



Hastings District Council

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OPEN A G E N D A

STRATEGY PLANNING AND PARTNERSHIPS COMMITTEE MEETING

Meeting Date: **Thursday, 9 August 2018**

Time: **1.00pm**

Venue: **Council Chamber
Ground Floor
Civic Administration Building
Lyndon Road East
Hastings**

Committee Members	Chair: Councillor Lyons Mayor Hazlehurst Councillors Barber (Deputy Chair), Dixon, Harvey, Heaps, Kerr, Lawson, Nixon, O'Keefe, Poulain, Redstone, Schollum, Travers and Watkins. (Quorum = 8)
Officer Responsible	Group Manager: Planning and Regulatory Services – Mr J O'Shaughnessy
Committee Secretary	Carolyn Hunt (Ext 5634)

Strategy Planning and Partnerships Committee

Fields of Activity

Oversight of all matters relating to the Council's Strategy Planning and Partnerships functions and the development of policies and strategies in relation to those functions. The matters within this committee's responsibilities include (but are not limited to):

- Resource Management Act 1991
- Building Control including the Building Act 2004 and the New Zealand Building Code
- Bylaws
- Health Act 1956
- District Plan
- Historic Places Act 1993
- Security Patrol
- Maritime Planning Schemes

Other regulatory matters including:

- Animal and pest control,
- Dangerous goods and Hazardous substance,
- Fencing of swimming pools,
- Litter,
- Alcohol,
- Noise abatement,
- Public health and safety,
- Prostitution,
- Gambling,
- Parking control.
- Responsibility for all matters related to the District's environment including the environment of neighbouring districts and water bodies
- Other Regulatory matters not otherwise defined.

Membership (Mayor and 14 Councillors)

Chairman appointed by the Council

Deputy Chairman appointed by the Council

The Mayor

All Councillors

Quorum – 8 members

Delegated Powers

General Delegations

1. Authority to exercise all of Council powers, functions and authorities (except where delegation is prohibited by law or the matter is delegated to another committee) in relation to all matters detailed in the Fields of Activity.
2. Authority to re-allocate funding already approved by the Council as part of the Long Term Plan/Annual Plan process, for matters within the Fields of Activity provided that the re-allocation of funds does not increase the overall amount of money committed to the Fields of Activity in the Long Term Plan/Annual Plan.
3. Responsibility to develop policies, and provide financial oversight, for matters within the Fields of Activity to provide assurance that funds are managed efficiently, effectively and with due regard to risk.
4. Responsibility to monitor Long Term Plan/Annual Plan implementation within the Fields of Activity set out above.

Bylaws

5. Authority to review bylaws and to recommend to the Council that new or amended bylaws be made including but not limited to the review of bylaws made pursuant to rules under the Land Transport Act 1998, (primarily relating to speed limits) and bylaws relating to parking.

Legal proceedings

6. Authority to commence, compromise and discontinue mediations, legal proceedings, prosecutions and other proceedings within the Fields of Activity.

Fees and Charges

7. Except where otherwise provided by law, authority to fix fees and charges in relation to all matters within the Fields of Activities.

Resource Management/Environmental issues

8. Authority to make submissions on behalf of the Council in respect of any proposals by another authority under any legislation, or any proposed statute which might affect the District's environment or the well being of its residents including such matters as adjacent local authorities' district plans, any regional policy statement, and Regional Plans.

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HASTINGS DISTRICT COUNCIL
STRATEGY PLANNING AND PARTNERSHIPS COMMITTEE
MEETING

THURSDAY, 9 AUGUST 2018

VENUE: Council Chamber
Ground Floor
Civic Administration Building
Lyndon Road East
Hastings

TIME: 1.00pm

A G E N D A

1. Apologies

At the close of the agenda no apologies had been received.

