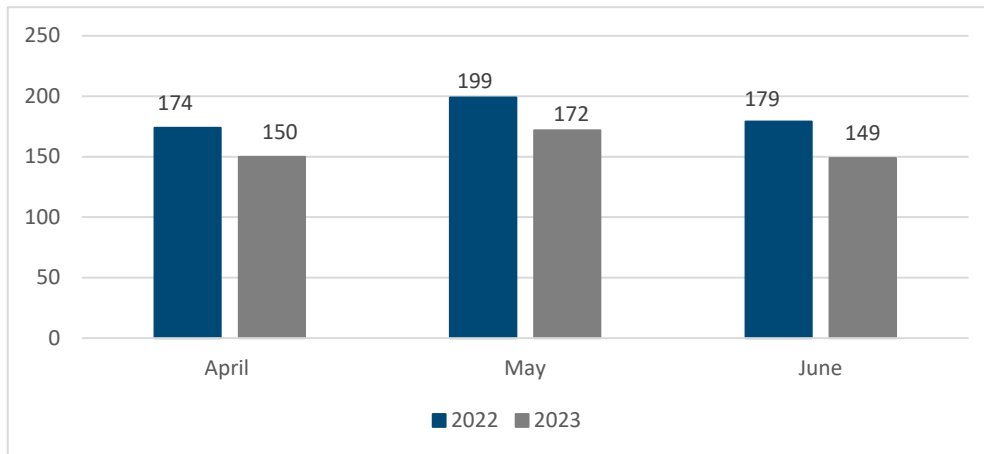


Figure 3: Building consent applications Issued (monthly / quarterly comparison)

The number of code compliance certificates (CCCs) issued during this quarter shows a decrease compared to this time last year with 329 CCCs issued this quarter, while 345 were issued during the same period in 2022.

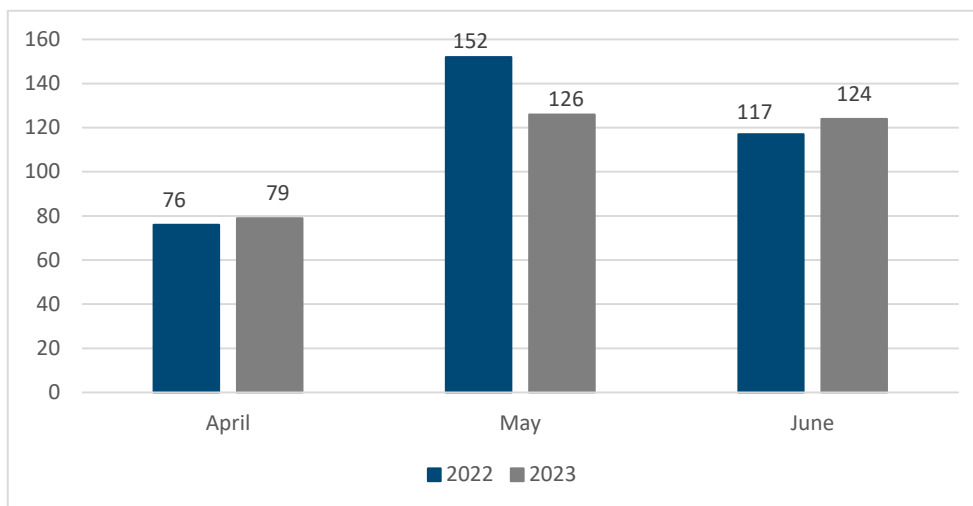


Figure 4: Code Compliance Certificates (CCCs) Issued (monthly / quarterly comparison)

Figure 5 below shows the number of new dwellings by location for this quarter compared to 2022.

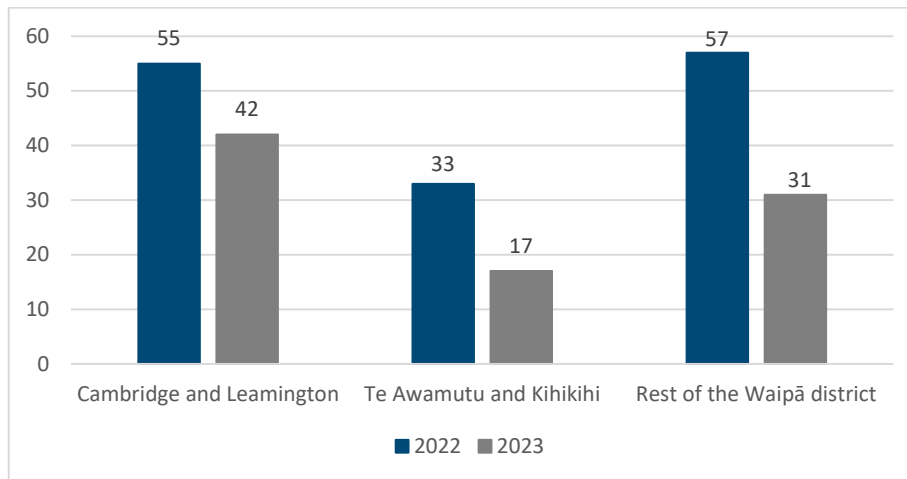


Figure 5: New dwellings by location (quarterly comparison)

SIGNIFICANT BUILDING CONSENTS ISSUED

From the building consents issued this quarter, the total value of building works equates to \$88,840,000. With the total value of works equating to \$209,830,00 during the same period in 2022, this is a decrease.

The significant building consents this quarter are:

- 147B Ingram Road Hamilton, New two unit industrial building.
- 10 Peake Road Hamilton, Block of 5 x 3 Storey Residential Units.
- 180 Ossie James Drive Hamilton, 8 new, multi-level commercial units.
- 2/280 Peake Road Cambridge, Proposed Industrial Building with Two Storey Offices.
- 3/161 Hannon Road Cambridge, New Warehouse with Internal Office.

3.4 MONITORING AND ENFORCEMENT

MONITORING AND ENFORCEMENT

In total Council's Enforcement team responded to and dealt with 102 complaints concerning Resource Consent Conditions (21) and breaches of the District Plan Rules (81).

A further 14 queries regarding swimming pool barriers were also received and responded to, a total of 10 pool barrier inspections were conducted.

District Plan complaints received concerned amenity values, earthworks, home occupations and signage. All complaints were responded to within four days.

133 complaints were received regarding Bylaw breaches including 34 littering complaints and queries and 91 parking complaints and inquiries (refer to Figure 6 below).

Five (5) littering infringements were issued where an offender could be identified from the team’s investigations.

One hundred and eighty seven (187) parking infringement notices were issued in the quarter. The majority were for ‘over staying’ in time limited parking in both the district’s CBDs.

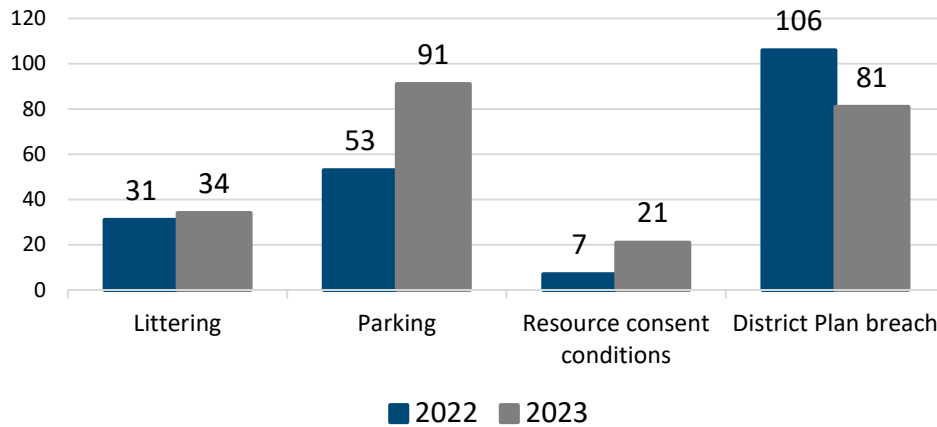


Figure 6: Complaints of regulation breach (quarterly comparison)

ANIMAL CONTROL

LOGGED CALLS AND REQUESTS

There were a total of 961 calls to the animal control team this quarter, with 540 being administration calls or requests for information, and 421 relating to animal control issues (including reports of lost dogs). Of the reported issues, 16 of the calls were reports of dog bites (10 on other animals, five on adult persons, and one on an eight year old child), with most being relatively minor in terms of injury.

We continued to receive complaints about our dog doo bins not being emptied in a timely manner, particularly in the Cambridge and Leamington areas, but less calls than the last quarter. The contract we had in place for this service ended on 30 June 2023, and we now have a new contractor (from 1 July).

There has been no significant increase or decrease in other complaint types received.

DOG REGISTRATIONS

We are now in our new registration period (officially started 1 July, but registration fees for this period have been collected since 1 May). Unregistered dogs from the 2022/23 year have been prioritised by the team, and they have been visiting the owners of these unregistered dogs in past weeks.

DOGS IMPOUNDED

There were 55 dogs impounded in this quarter, and of these 38 were claimed by their owner with five euthanised and five rehomed. Seven of these dogs remained in care at the end of June.

GENERAL

We appointed a new animal control officer in May this year, and now have a full team again. We have had one of our admin team on leave over the busy dog registration period, but have had support from other staff outside the team plus an additional staff member on a fixed term providing 10 hours assistance per week for four weeks.

Work on the review of the Dog Control Bylaw and Policy has continued, and public consultation has now closed. The hearings process for submitters will be held in August 2023.

ENVIRONMENTAL HEALTH

The Environmental Health team received a total of 342 enquiries relating to food, noise, contaminated land, licensing and public health matters for this quarter.

The Environmental Health team processed a total of 108 alcohol licence applications and audited 52 food premises.

A total of 242 noise complaints were received of which 27 were issued with written directions and 15 issued with verbal to reduce excessive noise. No equipment was seized for failing to adhere to a noise direction.

Licensing Inspectors have also filed submission towards Local Alcohol Policy (LAP) review and keen to see more controls in the Policy on issue and location of the Off-licence premises.

Inspectors assisted police with a controlled purchase operation during the quarter 42 premises were visited with sale to minors appearing at 2 premises which will likely face enforcement action.

4 APPENDICES - ĀPITITANGA

No:	Appendix Title
1	Appendix 1 – Waipā District Growth Cells
2	Appendix 2 – Major Resource Consent Applications
3	Appendix 3 – Building Consents Issued
4	Appendix 4 – Applications determined by the District Licensing Committee
5	Appendix 5 – Quarterly Statistics
6	Appendix 6 – Year on Year Statistics (as at 30 June 2023)
7	Appendix 7 – Submission to the Parliamentary Select Committee on the Water Services Entities Amendment Bill [ECM #11049647]

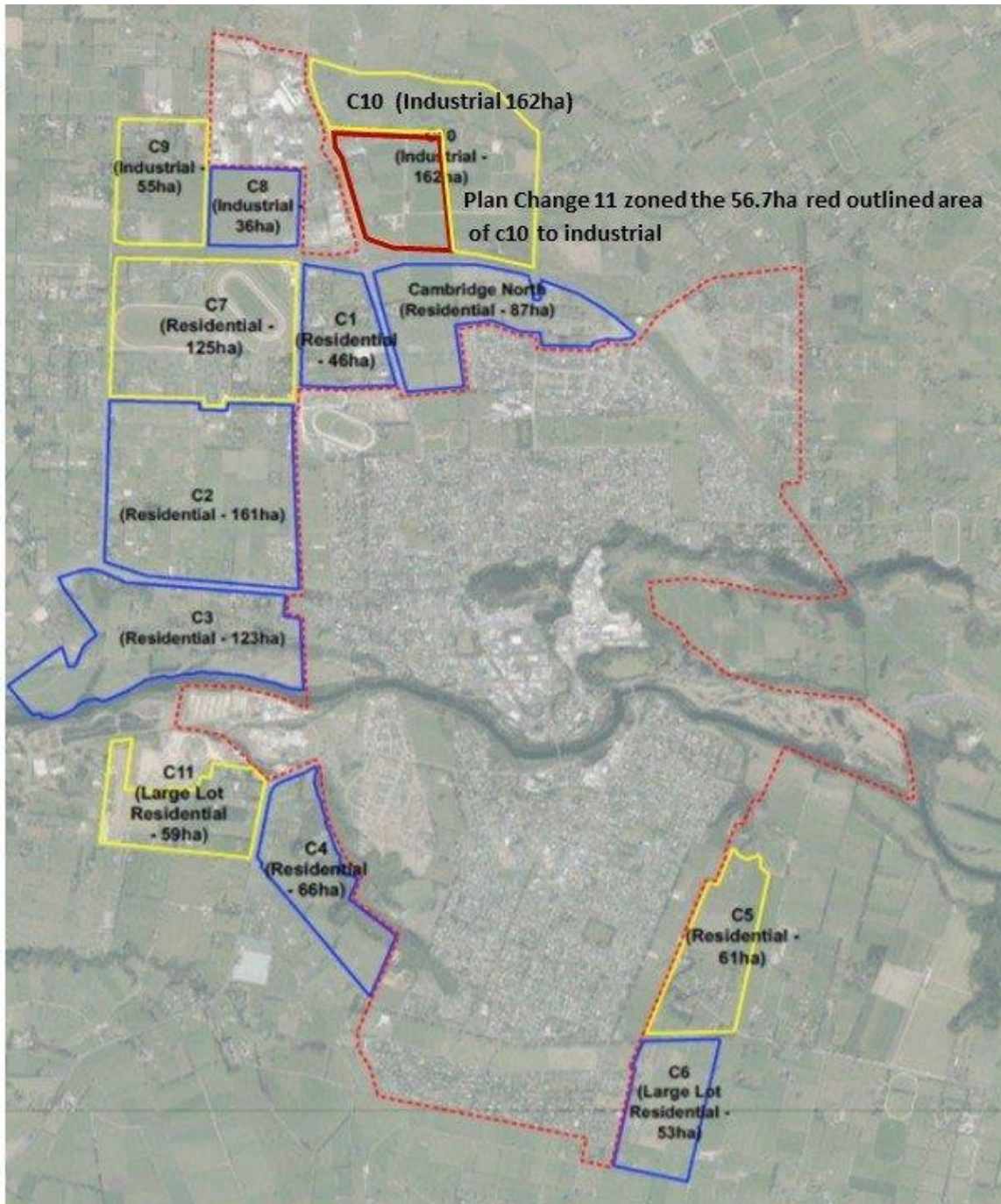
Approved by:



Wayne Allan
GROUP MANAGER DISTRICT GROWTH AND REGULATORY SERVICES

APPENDIX 1 - WAIPĀ DISTRICT GROWTH CELLS

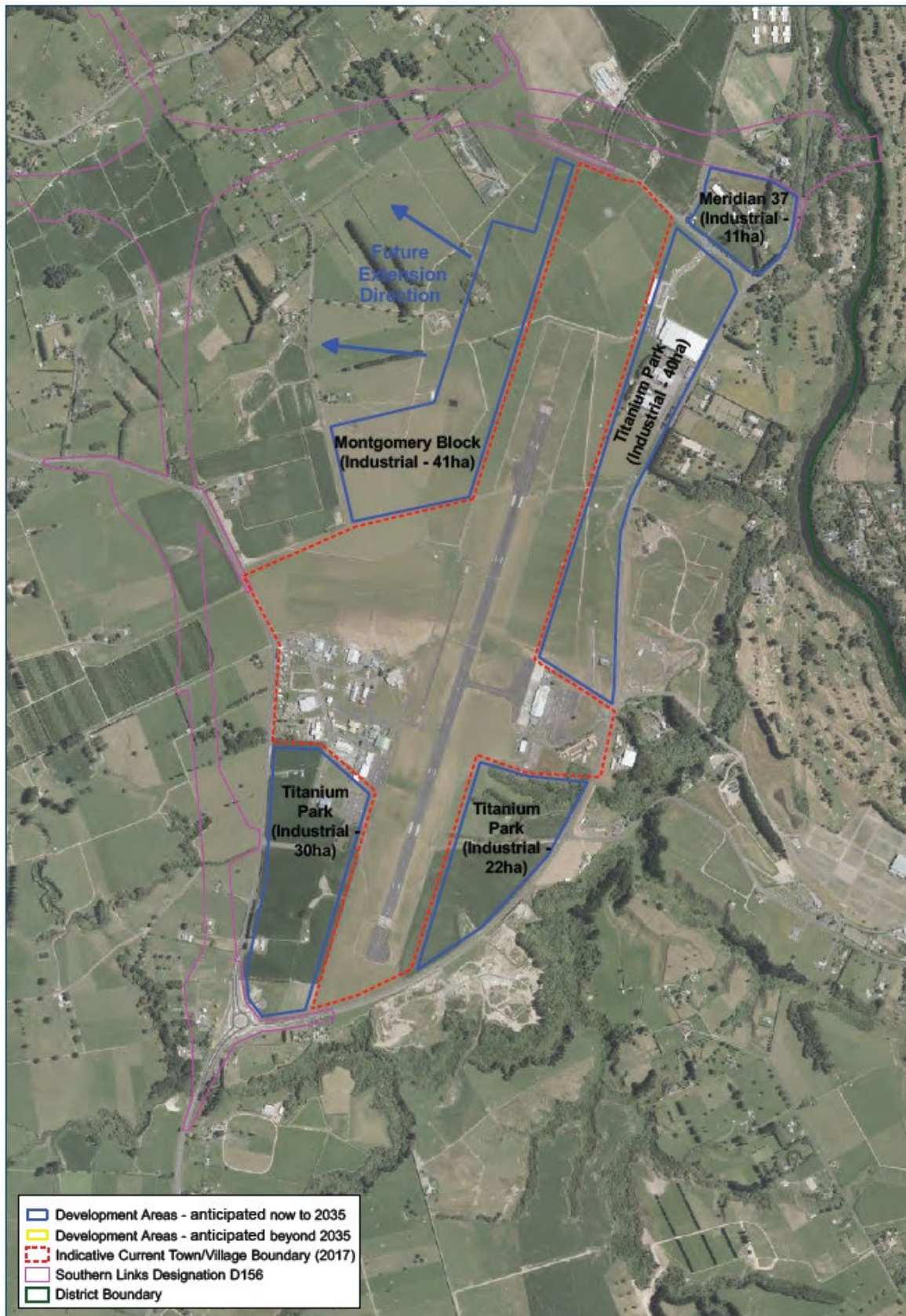
CAMBRIDGE GROWTH CELLS



GROWTH CELL	STATUS UPDATE
Cambridge North	<p>Only about 34ha of Cambridge North remain to be developed. St Kilda is fully developed. Summerset application and construction works commenced and paid their relevant development contributions, Health hub are working through detailed design and safety audits for roundabout installation to their facility, and the remaining area they have available for the wider balance land has been submitted and granted. Ministry of Housing and Urban Development (MHUD) out for expression of interest for their land portion, 8 tenderers received. The planning team have prepared pre application notes to help with the tenderers and ensure council is providing consistent messaging as to not have any unfair advantage being perceived.</p>
C1	<p>Master plan complete, but needs refinement, Programme manager – Growth is working on IFS for refinement of Road design due to transport direction on urban mobility, and is progressing the design to be in line with C2’s findings. The design process will also help see the development aspirations of the commercial activities we expect to see in the cell.</p> <p>Land acquisitions are progressing, all initial stages in negotiations/purchased. Internal meetings to be held on development Norfolk intersection. Stratton working in North Western quadrant will see 36 lots with an additional 6 added to their development.</p> <p>Complications with acquisition of land for the necessary C1 Stormwater basin have arisen. We have 5/6 of the owners in agreement for the purchase, but 1 of the 6 has lodged an appeal and will mean court proceedings. If development were to progress in the interim to the resolution of these proceedings, it would require on lot solutions.</p> <p>South eastern corner is looking at residential intensification, but are still only in pre app phase.</p>
C2	<p>Subdivision application has been lodged and granted subject to conditions of consent, initial stage 1A and 1B of 3Ms subdivision 224c obtained, lodged the second stage and it been accepted for engineering conditions. Earthworks onsite are continuing for the subdivision and Council’s work under the Infrastructure Works Agreement. Engineering designs have been lodged for review and are approved and under construction.</p> <p>Central roundabout, collector roads, terminal pumpstation and swales are currently under construction and in various stages of completeness, but are on programme.</p> <p>Peake Mews (Brian Perry charitable trust compact development also undertaking construction), there has been issue with access for shutdowns given the existing road occupation from Waipā networks, this issue may cause delays in occupancy to the property.</p> <p>Kelly road northern extent has been urbanised to enable the development of the wider cell and existing urban environment initial subdivisions within this area are progressing in line with our master planned infrastructure. Acquisition of necessary swales in Kelly road has also progressed as well all land for the north eastern collector road excluding the town belt revocation. Once revocation has occurred, the north eastern collector has the ability to fully connect to Taylor street creating a more permeated transportation network will cycle facilities.</p> <p>Cambridge Road Roundabout (C2/3 intersection) has also been entered into contract with Camex undertaken the construction.</p>
C3	<p>Masterplan being refined due to development aspirations (council has given input on this). Development of a portion of the site that is zoned residential is underway, by way of earthworks consent, enabling council construction of core infrastructure linkages (SW and transportation). 3Ms met with council on the joint venture with Saint Peters, have worked through initial comments to their proposal for this area.</p> <p>Will continue to work through this as it progresses. SW outfall has its design finalised, and its contract awarded to Brian Perry civil. Construction start date looks to be August. This outfall structure will cater for the C1, 2 and 3 growth cells for Stormwater management and is part of the overarching SW discharge consent for the area that Council holds.</p>
C4	<p>Structure Plan is in place, this cell was live zoned for residential via Plan Change 13. Applications granted for 175 lots (from 2 subdivisions). One of these Subdivision for the northern block of this</p>