Leave of Absences had previously been granted to Councillor Redstone, Councillor Dixon and Councillor Nixon

2. Conflict of Interest

Members need to be vigilant to stand aside from decision-making when a conflict arises between their role as a Member of the Council and any private or other external interest they might have. This note is provided as a reminder to Members to scan the agenda and assess their own private interests and identify where they may have a pecuniary or other conflict of interest, or where there may be perceptions of conflict of interest.

If a Member feels they do have a conflict of interest, they should publicly declare that at the start of the relevant item of business and withdraw from participating in the meeting. If a Member thinks they may have a conflict of interest, they can seek advice from the General Counsel or the Democratic Support Manager (preferably before the meeting).

It is noted that while Members can seek advice and discuss these matters, the final decision as to whether a conflict exists rests with the member.

3. Confirmation of Minutes

4. Clifton Revetment

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5. Variation 5 - Inner City Living

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REPORT TO: STRATEGY PLANNING AND PARTNERSHIPS COMMITTEE

MEETING DATE: THURSDAY 9 AUGUST 2018

FROM: GROUP MANAGER: PLANNING & REGULATORY
JOHN O'SHAUGHNESSY
DIRECTOR: MAJOR CAPITAL PROJECTS DELIVERY
GRAEME HANSEN
MANAGER STRATEGIC FINANCE
BRENT CHAMBERLAIN

SUBJECT: CLIFTON REVETMENT

1.0 SUMMARY

- 1.1 The purpose of this report is to obtain a decision from Council on whether to construct the proposed revetment at Clifton.
- 1.2 This issue arises as a consequence of Council having now been granted resource consent by HB Regional Council to construct the revetment and the Clifton to Tangoio Coastal Hazards Joint Committee having come to a recommendation on the preferred treatment for this part of the coast.

2.0 BACKGROUND

- 2.1 The Clifton Reserve is the location of the Clifton boat ramp which is the only ramp with access to Hawke Bay between Cape Kidnappers and Napier. The Reserve and more particularly, that part of the Reserve that includes the access to the boat ramp has been subject over the years to significant erosion activity. As a consequence of this erosion activity access to the Camp and Reserve have become particularly difficult and at risk.
- 2.2 The consent granted for a short term protection wall to protect road access to the Clifton No.1 camp expires 31 August 2018 which has triggered a proposal to apply for a new 35 year consent to extend the protection wall by way of a revetment through to the Clifton café. Both the Clifton Reserve Society (CRS) and Clifton Marine Club (CMC) wish to have certainty over their respective futures.
- 2.3 The basis for the five year consent was to enable the relocation of the No. 1 Camp and the Clifton Marine Club. This meant HB Regional Council consent staff accepted a lower level of engineering design durability due to the fixed period. The consent also requires Hastings District Council (HDC) to remove the revetment at the end of the five year period.
- 2.4 Following the consideration of a consultant report (Beca Limited) on coastal protection works at Clifton, at its March 2016 meeting Council decided to include a funding provision of \$1m (loan funded) in the 2016/17 Draft Annual Plan. The Draft plan states:

“This would see it extend to opposite Clifton Bay Café. While some funding provision has been made, issues such as a resource consent, land access and an overall funding solution still need to be worked through.”

The Beca report titled “Clifton Beach: Long Term Coastal Protection Works, February 2016” is included as **Attachment 1**.

- 2.5 While at that time the Clifton to Tangoio Coastal Hazards Joint Committee supported the allocation of \$1 million for works at Clifton in the draft annual plan. The Council resolved the following during the June 2016/17 Annual Plan meeting:

“That Officers progress with land access (Clifton Station) concept, resource consent and an overall funding solution.”

- 2.6 Since that date work has progressed to a final concept plan for the proposed revetment extension, following initial discussions with the CMC, CRS, Matahiwi Marae and an adjoining landowner.
- 2.7 The Clifton to Tangoio Coastal Hazards Joint Committee (“Joint Committee”) was tasked by the three Councils with the development of a long term strategy to respond to coastal erosion and coastal inundation between Clifton and Tangoio.
- 2.8 The process completed over 2017 by the Coastal Hazards community panels identified and considered a wide range of options for managing coastal hazards and risks, culminating in defining a range of preferred options for various sections of the Hawkes Bay coast between Clifton and Tangoio. The preferred option for short/ medium term, up to 50 years, and in a number of instances the long term was for coastal protection using rock revetments, seawalls and groynes. This outcome was the basis for the support from the Coastal Hazards Strategy project to the proposed Clifton revetment works.

3.0 EMERGENCY WORKS

- 3.1 The request to undertake additional emergency works was made by Mr Paul Hursthouse (CMC) supported by the Clifton Reserve Society (CRS) in April this year, where the proposed final revetment is proposed to protect access to Clifton No. 1 camp and the CMC boat ramp and facilities.

Mr Hursthouse contended that there was an imminent threat of loss of access due to possible winter storms.

- 3.2 The request outlined above was considered at the Planning & Regulatory Committee meeting on Thursday 10 May 2018, and Council resolved the following:

“A) That the report of the Group Manager: Planning & Regulatory titled “Clifton Revetment Emergency Works” dated 10/05/2018 be received.

B) That Council delegate powers under section 330 of the Resource Management Act (RMA) to the Chief Executive Officer, to authorize emergency works within Hastings District.

- C) *That Council Transportation staff monitor the physical condition of the Clifton Camp No. 1 access road to ensure public safety.*
- D) *That the Council obtain a letter from the Clifton Marine Club and Clifton Reserves Society confirming they will fund the delivery and placement of the rocks to the agreed value of \$96,000.*
- E) *That Council authorizes the proposed rock placement required as emergency works to stabilise the access road to Clifton as soon as possible”.*

This emergency work at Clifton has now been completed, which has seen the placement of approximately 1,000 tonne of limestone rock as a low level barrier adjacent to the camp access road, which has been carried out in accordance with the proposed final design for position and alignment for the revetment wall. This has included excavating and placing the rock within the existing papa foundation and in a manner that will allow any future work to be added to that already placed. The rock size and construction method is also consistent with the final design specification. Photographs of the emergency work are attached as **Attachment 2**. Council will now complete the emergency works process by providing information to HB Regional Council (HBRC). Invoices for this work have been sent out to the CMC and CRS.



4.0 RESOURCE CONSENT APPROVAL

- 4.1 On 4 July 2018, HDC and HBRC granted land use consents and coastal permits to construct, repair and maintain a limestone revetment (comprising an existing, upgraded 80 long revetment and a new 400 metre long revetment – see aerial photo above) and a new access road between the carpark area at the end of Clifton Road and Clifton Camp No. 1 at Clifton (refer to the Independent Commissioner’s decision on the applications in **Attachment 3**).

The HBRC consents have a duration of 35 years (i.e. they will expire on 31 May 2053). There is no expiry date for the land use consent granted by the District Council.

- 4.2 The approved consents include a comprehensive range of conditions requiring action prior, during and post-construction. Most of these are typical for a project of this size and scale, particularly in the preconstruction and construction phase which will be accommodated within the project budget. It is noted that they are very similar to the conditions of resource consents granted to Wairoa District Council by Hawke's Bay Regional Council (in November 2013) for the construction, repair and maintenance of coastal protection structures along Mahia East Coast Road and Nuhaka-Opoutama Road.
- 4.3 Conditions of significance post-construction are the requirements to annually renourish at least, and up to, 1,000m³ of gravel to compensate for the impact of the structure, respond to and repair the structure as necessary after any major storm event, structural inspections and reporting by a qualified engineer and regular beach profile surveys. The survey requirements can largely be integrated into the existing regular profile surveys so is not a significant additional imposition.
- 4.4 The most significant cost will be the renourishment exercise, estimated at \$25,000 per year, based on supplying gravel from the nearest river sources. This cost, along with the other annual obligations will require an annual ongoing commitment of \$40,000 per year for the duration of the consent.
- 4.5 A schedule of the consent conditions has been prepared (refer to **Attachment 4**) that is intended to assist Council staff and contractors working on the project to achieve compliance with the consent conditions at all stages of the revetment project (i.e. over the life of the consents, pre-construction, construction, post-construction, and repair/maintenance). The responsibility to undertake these ongoing compliance conditions is the Asset Management section of HDC.
- 4.6 The final design plans from "Becas" are attached as **Attachment 5**.
- 4.7 The cost to HDC to obtain the resource consent approval for the revetment total \$210,000.