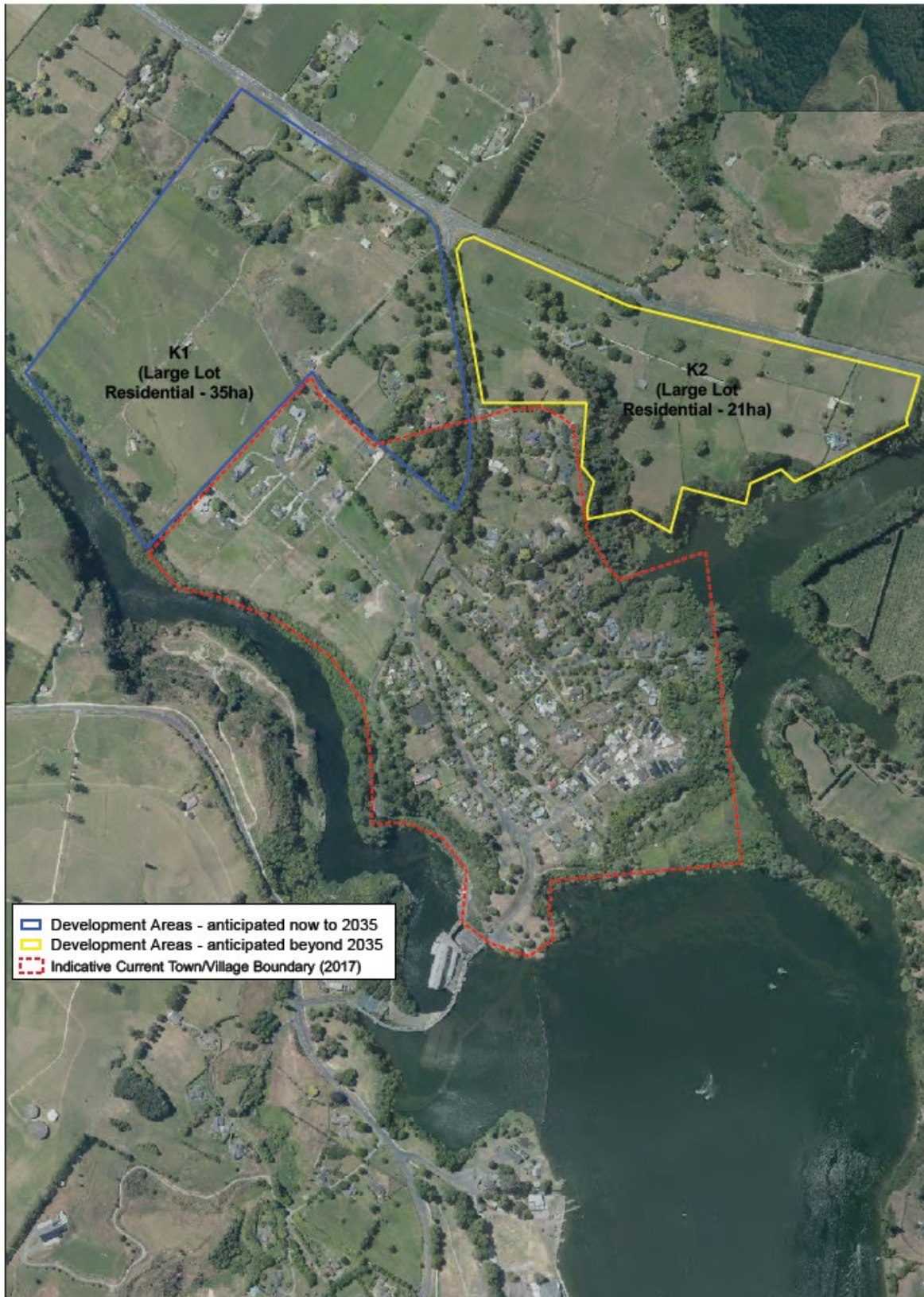
GROWTH CELL	STATUS UPDATE
	C4 area has been applied for granted and now signed off for 224. This has been found not to trigger other infrastructure projects necessary, such as the C4 water main upgrades which will need to be done once the southern portion of the cell becomes online, although these costs have been factored into the Development Agreements to date with initial developers. Roundabout necessary has had a conceptual design completed, which has enabled staff to enter land acquisition phase, which has met with all affected landowners as result. Valuations to now proceed and potential agreements with the landowners/ developers to deliver the necessary upgrades of infrastructure.
C5	Zoned deferred residential and scheduled for development post-2035. Has received some initial developer interest and model runs requested for water supply and wastewater to allow some development. Results on the wastewater model runs have shown wide spread downstream effects tapping into the existing infrastructure within Leamington, which means a potential bypass rising main will likely be necessary, tap in point is yet to be quantified, but there is a pathway forward. Stantec are reviewing traffic modelling and looking at what upgrades to the transportation network are necessary. Will require private plan change to enable this growth cell.
C6	Large lot residential approximately 80% developed. No change as per previous update.
C7	No Structure Plan. Earmarked for residential development post 2035. Due to stormwater management issues, half of the growth cell might need to be large lot residential.
C8	Industrial zoned. Approximately only 15% developed. Council has provided water and wastewater connections to the south east corner of this area. Refer to Plan Change 17, has had its hearing and is awaiting commissioners decisions. Council have undertaken the Basin design to help enable the cells development and the existing Allwill drive catchments.
C9	Deferred industrial zoned (posted 2035). Approximately only 15% developed. Refer to Plan Change 17 which has had its hearing and is awaiting commissioners decisions.
C10	Identified for industrial development, a structure plan was approved for the 60Ha Bardowie Investments Ltd portion of the cell. Within this structure plan 35ha is currently being stage developed to accommodate the new APL manufacturing facility. Collector road and roundabout designs as well as water and wastewater construction have commenced/completed to enable wider development of this growth cell. Master planning refinement necessary given developer aspirations sent through to wider C10 land owners for comment (Fonterra and Bourke's), which has led to a plan change being prepared for the Fonterra portion of the land. Agreements with BIL based on feedback are progressing to enable existing C10 industrial operations to function as per the structure plan.
C11	No Structure Plan. Earmarked for large lot residential development post 2035. Zoning may be reviewed in Plan Change 21.

HAMILTON AIRPORT GROWTH CELLS



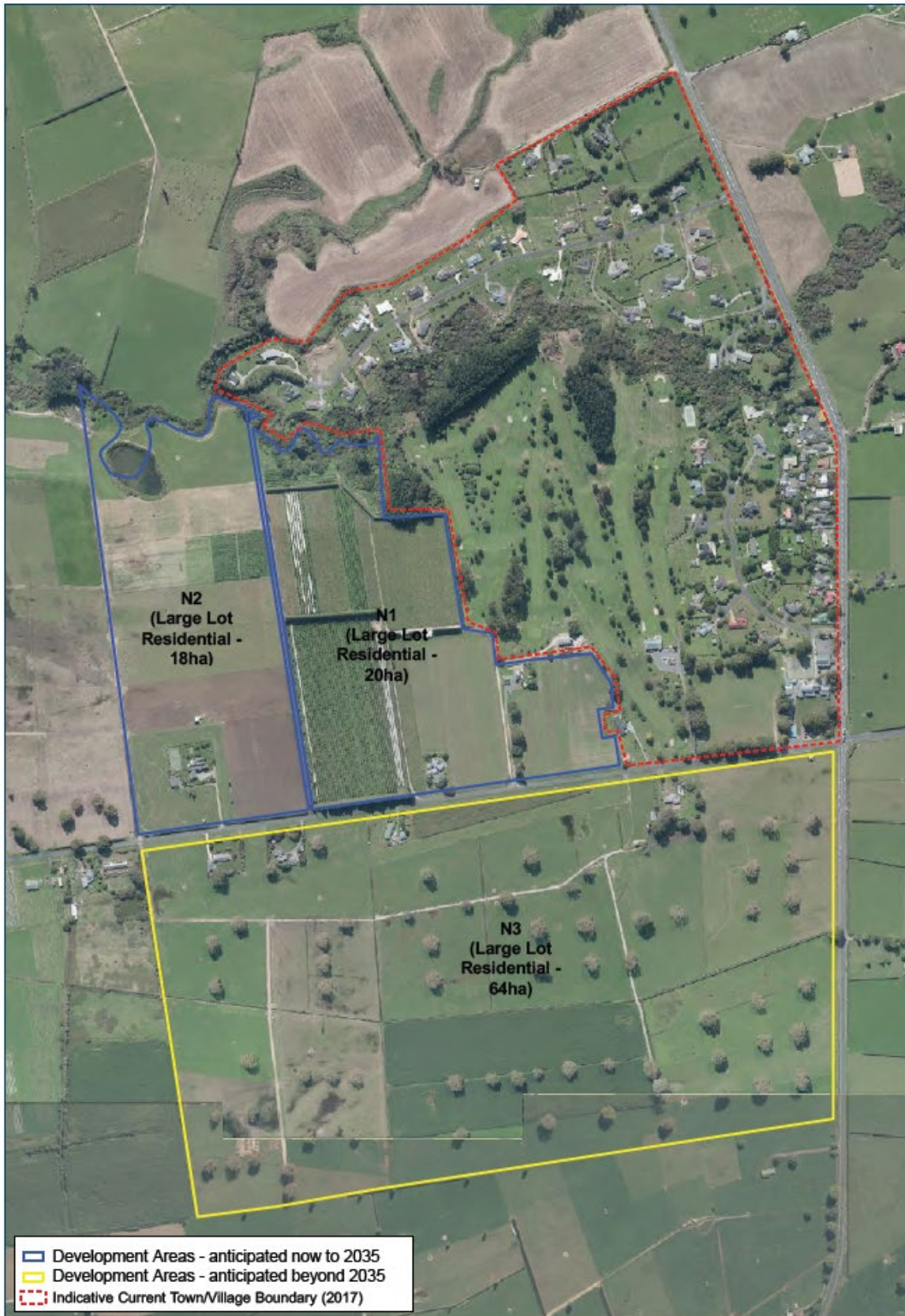
GROWTH CELL	STATUS UPDATE
Titanium Park	<p>Airport business zoned with structure plan. Approximately 95% is developed. Have received application and design plans for Ingram Road connection, finalising road layout of the establishing full connection between the western hubs.</p> <p>Development of the water supply upgrades within the older Ingram Road area is being scoped and developed into a design and build with Camex, at the airport expense (as per 2009 agreement).</p>
Meridian 37	Industrial zoned approximately 50% developed.
Montgomery Block (northern precinct) extension	Private Plan Change 20 for the northern airport extension hearing is completed and the decision for this plan change has been released and accepted, with modification. Potential implications for the sub-regional wastewater facility and roading connections have been assessed through the plan change and the relevant Developer Agreement has been produced.

KARĀPIRO GROWTH CELLS



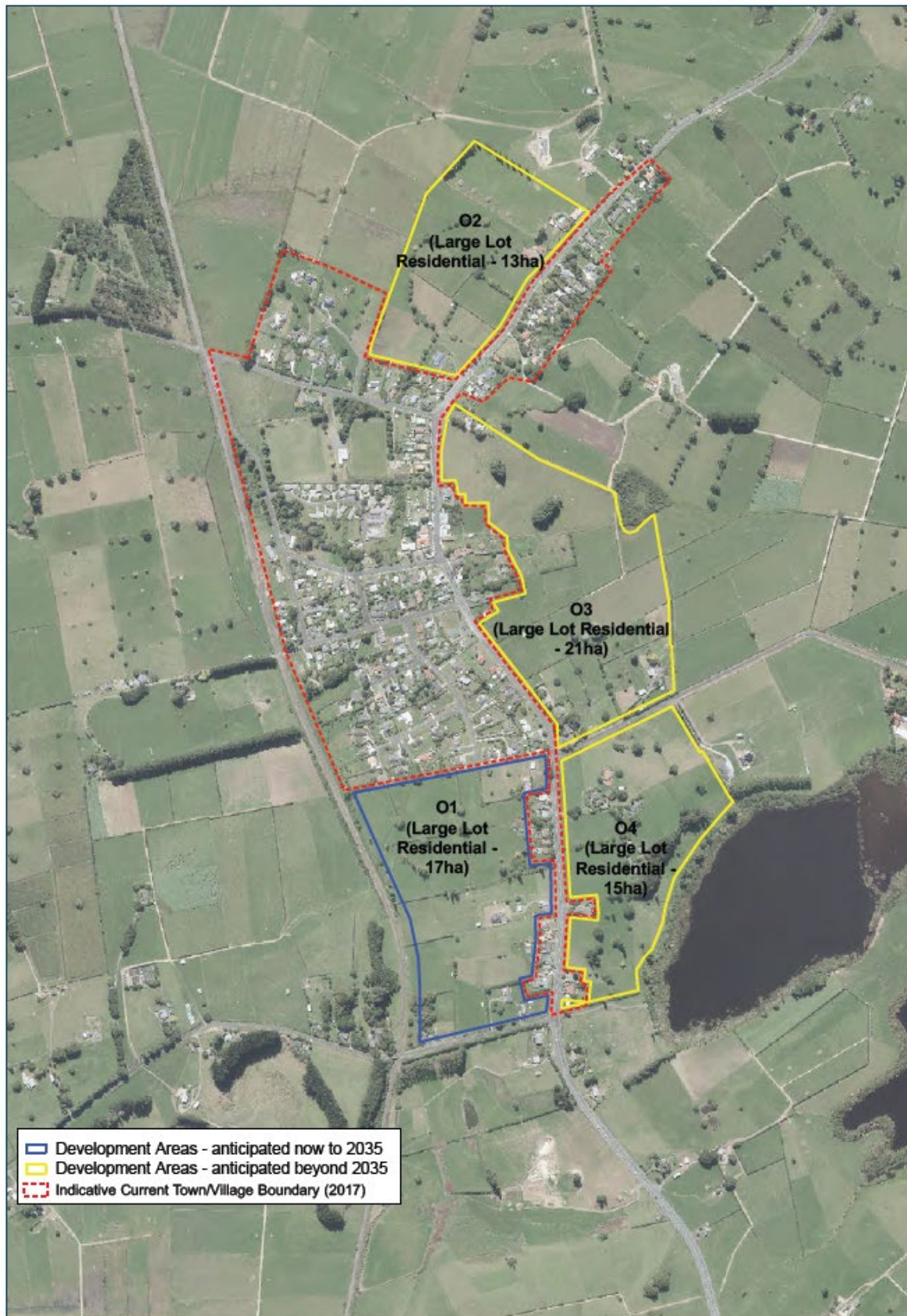
GROWTH CELL	STATUS UPDATE
K1	Zoned large lot residential. There is no current structure plan. As part of Ahu Ake, the area may receive a concept plan to help inform the structure plan at a later date. Main reason for this directive is the Waka Kotahi highway diversion project.
K2	Zoned deferred large lot residential. This growth cell is earmarked for development post 2035. As part of Ahu Ake, the area may receive a concept plan to help inform the structure plan at a later date. Main reason for this directive is the Waka Kotahi highway diversion project.

NGAHINAPOURI GROWTH CELLS



GROWTH CELL	STATUS UPDATE
N1	Zoned large lot residential. There is a developer led structure plan for this growth cell and development is proceeding with the first stage completed and sections mostly sold. Further stages of its development are likely proceeding as expected.
N2	Zoned large lot residential, this growth cell is earmarked for development subject to landowner and developer interest and meeting the requirements for uplifting the deferred zone status. Development of a structure plan is underway as part of the Town Concept Plan.
N3	Zoned deferred large lot residential. This growth cell is earmarked for development after 2035 however a structure plan is underway for completeness, along with N2. Interest from developer and initial meetings to develop this site is known, working on the proposed roundabout trigger.

OHAUPŌ GROWTH CELLS



GROWTH CELL	STATUS UPDATE
O1	This growth cell is zoned large lot residential with a structure plan and is approximately 95% developed. Ahu Ake identified the potential intensification of Ōhaupō to subject to infrastructure design and scoping. This will require wider master plan scoping holistically tying into the airports potential to service works, and wastewater.
O2	Zoned deferred large lot residential, this growth cell is earmarked for development post 2035. Ahu Ake identified the potential intensification of Ōhaupō to subject to infrastructure design and scoping. This will require wider master plan scoping holistically tying into the airports potential to service works, and wastewater.
O3	Zoned deferred large lot residential, this growth cell is earmarked for development post 2035, but has been confirmed in the Future Proof Strategy for earlier development. (see O4 comment). Ahu Ake identified the potential intensification of Ōhaupō to subject to infrastructure design and scoping. This will require wider master plan scoping holistically tying into the airports potential to service works, and wastewater.
O4	There is landowner interest in relation to proposed development and intensification of this growth cell and part of O3. Earmarked for development post 2035, but has been confirmed in the Future Proof Strategy for earlier development. Ahu Ake identified the potential intensification of Ōhaupō to subject to infrastructure design and scoping. This will require wider master plan scoping holistically tying into the airports potential to service works, and wastewater.

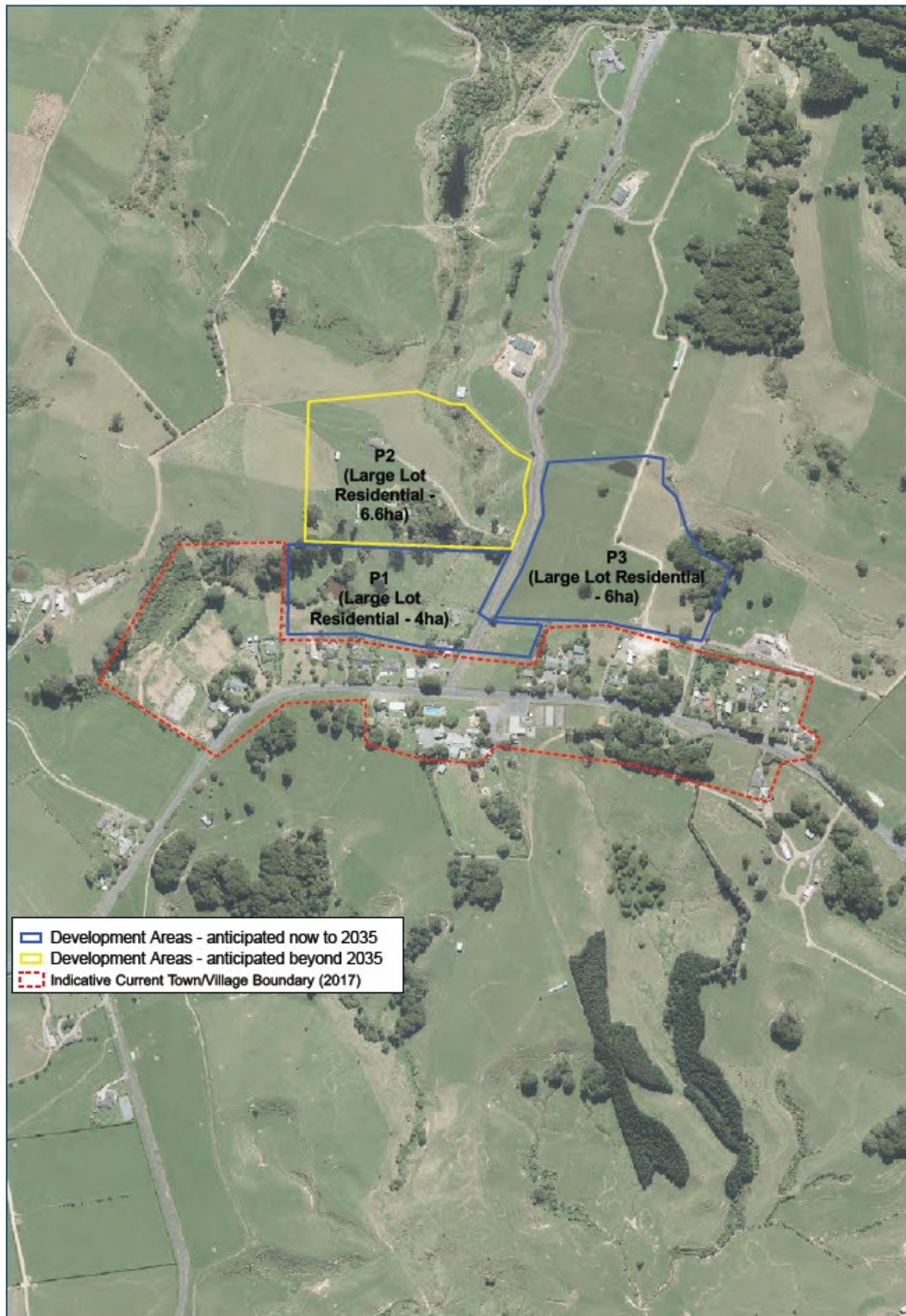
PIRONGIA

There is no staging of growth areas within Pirongia as all growth has been identified as being within the current town boundaries.



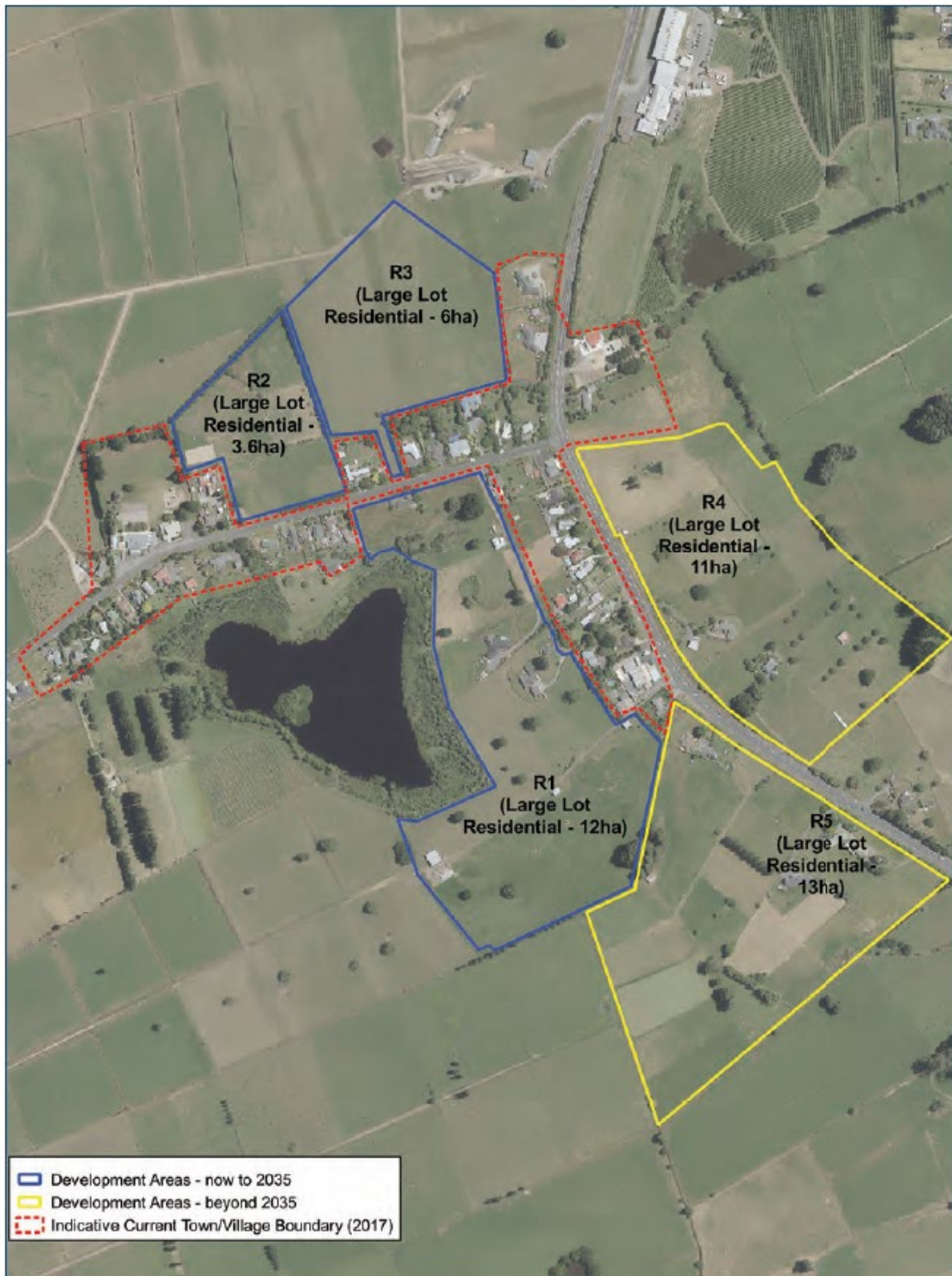
GROWTH CELL	STATUS UPDATE
N/A	Development is continuing in the south east corner and potentially in the south west area. Application received for southwestern block, which has run a model of water supply to indicate functionality, consent has been processed with construction ongoing.