5.0 CURRENT SITUATION

- 5.1 It could be said that there are six parties to this issue; HDC, CRS, CMC, Matahiwi Marae, the adjoining landowner, and lastly the general public, whom use both the reserve and the boat ramp. In general terms it is considered that HDC in its role represents that general public interest.
- 5.2 The Council has in place a lease agreement with the Clifton Reserve Society that enables the Society to operate the Clifton Camp with a sublease in place between the Society and the Clifton Marine Club (the Marine Club) which enables the Marine Club to operate.
- 5.3 The Society advises that on an annual basis they provide camping for in the order of 16,500 person bed nights per annum. The lease was originally a 15 year lease from 1 February 2011 which gave it an expiry date of 31 January

2026, however this was amended when the Council agreed to install initial short revetment and now expires at the same time as the current resource consent i.e. 31 August 2018. There is also a companion sub lease for the Clifton Marine Club.

- 5.4 The lease agreement requires the Society to maintain reasonable access to the camp and reserve at all times. In recognition of this obligation the initial revetment is partly funded by the CRS and the CMC.
- 5.5 The funding agreement provides that the Council and Society funded 50% each of initial costs (consenting and construction) of the initial revetment. The agreement provides for the Society share (interest free) to be paid on a quarterly basis over the life of the consent. The Marine Club is also required to contribute to the Society \$5,000 per year of the Society's share.

The 50% Council share arrangements recognises also that the Council previously had provided \$10,000 per annum towards access costs.

The agreement also includes provision regarding maintenance.

- 5.6 Officers have updated the costs related to this project and the most significant costs will be the annual gravel renourishment cost \$25,000 and the other annual obligations related to the resource consent of \$15,000, which means an ongoing cost of \$40,000 per year for the duration of the consent. The land consent has no expiry date, while the HBRC consents have a duration of 35 years, so a 35 year life has been assumed in the costings below:

- 5.7 Updated Clifton Revetment Cost Estimate August 2018

Resource Consent	\$ 210,000	(Sunk Costs)
Design Work	\$ 20,000	(Sunk Costs)
Build Cost	<u>\$1,290,000</u>	
Total Capital Cost	\$1,520,000	
Ongoing Operating Cost	\$ 40,000	
Financing Costs	<u>\$ 78,000</u>	(Principal and Interest over 35 years on Capital Build cost)
Annual Commitment	<u>\$ 118,000</u>	

6.0 FUNDING

- 6.1 Officers have previously undertaken an assessment of the funding needs as required under section 101 (3) of the Local Government Act. An updated summary of the hybrid funding option which was adopted for consultation in the 2017/18 Annual Plan is outlined below:
- 6.2 Option 4: This option is considered to be a hybrid option, based on the premise which has been clearly articulated by the Gordon Family, namely that the only basis the family is prepared to willingly provide the land for the access road (approximately \$20,000) is that the land is the sole contribution, no cash or ongoing payments.

This position means the only other way to obtain the land would be through a public works process. This is not recommended as there is still an in principle issue in the projects critical path, that being obtaining resource consent approval for the extending revetment from the HB Regional Council.

Option 4. Hybrid	
Capital Build Cost	\$1,290,000
Less one off contributions:	
Angus Gordon (land value)	\$20,000
Reserve Society	\$50,000
Marine Club	\$10,000
Total to be funded	\$1,210,000

Option 4. Hybrid	%	Annual cost
HDC	86%	\$102,000
Reserve Society	9%	\$10,500
Marine Club	5%	\$5,500
Total recovered annually		\$118,000

6.3 The \$102,000 annual contribution from HDC will be funded via the general rate with 93.28% (\$110,070) funded from Rating Area 1 and 6.72% (\$7,930) from Rating Area 2.