PUKEATUA GROWTH CELLS



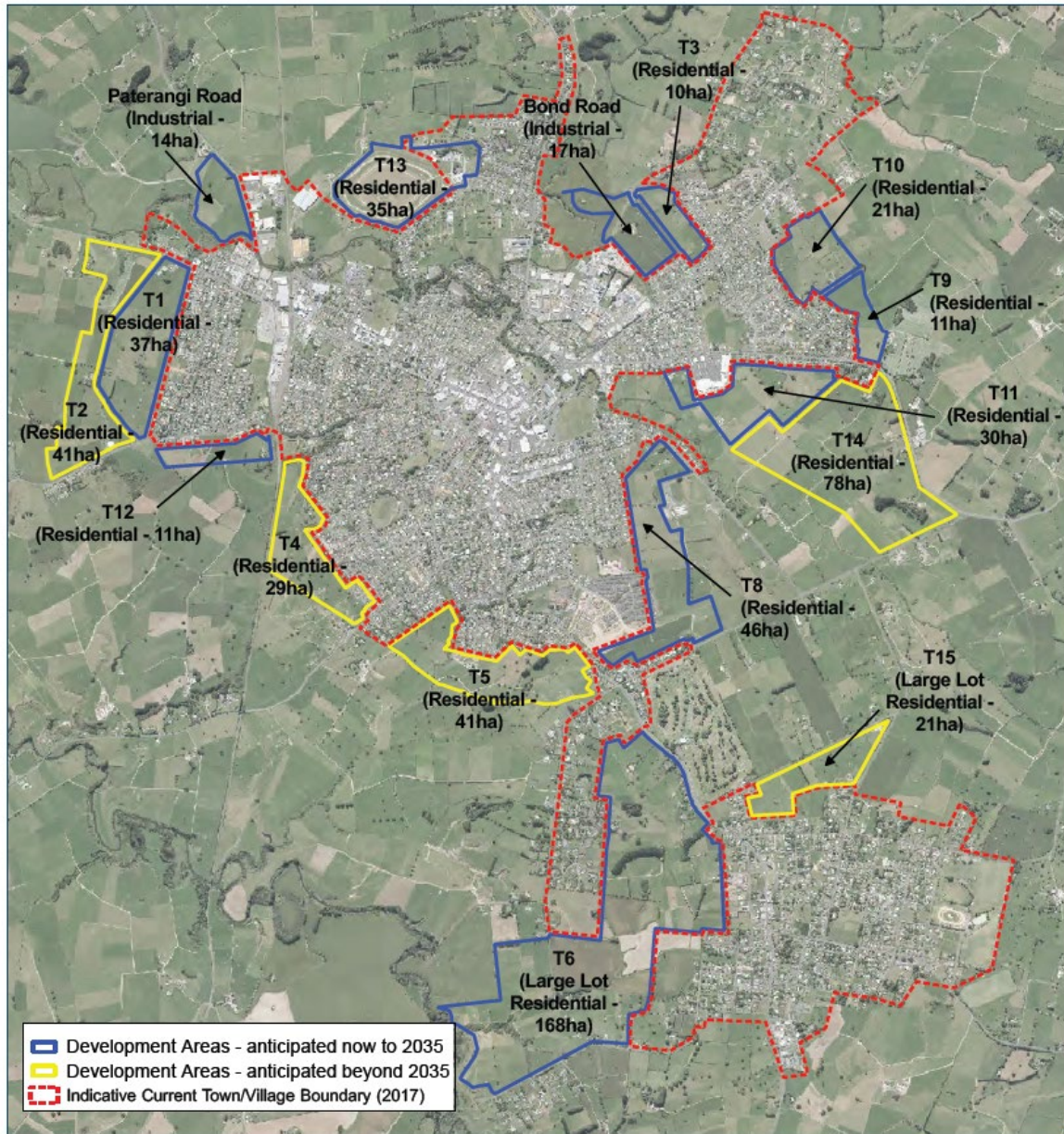
GROWTH CELL	STATUS UPDATE
P1	Zoned large lot residential, this undeveloped growth cell is available for development subject to landowner and developer interest.
P2	Zoned deferred large lot residential, this growth cell is earmarked for development post 2035.
P3	Zoned large lot residential, consent has been lodged with design incorporating connectivity via footpath (maybe pedestrian calming facilities as well) to the school, construction is still on going.

RUKUHIA GROWTH CELLS



GROWTH CELL	STATUS UPDATE
R1	Zoned large lot residential, this largely undeveloped growth cell is available for development currently subject to landowner and developer interest. Ahu Ake, may explore a further intensified development given the proximity to the Airports northern precinct, will be subject to holistic master plan for the area.
R2	Zoned large lot residential, this undeveloped growth cell is available for development currently subject to landowner and developer interest. Ahu Ake, may explore a further intensified development given the proximity to the Airports northern precinct, will be subject to holistic master plan for the area.
R3	Zoned large lot residential, this undeveloped growth cell is available for development currently subject to landowner and developer interest. Ahu Ake, may explore a further intensified development given the proximity to the Airports northern precinct, will be subject to holistic master plan for the area.
R4	Zoned deferred large lot residential, this growth cell is earmarked for development post 2035. Ahu Ake, may explore a further intensified development given the proximity to the Airports northern precinct, will be subject to holistic master plan for the area.
R5	Zoned deferred large lot residential, this growth cell is earmarked for development post 2035. Ahu Ake, may explore a further intensified development given the proximity to the Airports northern precinct, will be subject to holistic master plan for the area.

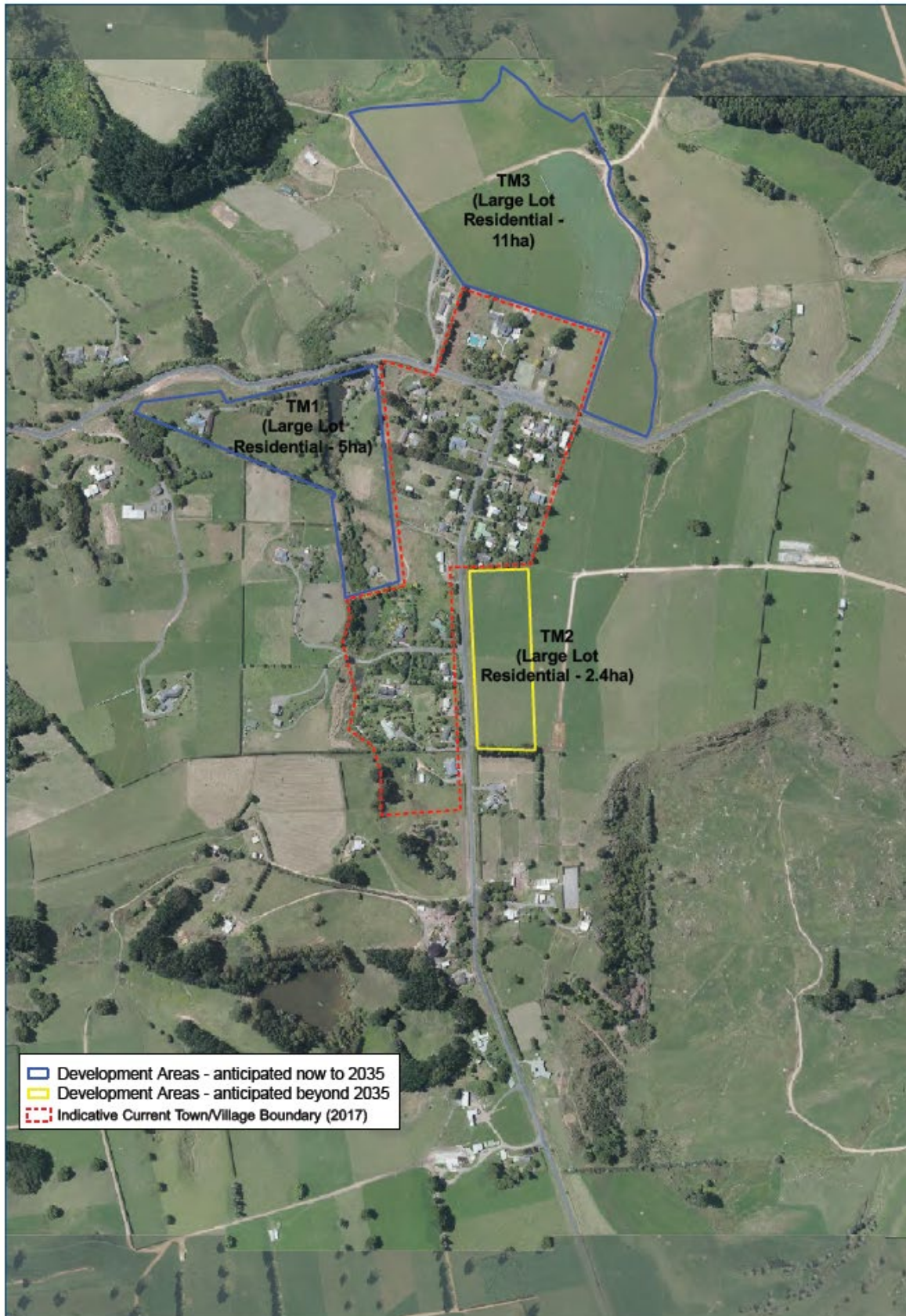
TE AWAMUTU AND KHIKIHI GROWTH CELLS



GROWTH CELL	STATUS UPDATE
T1 (20%)	Has a development plan and is zoned residential. This entire growth cell is currently being developed. Stages 1-4 are either developing lots or building houses. Expect year on year ~40 new lots from said development for the next 3 - 4 years. Development looks to have ceased on site for this construction season, with no correspondence since from December.
T2	Zoned deferred residential, uplifted over the southern part of the cell by Plan Change 12. Application granted, subject to conditions of consent, southern block also includes retirement village complex, which Sandersons has sold to different retirement health care provider (Arvida), expect wider PPC for their northern development to occur, which has been applied for under a new land use. A section 127 of the T2 initial subdivision has been received which alters the staging to alignment more with current market. An IWA has been signed for the first portion of frontier road urbanisation project and is almost finalised and expected to be completed in the next couple months.
T3	Zoned deferred residential, this growth cell has been split into two. One half has been developed in accordance with the structure plan. The other has yet to have a structure plan developed but a pre-application meeting has been held with the landowner/developer. Expect some alignment with delivery of cell with Bond road industrial. The developer has recently started to communicate with Waikato Regional on their expected Stormwater devices, and have also submitted on the plan change 26 to look at avenues for intensification within the block.
T4	Zoned deferred residential, this growth cell is earmarked for development after 2035. Initial meeting with southern landowner has outlined the deferred status and how this cell is tied to the Western arterial road designation/construction. Landowner interest in a private plan change to rezone earlier.
T5	Zoned deferred residential, this growth cell is earmarked for development after 2035.
T6	Zoned for deferred large lot residential, this growth cell has a Council approved structure plan included in the District Plan by Plan Change 13. No funding for infrastructure has been included in the 2021 Long Term Plan. An updated structure plan is under consideration. Zoning may be reviewed as part of Plan Change 21.
T8	Most of this growth cell has an approved structure plan and is now zoned residential. Stage 1 and approximately 30% of the growth cell is currently being developed. The park within the initial Swarbrick drive extension is now opened for the residents and wider T7 (previous catchment). Road linkage to Golf Road is almost complete which will provide more permeation in our traffic networks.
T9	This growth cell is zoned residential and has an approved structure plan. Approximately 50% is currently being developed for housing. More stages and applications likely to come once roundabout is constructed for T9/T14. A lot of complications between developers and land owners on this, which has for the large part being resolved. A report was be taken up on in June surrounding potential road name changes. This is being explored to help with the acquisition of land within this area and approved for a road name of Sequoia Drive.
T10	This growth cell is zoned residential and ready for landowner and developer resource consent applications for its development. No interest to date this year.
T11	Zoned deferred residential (uplifted by Plan Change 13), with a Council endorsed structure plan. Landowners and developers in discussion on resource consent applications for a subdivision. No funding for infrastructure has been included in the 2021 Long Term Plan, Government's Infrastructure Acceleration Fund has not been accepted to the next phase and will now need to be developer funded. Application has also been lodged and is being processed through initial 77 lots and funding allocated for WWPS. The WWPS is undergoing some tweaks to align with councils overall wastewater strategy for this area.

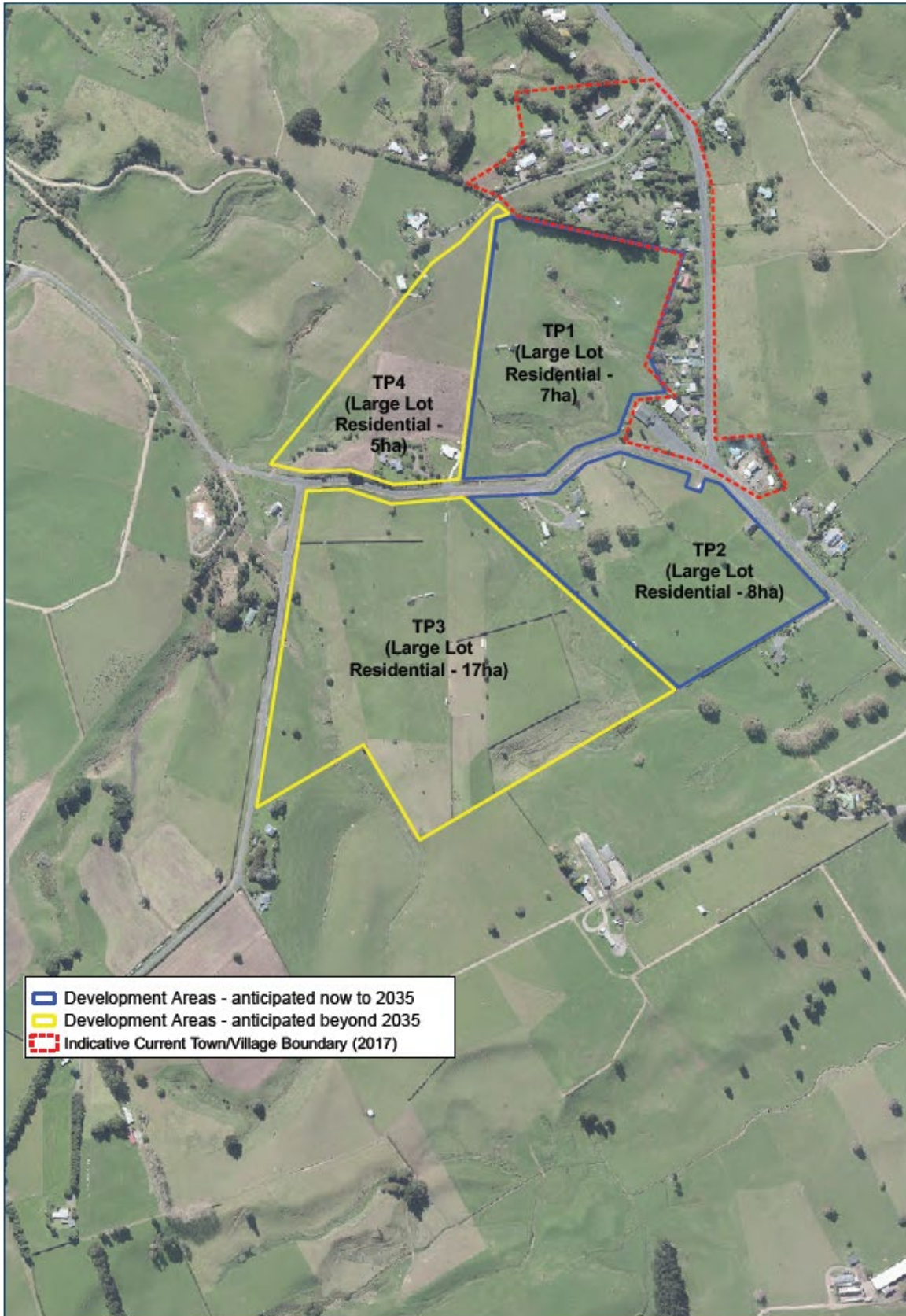
GROWTH CELL	STATUS UPDATE
	<p>Expect delays with this development given the current market. Indicative time frames for development is a delay of 11 months, may alter some of council projects timing as result.</p> <p>Business case has been prepared for the full cell development and hopefully times nicely with the developers new intended start date.</p>
T12	Zoned deferred residential, development is not anticipated until after 2035. Approximately 50% of the cell has existing residential development.
T13	Zoned deferred residential, this growth cell is unlikely to be developed until after 2035.
T14	Zoned deferred residential, this growth cell is unlikely to be developed until after 2035.
T15	<p>Zoned deferred large lot residential, a development plan has been prepared for much of this growth cell by the majority land owner who has been issued with subdivision consent staged. Water connections were requested, but as this area is consented without them and the infrastructure is in a poor state, connections are likely not to be granted.</p>
Bond Road	<p>Zoned for industrial development with approximately 70% of the northern portion developed. There is owner/developer interest in the southern portion as well as 808 and 836 Bond Road. Stormwater design has commenced that will service proposed and existing stormwater catchments as mentioned in T3 comments.</p>
Paterangi Road	Zoned a mix of live and deferred industrial, no movement on the western portion of this cell.

TE MIRO GROWTH CELLS



GROWTH CELL	STATUS UPDATE
TM1	Zoned large lot residential, this largely undeveloped growth cell is available for development subject to landowner and developer interest.
TM2	Zoned deferred (post 2035) large lot residential, this undeveloped growth cell is available for development subject to landowner and developer interest.
TM3	Being developed via resource consent, zoned large lot residential.

TE PAHU GROWTH CELLS



GROWTH CELL	STATUS UPDATE
TP1	Zoned large lot residential, this undeveloped growth cell is available for development subject to landowner and developer interest.
TP2	Zoned large lot residential, this largely undeveloped growth cell is available for development subject to landowner and developer interest.
TP3	This deferred large lot residential zoned growth cell is earmarked for development after 2035.
TP4	This deferred large lot residential zoned growth cell is earmarked for development after 2035.

APPENDIX 2: CURRENT MAJOR RESOURCE CONSENT APPLICATIONS IN PROCESS

Notes: This list shows the current major / complex applications only.

LODGED & IN PROGRESS (public information)					
No.	Applicant / Agent	Address	Proposal	Status/Key points	Planning / Engineering Contacts
LU/0100/22	Beacon Hill Contracting & Mitchell Daysh	599 Oreipunga Road, Cambridge	Retrospective consent to operate sand quarry in the Rural Zone.	On-hold: Request for further information issued	Louise Cowan – 4Sight
LU/0323/21	Global Contracting Solutions Limited & Terra Consultants	401 Racecourse Road Te Awamutu 3800	Construct and operate plant to generate power through combustion of refuse derived fuel.	On-hold: Decision made that public notification is required. A date for notification has not been set.	Todd Whittaker – Planning Works Ltd
LU/0077/23	RS Sands Limited & Kinetic Environmental Limited	77 Newcombe Road, Cambridge	Establish and operate a mineral extraction activity (sand quarry)	On-hold: Section 92 further information request sent	Todd Whittaker (Planning Works Limited)
LU/0030/23	Arvida Group Ltd Bloxham Burnett & Olliver	151 Maungatautari Road, Cambridge	Establish and operate retirement village consisting of 130 stand-alone villas and 20 serviced apartments in the Rural Zone	In process- yet to make a notification determination	Hayley Thomas
LU/0239/19	Taotaoroa Quarry Limited & Tollemache Consultants Limited	Buckland Road (MMP DC)/ Taotaoroa Road (WDC)	Extension of pit area and overburden area to expand quarry for 35 years.	On-hold at Applicant Request: S37 Issued Concurrent application Waikato Regional Council and Matamata-Piako DC	Hayley Thomas
SP/0155/22 & LU/0249/22	Saddleback Planning Ltd	33 Abergeldie Way Cambridge 3493	Subdivide one lot into 87 residential lots, 2 access lots and a road to vest undertaken as two stages and a concurrent landuse consent (LU/0249/22) to undertake bulk earthworks and compact housing (24 dwellings) dispensing with multiple Residential Zone performance standards.	On-hold: Section 92 further information request sent	Hayley Thomas

Report to Strategic Planning and Policy Committee – 1 August 2023
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LODGED & IN PROGRESS (public information)					
No.	Applicant / Agent	Address	Proposal	Status/Key points	Planning / Engineering Contacts
SP/0153/22 & LU/0247/22	Kingston Group & Barker & Associates	26 Sheehan Street Kihikihi Te Awamutu 3800	Subdivide one lot into 12 undertaken in three stages and a concurrent landuse consent (LU/0247/22) for infill housing and to dispense with multiple Residential Zone performance standards.	On-hold at Applicant Request: S37 Issued	Hayley Thomas

APPENDIX 3: BUILDING CONSENTS ISSUED

April 2023												
Project Type	Cambridge	No	Kakepuku	No	Maungatautari	No	Pirongia	No	Te Awamutu	No	Total Value	Total No
Dwelling	\$9,950,000	10	\$2,279,000	3	\$2,015,000	3	\$650,000	1	\$3,375,000	5	\$18,269,000	22
Solid Fuel Heater	\$10,793	2	\$13,000	3	\$17,500	4	\$26,369	4	\$8,000	2	\$75,662	15
Transportable Dwelling	\$1,021,000	4									\$1,021,000	4
Re-Sited Dwelling	\$325,000	2			\$50,000	1	\$281,500	4	\$70,000	1	\$726,500	8
Commercial - Industrial	\$1,915,000	4			\$100,000	1	\$1,000,000	1	\$215,000	2	\$3,230,000	8
Alterations and Additions	\$953,000	10	\$100,000	1	\$115,000	2	\$150,000	1	\$894,000	4	\$2,212,000	18
Pool	\$80,000	1			\$148,000	3					\$228,000	4
Garage	\$245,000	2					\$52,000	1			\$297,000	3
Implement Shed							\$135,000	1	\$94,000	1	\$229,000	2
Grand Total	\$14,499,793	35	\$2,392,000	7	\$2,445,500	14	\$2,294,869	13	\$4,656,000	15	\$26,288,162	84

May 2023												
Project Type	Cambridge	No	Kakepuku	No	Maungatautari	No	Pirongia	No	Te Awamutu	No	Total Value	Total No
Implement Shed			\$92,000	1			\$192,000	2			\$284,000	3
Pool	\$150,000	3	\$60,000	1							\$210,000	4
Dwelling	\$9,742,000	16	\$345,000	1	\$660,000	2	\$2,980,835	4	\$2,560,000	5	\$16,287,835	28
Transportable Dwelling	\$2,232,000	9									\$2,232,000	9
Dairy Shed					\$545,000	1					\$545,000	1
Plumbing/Drainage	\$50,000	2					\$3,000	1			\$53,000	3
Garage	\$123,000	2					\$136,000	2			\$259,000	4
Retaining Wall	\$150,000	1									\$150,000	1
Alterations and Additions	\$570,000	4	\$69,000	1	\$530,000	3	\$5,000	1	\$40,000	1	\$1,214,000	10
Commercial - Industrial	\$3,940,000	4			\$150,000	1	\$2,937,000	4	\$60,000	1	\$7,087,000	10
Solid Fuel Heater	\$12,300	2			\$12,300	3	\$25,005	3	\$6,500	1	\$56,105	9
Re-Sited Dwelling	\$50,000	1									\$50,000	1
Fence					\$12,000	1					\$12,000	1
Deck/Pergola							\$200,000	1			\$200,000	1
Grand Total	\$17,019,300	44	\$566,000	4	\$1,909,300	11	\$6,478,840	18	\$2,666,500	8	\$28,639,940	85

June 2023												
Project Type	Cambridge	No	Kakepuku	No	Maungatautari	No	Pirongia	No	Te Awamutu	No	Total Value	Total No
Pool	\$50,000	1	\$200,000	1	\$60,000	1					\$310,000	3
Alterations and Additions	\$475,200	5	\$320,000	2	\$60,000	1			\$513,000	2	\$1,368,200	10
Commercial - Industrial	\$4,648,000	4			\$220,000	1	\$2,300,000	1	\$1,222,000	4	\$8,390,000	10
Transportable Dwelling	\$1,200,000	7							\$230,000	1	\$1,430,000	8
Dwelling	\$7,918,000	11	\$5,892,000	7	\$2,350,000	2	\$585,000	2	\$5,000,000	6	\$21,745,000	28
Garage	\$140,000	2	\$75,000	1	\$70,000	1	\$308,000	3	\$42,000	1	\$635,000	8
Solid Fuel Heater	\$45,100	8	\$39,650	6	\$25,930	4	\$25,288	4	\$28,100	6	\$164,068	28
Re-Sited Dwelling	\$195,000	2					\$670,000	1			\$865,000	3
Retaining Wall									\$700,000	1	\$700,000	1
Plumbing/Drainage									\$680,000	1	\$680,000	1
Implement Shed	\$379,000	3			\$250,000	1	\$205,000	2			\$834,000	6
Grand Total	\$15,050,300	43	\$6,526,650	17	\$3,035,930	11	\$4,093,288	13	\$8,415,100	22	\$37,121,268	106

APPENDIX 4: APPLICATIONS DETERMINED BY THE DISTRICT LICENSING COMMITTEE

Applicant Name	Associated Premises (Trading Name)	Licence Type
Club Licence		
Cambridge Golf Club Incorporated	CAMBRIDGE GOLF CLUB INCORPORATED	Club Licence Renewal
Te Awamutu Squash Rackets Club Incorporated	TE AWAMUTU SQUASH CLUB	Club Licence Renewal
Kihikihi Rugbysports Club Incorporated	KIHIKIHI RUGBY SPORTS CLUB	Club Licence Renewal
Waipa Workingmens Club Incorporated	WAIPA WORKINGMENS CLUB	Club Licence Renewal
Pirongia Golf Club Incorporated	PIRONGIA GOLF CLUB	Club Licence Renewal
Cambridge Golf Club Incorporated	CAMBRIDGE GOLF CLUB INCORPORATED	Club Licence Renewal
Kihikihi Rugbysports Club Incorporated	KIHIKIHI RUGBY SPORTS CLUB	Club Licence Renewal
Off Licence		
Vilagrad Limited	VILAGRAD WINES	Off Licence Renewal
GPS Trading Limited	THE STAR TAVERN	Off Licence Renewal
TA Foodwarehouse Limited	FRESHCHOICE TE AWAMUTU	Off Licence Renewal
V.J. & Co Limited	THE BOTTLE O - LEAMINGTON	Off Licence Renewal
On Licence		
AS Grewal Hospitality Limited	ST KILDA CAFE & BISTRO	On Licence
Onyx Restaurant Limited	ONYX RESTAURANT	On Licence Renewal
Miller and Rowe Limited	THE LILY PAD CAFE	New On Licence
Heart of India Restaurant Limited	HEART OF INDIA	On Licence Renewal
JJ'S Hospitality Group Limited	PEACH AND PORKER	On Licence Renewal
GPS Trading Limited	THE STAR TAVERN -	On Licence Renewal
Cambridge Repertory Society Incorporate	GASLIGHT THEATRE	Special Licence
Cambridge Raceway Limited	CAMBRIDGE RACEWAY (Grins night of Champions)	Special Licence
Te Awamutu Marist Incorporated	TA MARIST (Memorial Service for Tony Gisler)	Special Licence
Cambridge Group Fitness Limited	VELODROME (BFT Cambridge end of challenge party)	Special Licence
Caryn's NZ Limited	THE CHILLI HOUSE CAMBRIDGE	Special Licence
Te Awamutu Golf Club Incorporated	TE AWAMUTU GOLF CLUB (fundraiser for Gemma Towers Tournament)	Special Licence
Te Awamutu Rugby Sports Club Incorporated	TE AWAMUTU RUGBY SPORTS CLUB (Wake for Bruce)	Special Licence
Hautapu Sports and Rugby Club Incorporated	ST PETERS SWIMMING CLUB PRIZE GIVING	Special Licence
MANION Kate Bicha - TE MIRO SCHOOL	SETTLERS HALL (Te Miro Quiz & Auction night)	Special Licence
Te Awamutu Rugby Sports Club Incorporated	TE AWAMUTU RUGBY SPORTS CLUB (Wake for Bruce)	Special Licence
Te Awamutu Club Incorporated	TE AWAMUTU CLUB (Wake for Pamela Grylls)	Special Licence

Applicant Name	Associated Premises (Trading Name)	Licence Type
Te Awamutu Light Operatic Society	WOOLSHED THEATRE PRODUCTIONS (Oklahoma)	Special Licence
1919 Distilling Limited	NEW ZEALAND NATIONAL FIELDDAYS 2023	Special Licence
Auld Distillery Limited	NEW ZEALAND NATIONAL FIELDDAYS 2023	Special Licence
Arrowtown Distillery Limited	NEW ZEALAND NATIONAL FIELDDAYS 2023	Special Licence
Cardrona Distillery Limited	NEW ZEALAND NATIONAL FIELDDAYS 2023	Special Licence
Copper Knox Limited	NEW ZEALAND NATIONAL FIELDDAYS 2023	Special Licence
Forrest Wines Limited	NEW ZEALAND NATIONAL FIELDDAYS 2023	Special Licence
Lammermoor Distillery Limited	NEW ZEALAND NATIONAL FIELDDAYS 2023	Special Licence
LWF Distilling Limited	NEW ZEALAND NATIONAL FIELDDAYS 2023	Special Licence
No.8 Distillery Limited	NEW ZEALAND NATIONAL FIELDDAYS 2023	Special Licence
The Pokeno Whiskey Company Limited	NEW ZEALAND NATIONAL FIELDDAYS 2023	Special Licence
Batch10 Limited	NEW ZEALAND NATIONAL FIELDDAYS 2023	Special Licence
Owen Bryden SWAN	THE WOOLSHED (HNZ AGM)	Special Licence
The Theatre Beautiful	THE REGENT THEATRE (Comedy Show)	Special Licence
Reefton Distilling Co Limited	NEW ZEALAND NATIONAL FIELDDAYS 2023	Special Licence
Ruahine Ports Limited	NEW ZEALAND NATIONAL FIELDDAYS 2023 - Ruahine Ports	Special Licence
Southern Grain Spirits N.Z Limited	NEW ZEALAND NATIONAL FIELDDAYS 2023 - Kaiapoi Distillery -	Special Licence
Somerset Brewing Company Limited	NEW ZEALAND NATIONAL FIELDDAYS 2023 - Good George	Special Licence
Stoke Distilling Company Limited	NEW ZEALAND NATIONAL FIELDDAYS 2023 - Southward Distilling	Special Licence
The Spirits Workshop Limited	NEW ZEALAND NATIONAL FIELDDAYS 2023	Special Licence
Thomson Whisky New Zealand Limited	NEW ZEALAND NATIONAL FIELDDAYS 2023	Special Licence
Wilson & Lawrence Limited	NEW ZEALAND NATIONAL FIELDDAYS 2023	Special Licence
Zoa Limited	NEW ZEALAND NATIONAL FIELDDAYS 2023	Special Licence
Stoney Creek (Est 1994) Limited	NEW ZEALAND NATIONAL FIELDDAYS	Special Licence (rehearing)
Te Awamutu Rugby Sports & Recreation Club Incorporated	TE AWAMUTU RUGBY SPORTS CLUB (Te Awamutu Rose Ball)	Special Licence

Applicant Name	Associated Premises (Trading Name)	Licence Type
Cambridge High School	CAMBRIDGE HIGH SCHOOL - FRENCH FUN & FIESTA	Special licence
Te Awamutu Golf Club	TE AWAMUTU GOLF CLUB (VetEnt Farmers Meeting)	Special Licence
Te Awamutu Golf Club Incorporated	TE AWAMUTU GOLF CLUB (AON Agri Client Gathering)	Special Licence
Te Awamutu Rugby Sports and Recreation Club Incorporated	TE AWAMUTU RUGBY SPORTS (2023 Premier Rugby Home Games round 2)	Special Licence
Leamington Rugby Sports Club Incorporated	LEAMINGTON RUGBY SPORTS CLUB - RACHEL ROUSE'S 30th BIRTHDAY	Special Licence
5036 Boutique Brews Limited	NEW ZEALAND NATIONAL FIELDDAYS 2023	Special Licence
Hautapu Sports and Rugby Club Incorporated	KEVIN BOURKE 70th BIRTHDAY	Special Licence
Te Awamutu Club Incorporated	TE AWAMUTU CLUB ((Funeral Reception for Brian Richardson)	Special Licence
Managers Certificate		
SANGHERA Jagdeep Singh	BLACKBULL LIQUOR CAMBRIDGE	New Managers
KAUR Amanpreet	PRINCE ALBERT THE OLDE ENGLISH PUB AND RESTAURANT	New Managers
SIDHU Harpreet Singh	LIQUOR HUT	New Managers
HOYES Robert James	WAIPA WORKINGMENS CLUB	Managers Renewal
ALUTHGE Chamila Dinesh Dissanayaka	LOTUS MALAYSIAN RESTAURANT AND BAR	New Managers
DONALDSON Aaron Craig	FRESHCHOICE LEAMINGTON/TA SQUASH CLUB	Managers Renewal
WAHITAPU- SCHAUMKELL Ti Raha Waitawhio	COUNTDOWN CAMBRIDGE	Managers Renewal
BERTAUT Michael Pau	LEAMINGTON RUGBY SPORTS CLUB	Managers Renewal
BARRELL Shane Duncan	TE AWAMUTU SQUASH CLUB	Managers Renewal
VASUDEVA Yogesh	PAK N SAVE	Managers Renewal
BOYLE Krystle Nicole	OHAUPO DRINKS STATION	New Managers
MONAGHAN Lucy	LIQUORLAND CAMBRIDGE	New Managers
PARMAR Gaurav	The Bottle O Leamington	Managers Renewal
TEESDALE Melissa Elizabeth	BLUE DROPS LIQUOR and IRRESISTIBLUE	New Managers
PATTISON Rochelle Raina	THE CLUBHOUSE SPORTS BAR CAMBRIDGE	Managers Renewal
SMITH Tiana Jaylen	PROPELLER AIRPORT CAFE	New Managers
GILL Navdeep Singh	JOY'S PLACE	New Managers
KRISHAN Ram	ROYAL CAMBRIDGE INDIAN RESTAURANT	Managers Renewal
SCHLAADT Debbie Marie	NEW WORLD CAMBRIDGE	Managers Renewal
O'HEARN Renee Katana Illingworth	PROPELLER AIRPORT CAFÉ	New Managers
FREW Zoe Lee	PROPELLER AIRPORT CAFE	Managers Renewal
NEWLOVE Daana	PROPELLER AIRPORT CAFE	New Managers
KARKI Yog Kumari	PEACH AND PORKER	Managers Renewal
LARIANOVA Paige Mercedes	THE REGENT THEATRE	New Managers

Applicant Name	Associated Premises (Trading Name)	Licence Type
SHEEHAN Donna Louise	CAMBRIDGE COSMOPOLIAN CLUB INCORPORATED	Managers Renewal
BASLIYAL Vikas	ROYAL CAMBRIDGE INDIAN RESTAURANT	New Managers
KOZAK Wojciech	GOOD UNION CAMBRIDGE	New Managers
SLATER Jessica Lee	THE LILY PAD CAFÉ	New Managers
GREWAL Amninder Singh	ST KILDA CAFE & BISTRO	New Managers
NG Man Yee Fion	HONG KONG DATE	New Managers
BURTON Gary Phillip	BLUE DROPS PREMIUM LIQUOR CAMBRIDGE	New Managers
NGATOA Roseanne Mare	Countdown Cambridge	Managers Renewal
Al Lei	CAMBRIDGE FINE WINE COMPANY	New Managers
QUILLA Rachel Matas	HIDDEN LAKE HOTEL AND APARTMENTS	New Managers
BAJAJ Aditi	Shakespeare Liquor	Managers Renewal
CROFT Aroha Rangimaria Hohi	Smoke Collective	Managers Renewal
MOODY Lisa Ilene	Waipa Workingmens Club (also working at Marist and Kihikhi Rugby club)	Managers Renewal
PARKES Khrystal Kaye	FAHRENHEIT RESTAURANT & BAR	New Managers
POUPOUARE Vaemaaria Wednesday Ocean	TIEKE GOLF ESTATE	New Managers
DEMPSEY Alexei George	SUPER LIQUOR TE AWAMUTU	New Managers
SWAN Owen Bryden	THE WOOLSHED	Managers Renewal
LARIANOVA Paige Mercedes	THE REGENT THEATRE	New Managers
ROLLESTON Kim	PRINCE ALBERT THE OLDE ENGLISH PUB & RESTAURANT	New Managers
HOWELL Claudia	ALPHA STREET KITCHEN & BAR	New Managers
TEMPORARY AUTHORITY		
Miller and Rowe Limited	THE LILY PAD CAFE	Temporary Authority
Seakraft Trading Limited	HONG KONG DATE	Temporary Authority
BYO		
Rungrueang Limited	THAI FOOD CAMBRIDGE	BYO Renewal

APPENDIX 5: QUARTERLY STATISTICS

	1 Jul - 30 Sep	1 Oct – 31 Dec	1 Jan – 31 Mar	1 Apr – 30 Jun	Total
Resource consents					
Number of complaints	14	13	8	21	56
Number of compliance investigations	14	13	8	21	56
Number of breaches detected	3	2	1	3	9
Number of abatement notices issued	0	0	0	2	2
Number of infringement notices issued	0	0	0	0	0
Number of warning letters issued	3	13	1	1	18
District Plan					
Number of complaints	106	89	88	81	364
Number of compliance investigations	106	89	88	81	364
Number of breaches detected	26	18	15	12	71
Number of abatement notices issued	2	0	0	1	3
Number of infringement notices issued	0	0	0	0	0
Number of warning letters issued	26	18	15	11	70
Bylaw – vehicle parking					
Parking complaints	69	71	58	91	289
Infringement tickets	99	93	190	187	569
Warning letters	0	0	0	0	0
Bylaw – illegal dumping					
Dumping complaints	22	20	34	18	94
Infringement notices	12	9	9	5	35
Warning letters	0	0	0	0	0
Bylaw – trees overhanging footpath					
Tree complaints	0	7	17	6	30
Warning letters	0	7	17	6	30
Bylaw – long grass (fire hazard)					
Long grass complaints	0	0	0	0	0
Warning letters	0	0	0	0	0
Resource Management Act / Bylaw – signs					
Illegal signs removed	0	0	0	0	0

Report to Strategic Planning and Policy Committee – 1 August 2023
District Growth Quarterly Report - 1 April to 30 June 2023

		1 Jul - 30 Sep	1 Oct – 31 Dec	1 Jan – 31 Mar	1 Apr – 30 Jun	Total
Noise						
Excessive noise complaints	Total (all wards)	143	232	220	119	714
	CB/Maungatautari	83	130	106	65	384
	TA/Kakepuku	59	99	112	52	322
	Pirongia	1	3	2	2	8
Unreasonable noise complaints		33	22	43	4	102
Abatement notices issued		0	0	0	0	0
Infringement notices issued		0	0	0	0	0
Written noise directives issued		11	42	36	27	116
Verbal noise directives issued		33	17	21	15	86
Stereo equipment seizures		1	1	0	1	3
Bylaw – fire and smoke						
Fire and smoke complaints		5	15	17	13	50
Bylaw – other nuisance complaints						
Nuisance complaints		7	7	17	8	39
Animal control						
Total complaints and requests for service		978	810	755	961	3504
Aggression complaints		16	6	12	14	48
Attack or bite on animal		12	10	12	10	44
Attack or bite on child		0	0	0	1	1
Attack or bite on adult		6	8	5	5	24
Barking		92	101	102	82	377
Breach of bylaw	Dog off lead	6	5	7	1	19
	Fouling in public place	2	0	1	2	5
	Dog in prohibited area	3	1	0	0	4
	Multi dogs on property	1	2	2	1	6
	Aggression at boundary	0	0	0	0	0
Bin or sign requests / maintenance		42	62	52	24	180
Classified Dogs – non-complying		0	0	0	0	0
Rushing in public		7	7	8	19	41
Dog worrying stock		4	2	1	0	7
General info / admin		520	338	314	540	1712
Lost / found dog notifications		44	64	50	61	219
Welfare		8	19	14	11	52

	1 Jul - 30 Sep	1 Oct – 31 Dec	1 Jan – 31 Mar	1 Apr – 30 Jun	Total
Unregistered	6	5	4	4	19
Wandering	192	161	161	162	676
Stock on roads / trespassing / lost	17	19	10	23	69
Stock - other (e.g. Welfare of stock)	1	3	1	1	6
Animal control – Dogs					
Registered (total)	8859	9196	9407	9446 ¹	9446
Un-registered (total)	507	270	127	99 ¹	99
Impounded	89	68	54	55	266
Re-homed ²	9	6	1	5	21
Claimed ²	70	49	43	38	200
Euthanased ²	7	7	3	5	22
Stolen / escaped	0	0	0	0	0
In pound / foster care at end of quarter (total)	3	6	7	7	7
Menacing dog classification (total)	144	141	145	139	139
Dangerous dog classification (total)	7	7	7	8	8
Infringement notices issued	26	33	25	19	103
Food and health premises					
Food / premises complaints	4	1	10	1	16
Registered food control plans (total)	232	229	234	232	232
Registered national programs (total)	83	87	82	87	87
Outstanding food and health premises registrations / inspection fees (total)	39	38	14	12	12
Food Act audits	51	56	34	52	193
Non-compliances	1	0	0	5	6
Infringements	0	0	0	0	0
Improvement/other notices	1	0	0	0	1
Registered health premises	64	81	70	77	77
Health premises inspections	7	3	2	2	14

¹ As at close of 22/23 registration period. Re-registrations commence in June 23.

² Provisional figures pending outcome of dogs currently impounded.

	1 Jul - 30 Sep	1 Oct – 31 Dec	1 Jan – 31 Mar	1 Apr – 30 Jun	Total
Alcohol licensing					
Licensed premises complaints	0	0	2	4	6
Premises visits (excluding CPO)	13	58	26	78	175
Controlled purchase operations (CPO) ³					
- Premises visited	38	0	0	42	80
- Premises with breaches detected (selling alcohol to minors)	1	0	0	2	3
Check food availability operation ⁴					
- Premises visited	0	0	0	3	3
- Premises with breaches detected	0	0	0	0	0
Number of current on-licences	73	73	73	73	73
Number of current off-licences	36	38	38	38	38
Number of current club licenses	29	29	29	29	29
Number of current BYO	1	1	1	1	1

³ Operations in conjunction or undertaken by NZ Police and/or DHB.

⁴ Operations in conjunction or undertaken by DHB.