6.4 The detailed section 101 (3) Local Government Act assessment is contained in **Attachment 6** of this report.

6.5 Available Funding

	2017/18
Balance of Clifton Revetment reserve account	\$ 182,080
Budget for Consent and Design Works	\$
Agreed Loan Funding (2017/2018 LTP)	\$1,000,000
Total Funds Available from all sources	\$

7.0 SIGNIFICANCE AND ENGAGEMENT

7.1 This project has gone through extensive consultation as outlined below:

- Project signalled in 2016/17 Annual Plan (Note: No funding source identified).
- With a fully developed proposal and a funding option (hybrid), the community was consulted through the 2017/18 Annual Plan (Note: The four methods of community consultation had a similar response as set out in the table below).

Community Feedback	Support	Opposition	Neutral
Clifton Seawall	56%	27%	16%

Source: Council 7/6/2017

- Lastly, the project was the subject of a publicly notified resource consent application of which there were 81 submissions across both the HBRC and HDC consents, but only one of those opposed the granting of consent. This resulted in consent being granted as set out in section 4.0 of this report.

7.2 Additionally extensive consultation has also been undertaken first hand with the parties listed below over the last 3 years:

- Angus Gordon (Gordon Family)
- Linda Hogan (Clifton Reserve Society - CRS)
- Russell Black & Paul Hursthouse (Clifton Marine Club - CMC)
- Matahiwi Marae
- Heritage NZ

Formal letters agreeing to the proposed funding method have been received from the Gordon Family, CRS and CMC and these appear as **Attachment 7**.

8.0 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

8.1 This proposal has now reached the stage where the Council now needs to finally decide if they either intend to proceed to construction or alternatively that the project does not proceed.

Option 1: Proceed to Construction

8.2 This project has been through a long and extensive investigation, negotiation, survey and design and finally consents phase to get to this point of reporting to Council. The solution of building a rock revetment wall for coastal protection works is entirely consistent with the preferred option identified through the wider Clifton to Tangoio Coastal Strategy project. While the consent duration is a maximum of 35 years the proposed wall will have a design life in excess of 50 years, with ongoing maintenance, and can be added to as the impacts of climate change and sea level rise take effect.

8.3 The proposed solution will address a long standing range of issues that are relevant to a well used section of the districts coastline, with particular relevance to access to campgrounds, cafes, boat ramps and facilities, as well as the primary gateway to the iconic gannets and Cape Kidnappers. It is also important to note that a significant amount of work already exists on site such as the 80m revetment wall and recently completed emergency toe protection works that have been completed on the design alignment and will be incorporated into the final solution. Equally a response to not proceed with the works will see an ongoing and increasingly challenging set of circumstances continue to manifest as circumstances further deteriorate in the area.

8.4 As indicated in section 5.7 of this report, the total capital build cost of the Clifton Revetment at August 2018 is \$1,210,000 which can be funded by a loan with an annual servicing commitment of \$118,000.

Option 2: Do not proceed to construction

8.5 This option is effectively the do nothing option. In succinct terms, Council would effectively walk away from both Camp No. 1 and the CMC boat ramp. Council has previously commissioned “Becas” to identify a new location for a boat ramp and an estimate to construct a new boat ramp. The initial assessment for a new ramp concluded that the estimated capital cost was \$2,300,000 excluding GST (see **Attachment 8**, letter from Beca dated 4 March 2016) and it was also indicated that the new ramp location would not operate in all conditions.

8.6 This option would also trigger the obligation for removal of Camp No. 1 by the Reserve Society over time and HDC would also be required to remove the existing revetment.