APPENDIX 6: YEAR ON YEAR STATISTICS (AS AT 30 JUNE 2023)

	2018/19	2019/20	2020/21	2021/22	2022/23
Resource consents					
Number of complaints	120	97	122	54	56
Number of compliance investigations	160	140	122	54	56
Number of breaches detected	51	31	24	12	9
Number of abatement notices issued	0	0	1	0	2
Number of infringement notices issued	0	0	0	0	0
Number of warning letters issued	51	22	24	12	18
District Plan					
Number of complaints	376	348	351	373	364
Number of compliance investigations	376	348	351	373	364
Number of breaches detected	122	92	53	81	71
Number of abatement notices issued	2	1	2	3	3
Number of infringement notices issued	0	0	0	0	0
Number of warning letters issued	32	70	53	81	70
Bylaw – vehicle parking					
Parking complaints	347	244	252	290	289
Infringement tickets	173	90	541	336	569
Warning letters	181	80	115	64	0
Bylaw – illegal dumping					
Dumping complaints	112	241	155	108	94
Infringement notices	2	2	21	12	35
Warning letters	0	0	0	0	0
Bylaw – trees overhanging footpath					
Tree complaints	24	71	26	21	30
Warning letters	23	60	13	21	30
Bylaw – long grass (fire hazard)					
Long grass complaints	3	32	0	0	0
Warning letters	2	32	0	0	0

		2018/19	2019/20	2020/21	2021/22	2022/23
Resource Management Act / Bylaw – signs						
Illegal signs removed		0	0	0	0	0
Noise						
Excessive noise complaints	Total (all wards)	789	753	689	747	714
	CB/Maungatautari	364	330	318	325	384
	TA/Kakepuku	375	362	341	421	322
	Pirongia	53	61	31	2	8
Unreasonable noise complaints		56	89	86	106	102
Abatement notices issued		0	0	0	1	0
Infringement notices issued		0	0	0	0	0
Written noise directives issued		73	119	110	97	116
Verbal noise directives issued		67	111	73	156	86
Stereo equipment seizures		4	4	2	5	3
Bylaw – fire and smoke						
Fire and smoke complaints		90	72	88	55	50
Bylaw – other nuisance complaints						
Nuisance complaints		72	83	59	58	39
Animal control						
Total complaints and requests for service		4295	3733	3412	3288	3504
Aggression complaints		64	48	52	53	48
Attack or bite on animal		59	57	53	41	44
Attack or bite on child		2	2	2	4	1
Attack or bite on adult		14	29	16	18	24
Barking		476	392	369	333	377
Breach of bylaw	Dog off lead	11	15	17	13	19
	Fouling in public place	3	3	2	3	5
	Dog in prohibited area	2	2	1	6	4
	Multi dogs on property	6	2	1	3	6
	Aggression at boundary	N/A ⁵	N/A ⁵	2	0	0
Bin or sign requests / maintenance		18	21	24	65	180

⁵ This is a new measure.

	2018/19	2019/20	2020/21	2021/22	2022/23
Classified dogs – non-complying	N/A	N/A	1	3	0
Rushing in public	47	37	43	36	41
Dog worrying stock	5	9	6	9	7
General info / admin	2038	1912	1758	1703	1712
Lost / found dog notifications	321	249	201	228	219
Welfare of Dogs	37	41	52	28	52
Unregistered	48	38	39	17	19
Wandering	989	767	695	621	676
Stock on roads / trespassing / welfare	124	124	76	97	69
Stock – other (e.g. Welfare)	-	-	3	7	6
Animal control – Dogs					
Registered (total)	8561	8529	8860	9177	9446 ⁶
Un-registered (total)	135	190	123	115	99 ⁶
Impounded	466	290	224	246	266
Re-homed ⁷	35	15	23	41	21
Claimed ⁷	389	224	176	182	200
Euthanized ⁷	35	25	19	20	22
Stolen / escaped	1	6	2	0	0.
In pound / foster care at end of year	4	1	0	3	7
Menacing dog classification (total)	118	118	135	134	139
Dangerous dog classification (total)	8	5	7	5	8
Infringement notices issued	121	71	159	126	103
Food and health premises					
Food / premises complaints	15	24	13	18	16
Registered food control plans (total)	241	242	236	231	232
Registered national programs (total)	54	52	81	82	87
Outstanding food and health premises registrations / inspection fees (total)	9	1	62	27	12
Food Act audits	224	151	204	85	193

⁶ As at close of 22/23 registration period. Re-registrations commence in June 23.

⁷ Provisional figures pending outcome of dogs currently impounded.

	2018/19	2019/20	2020/21	2021/22	2022/23
Non-compliances	7	0	10	1	6
Infringements	2	1	0	0	0
Improvement notices	3	8	0	1	1
Registered health premises	80	81	79	217	77
Health premises inspections	15	16	20	5	14
Alcohol licensing					
Licensed premises complaints	N/A	N/A	7	8	6
Premises visits (excluding CPO)	N/A	N/A	69	28	175
Controlled purchase operations (CPO)⁸					
- premises visited	16	13	24	20	80
- premises with breaches detected (selling alcohol to minors)	3	4	6	2	3
Food availability operators					
- Premises visited	0	0	0	0	3
- Premises with breaches detected	0	0	0	0	0
Number of current on-licences	66	74	71	75	73
Number of current off-licences	32	32	31	35	38
Number of current club licenses	31	31	30	29	29
Number of current BYO	-	-	-	-	1

⁸ Operations in conjunction or undertaken by NZ Police and/or DHB.

**APPENDIX 7 – SUBMISSION TO THE PARLIAMENTARY SELECT COMMITTEE ON
THE WATER SERVICES ENTITIES AMENDMENT BILL**

Submission

Water Services Entities Amendment Bill

July 2023



NAME OF SUBMISSION

By: Waipā District Council

Submission deadline: 5 July 2023

Authority: Council endorsed submission (via delegated authority 5 July 2023)

Format: Submitted electronically

Hearing: Council does not wish to be heard

Link to Draft Legislation:

<https://legislation.govt.nz/bill/government/2023/0262/latest/096be8ed81d66d21.pdf>

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Water Services Entities Amendment Bill

By: Waipā District Council

Introduction

Waipā District Council (the Council) welcomes the opportunity to provide comment on the Water Services Entities Amendment Bill (the Bill).

General Comments

If the Government's intention is to enable local voice in the context of the water services reform, then Bill 4 (as presented to the House on 16 June 2023) must be amended to enable the merger of two or more proposed entities before establishment (operationally) where this is favoured by the territorial authorities within the relevant regions (and supported by mana whenua within those regions). This will enable a regionally led approach to deciding the best size and shape of an entity to meet local community needs, rather than being locked into the 10-entity model until all entities are operational.

Key Points

1. Intention of the Water Services Entities Amendment Bill

- 1.1. The intent of the "reset" announced by the Government in April and May 2023 is to give effect to local voice. To do this, it is proposed that there will be 10 water services entities, instead of the four water services entities that were established in December 2022. The desire is to enable every district council in the country to have a say and representation over their local water services entity through regional representative groups.
- 1.2. The Water Services Amendment Bill (**Bill 4**) proposes amendments to the Water Services Entities Act 2022 (**WSEA 2022**) to implement this reset policy.

2. Scale versus local voice – ongoing work on behalf of Communities

- 2.1. Since the Government reset, it has become apparent that while smaller entities may enable stronger representation at the regional representative level, there is a significant risk that the ability to deliver on this voice and give effect to what communities are asking for will be greatly reduced. A smaller entity will impact:
 - a) the financial scale of the entity and borrowing capacity
 - b) the means to deliver efficiently on large capital programmes as an economic regulated entity
 - c) the attractiveness of the entity to work for, and hence the ability to retain and attract the staff needed to bring about transformation.

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- 2.2. In certain regions across the motu, Mayoral forums, together with their Iwi partners, are alive to the need to truly understand the impact of what is being proposed on the communities they serve in the short, mid and long term. This requires careful consideration of the problems their communities face and the ability of a smaller entity to meet those needs.
 - 2.3. Steps are being taken to assess what the proposed entity for their region will look like when compared to an entity that services not just their region but that of another region as well.
 - 2.4. This exercise will require an overall assessment of scale, size, efficiencies and require consideration of the entity as a standalone entity and a combined entity operating as a regulated entity. It also requires consideration of:
 - a) governance structures that will provide for local voice/engagement whilst at the same time retaining the benefit of an entity of scale
 - b) the opportunities and challenges in relation to staff in a single entity versus a combined entity scenario.

3. Proposed Voluntary Merger Process

- 3.1. To address the future difficulties of smaller entities, Bill 4 introduces the concept of a locally led, voluntary merger process. The policy intent for the merger process is that *“it is desirable to provide for a legislative process that allows water services entities to merge, to recognise that, in time, councils and communities in higher cost regions may wish to see the benefits of further amalgamation.”*¹
- 3.2. While the desire to strike a balance between local voice and scale is commendable, this submission relates to the fact that Bill 4, in its current form, imposes a 10-entity model on communities before they have had the opportunity to fully assess whether this is the correct option for the communities that they serve.
- 3.3. If the intent of the legislation is to enable local voice, then there is a gap in the provisions that introduce the voluntary merger process. This is because the merger process, as currently drafted, requires a request for a merger proposal to be made to a water service entity’s regional representative group. The process therefore assumes two things:
 - a) That the two water services entities that wish to merge have already been established; and
 - b) A regional representative group is in place for each entity.

¹ Cabinet Paper and minute – Related to progressing the water services reforms, 15 May 2023- Cab-23-Min-0177, paragraph 15 and 16

4. Problem definition

4.1. Bill 4 does not:

- a) give councils and communities the ability to identify and attempt to realise the benefits of further amalgamation between now and the two entities that wish to merge being established
- b) allow for local voice to be heard in the period between the legislation being passed (August 2023 presumably) and an entity's operational establishment date (no later than 1 July 2026); this is a period of nearly three years where communities will have no opportunity to consider and advise on what they consider to be appropriate for the communities they represent.

4.2. The problem stems from the way the voluntary merger process is set out. As noted above, it is premised on (a) the entities that wish to merge both being established and (b) a regional representative group having been appointed to each entity.

4.3. Under Bill 4 an entity is only established (transitionally) when its establishment board is appointed, and it is only operationally established by reference to a date set by Order in Council (being no earlier than October 2024 (other than Entity A) and no later than 1 July 2026).

4.4. The timing for appointing an establishment board appears to be a matter determined by the Department of Internal Affairs. Furthermore, we understand that it is anticipated that the Regional Representative Groups will not be appointed until six months before an operational establishment date (again, as set by Order in Council). With this timeframe, it is a reasonable to assume that the possibility of being able to invoke the voluntary merger process will only practically present itself after the operational establishment date of the two entities that wish to merge.

Implications of the process

4.5. The implications of the merger process being structured in its current form is that regardless of the outcome of the assessment exercises being carried out by Mayoral forums and Iwi, the 10-entity model will be set in stone until all entities are established (operationally).

4.6. This means that even if an assessment points to a combined regional entity being in the best interests of communities and Iwi, the legislation will be indifferent to this and will lock all parties into a process of establishing two entities (operationally) only to then undertake the process of merging them in a matter of years.

4.7. Establishing two entities will require the investment of significant time, effort, and public funds (which will need eventually to be repaid by the ratepayers within the relevant regions). The work will include designing and implementing a detailed entity establishment plan (including designing an organisational structure, agreeing on staff pathways into that structure, recruiting staff into that structure, adopting all the systems, policies and processes required to set up an entity). If the preference from the outset is to combine the two entities, it will be necessary to cause further disruption to staff and business as usual by then engaging in the merger process.

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- 4.8. All of the funds consumed in this structuring and restructuring exercise will come from funds that would otherwise be available for improving water services delivery in the relevant regions.

5. Proposed Solution

- 5.1. As the entities will inherit the cost of the reform, it is imperative that funds are applied sensibly and that communities can put a request for their proposed entity to be combined with another entity before the operational establishment date of both entities if there is community consensus for this. It is nonsensical for this not to be an option when there is strong community consensus.

- 5.2. The questions that arise are:

- a) how can a community demonstrate consensus before the regional representative group is established?
- b) what timeframes need to be put around this option to ensure that the ability to stand up the entities by 1 July 2026 at the latest (whether as standalone entities or a combined entity is not compromised through the passage of time and ongoing uncertainty).

- 5.3. These are addressed in reverse order below.

Timeframe

- 5.4. It is submitted that any preoperational establishment request for a merger must be submitted to the Minister by 1 July 2024 (refer to proposed process for demonstrating consensus below), with any decision in relation to the request to be made by 31 December 2024.

- 5.5. This ensures ample time for communities to engage with stakeholders and Iwi in relation to the request in advance of it being submitted. Furthermore, it allows for a period of 18 months (from 31 December 2024 to 1 July 2025) for the entities to then be established (whether as merged entities or standalone entities, depending on the decision of the Minister).

- 5.6. As the timeframe for establishing an entity is currently stated to be around 15 months by the National Transition Unit, this does not undermine the ability to safely stand the entities up but gives space to consider whether the entities proposed in Schedule 1 of Bill 4 (being a proposed new Schedule 2 to the WSEA 2022) are correct from a community perspective.

Demonstrating Consensus

- 5.7. Bill 4 puts forward the regional representative group as the appropriate forum to consider a merger. However, as noted above, the WSEA 2022 does not provide for this forum to be in place until the end of the establishment period (the operational establishment date).

- 5.8. It is submitted that a new Schedule 2A should be introduced into Bill 4 (with the current proposed Schedule 2A becoming Schedule 2B). The new Schedule 2A should provide that:

- a) A request can be made for two proposed entities (as identified in Parts 2 to 10 of Schedule 1 of Bill 4 (being proposed Schedule 2 to the WSEA 2022) to be merged where that request is made before 1 July 2024.

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- b) The request should be made to the Minister.
 - c) The request must be made in writing and submitted jointly by the territorial authorities for each region that requests the merger.
 - d) The request must evidence that:
 - i. 75% of the territorial authorities within each region wish for their proposed entity to be merged with another proposed entity and set out the reasons for this. This will keep community input at the heart of the process
 - ii. support of mana whenua whose rohe or takiwā fall within each region.
 - e) If either or both of the regions seeking to merge have had an establishment board appointed by the date of the request for a merger, then:
 - i. the position of the establishment board in relation to the merger should be included in the request
 - ii. the establishment board should be directed not to appoint any staff into the water services entity until the request for a merger has been considered by the Minister and a decision issued.
 - f) The decision to approve the request is a matter for the Minister's discretion.
 - g) Once approved, the Minister can then recommend an Order in Council to the Governor-General to amend the relevant schedule of the Act giving effect to the merger and amending the proposed Schedule 1 (introducing Schedule 2 to the WSEA 2022) to reflect the water services entities and their service areas.
 - h) All provisions in relation to the establishment of a water services entity will apply to the merged entity. If an establishment board has been appointed to one or both transitional entities, the Minister will direct the position in relation to the establishment board of the merged entity.
 - i) The new Schedule 2A would expire on 1 July 2024 in relation to requests for mergers and 31 December 2024 in relation to decisions of the Minister.

6. Further Amendments

- 6.1. There will be a number of consequential amendments required to Bill 4 if this submission is accepted. The below is not an exhaustive list but amendments will include:
 - a) Amend proposed new section 6A(3) to include item (ba) which will include reference to "Schedule 2B of this Act"
 - b) Amend proposed new section 19A to WSEA 2022 to read that "Water services entities may merge in accordance with Schedule 2A or 2B"

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- c) Allow for Parts 2 to 10 of proposed new Schedule 2 to be amended where a merger of entities takes place in accordance with Schedule 2A or 2B
- d) Amend the proposed Schedule 2A to be Schedule 2B and title it “merger of water services entities after operational establishment date”
- e) Insert new Schedule 2A and title it “merger of water services entities before 31 December 2024”

7. Submission re post-merger world

- 7.1. It is also submitted that the balance between scale and local voice can be struck within a larger entity through amendments to the governance structure of that entity.
- 7.2. It is a submitted that all references to regional advisory panels in the WSEA 2022 should be amended to refer to local advisory panels. It is submitted that section 47 WSEA 2022 (and related provisions) be amended to provide that:
 - i. the constitution of a water services entity must establish local advisory panels for specific geographical areas within the region
 - ii. the number of local advisory panels will vary from entity to entity but there must be a sufficient number of panels so as to enable a district council representative to sit on one local advisory panel
 - iii. all local advisory panels will have a maximum number of members on the panel as determined by the Entity Constitution (with equal representation from local authority members and mana whenua for the geographical area covered by the local advisory panel)
- 7.3. The role of the local advisory panels will be the same as that set out in section 48 of the WSEA Act 2022, but with a focus on the performance of the Regional Representative Group and how is it exercising its duties, function and powers in respect of, or otherwise affecting, the particular geographical area represented by the local advisory panel.
- 7.4. There should be the ability to review the number of local advisory panels every five years and whether there is a need for change.

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COMMITTEE REPORT



To: The Chairperson and Members of the Strategic Planning and Policy Committee

From: District Plan Team Leader, Nicola Holmes

Subject: **Scope Plan Change 21 – Housing General Review**

Meeting Date: 1 August 2023

1 PURPOSE - TAKE

The purpose of this report is to seek approval from the Strategic Planning and Policy Committee to proceed with an amended scope for Plan Change 21 – Housing General Review, and for a plan change that solely relates to the introduction of Inclusionary Zoning into the Waipā District Plan.

2 EXECUTIVE SUMMARY – WHAKARĀPOPOTOTANGA MATUA

In July 2022 the Strategic Planning and Policy Committee endorsed the deferral of Draft Plan Change 21 due to the prioritisation of Plan Change 26 – Residential Zone Intensification (PC26). The District Plan team is now in a position to resource Draft Plan Change 21 and as part of this process, are revisiting the scope.

The existing scope of Draft Plan Change 21 (confirmed previously by the Committee) includes:

- Enabling affordable housing including inclusionary zoning.
- Strengthening the urban design provisions in the operative district plan.
- Investigate the rezoning of growth cells T6 and C11 from large lot residential to residential.

A number of other residential related provisions that could benefit from amending have arisen from the PC26 process and also from feedback received internally and externally. As a result, staff are seeking two changes to the existing scope:

- a) It is recommended to include additional matters within the scope of Plan Change 21;
- b) in order to fast track the provisions pertaining to ‘inclusionary zoning’ it is recommended that these provisions form a plan change of their own.

3 RECOMMENDATION – TŪTOHU Ā-KAIMAHI

That the Strategic Planning and Policy Committee

- a) **Receives** the report of Nicola Holmes, District Plan Team Leader titled ‘Scope of Plan Change 21 – Housing General Review’ [ECM Number 11056661];
- b) **Endorses** the recommended actions to:
 - i) *increase the scope of Plan Change 21 – Housing General Review to include:*
 - *The rezoning of properties along Golf Road and Kihikihi Road from Rural to Large Lot Residential*
 - *Review of the secondary dwelling provisions in the Residential Zones*
 - *Character Clusters*
 - *Additional controls in relation to development adjoining railway lines*
 - *Commercial corrections facilities*
 - *Ecology provisions*
 - ii) *proceed with a separate plan change for affordable housing/inclusionary zoning.*

4 BACKGROUND – KŌRERO WHAIMĀRAMA

In April 2021, Council approved the scope of Plan Change 21 (PC21) in response to the National Policy Statement for Urban Development (NPSUD) to introduce urban infill and intensification opportunities to the Waipā district.

In July 2022 the Strategic Planning and Policy Committee resolved to defer the notification date for PC21 until early to mid-2023. The delay in notification was due to reduced capacity within the district plan team; the requirement by Central Government to initiate an intensification planning instrument, in the form of PC26; and the collaboration with Hamilton City Council to progress an inclusionary zoning plan change alongside them to align policy framework and provisions, and achieve consistency of approach for the sub-region.

Hamilton City Council have now indicated that they are not in a position to advance inclusionary zoning and rather than defer PC21 further to align with Hamilton City Council it is recommended that Waipā District Council proceed with PC21.

The process for PC26 and internal discussions has also highlighted a number of issues that are outside the scope of PC26 but are recommended to form part of a plan change process. In summary, these include the following:

a. Rezoning of Properties along Golf Road and Kihikihi Road from Rural to Large Lot Residential

The rezoning of a section of properties located along the intersection of Golf & Kihikihi Roads from Rural to Large Lot Residential to reflect the existing level of development. The existing rural zoning of these sites is a “zoning anomaly” that was carried over from the last district plan review and never corrected. Given their small size they are unable to be used for rural productive use and given the lack of connection to a public wastewater system, on-site servicing is required and therefore the larger lot sizes within the Large Lot Residential Zone are appropriate in this context.

b. Reconsideration of Secondary Dwelling Provisions in the Residential and Large Lot Residential Zones

Council receives a lot of queries in relation to the placement of tiny homes. Plan Change 26 proposes to address the current limit on “secondary” dwellings by removing the 70m² maximum size restriction and removing the requirement for secondary dwellings to be ‘visually encompassed’ with the principal dwelling (ie the same roof line). The effect of this is that a second dwelling, of any floor area, and up to 3 stories, would be permitted on all residentially zoned sites under PC26 (except Karapiro Residential Zone), subject to site coverage, setback and outdoor space limits. However accessory buildings such as sleepouts are not bound by any encompassment rule but equally contribute to the “building up” of the District. A review of the provisions for sleepouts is therefore recommended to ensure alignment with the intention of PC26 to enable second dwellings, including tiny homes, as a permitted activity.

c. Character Clusters

The addition of several new residential character areas to the District Plan as a qualifying matter under Proposed Plan Change 26 was ruled out of scope through the substantive hearing process. Assessment, mapping, and draft provisions vis-à-vis these new character areas has already been carried out by a consultant heritage expert. It is recommended that Council amend the District Plan as per the recommendations of the council’s consultant Heritage expert.

d. Additional controls in relation to development adjoining railway lines in terms of noise and vibration provision.

Submitting on Proposed Plan Change 26, KiwiRail expressed the need to manage health, amenity, and reverse sensitivity effects potentially arising from the near proximity of rail and residential activities. KiwiRail’s submission included substantial evidence pertaining to these effects as well as draft provisions to address them, including a 5 metre building setback from a rail designation; an extension of the existing acoustic control from 40 metres to 100 metres from the rail corridor; and the introduction of vibration controls of up to 60 metres from

the rail corridor. It is noted that the proposals will affect only a confined area adjacent to the railway designation (43 sites in total), as shown in Figure 1 below.

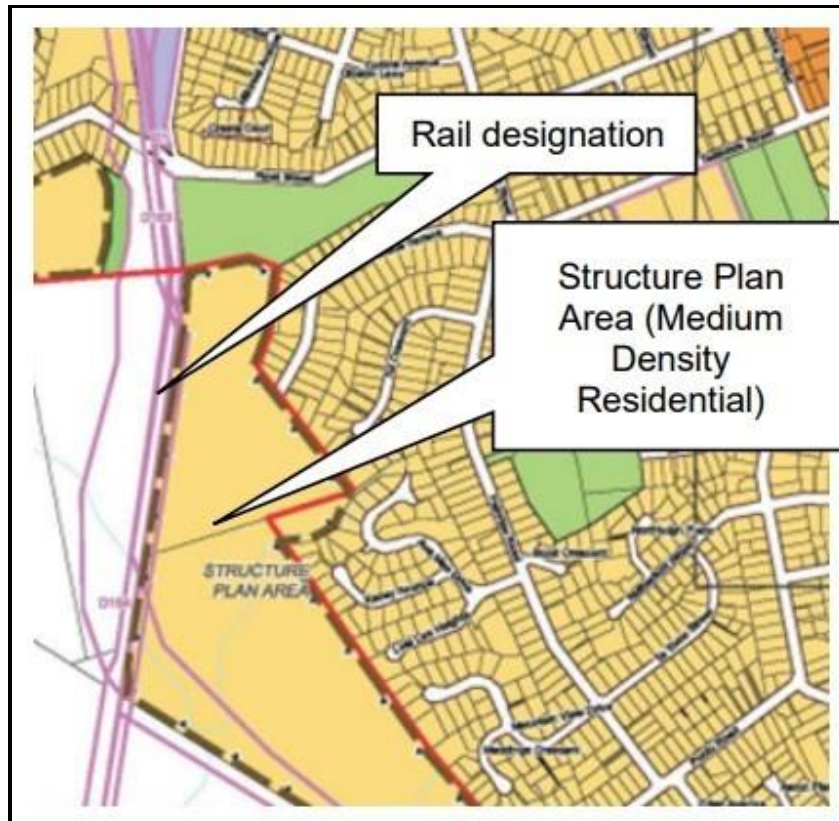


Figure 1 – Properties subject to PC26 in proximity to the railway designation

e. Commercial Corrections Facilities

Submitting on Proposed Plan Change 26, the Department of Corrections Ara Poutama sought that a definition of “community corrections activity” be added to the District Plan and provided for as a permitted activity within the Commercial and Industrial zones.

Community corrections activities include non-custodial service centres and community work facilities. Such facilities enable probation, rehabilitation, and reintegration services as well as the implementation of community work programmes. Staff consider these a relatively benign activity, particularly in a Commercial Zone, of which there will be only a very limited number.

It is recommended that Council investigate possibilities of providing for ‘community corrections facilities’ within the District Plan either as a permitted activity, or via another consenting pathway.

f. Commercial Zoning Framework

The Commercial zone provisions are the same throughout the district however it is acknowledged that the commercial zones differ in scale and appearance. It is

recommended that Council investigate the need for a zone hierarchy with provisions that reflect the different attributes of the commercial centres, consistent with the National Planning Standards¹ (e.g. separates zones for Town Centre; Neighbourhood Centre; Local Centre; and Commercial).

g. Ecology Provisions

Submitting on Proposed Plan Change 26, parks and reserves planner Anna McElrea sought a number of amendments to the District Plan which broadly aim to protect and enhance Waipā's indigenous biodiversity; give effect to the National Policy Statement for Indigenous Biodiversity (NPS-IB: effective from 4 August, 2023) as well as to Te Ture Whaimana o Te Awa o Waikato – the Vision and Strategy for the Waikato River (“Te Ture Whaimana”; and support the creation of well-functioning urban environments with a robust green infrastructure / open space network.

The proposed amendments include the addition of a “River / Gully Overlay” to protect biodiversity corridors; an increased building setback from public open spaces and Significant Natural Areas (SNA); the addition of several new discretionary matters pertaining to a proposal's ecological effects; and an extension of protections for street trees / public plantings beyond those specified in the current District Plan Section 23 – “Protected Trees” (the protection of trees in road corridors and Council reserves is currently covered by Council's “Trees on Council Land Policy”, but this is non-statutory and has no linkage to the District Plan).

It is recommended that Council explore the need for some or all of these provisions, and include new provisions as deemed necessary.

h. Affordable Housing Inclusionary Zoning – Separate Individual Plan Change

Given the extent of these proposed amendments it is recommended that affordable housing provisions (inclusionary zoning) form part of a separate plan change process to enable this to proceed sooner, and in theory quicker as there will be less potential issues to resolve given the narrow scope of the plan change. Work has also been undertaken by the Waikato Housing Initiative group who have provided a draft set of plan provisions with a new chapter to be introduced to the District Plan that solely addresses inclusionary zoning (refer to appendix 1). At the time of writing this report, the draft provisions had not been reviewed in depth but they are considered to be a good starting point in drafting provisions to the Waipā District Plan. Therefore, it is felt that the drafting on affordable housing inclusionary zoning provisions are already part way ahead of assessing the additional plan changes as noted above and it is considered preferable to continue with this momentum and advance affordable housing inclusionary zoning provisions.

¹ <https://environment.govt.nz/assets/publications/national-planning-standards-november-2019-updated-2022.pdf>

5 SIGNIFICANCE & ENGAGEMENT – KAUPAPA WHAI MANA ME NGĀ MATAPAKINGA

Staff have considered the key considerations under the Significance and Engagement Policy, in particular sections 7 and 8 and have assessed that the matter(s) in this report have a medium level of significance.

6 OPTIONS – NGĀ KŌWHIRINGA

Option	Advantages	Disadvantages
<p>Option 1: Proceed with Plan Change 21 as per the approved scope</p>	<ul style="list-style-type: none"> ▪ <i>Within the existing work programme so resourced in terms of budget and staff</i> 	<ul style="list-style-type: none"> ▪ <i>Excludes a number of provisions to the sections of the plan as they relate to urban areas.</i>
<p>Option 2: Proceed with Plan Change 21 as per the approved scope and include the additional matters as referenced above.</p>	<ul style="list-style-type: none"> ▪ <i>Does not require an additional plan change and associated staff resourcing and budget.</i> 	<ul style="list-style-type: none"> ▪ <i>Affordable housing provisions may take longer to be incorporated into the Plan as the multiple amendments will result in longer reporting, consultation and possibly appeal times.</i> ▪ <i>Additional resourcing in terms of staff time and budget likely to be required to provide for engagement and reporting.</i>
<p>Option 3: Proceed with two separate plan changes – a plan change specifically for the introduction of affordable housing provisions and a separate plan change for the remaining matters as outlined above.</p>	<ul style="list-style-type: none"> ▪ <i>Affordable housing provisions likely to be adopted into the Operative Plan quicker.</i> 	<ul style="list-style-type: none"> ▪ <i>There is no staff time or budget allocated to an additional council led plan change. Prioritisation of plan changes likely required.</i>

The recommended option is Option 3. The reason for this is that it enables Council to implement affordable housing provisions into the District Plan potentially quicker given there is one sole focus for consultation, engagement and reporting. This is particularly critical at present when there is a need for, and focus on providing

affordable housing within Waipā so people can afford to continue living and working within the district.

7 OTHER CONSIDERATIONS – HEI WHAIWHAKAARO

Council’s Vision and Strategic Priorities

The plan change supports the Council’s Community Outcomes by providing affordable housing to improve the quality of life for current generations.

The proposed changes to the existing provisions will also enable greater development within the urban areas, consistent with the pattern for future growth of the district as outlined within the 2050 District Growth Strategy.

Legal and Policy Considerations – Whaiwhakaaro ā-Ture

Staff confirm that Option 3 complies with Council’s legal and policy requirements.

The legal implications of Option 3 and how these will be addressed are noted below:

As part of this process, we will need to consider how to deliver affordable housing and if the concept of ‘inclusionary zoning’ is the right mechanism. The legality of ‘inclusionary zoning’ is an outstanding question raised by some submitters to the Queenstown Lakes District Council inclusionary zoning plan change, which is likely to be tested through their plan change hearing process. However, we are obtaining legal advice on this matter, to provide certainty before investing resources in preparing an inclusionary zoning plan change, which will be reported back. At the time of writing this report, no legal advice on this matter was received.

Financial Considerations – Whaiwhakaaro ā-Pūtea

The total costs to complete the two plan changes is approximately \$148,000. This amount is budgeted for in the 2023/24 Annual Plan, with \$100,000 allocated to Plan Change 21 and \$48,000 allocation to Plan Change 25 - Flood Hazard Maps. The mapping of the flood hazards is proposed for incorporation into Plan Change 30 and therefore it is recommended that the money set aside for Plan Change 25 is reallocated is used as the source of funding for an additional plan change and will not have an impact on rates.

Staff resourcing

We have reviewed our resourcing and capacity in light of some key staff changes. We confirm there is sufficient staff resourcing to proceed with PC21 as recommended.

Risks - Tūraru

There are no known significant risks associated with the decisions required for this matter.

8 NEXT ACTIONS

Action	Responsibility	By When
Obtain legal advice on inclusionary zoning	District Plan Team/Legal	Mid August 2023
Depending on outcome of legal advice and decision of SP&P – draft s32 report for separate Affordable Housing Inclusionary Zoning plan change and proceed with notification (including report-back to SP&P Committee)	District Plan Team	August – Nov 2023
Workshop Issues and Options with Elected Members in relation to additional matters in PC21	District Plan Team	End of August 2023
Finalise Issues and Options and drafting of section 32 report for PC21 and proceed with notification	District Plan Team	Sept – Dec 2023

9 APPENDIX - ĀPITITANGA

No:	Appendix Title
1	Inclusionary Housing – Draft Waipā Provisions [ECM 11056653]



Prepared by: Nicola Holmes
DISTRICT PLAN TEAM LEADER



Reviewed by: Tony Quickfall
MANAGER DISTRICT PLAN & GROWTH



Approved by: Wayne Allan
GROUP MANAGER DISTRICT GROWTH & REGULATORY SERVICES

APPENDIX 1

Inclusionary Housing – Draft Waipā Provisions (*ECM Number 11056653*)

The Waipa District Plan

Draft Inclusionary Housing Amendments

Text in blue are proposed additions/amendments.

Part B: Definitions

Add the following definitions:

'Lands Trust'	means a registered charity recognised by Council as a suitable entity to hold land in perpetuity for affordable housing.
'Registered Community Housing Provider'	means an entity registered under section 172 of the Public and Community Housing Management Act 1992.

Part C: Strategic Policy Framework

Add the following objective and policies:

Objective – affordable housing choices

- 1.3.7 To ensure affordable housing choices for low to moderate income households are provided in new residential developments so that a diverse and economically resilient community representative of all income groups is maintained into the future.

Policy – Inclusionary housing

- 1.3.7.1 Ensure that affordable housing choices for low to moderate income households are incorporated into new neighbourhoods and settlements and in redevelopments of existing neighbourhoods.
- 1.3.7.2 Ensure that affordable housing provided in accordance with Policy 1.3.7.1 is retained to meet the long term needs of current and future low to moderate income households.
- 1.3.7.3 Where developers are not incorporating affordable housing choices for low to moderate income households into new residential developments, require from development and subdivision that involves a residential component the transfer of land or money to Council or by agreement to a Lands Trust as a financial contribution towards meeting Objective 1.3.7 and policy 1.3.7.1 and 1.3.7.2, with contributions primarily sourced from residential subdivision and development.

Part E: District Wide Provisions

Add a new District-wide chapter as follows:

Section 18A – Inclusionary Housing

18A.1 Introduction

- 18A.1.1 The purpose of this chapter is to make provision for housing choices for low to moderate income households in new neighbourhoods and in redevelopments of existing neighbourhoods.

18A.1.2 Affordable housing is where a low or moderate income household spends no more than 35% [SUBJECT TO DEFINITION YET] of their gross income on rent or mortgage (principal and interest) payments. In the Waipa District, and for the purposes of these provisions, up to [EXAMPLE] 120% of the District's Median Household Income for the most recent 12 months is used to define a low to moderate income.

18A.1.3 The rules in this chapter apply to most forms of subdivision and development for residential activities. Provision is made for affordable housing by imposing a standard requiring that a development incorporate affordable housing, or that a financial contribution to be made. This chapter sets out the purpose of the financial contribution, and the manner in which the level of contribution (i.e. the amount) is determined. The financial contribution to be provided to the Council is for a different purpose to any development contribution listed in the Council's current contributions policy and is imposed in addition to a development contribution.

18A.1.5 The primary means of implementation of contributions received by the Council will be through a Lands Trust.

18A.2 Resource Management Issues

18A.2.2 The high demand on housing resources, limitations of land supply and the lack of variety in housing stock means that the District's housing market cannot function efficiently. This has long term consequences for low to moderate income households needing access to affordable housing. In turn, this has adverse outcomes for the integrated and sustainable management of natural and physical resources, including pressure for additional urban expansion, displacement of lower income households to outlying settlements, and reduction of social and economic wellbeing. (See especially Objective 1 and Policy 1 of the NPS-UD.)

18A.3 Objectives and Policies

Please also refer to the objectives and policies of Part C, Part D, and Part E, as relevant.

Objective – Inclusionary housing

18A.3.1 Provision of affordable housing for low to moderate income households in a way and at a rate that assists with providing a range of house types and prices in different locations so as to support social and economic well-being and manage natural and physical resources, in an integrated way.

Policy – Inclusionary housing

Target affordable housing contributions to residential subdivisions and developments (including Residential Visitor Accommodation and independent living units in retirement villages) where housing is in high demand and generally close to employment, educational and community services, being land within Urban Limits, or where a plan change or resource consent seeks to establish urban scale development.

18A.3.2 Require residential developments that indirectly influence housing choices for low to moderate income households, such as residential development in the Large Lot Residential and Deferred Large Lot Residential zones to contribute to meeting affordable housing needs.

18A.3.3 Ensure that residential subdivision and development set out in Policy 18A.3.1 and 18A.3.2 either incorporates affordable housing or provides a financial contribution for affordable housing. Avoid subdivision or development for residential activities that does not provide a contribution, or otherwise does not make appropriate provision to help meet the affordable housing needs of the District.

- 18A.3.4 Recognise that the following forms of residential development either provide affordable housing or do not generate pressure on housing resources and should not be subject to the affordable housing contribution:
- social or affordable housing delivered by Kāinga Ora, a publicly owned urban regeneration company, the Council or a Registered Community Housing Provider;
 - Managed care units in a Retirement Village (as defined by the Retirement Villages Act 2003) or Rest Home (under the Health and Services Disability Act 2001); and
 - Secondary dwellings.
- 18A.3.5 Determine the amount of financial contributions in consideration of the following matters:
- The longer-term demand and need for affordable housing;
 - The impact of a contribution on the commercial feasibility of development at an area-wide scale and over different time periods;
 - The differences in commercial feasibility between greenfields and brownfields urban development; and
 - Whether the subdivision and development is located inside or outside of Urban Limits.
- 18A.3.6 For larger residential subdivisions within urban limits, contributions in the form of land are preferred over monetary contributions as this helps achieve distribution of affordable houses throughout the District. Contributions in the form of land must be lots located within the subdivision site. Contributions of lots located outside the subdivision site may only occur where this leads to a superior outcome in terms of access by future residents to services and community facilities.
- 18A.3.7 Financial contributions received by Council or by agreement directly to a Lands Trust shall be used for the purposes of providing affordable housing for low to moderate income households.
- 18A.3.8 Provision of affordable housing by means other than a financial contribution to the Council or a Lands Trust (such as direct transfer of land or units to a Registered Community Housing Provider for to a low to moderate income household) may occur where there are appropriate eligibility criteria and retention mechanisms.

18A.4 Rules

18A.4.1 Interpreting and Applying the Rules

- 18A.4.1.1 Contributions of money from a subdivision activity must be paid to the Council or by agreement to a Lands Trust before the issue of a certificate under section 224(c) of the RMA. Where land forms part or all of the provision of affordable housing by the developer, all necessary legal agreements to ensure implementation of such a contribution must be completed and executed before the issue of a certificate under section 224(c) of the RMA.
- 18A.4.1.2 Contributions of money from a land use activity must be paid to the Council or by agreement to a Lands Trust no later than 3 months after the issue of the necessary building consents under the Building Act 2004. If land forms part or all of a contribution, all necessary legal agreements to ensure implementation of such a contribution must be completed and executed before the issue of the necessary building consents under the Building Act 2004.
- 18A.4.1.3 Where a rule specifies a set monetary contribution per square metre of floorspace, this amount shall be adjusted in accordance with the most recent changes to Statistics New Zealand Producer Price Index for Construction Outputs - EE11 Building construction SQUEE1100, with March 2023 as the base year.

18A.4.1.4 For the purposes of this Chapter, residential floorspace is defined as any floorspace in a building that accommodates a residential activity, except the floor area of any garage or carport.

18A.4.2 Activity Status Tables

18A.4.2.1	Permitted activities
(a)	Subdivision or development that is proposed to contain or is capable of containing residential lots or units (including residential visitor accommodation units and independent living units in retirement villages) and provides an affordable housing financial contribution in accordance with standard 18A.4.3.1.
18A.4.2.2	Discretionary Activities
(a)	Subdivision or development that is proposed to contain or is capable of containing residential lots or units (including residential visitor accommodation units and independent living units in retirement villages) which does not provide an affordable housing financial contribution in accordance with standard 18A.4.3.1.

18A.4.3 Performance Standards

Rules – Inclusionary housing

18A.4.3.1 An Affordable Housing Financial Contribution shall be provided to Council as follows:

1. Subdivisions:
 - a) Residential subdivisions within Urban Limits or other Residential or Deferred Residential Zones outside Urban Limits:
 - i. resulting in more than 1 but less than 20 new lots: a monetary contribution shall be paid to the Council or by agreement to a Lands Trust equal to 5% of the estimated sales value of serviced lots;
 - ii. resulting in 20 or more lots: a contribution of land comprising 5% of serviced lots transferred for no monetary or other consideration to a Lands Trust.
 - b) Residential subdivisions within any Large Lot Residential or Deferred Large Lot Residential Zones:
 - i. A monetary contribution shall be paid to Council or by agreement to a Lands Trust equal to 5% of the estimated sales value of the lots created.
2. Development:
 - a) Residential floorspace for any new or relocated units on lots that have not been subject to a financial contribution under 18A.4.3.1 above: A monetary contribution shall be paid to Council or by agreement to a Lands Trust equal to the lesser of:

- i. 2.0% of the estimated sales value of the additional units, or
 - ii. \$150 per sqm of the net increase in residential floorspace.
- b) Residential floorspace for any new or relocated units on lots that have not been subject to a monetary contribution under 1 (b) above: A monetary contribution shall be paid to Council or by agreement to a Lands Trust equal to:
- i. \$75 per sqm of the net increase in residential floorspace.
- c) For new residential floorspace on lots that have provided a monetary contribution under 1(a) above, a 'top up' monetary contribution shall be paid to Council or by agreement to a Lands Trust, equal to the formula (A) – (B):
- With (A) being the lesser of:
- 2.0% of the estimated sale value of the additional units, or
 - \$150 per sqm of the net increase in residential floorspace, and
- (B) being the per lot contribution paid under 1 a).

3. Exemptions:

For the purposes of this standard, the following types of residential activities shall not be counted as contributing to the total number of residential units in a development, nor be counted towards fulfilling the requirement of 18A.4.3.1:

- a) A secondary dwelling;
- b) social or affordable housing delivered by Kāinga Ora, a publicly owned urban regeneration company, the Council or a Registered Community Housing Provider that complies with the requirements of Schedule 18.1, where affordable housing comprises at least 10% of the dwelling units in the development; or
- c) a managed care unit in a Retirement Village or Rest Home (as defined by the Retirement Villages Act 2003 or the Health and Disability Act 2001); or
- d) where previous agreements and affordable housing delivery with Council have satisfied objective 1.3.7 and 18A.3.1 and their associated policies.

4. Interpretation:

The estimated sales value of lots, units or residential floorspace shall be determined by a valuation report prepared, at the applicant's expense, by a Registered Valuer (as mutually agreed by the Council and the applicant) within the 3 months prior to the financial contribution being paid. In the event of disagreement, the Council shall appoint a valuer to determine the matter.

18A.4.3.2 Affordable lots provided in accordance with 18A.4.3.1 1 a) ii) shall be located within the development site, serviced and unencumbered.

18A.4.3.3 Where development is to be staged, the affordable housing contribution is to be provided as each stage proceeds, on a proportionate lot basis.

Activities that fail to comply with Rules 18A.4.3.1 to 18A.4.3.3 will require resource consent as a discretionary activity

18A.5 Assessment Criteria

18A.5.1 Discretionary activities

For discretionary activities Council shall have regard to the assessment criteria in Section 21. The criteria in Section 21 are only a guide to the matters that Council will consider and shall not restrict Council's discretionary powers.

18A.6 Schedule 18.1

Where a financial contribution is not provided, and an alternative solution proposed, then the requirements in 18A.4.3.1 must be met by compliance with the following:

Retention Mechanism

18A.6.1 The lot or floorspace being sold to an eligible buyer with a legally enforceable retention mechanism which is fair, transparent as to its intention and effect and registrable on the title of the property, including, but not limited to, a covenant that preferences the position of a Lands Trust, supported by a memorandum of encumbrance or similar legal arrangement registered on the record of title or consent notice under the RMA, that:

- a) limits ownership and re-sale (including a future residential unit in the case of a vacant site subdivision) to:
 - i. Kāinga Ora, a publicly owned redevelopment agency or a Registered Community Housing Provider, or
 - ii. an occupier who is approved by the Lands Trust as meeting the eligibility criteria below, and
- b) limits rent and resale to an eligible buyer based on a formula that ensures that the lot or dwelling remains affordable into the long term, including a future residential unit in the case of vacant site subdivision; and
- c) prevents circumvention of the retention mechanism and provides for monitoring of the terms of the retention mechanism covenant or consent notice and the process should those terms be breached including where occupiers have defaulted on the mortgage and lenders seek to recover their interests in the property, and
- d) is legally enforceable by the council in perpetuity through the means of an option to purchase in favour of the council or Lands Trust at the price determined in accordance with (e), supported by a caveat.
- e) at the time of resale, requires the reseller to:
 - i. apply the same formula used to determine the price of the original purchase;
 - ii. allows the reseller to recover the cost of capital improvements made subsequent to purchase, approved by the Lands Trust at a value determined by a registered valuer.

Eligibility

18A.6.2 For the purposes of 18A.6.1 an eligible buyer shall:

- a) Be a household with a total income of no more than 120% [EXAMPLE] of the District's area median household income;

- b) Be a household whose members do not own or have interest in other real estate;
- c) Must not own or be a beneficiary of a business or trust that has adequate income and/or assets that enables the household to enter into home ownership independently;
- d) Will live at the address and not let or sublet the unit to others; and
- e) Have at least one member who is a New Zealand resident or citizen.

Affordability

18A.6.3 Affordability means households who have an income of no more than 120% [EXAMPLE] of the district’s median household income and spend no more than 35 per cent [SUBJECT TO DEFINITION YET] of their gross income on rent or mortgage repayments, where:

- a) median household income shall be determined by reference to Statistics New Zealand latest data [OR OTHER AGREED SOURCE SUCH AS INFOMETRICS], and as necessary, adjusted annually by the average wage inflation rate;
- b) in the case of purchase, normal bank lending criteria shall apply. Body Corporate or Resident Society fees may be included in the calculation of purchase costs;
- c) In the case of the sale of a vacant site only, the site is sold at a price such that the resulting dwelling plus the site will meet the criteria set out above.