8.7 Estimated Costs

Camp No. 1 Removal (i)	\$150,000
Existing revetment removal (ii)	\$100,000
Less funds from Rehabilitation Reserve	-\$ 36,750
Nett Cost:	\$213,250

(i) Note: These calculations have assumed that the two areas of emergency rock works installed by Council would not be removed.

(ii) Costs updated as at August 2018.

8.8 Outlined below is the “consequence of termination” clause 28 with the Clifton Reserve Society.

“Clause 28 - Consequences of Termination

The Society shall then fully rehabilitate the Motor Camp using its own funds. Each year during the initial 15 year term of the lease, the Society shall pay to the Council 7% of the agreed estimated cost of rehabilitation of the Motor Camp and the Council shall set aside such moneys in a reserve account. The reserve society money held in reserve by the Council will be released to the Society upon termination of this agreement progressively to pay invoices upon

satisfactory completion of individual rehabilitation works. The estimated cost shall be at the agreed estimated cost as at the date of signing of the agreement and the first payment shall be made not later than 20th March 2012 and thereafter every 12 months. The estimated cost shall be increased every five years by the increase in the All Groups Index of the Consumers Price Index from the quarter ending 31st December 2010. Effectively Council is holding the Reserve Society as a bond”.

- 8.9 The balance of this rehabilitation reserve account is \$36,750.
- 8.10 Additionally the Reserve Society is paying approximately \$16,600 annually for five years to fund their 50% share of the existing revetment.
- 8.11 The two letters received from the Marine Club and Reserve Society have riders on them that their annual contributions are subject to membership numbers and organisation's financial health. This has been identified as a possible future risk.

9.0 RISKS

9.1 Funding

A risk in option 1 is the long term financial position of both the CMC and CRS in terms of being able to pay their contributions as outlined below:

	Annual	One off cost
Ongoing contribution to rehabilitation fund	\$ 5,250	
Ongoing contribution to initial revetment costs (both CMC & CRS)	\$16,000	
Contribution to temporary works (completed July 2018)		\$ 96,000
Ongoing contribution to Hybrid funding (both CMC and CRS 2018)	\$16,600	
One off contribution to Hybrid funding model (both CMC and CRS 2018)		\$ 60,000
	\$37,850	\$156,000

As outlined in previous correspondence from both the CMC and CRS, their payments are subject to these organisations being in a financial position to make annual payments.

9.2 Precedent

I consider that should Council decide to proceed with works, this will prompt calls for further extension of the revetment works at Clifton to protect all of the reserve, accessway and possibly Clifton Camp No. 2 leading to further expenditure.

Having said that, the Clifton situation can be seen as exceptional, having regard to the importance of the boat ramp to the District / Region, the public usage of the Clifton Camp, the tourism importance of this Clifton area for

access to the gannet colonies and Cape Kidnappers, and the fact that this project was initiated prior to the Coastal Hazards Strategy having been progressed to its current state. It is considered unlikely that future projects will be able to demonstrate these, or similar features, such that the case for expenditure of public funds is likely to be different, and likely much weaker, in other cases.

10.0 SUMMARY

- 10.1 I consider this proposal has been through extensive public consultation from initial concept to detailed funding (LTP) and a notified resource consent. Council officers are working through the final design details and appropriate resource consent conditions / Heritage approvals with a view to reporting to the Tenders Committee with the next month.
- 10.2 Therefore I consider Council need to give a clear direction to staff on proceeding with this revetment or not, considering the strategic, financial and precedent issues that have been canvassed in the various reports to Council.

11.0 RECOMMENDATIONS AND REASONS

A) That the report of the Group Manager: Planning & Regulatory titled “Clifton Revetment” dated 9/08/2018 be received.