Amend Section 21 Assessment Criteria as follows:

21.1.27 Inclusionary Housing

Inclusionary Housing Assessment Criteria		
<p>Discretionary Activities Refer also to 21.1.1 Assessment Criteria for ALL discretionary activities</p>		
21.1.27.1	The amount of the contribution	a) Whether the site or development has unique or unusual characteristics that would mean full provision of the required number of affordable lots or monetary contribution imposes a significant financial burden on the development that would make the development unviable, as demonstrated by a site-specific development feasibility assessment that utilises industry accepted assessment methodologies, and an alternative mix or contribution is appropriate. It is expected that a full assessment of costs will be provided based on an “open book” approach i.e. the developer will be expected to make all of the relevant cost information available.
21.1.27.2	Land versus monetary contribution	a) Whether the contribution is more appropriately provided in the form of money rather than land (lots) due to the location of the lots; their size and/or on-going high costs

		of upkeep (including resident’s society or body corporate fees or similar).
21.1.27.3	Off-site provisions	<p>a) Where lots are required, whether off-site locations may be considered for all or part of the requirement where:</p> <ul style="list-style-type: none"> i. there are exceptional reasons to avoid on-site provision, such as the site being poorly located for affordable housing, and/or ii. the alternative sites are in close proximity to the development (i.e. within 2kms) and offer a superior outcome in terms of improved access to services and transport and or improved mix of dwelling types. Particular consideration will be given to whether the off-site provision will better address priority needs, particularly family housing, and/or iii. the applicant has entered into a legally binding agreement with a Council approved Registered Community Housing Provider or Lands Trust who can demonstrate that on-site provision will not meet their operational requirements and that an off-site location will deliver a superior outcome in terms of the number, mix and/or on-going management of the required retained affordable housing.
21.1.27.4	Staging of dwellings units and/or lots	<p>a) Deferral of provision of affordable lots or units to subsequent stages should generally not occur.</p> <p>b) Whether delayed delivery of the affordable dwellings or lots can be appropriately secured through a suitable binding agreement with the Council or a by agreement a Lands Trust, the terms of which may include a bond.</p>
21.1.27.5	Alternative forms of contribution	<p>a) Alternative forms of contribution to that specified in 18A.4.3.1 (such as sale of lots or units direct to a Registered Community Housing Provider or a low to moderate income household) should not result in a lesser contribution.</p> <p>b) Transfer of lots or units should involve an appropriate retention mechanism and be subject to eligibility criteria (as specified in Schedule 18.1).</p> <p>c) Alternative forms of contribution should only be considered where exceptional circumstances apply.</p>

COMMITTEE REPORT



To: The Chairperson and Members of the Strategic Planning and Policy Committee

From: District Plan Team Leader, Nicola Holmes

Subject: **SCOPE FOR PLAN CHANGE 30 – MINOR TECHNICAL AMENDMENTS**

Meeting Date: 1 August 2023

1 PURPOSE - TAKE

The purpose of this report is to seek endorsement from the Strategic Planning and Policy Committee in relation to the scope of changes to be addressed under Plan Change 30 to make technical amendments to the Waipā District Plan.

2 EXECUTIVE SUMMARY – WHAKARĀPOPOTOTANGA MATUA

As a result on feedback from internal staff and stakeholders within the community, a number of minor amendments to the Waipā District Plan are proposed. The proposed scope of Plan Change 30 includes:

- Amending the rules in the Rural Section to maintain a 6m height for shelterbelts once planted.
- Creating more permissive rules in relation to crop protection structures as they relate to building coverage and yard setbacks, but introducing colour restrictions to minimise visual impact.
- Amend rule 2.4.2.24 to remove ambiguity in the rule around roof form for dwellings within the Cambridge Structure Plan Area.
- Update the provisions in Section 17 to remove the size restriction on solar power generation collection panels attached to buildings.
- Removing reference in the Rural chapter to ‘uplifting of quarry buffer zones’.
- Revising Section 19 (Hazardous Substances and Contaminated Land) to remove reference to rules that are covered by regulations contained within the National Environmental Standard for Assessment and Managing Contaminants in Soil to Protect Human Health (NES:CS) and the Hazardous Substances and New Organisms Act 1996.
- Removing the Flood Hazard Area overlays from the Planning Maps and having this as a non-statutory overlay, incorporated into the District Plan under the RMA

by a rule referencing the overlay so every time new flood modelling data becomes available a plan change process is not required to update the maps. Flood hazard rules are still retained in the plan and the rules reference specific flood maps which sit outside the district plan.

- Increasing the number of public events that can be held in the Cambridge Town Hall piazza. Currently only two events are permitted.
- Removal of rules within the Residential and Large Lot Residential zones that are now regulated by the adoption of the Animal Nuisance Bylaw 2022.
- Revising the rules in relation to lighting to mitigate effects arising from glare and also introduce industry standards used for measuring glare and monitoring for compliance with the permitted standards.
- Updating the permitted noise levels for the St Kilda area as the existing background noise levels exceed the permitted thresholds.

3 RECOMMENDATION – TŪTOHU Ā-KAIMAHI

That the Strategic Planning and Policy Committee

- a) **Receives** the report of Nicola Holmes, District Plan Team Leader titled ‘Scope for Plan Change 30 – Minor Technical Amendments’ (ECM Number 11056679);
- b) **Endorses** the recommendation of the District Plan team in relation to the scope of Plan Change 30 – Minor Technical Amendments’.

4 BACKGROUND – KŌRERO WHAIMĀRAMA

The District Plan team have been accumulating a number of recommended changes to the Waipā District Plan in response to comments from internal staff and external stakeholders. Plan Change 30 – Minor Technical Amendments to the Operative District Plan’ (PC30) is an attempt to amend the provisions in response to the various feedback received as part of one plan change process. In summary the various issues are outlined below.

a. Shelter Belts

The rule for shelter belts in the Rural Zone (rule 4.4.2.58) requires resource consent for any shelter belt planting that has the potential to grow beyond 6m. It is proposed that these rules are revised to reference maintenance of shelter belts to a maximum height of 6m.

b. Crop Protection Structures

Under the current provisions crop protection structures fall within the definition of a building and thereby requiring setbacks from the road and internal boundaries and fall within the calculation for building coverage (Section 4 Rural Zones). Following a workshop with elected members on 30th June 2023 it is

proposed that the yard setbacks for crop protection structures are reduced, exempt from building coverage calculations and standards included requiring shade cloths to either be green or black in colour to minimise visual effects.

c. Solar Power

Within Chapter 17 solar power generation collector panels attached to buildings are restricted to a size limit of 6m² and in general existing panels exceed this area. A removal of the size restriction is proposed and to mitigate effects in protected landscapes, the inclusion of standards pertaining to glare and projection from the roof.

There is also no provision within the Plan for solar farms and given the policy direction of central government in enhancing renewable electricity generation, it is proposed to introduce a consenting pathway into the Plan for solar farms.

d. Quarry Buffer Zone

Rule 4.4.2.57 states that quarry buffer zones can be uplifted by way of a Council resolution. However, this mechanism is ultra vires, and the District Plan can only be changed via a plan change process. It is proposed that the provisions relation to uplifting quarry buffer overlays are deleted from the Plan.

e. Section 19: Hazardous Substances

The provisions in Section 19 relate to hazardous substances and land contamination. These matters are also regulated by the National Environmental Standard: Contaminated Soil and the Hazardous Substances and New Organisms Act 1996. The provisions themselves are highly technical and not user friendly. It is therefore proposed to amend the provisions to simplify them and remove reference to matters that are addressed under the regulations as referenced above.

f. Flood Hazard Overlay

The flood hazard overlay is identified on the maps contained within and as part of the District Plan and therefore any updates to the overlay arising from new data needs a plan change process to occur to update the maps. It is proposed that the provisions are amended to remove the 'Flood Hazard Area' overlay from the District Plan maps, to include this data as a non-statutory overlay with the rules that still reference flood mapping and managing risks to, and exacerbation of natural hazards. This is known as "incorporation by reference" and means that the flood overlay maps still apply to developments, but any changes and updates to these maps does not need to follow a plan change process.

g. Events at the Cambridge Town Hall Piazza

Under the current Plan provisions only two events per calendar year can be held within the Cambridge Town Hall piazza. These two events are pre-approved and allocated to events associated with Anzac Day and Armistice Day. It is proposed to amend these provisions to enable more events to occur annually as permitted activities, which are entirely appropriate and in keeping within a Commercial Zone

h. Animal Nuisance Provisions in Residential Zones

As a result of the Animal Nuisance Bylaw 2022 that regulates the keeping of bees, poultry and other animals in urban areas, related rules in the Residential Zone and Large Lot Residential Zone are now redundant and it is proposed to remove these provisions from the Plan.

i. Light Spill and Glare Rules

Waipā District Council's Environmental Health team have received several complaints regarding the impact of glare from new commercial and industrial developments within close proximity to residential properties. A review of the of rules in relation to lighting and impacts of glare are proposed as these are proving to be ineffective, and the addition of a lighting standard is proposed to enable effective measurement and compliance with the lighting standards.

j. Noise Rules

The existing background noise levels for St Kilda, due to proximity to the state highway, exceeds permitted noise levels and becomes problematic when assessing resource consents. A new permitted noise level is required for St Kilda that takes into account the existing state highway noise environment.

5 SIGNIFICANCE & ENGAGEMENT – KAUPAPA WHAI MANA ME NGĀ MATAPAKINGA

Staff have considered the key considerations under the Significance and Engagement Policy, in particular sections 7 and 8 and have assessed that the matter(s) in this report have a medium level of significance.

6 OPTIONS – NGĀ KŌWHIRINGA

Option	Advantages	Disadvantages
Option 1: Proceed with Plan Change 30 as per the	<ul style="list-style-type: none"> The workability and practicality of the plan provisions are improved. 	<ul style="list-style-type: none"> The extensive list of changes may result in additional time for processing of the plan

Option	Advantages	Disadvantages
scope of items listed above.	<ul style="list-style-type: none"> ▪ <i>The Operative District Plan better achieves the purpose of the RMA in respect of efficiency, effectiveness, costs and benefits</i> ▪ <i>Plan Change 30 has been included within the resourcing for the upcoming year in terms of staff and budget.</i> 	<p><i>change due to the level of engagement and consultation required.</i></p>
<p>Option 2: Do nothing.</p>	<ul style="list-style-type: none"> ▪ <i>There will be staffing and financial resources to reallocate to other plan changes that may have greater priority.</i> 	<ul style="list-style-type: none"> ▪ <i>Some of the existing rules which are not working well will continue to be ineffective and/or inefficient.</i> ▪ <i>Unnecessary consenting requirements remains part of within the Plan.</i> ▪ <i>Some rules continue to be problematic in respect of enforcement.</i> ▪ <i>An ultra vires rule (beyond council's legal powers) remains.</i>
<p>Option 3: Proceed with Plan Change 30 but undertake a prioritisation exercise and reduce the scope of the plan change.</p>	<ul style="list-style-type: none"> ▪ <i>The scope of the plan change is reduced and thereby potentially reducing the extent of engagement and processing timeframes and associated costs.</i> 	<ul style="list-style-type: none"> ▪ <i>Some of the plan provisions will remain impractical and/or, inefficient and/or ineffective.</i> ▪ <i>An additional plan change will be required in the future to address the issues arising from those items not included within scope and will need associated staffing and financial resourcing.</i> ▪ <i>Increases costs and inefficiency of doing an additional plan change</i>

The recommended option is Option 1. The reason for this is that only one plan change will be required and there has been staffing and budgeting resources allocated to this plan change in the upcoming financial year. Whilst the scope does include a number of items, these are predominantly 'minor' in nature and unlikely to create contention and delays.

7 OTHER CONSIDERATIONS – HEI WHAIWHAKAARO

Council's Vision and Strategic Priorities

The proposed plan change supports the Council's Environmental Outcomes by enabling and enhancing the existing provisions for solar power generation and being responsive to climate change through making provision for updates related to flood modelling.

In addition, it also supports Council's Economic Outcomes by having provisions that support the expansion of business activities, notably in association with horticultural practices.

The other changes noted are intended to improve amenity throughout the district and will promote greater social outcomes by ensuring Waipā is a great place to live and work.

Legal and Policy Considerations – Whaiwhakaaro ā-Ture

Staff confirm that Option 1 complies with Council's legal and policy requirements.

Financial Considerations – Whaiwhakaaro ā-Pūtea

The total costs to complete this plan change is \$28,000. This amount is budgeted for in the 2023/24 current year forecast when the costs will be incurred.

Risks - Tūraru

There are no known significant risks associated with the decisions required for this matter.

8 NEXT ACTIONS

Action	Responsibility	By When
Workshop with elected members	District plan team	Mid Sept 2023
Finalise issues and options	District plan team	End of Sept 2023
Prepare section 32A report	District Plan team	Oct 2023
Notification of plan change	District Plan team	Nov/Dec 2023

Prepared by: Nicola Holmes
DISTRICT PLAN TEAM LEADER

Reviewed by: Tony Quickfall
MANAGER DISTRICT PLAN & GROWTH

Approved by: Wayne Allan
GROUP MANAGER DISTRICT GROWTH & REGULATORY SERVICES

COMMITTEE REPORT



INFORMATION ONLY

To: The Chairperson and Members of the Strategic Planning and Policy Committee

From: Tony Quickfall, Manager District Plan and Growth

Subject: **Urban Design Planning Assessments Update**

Meeting Date: 1 August 2023

1 EXECUTIVE SUMMARY – WHAKARĀPOPOTOTANGA MATUA

This report provides an update on Council's approach to urban design assessments in the resource consent process. No changes to the current processes are recommended.

2 RECOMMENDATION – TŪTOHU Ā-KAIMAHI

That the Strategic Planning and Policy Committee receive the report of Tony Quickfall, Manager District Plan and Growth, titled Urban Design Planning Assessments Update [ECM number 11062137].

3 COMMENTARY - KŌRERO

Background

In 2019 as the incoming Manager District Plan and Growth I was tasked with looking at how Waipā District Council conducts urban design assessments. One of the considerations was whether there was a need for an Urban Design panel. Appendix 1 sets out that review along with six recommendations. Recommendations one to five have all been implemented with recommendation six being to *consider* an urban design panel.

An urban design panel was not considered necessary as the other recommendations successfully led to improved processes around urban design assessments and outcomes.

This Review

Interest in urban design assessments has been increasing following several growth cells coming on-line and also with the roll out of Council's intensification plan change (Plan Change 26), along with consultation / feedback on Ahu Ake. Staff are aware of some

public interest in urban design, and at least one firm lobbying for the creation of an urban design panel.

Senior council staff¹ have undertaken an internal review of Council’s urban design processes. This review consisted of:

- reviewing the previous recommendations (refer Appendix 1);
- reviewing current practices;
- review of the urban design provisions in the Waipā District Plan;
- reviewing how urban design has been applied through resource consents in respect of efficiency, effectiveness, costs, benefits and “on the ground” outcomes” as measured through general public feedback, public acceptance and any complaints;
- consideration of relevant evidence and hearing panel comments in relation to Plan Change 26; and
- consideration of the RMA amendments² that limit the ability of Council to impose specific urban design controls in residential zones.

This review has occurred over the past few months and the review team has drawn the following conclusions:

- a. District Plan and urban design
 - i. Existing urban design provisions in the Waipā District Plan do not have a lot of “teeth” by using terms such as ‘should’, ‘encourage’ and ‘consider’ etc. Given the way in which the urban design provisions are written in the plan, it would be difficult to notify and/or decline an application based solely on urban design grounds.
 - ii. The scope of Plan Change 21 to strengthen urban design provisions is re-confirmed.
- b. Urban design skill sets
 - i. All planners should have a basic understanding of urban design principles, particularly when assessing urban development, and this level of understanding can be achieved from an in-house training session.
 - ii. Rather than one or two “champions” (with inherent risks around skill capture and knowledge capture), all planners should be aware of urban design principles and the New Zealand Urban Design Panel, as a core skill set.
 - iii. For any staff member to be considered an urban design expert, they should have the necessary training, experience and/or qualifications. Ideally it would be good if Council did have an in-house urban design

¹ Sponsor: Group Manager District Growth and Regulatory; review team comprised Manager District Plan and Growth, Consents Team Leader, District Plan Team Leader

² Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021

expert. In the meantime we have a pool of expert urban design consultants to draw on.

- iv. It was noted that the review team all individually have urban design expertise, and this is augmented by consultants who have qualifications to support their experiential expertise.

c. Urban design assessments

- i. A list of triggers for when input from a suitably qualified person remains a useful tool for resource consent planners, although it should be used as a guide only.
- ii. If an urban design assessment is required for a specific proposal then this should continue to be obtained from the applicant in the first instance.
- iii. In accordance with current practice, an urban design assessment should **not** be prepared by the applicant's planner, but by a qualified urban design expert. This assessment, if necessary, is peer reviewed by an urban design expert on behalf of Council.
- iv. There should be clarity and certainty between an *architectural* urban design assessment³ versus *spatial* urban design assessment⁴. They are different disciplines requiring different expertise.
- v. The current process is working well in terms of applicant expectations, costs of development being borne by the applicant, and agreed outcomes/design improvements.
- vi. It is noted that the RMA provides various avenues for a consent applicant to undertake formal proceedings if they disagree with the outcome.
- vii. In terms of the baseline for assessments, it was noted that Waipā District Council is a signatory to the NZ Urban Design Protocol⁵, which provides a nationally consistent approach to urban design.

d. Urban design panel

- i. This review, and combined experience of the review team, confirms that such panels have not been overly helpful. Council urban design experts generally seek their input to assist them with arguing against the applicant's urban design expert. Ultimately it still results in urban designer v urban designer, with the planner and decision maker having to decide who's opinion they favour more, and why.
- ii. An urban design panel will almost certainly be a cost to council, as there is an expectation that this is provided as a "free" service to applicants. If Council were looking to charge applicants for a proposal going before an urban design panel then agreement should be sought from the applicant in

³ How a building looks in context of the location and other buildings.

⁴ The form, function and flow between built structures, streets and public open spaces.

⁵ <https://environment.govt.nz/publications/new-zealand-urban-design-protocol/>

the first instance that they are prepared to pay the costs, which is similar to how Auckland Council operates their Urban Design Panel.

- e. Urban design in the eye of the beholder
 - i. A frequent issue is the subjective nature of urban design. For example, expert evidence was presented by Kainga Ora’s qualified and experienced urban design for Plan Change 26. In this evidence the following examples of buildings were presented that would breach the operative rules of the Waipā District Plan (note figure 1 in the evidence refers to another table).



Figure 2 - Christchurch Row Housing



Figure 3 - Hobsonville Row Housing



Figure 4 - Hobsonville Duplex Housing



Figure 5 - Hobsonville Walk-up Apartment

- ii. Kainga ora’s expert went on to say:
 - “these all provide appropriate design outcomes and help add to overall visual interest and diversity of housing stock in both type and appearance⁶”*
- iii. This graphically shows the difficulty with urban design assessments, and one of the failings of panels being that one expert’s visual assessment may not align with other experts. Furthermore, a visual assessment by a qualified and experienced expert does not necessarily align with what an ordinary member of the public, with no qualifications or expertise in urban design, might consider “good” or “appropriate”.
- iv. It also demonstrates a fuzzy, undefined mash-up of professions between:
 - *spatial* urban design (how places are laid out; the form, function and flow of places - typically the domain of qualified town planners and landscape architects); and
 - *architectural* urban design (how buildings look, typically the domain of architectural designers).

It is not uncommon to see an overlap between these two sub-professions with, for example, other disciplines entering the plan-making domains traditionally led by town planners and spatial urban designers.

⁶ Waipā Proposed Plan Change 26 expert evidence, Cameron Wallace for Kainga Ora

Defining Urban Design

Through the review, staff reconsidered Council’s approach to applying the NZ Urban Design Protocol (NZUDP⁷). Waipā District Council is a “signatory” to the protocol, and in signing has made a public commitment to champion urban design through Councils decisions and processes. The NZUDP contains underlying principles of urban design that are generally accepted. Although developed in 2005, Ministry for the Environment officials have advised that they do not consider a review of the NZUDP is necessary as the underlying principles of urban design endure and do not change over time.

The Urban Design Protocol identifies seven essential design qualities that create quality urban design, known as the “seven Cs”. They are: Context, Character, Choice, Connections, Creativity, Custodianship and Collaboration. These are a combination of design processes and outcomes.

The urban design experts engaged by Council (and applicants’ experts) apply these principles, or adapted variations of them, in undertaking their urban design planning and assessments. The review team felt that this provides an additional level of confidence in how Council approaches Urban Design, through our adoption, use, and championing of the NZUDP. Staff do not consider it necessary to develop Council’s own urban design guide since we have committed to adopting and applying a national set of accepted principles.

Summary

For these reasons and following an internal review described in this report:

- a. An urban design panel is not considered necessary for Waipā District Council. Staff will continue to engage expert urban designers from our pool of experts on a case by case basis.
- b. Professional training and upskilling opportunities in urban design will continue to be provided for all planning staff.
- c. Plan Change 21 includes a review and strengthening of the existing urban design provisions of the Waipā District Plan, as far as possible within the RMA limitations, to reflect a Waipā-specific context.

⁷ <https://environment.govt.nz/publications/new-zealand-urban-design-protocol/3-key-urban-design-qualities-the-seven-cs/>

4 APPENDIX - ĀPITITANGA

No:	Appendix Title
1	2019 Urban Design Assessment [ECM 10119679]



Prepared by Tony Quickfall
MANAGER DISTRICT PLAN AND GROWTH



Approved by Wayne Allan
GROUP MANAGER, DISTRICT GROWTH AND REGULATORY SERVICES

MEMO

To: Wayne Allan

Cc:

From: Tony Quickfall

Date: 5 November 2019

File Ref: 10119679

Subject: Urban Design Assessments Under the District Plan

BACKGROUND

The purpose of the Memo is to review our current approach to Urban Design (UD) assessments and investigate a possible alternative process to undertaking urban design assessments. Currently, urban design assessments are out-sourced to a consultant for assessment. This process has been questioned by at least one developer, but is supported by others.

Urban Design is a specialised discipline. No current planning staff have urban design qualifications or necessary experience to undertake comprehensive assessments.

Waipā District Council is a signatory to the NZ Urban Design protocol, and the Waipa District Plan contains elements of urban design.

CURRENT PRACTICE

Proposals requiring Urban Design assessments are currently outsourced to Annette Jones from Beca (Auckland) for assessment and recommendation. Annette is a qualified and experienced urban designer who has been on the Urban Design Panels for Manukau, Auckland and undertaken urban design in Micronesia.

Council's current practice has the following features:

- a. Trigger for Urban Design (UD) assessments
 - i. The Waipā District Plan contains assessment criteria for urban design and has Urban Design related objectives, policies and rules around specific activities.
 - *There appear to be no significant urban design gaps in the Plan.*
 - ii. When to undertake an UD assessment is a judgement for the processing officer. There is no clear trigger for undertaking an UD assessment, but examples might be if a development falls within a character area, or it is development in a structure plan area. This remains a little unclear.
 - **Recommendation 1:** *Establish clearer criteria or triggers for when an UD assessment should be considered or undertaken.*
- b. Undertaking an UD assessment
 - i. If considered necessary, Annette is commissioned directly, by the processing planner, to provide an UD assessment, either as part of pre-application or after an application has come in. This is undertaken on a case-by-case basis. Costs are usually recovered but

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may be discounted. If Annette has a conflict, alternative consultants (e.g. Antanas Procuta of Paua Architects in Hamilton) are commissioned. This process is case-by-case, and both the process and procurement/commissioning of urban design experts appears to be somewhat ad-hoc.

- **Recommendation 2a:** *Establish a clear process for commissioning/procurement of urban design consultants including where there is a conflict of interest.*
- **Recommendation 2b:** *Appoint an existing consent staff member as the central point of contact for coordinating urban design processes. No staff currently have UD expertise, but the consenting process would benefit from at least one point of contact for urban design related matters.*
- **Recommendation 2c:** *Establish clearer cost recovery criteria in accordance with Council's fees and charges, based on private : public benefit. The underlying principle being where there is exclusive private benefit, the applicant/developer should pay. If there is a public benefit, remissions will be assessed in accordance with our fees and charges on a case by case basis.*

c. Urban Design (UD) recommendations

- i. The UD assessment involves assessing the proposed design, with recommendations for improvements. These recommendations are presented back to the processing planner. They are then either fed back to the applicant through a s92 request or in the s42A staff report. UD recommendations can become consent conditions.

d. Basis for UD assessments

- i. It is currently unclear what basis is used for any UD recommendations. Waipa DC is a signatory to the NZ UD Protocol, but it is unclear if this is being used directly as a basis for assessment. While the District Plan contains UD assessment criteria, it is unclear if these are being specifically used.
 - **Recommendation 3:** *Set out a consultant brief that undertaking UD assessments that these must be undertaken, as a minimum, in accordance with the Waipa District Plan and the NZ Urban Design Protocol. Require that the consultants clearly identify any other recognised and accepted UD basis used in their assessments.*

e. UD knowledge

- i. Urban Design is a specialised field. There is an overlap between Urban Design in itself, and Architectural Design which might have amenity benefits but is not in itself urban design. This knowledge overlap appears to be a bit muddled, with the risk that some triggers for urban design assessments may relate more to architectural design improvements.
 - **Recommendation 4:** *Undertake urban design 101 training for all consents staff and the duty planner from a qualified urban designer, focussing in particular on the separation between Urban Design that has clear public benefits and more subjective Architectural Design.*

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f. UD consultants.

The use of Annette (and alternates) is historical. While Annette is qualified, the process of commissioning UD assessments could benefit from a broader pool of qualified local UD experts, with a clearer process around contracted services.

- i. LASS does identify urban design as a discipline, however this is very broad.
- ii. Currently, 39 LASS providers list urban design as an area of work.
- iii. It is unclear in LASS whether this is a specific area of expertise or a general area.
- iv. The pool of LASS consultants offering urban design is too broad to be useful, and includes (for example) traffic engineers, surveyors, engineering consultancies and property consultants purporting to offer urban design expertise.
- v. Furthermore, many multi-discipline consultants identify UD as a discipline, but not individual expertise. UD is specific to the person who has the qualifications and expertise, so ideally, we need a pool of individually qualified people rather than companies who offer this as a general service.
 - **Recommendation 5:** Undertake an open Registration of Interest process to identify a pool of qualified and experienced urban design consultants who could assist Waipa DC in undertaking assessments. Invite the incumbent 2 consultants and all LASS consultants with urban design as a specific discipline to register their interest.

OTHER COUNCILS' APPROACHES

A number of other councils undertake urban design assessments, some of who use Urban Design Panels¹. A sample of Urban Design Panel approaches is summarised in Table 1:

Table 1: Sample of Urban Design panels

Council	Approach	Triggers for an assessment	Criteria used	Outcomes of assessment
Auckland	<ul style="list-style-type: none"> ▪ Panel from a pool of 50 ▪ Present to panel ▪ Quorum of 3, case by case speciality ▪ In-house urban designer ▪ Dedicated panels charged to applicants 	<ul style="list-style-type: none"> ▪ Various, specified ▪ To the UDP on the recommendation of Auckland design office 	<ul style="list-style-type: none"> ▪ Auckland design manual ▪ Auckland plan ▪ Various others 	<ul style="list-style-type: none"> ▪ Pre-app advice to applicants and for Council developments ▪ Recommendations inform design but are not binding ▪ Specialist UD advice to council on council projects
Hamilton	<ul style="list-style-type: none"> ▪ Panel, pool of 15, tailored to specific projects ▪ Have in-house Urban designer ▪ Present to the panel then q&a ▪ Free for applicant ▪ Council costs \$85/hr to panel members ▪ Possible shared resource with Waipā considered previously 	<ul style="list-style-type: none"> ▪ 4 houses or above ▪ Non-stat guideline process 	<ul style="list-style-type: none"> ▪ Based on city design guide ▪ 6 design elements 	<ul style="list-style-type: none"> ▪ Pre-app advice to developer and council projects ▪ Recommendations inform but are non-binding

¹ MfE national stocktake 2010 <https://www.mfe.govt.nz/sites/default/files/urban-design-panels.pdf>. UDPs: Auckland, Manukau, Waitakere, Hamilton, Hastings, Nelson/Tasman, Christchurch, Akaroa, Queenstown Lakes

MEMO

Council	Approach	Triggers for an assessment	Criteria used	Outcomes of assessment
Hastings	Independent of Council <ul style="list-style-type: none"> Open membership 	Not specified, appears informal	Not specified	Not specified
Nelson/Tasman	<ul style="list-style-type: none"> Free to applicants for pre-app advice Pool of 10 panellists 	<ul style="list-style-type: none"> comprehensive and compact residential developments; buildings in the commercial, mixed business, tourist services and central business zones; buildings in township gateway areas; and other major projects and subdivisions in the region. 	Specified, general criteria	Pre-application advice and recommendation to developer and Council projects
Queenstown Lakes	<ul style="list-style-type: none"> Have an in-house urban designer Quorum of 4, Drawn from a pool of experts plus 2 community reps 2 panels, one for Queenstown and one for Wanaka Pre-application assessments are free to developers Fixed fee of \$500 after application Council costs, \$150 honorarium/member/meeting 	<ul style="list-style-type: none"> has the potential to significantly impact on the quality of urban design in the area in the town centre zone with frontage onto a street, lane or other public place includes three or more residential units a Council capital project a Council or privately initiated plan change the planner processing the resource consent has recommended the project be reviewed by the Panel 	Specified key urban design principles	Pre-application advice and recommendation to developer and Council projects

MEMO

POSSIBLE ALTERNATIVE TO OUR CURRENT PRACTICE

As identified, Waipa's current practice of urban design assessments has some room for improvement. There are some easy and obvious process improvements that could be undertaken immediately at no or low cost (refer appendix 1, recommendations).

Beyond these, there is a long-term question of continuing to use individual experts vs a design panel approach. There are pros and cons of both approaches:

	Pros	Cons
Individual expert assessments	<ul style="list-style-type: none"> ▪ Low/no cost to Council (costs typically recovered from developers) ▪ Expeditious process ▪ Single assessment, avoids conflicts between panellists 	<ul style="list-style-type: none"> ▪ Reliance on single assessor, ▪ Higher chance of merits-based challenge or rejecting recommendations through hearings or design process
Urban Design panels	<ul style="list-style-type: none"> ▪ Better overall design outcome (consensus approach) ▪ More transparent process ▪ Reduced risk of merits-based to challenge to recommendations ▪ Ability to apply to council projects 	<ul style="list-style-type: none"> ▪ Initial set up administration and ongoing panel reviews ▪ Increased costs to applicants and/or council (e.g. panel of 3 experts could range from around \$250/hr to \$450/hr)

- The benefit of a panel is where there are consensus-based recommendations which increase the level of rigour and ability to justify changes and reduces liability and risk of relying on one single expert. Because UD is so subjective, consensus building could be expected to reduce or eliminate merits-based challenge through hearings and may avoid altogether the need for different experts to present different approaches at a hearing.
- The use of an UDP was previously investigated by David Totman, with the recommendation not to progress. Since this investigation, it has been acknowledged that there may not be some merit in an UDP based on the rate and extent of growth.
- Annette Jones was interviewed on the merits of an UDP. Her recommendation (having sat on two UDPs) is there might now be merit in having at least a panel of UD experts for Waipā DC, but also a possible UDP, given the rate and extent of growth with UD considerations.

Urban Design Panels (UDP) - Assessment

- a. For smaller or discrete proposals, the costs of a panel may outweigh the benefits.
- b. A panel approach may have benefits around process, outcomes and overall application costs for large or complex proposals.
- c. A panel would be one way of Waipa DC proactively implementing the NZ Urban Design protocol to which it is a signatory.

MEMO

- d. There may be some additional cost on Council and/or developers/applicants. Relative to the overall cost of these types of developments, the cost of an UDP assessment would be a very small percentage and marginal.
- e. An UDP for Waipa has some merit on the basis of: the permanence of developments; sustained increased growth and development and new builds; better design outcomes and alignment with the stated objectives of Town Concept Plans and Structure Plans; implementation the proposed NPS Urban Development (particularly around “quality” developments); implementation of Council’s commitment as a signatory to the NZ Urban Design protocol.

It is recommended (**recommendation 6**) to:

- a. Consider establishment of a 3-person urban design panel for the Waipa District, comprising 2 urban design professionals (appointed from the Registrations of Interest based on expertise which must include both planning and urban design) plus one local elected representative (either Councillor or Community Board member).
- b. Develop terms of reference for the operation of the Panel



MANAGER, DISTRICT PLAN AND GROWTH

MEMO

APPENDIX 1: SUMMARY OF RECOMMENDATIONS

WHAT	WHO	WHEN BY
Recommendation 1: Establish clearer criteria or triggers for when an UD assessment should be considered or undertaken.	TEAM LEADER, CONSENTS	IMMEDIATE: NOV 31 2019
Recommendation 2a: Establish a clear process for commissioning of urban design consultants including where there is a conflict of interest.	TEAM LEADER, CONSENTS	DEC 31 2019
Recommendation 2b: Appoint an existing consent staff member to lead coordination of urban design processes. No staff currently have UD expertise, but the consenting process would benefit from at least one point of contact for urban design related matters.	TEAM LEADER, CONSENTS	IMMEDIATE: NOV 2019
Recommendation 2c: Establish clearer cost recovery criteria in accordance with Council's fees and charges, based on private : public benefit. The underlying principle being where there is exclusive private benefit, the applicant/developer should pay. If there is a public benefit, remissions will be assessed in accordance with our fees and charges on a case by case basis.	MANAGER, DPG	IMMEDIATE: NOV 2019
Recommendation 3: Set out a consultant brief that UD assessments must be undertaken, as a minimum, in accordance with the Waipa District Plan and the NZ Urban Design Protocol. Require that the consultants clearly identify any other recognised and accepted UD basis used in their assessments.	TEAM LEADER, CONSENTS	DEC 2019
Recommendation 4: Undertake urban design 101 training for all consents staff and the duty planner from a qualified urban designer, focussing in particular on the separation between Urban Design that has clear public benefits and more subjective Architectural Design.	TBA	EARLY 2020
Recommendation 5: Undertake an open Registration of Interest process for a pool of qualified and experienced urban design consultants who could assist Waipa DC in undertaking assessments. Invite the incumbent consultants and all LASS consultants with urban design as a discipline to register their interest.	MANAGER, DPG	MAR 2020
Recommendation 6: a. Consider establishment of a 3-person urban design panel for the Waipa District, comprising 2 urban design professionals (appointed from the Registrations of Interest based on expertise which must include both planning and urban design) plus one local elected representative (either Councillor or Community Board member) b. Develop terms of reference for the operation of the Panel	MANAGER, DPG	JULY 2020

COMMITTEE REPORT



INFORMATION ONLY

To: The Chairperson and Members of the Strategic Planning and Policy Committee

From: Manager Governance

Subject: **Six Monthly Community Board Reporting**

Meeting Date: 1 August 2023

1 EXECUTIVE SUMMARY – WHAKARĀPOPOTOTANGA MATUA

As part of Community Board 2.0, both Community Boards are required to report to the dedicated oversight committee, Strategic Planning and Policy Committee every six months. The purpose of this six monthly reporting is for the committee to consider the success of the community boards in the context of Community Board 2.0.

2 RECOMMENDATION – TŪTOHU Ā-KAIMAHI

That the Strategic Planning and Policy Committee receive the report of Jo Gread, Manager Governance titled Six Monthly Community Board Reporting (ECM Number 11062164).

3 COMMENTARY - KŌRERO

The role and function of our community boards was reviewed, at the request of Waipā district councillors, in early 2022. Dr Steven Finlay of EQUIP Consultancy carried out the review and reported his findings to council in July 2022. His report recommended that the councillors, executive, staff and community boards work collectively to raise both the state of the community boards functioning and relevance to their respective communities.

The following recommendations from the EQUIP review were adopted at Council's 26 July 2022 meeting:

1. The state and relevance of community boards needs to increase so that council can see the value proposition of participative democracy in action;
2. Council to reaffirm its relationship to its community boards and delegate responsibility, resourcing and oversight to the appropriate committee and Executive Leadership Team;

3. Community boards to reaffirm their relationship to council and staff and to improve their governance maturity with professional relationships;
4. Council to renew delegations to a more narrowly defined community need; and
5. Community boards to re-engage with their communities and mana whenua, with support from council staff enabling engagement processes.

The findings of this review are what is now known as Community Boards 2.0.

As part of Community Board 2.0 the Strategic Planning and Policy Committee was appointed as the oversight committee for community boards as the matters considered by that committee were considered to be of key interest to the community boards, such as bylaws, policies, Long Term Plan, Annual Plan and Ahu Ake – Waipā Community Spatial Plan. The implementation plan that was produced for Community Board 2.0 recommended six monthly reports from community boards to the oversight committee to measure the successes of the community boards.

Both the Cambridge and Te Awamutu & Kihikihi Community Boards recently adopted their strategic priorities for the triennium, which sets their focus areas between now and October 2025.

Each community board has prepared a memo to the committee (included as appendices), which looks at their strategic priorities, documenting what work they have undertaken to date as well as what is planned over the next 6 months. There is also opportunity for the community boards to provide any other feedback to the oversight committee they wish to on matters of particular interest.

4 APPENDICES ĀPITITANGA

No:	Appendix Title
1	Memo from Cambridge Community Board (ECM Number 11062904)
2	Memo from Te Awamutu & Kihikihi Community Board (ECM Number 11063933)



Jo Gread
MANAGER GOVERNANCE



Approved by Kirsty Downey
GROUP MANAGER STRATEGY

APPENDIX 1

Memo from Cambridge Community Board (ECM number 11062904)

To: The Chairperson and Members of the Strategic Planning and Policy Committee

From: Jo Davies-Colley, Chairperson Cambridge Community Board

Date: 1 August 2023

Subject: CAMBRIDGE COMMUNITY BOARD UPDATE

Community Board Strategic Priorities

Priority	Action to Date	6 Month Workplan
New Cambridge Library/Community Hub	<ul style="list-style-type: none"> - Launched public engagement plan - Publicised Cambridge Library and Community Hub survey - Engagement with local groups, stakeholders, staff - Support feasibility study process 	<ul style="list-style-type: none"> - Engage with feasibility study - Analysis of survey results - Preparation of submission to long term plan
Urban Mobility – Shakespeare Street	<ul style="list-style-type: none"> - Monitor progress of street safety developments - Feed into safety developments through urban mobility working group 	<ul style="list-style-type: none"> - Workshop public engagement plan - Begin public engagement - Analysis of public engagement - Preparation of submission to long term plan
A Vibrant and People Friendly CBD	<ul style="list-style-type: none"> - Identify key areas for immediate upgrade - Identify current challenges of urban mobility through CBD - Identify current challenges of CBD for relaxation, gathering, connection 	<ul style="list-style-type: none"> - Engage with staff regarding areas for CBD upgrade - Engage with key stakeholders, interested parties for Riverside park upgrades - Engage with roading team re CBD urban mobility, vibrancy solutions



Commentary

The Cambridge Community Board work program is aligned closely with our strategic policies and paced according to our capacity. As such focus thus far has been on gathering evidence to support our submission to the long term plan on a new Cambridge library and community hub.

The next body of work will be focused on urban mobility upgrades to Shakespeare St, and more broadly at supporting Leamington village to feel a vibrant and connected part of wider Cambridge. Concurrently we will progress conversations with staff, the community and key stakeholders regarding improvements in the Cambridge CBD to enhance the people friendly elements of our town.

While we focus on these key outcomes for the community, relationship building and community connection continues with important progress being made in our relationships with the i-Site, Chamber of Commerce, disability sector, Cambridge Connections, Sister Cities, rural communities, Town Hall Trust, mana whenua and other community groups.

In 2024 we will review progress made on the current priorities and adjust or re-focus as required.

A handwritten signature in blue ink that reads "Jo Davies-Colley".

Jo Davies-Colley
Chairperson Cambridge Community Board

APPENDIX 2

Memo from Te Awamutu & Kihikihi Community Board (ECM number 11063933)

To: The Chairperson and Members of the Strategic Planning and Policy Committee

From: Ange Holt, Chairperson Te Awamutu & Kihikihi Community Board

Date: 1 August 2023

Subject: **TE AWAMUTU AND KIHIKIHI COMMUNITY BOARD UPDATE**

Community Board Strategic Priorities

Priority	Action to Date	6 Month Workplan
Enhance Connection to Our Communities	<ul style="list-style-type: none"> • 2 x newspaper columns per month with updates • Via submissions we have connected and personally contacted a good number of community groups • Regular attendance at the Kihikihi Residents & Ratepayers Meeting • Had at least 1 member Attend Ahu Ake events on this side of the district • Had at least 1 member at every E-Waste Collection event • Attended Matariki event and the opening of the John Rochfort Playground and mixed with Community • Completed the Who Are We Te Awamutu Survey and made recommendations put forward by the community • Engaged with Te Rahu community re lighting for hall 	<ul style="list-style-type: none"> • Make a media plan • Attend the Community Day at Kihikihi on the 23 September with a stall and small prize giveaway • Get our new flags and vests so we are identifiable • Create a statistics recording system • Each of us to connect with at least one of our designated community groups each month • Attend speaking engagements as requested by community groups – Kihikihi Lions 14 Aug booked
Improve Internal Processes	<ul style="list-style-type: none"> • Participating in all submissions to date. These have included ideas and recommendations from the community 	<ul style="list-style-type: none"> • Create a document to keep up with where we are at with queries to staff and recommendations.

	<ul style="list-style-type: none"> • Meeting with staff on a regular basis • Being provided with memos of items that impact Te Awamutu from Council Meetings • Started a calendar so we can keep up with when we need to complete items 	<ul style="list-style-type: none"> • Continue with regular meetings with staff • Complete calendar eg When submission close off dates are.
Improve Governance and Advocacy	<ul style="list-style-type: none"> • Started to participate earlier in the planning process for AP and LTP • Made requests to see levels of service for gardening and maintenance of roundabouts and median strips, cleaning of storm water drains • Putting forward issues from the Community that have not yet been tendered to, eg damaged footpath in cbd • Support for topical issues that the community want heard – eg fluoridation, TA War Memorial Park 	<ul style="list-style-type: none"> • Attend workshops for LTP in August • Request a Review of the TA Memorial Park Plan in support of the TA Community • Further requests for levels of Service as we are yet to see these • Continue to advocate for the community • Continue to encourage attendance by the public to attend the public forum so they can bring their issues to the fore • Attend council meetings to speak to submissions where necessary
Support Projects in the Community	<ul style="list-style-type: none"> • Supporting cleaning of CBD, streets and furniture • Working with the Business Chamber to support The Holmes Garage Project – providing a covered community space for markets etc • Support for Te Paparoa and Kihikihi Skatepark 	Follow up and continue to advocate and support these projects that the community want
Promote Waste Minimisation in Our Community including Leading on Waste Minimisation Projects	<ul style="list-style-type: none"> • Regularly promote the Ewaste day via the newspaper column • Leading the Project Battery through this ongoing project to remove waste batteries 	<ul style="list-style-type: none"> • Contact Youth Development re DIY Garage Sale • Cont to support current initiatives



		<ul style="list-style-type: none"> • Support Waste minimisation where possible to promote council initiatives
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Commentary

A media plan would be a great help with this strategy. Unfortunately, we have not had any luck connecting with the comms team to get this underway. If some funding is available I will look outside of council for support.

We also have a delay in getting our vests and flags due to getting permissions for logos. To start with it was questioned if the Community Board could use a different logo to WDC; this was approved. We then decided, to make it clear CB is affiliated with WDC we should use both logo's on our flags and vests, it has been again delayed, while staff decide if it is appropriate for us to be identified with WDC and use their logo. The interesting point in this is we already do use WDC branding with our business cards and name badges!

On a bright note, I am getting really great feedback from the community regarding the columns. On many occasions people have approached me and said they like the columns, that they are informative and provide a good perspective of what is going on. In addition, I am also getting more people contact me about various issues and to make comments about the submissions we have been doing.

Finding our way is taking time. Currently finding this is overwhelming at times as we need to not only keep up with what we are doing but what is going on at Council as well. Getting the right systems in place is important to make this process as straight forward as possible and things like dates and exactly what is required for us to work to are a big help.

At this stage despite taking part in all the submissions, we have not had any feedback to indicate that any of our suggestions were supported.

We are happy with where our strategic plan has landed at this stage and we need to focus on the plan to keep us on target. We need to find a happy balance where we can be effective within our means.

The training and support from staff to date on the whole has been great. It certainly has been a benefit to new and old CB members alike. Possibly it might be helpful to our CB councillors to be advised if our training is a repetition of what they have attended, so they do not need to go, as they already have a significant workload.

It is very important to all Community Board members that we listen to and support our community. We would like to see their ideas become the starting point for community improvements and then the consultants get involved to iron out the kinks.



I hope that our next report will be more detailed and be able to highlight some good results. I feel this time we are still in the getting processes set up to enable us to provide the level of service we aspire to.

A handwritten signature in black ink that reads "Ange Holt".

Ange Holt
Chairperson Te Awamutu & Kihikihī Community Board