B) That Council:

EITHER

- i) proceed to construct the Clifton Revetment as consented by HDC and HBRC (CL170304C, CL170305D, CL170306E, LU170307C, CL170308O, CL170309M, CD170310L & CL170311R) as set out in Option 1 of the report.**

OR

- ii) not proceed to construct the Clifton Revetment as consented by HDC & HBRC (CL170304C, CL170305D, CL170306E, LU170307C, CL170308O, CL170309M, CD170310L & CL170311R) and therefore detailed implications for the Clifton No. 1 Camp and the Boat Ramp plan be brought back to Council as set out in Option 2 of the report.**

Attachments:

1	Clifton Beach: Long Term Coastal Protection Works, February 2016	PRJ16-16-0005	Separate Doc
2	Photos of Clifton Emergency Works - July 2018	PRJ16-16-0114	Separate Doc
3	Clifton Revetment Resource Consent Commissioner Decision	PRJ16-16-0112	Separate Doc
4	Schedule of Consent Conditions	PRJ16-16-0115	Separate Doc
5	Beca Plans	CG-14-72-00002	Separate Doc
6	Section 101 (3) Local Government Act	PRJ16-16-0013	Separate Doc
7	Contribution Agreements	PRJ16-16-0018	Separate Doc
8	Clifton Beach Potential New Boat Ramp	PRJ16-16-0116	Separate Doc

REPORT TO: STRATEGY PLANNING AND PARTNERSHIPS COMMITTEE

MEETING DATE: THURSDAY 9 AUGUST 2018

FROM: TEAM LEADER ENVIRONMENTAL POLICY
MEGAN GAFFANEY

SUBJECT: VARIATION 5 - INNER CITY LIVING

1.0 SUMMARY

1.1 The purpose of this report is to obtain a decision from the Committee on whether to adopt a Variation to the Proposed Hastings District Plan for public notification under the Resource Management Act 1991 (the 'RMA') process.

1.2 The purpose of the Variation is to enable above ground level residential activity in the Hastings Central Commercial Zone.

This matter arises from the Planning and Regulatory Committee decision on 16 November 2017:

"A) That the report of the Team Leader Environmental Policy titled "Plan Variation - Inner City Residential" dated 16/11/2017 be received.

B) That a Variation to the Proposed Hastings District Plan to address inner city residential living be approved as a priority workstream for the Environmental Policy team.

With the reasons for this decision being that the objective of the decision will contribute to meeting the current and future needs of communities for performance of regulatory functions in a way that is most cost-effective for households and business by:

i) Enabling inner city residential living in the Hastings Central Commercial zone and meet the objective of the Hastings City Centre Strategy to provide opportunities for inner city living".

1.3 Council is required to give effect to the purpose of local government as prescribed by Section 10 of the Local Government Act 2002. That purpose is to meet the current and future needs of communities for good quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses. Good quality means infrastructure, services and performance that are efficient and effective and appropriate to present and anticipated future circumstances.

1.4 The objective of this decision relevant to the purpose of Local Government is:
Regulatory functions which help to prevent harm and help create a safe and healthy environment for people, which promote the best use of natural resources and which are responsive to community needs.

1.5 This report concludes by recommending that Variation 5 Inner City Living as shown in **Attachment 1** be adopted for public notification subject to the requirements of the Resource Management Act 1991.

2.0 BACKGROUND

- 2.1 Hastings, along with other provincial towns and cities faces challenges arising from changing retail trends. Changes which create questions about the changing functions of provincial city centres. Council has responded to this by developing a strategy and action plans to assist with transforming Hastings city centre.
- 2.2 One of the key objectives of the Hastings City Centre Strategy (Strategy) is to provide opportunities for inner city living. The Strategy states that the benefits are that:

“it may bring returns to retailers and enterprise (due to the higher density of people in close proximity), improve vibrancy, reduce transport pressures and congestion, provide housing choice (for professionals, retirees, small families), including the opportunity for affordable and retirement housing, while reducing pressure on the natural environment and our productive soil resource”.

3.0 CURRENT SITUATION

- 3.1 The Hastings CBD is zoned Central Commercial and only provides for Residential Activities (above ground floor) as a Permitted Activity on sites with a Designated Retail Frontage (see Attachment 1). If outside the Designated Retail Frontage a non-complying resource consent is required. In addition, there are rules in the Plan that may contribute making the conversion of commercial buildings to residential use difficult to achieve, including the requirement for outdoor living space and on-site car parking.
- 3.2 This Plan matter was brought to the attention of Councillors at a CBD workshop in August this year. Councillors indicated at the workshop their support to amend the Plan provisions to encourage inner city living.
- 3.3 The matters that have been raised as constraints to inner city living have now been evaluated, and a Variation to address them, and achieve the most appropriate outcome for the City, is now proposed.
- 3.4 The evaluation of the issues has resulted in the following proposed amendments to the Proposed District Plan by way of a Variation to the Plan;
- Providing for residential activities above ground floor level as a permitted activity in the Central Commercial Zone
 - Providing on-site parking exemptions for above ground residential activities in the Central Commercial Zone.
 - Providing an exemption for outdoor living space requirements for above ground floor residential activities in buildings within the Russell Street and Queen Street Historic Areas or within the Central Character Precinct.

4.0 OPTIONS

- 4.1 There are two options, the first being to undertake a Variation to amend the Proposed District Plan (Option 1) or to leave the Plan as it is (Option 2).

5.0 SIGNIFICANCE AND ENGAGEMENT

- 5.1 This proposal is significant in terms of Council's Significance & Engagement Policy and consultation will be undertaken under the terms of the Resource Management Act 1991.

6.0 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

- 6.1 Budgetary provision has been made for the Variation in the District Plan review budget.
- 6.2 Option 1 will allow the public to have a say and enable changes to be made to the Plan. The Changes should make the regulatory framework simpler and facilitate residential activity in the Hastings City Centre.
- 6.3 Option 2 of not adopting the Variation for public notification will result in the continuation of the status quo.
- 6.4 Under the RMA a Variation has some legal effect when it is publicly notified. The weight afforded to the Variation when assessing a resource consent application depends on how far through the RMA Variation process is. Conversely, as the Variation moves through the process (i.e. submissions, decisions, appeals), the Proposed Plan as a result of Decisions is given less weight. To realise the benefits of an updated district plan it is important to publicly notify the Variation to commence the RMA process.
- 6.5 In terms of the Local Government Act consideration of 'cost effectiveness' to businesses, the informal consultation has helped in making necessary refinements to achieve this. It appears from the discussions with landowners and stakeholders that the level of acceptance from is high for the proposed amendments to expand the area that Residential activities are permitted and amending Plan rules to remove requirements for outdoor living space and on-site parking in the Central Character Precinct and other identified Historic Areas in the CBD.

7.0 PREFERRED OPTION/S AND REASONS

- 7.1 Option 1 to proceed with publicly notifying the Variation is preferred as it will provide an opportunity to positively influence the future of the Hastings CBD. This is consistent with Council's strategic direction to enable inner city living. Proceeding with adopting and notification of the Variation for RMA submissions is recommended.

8.0 RECOMMENDATIONS AND REASONS

- A) That the report of the Team Leader Environmental Policy titled "Variation 5 - Inner City Living" dated 9/08/2018 be received.
- B) That the Section 32 evaluation, the Variation to the Proposed Hastings District Plan 2015 and the accompanying TDG report tabled with this report be adopted for public notification pursuant to Schedule 1 of the Resource Management Act 1991.

With the reasons for this decision being that the objective of the decision

will contribute to the performance of regulatory functions by:

- i) Progressing Variation 5 to the Proposed Hastings District Plan to ensure that as Council's primary regulatory tool for managing land use and subdivision, that it is consistent with Council's strategic direction and with best practice.**

Attachments:

1	Section 32 Report	ENV-9-5-1-18-154	Separate Doc
2	Draft Inner City Residential Plan Change	ENV-9-5-1-18-155	Separate Doc

REPORT TO: STRATEGY PLANNING AND PARTNERSHIPS COMMITTEE

MEETING DATE: THURSDAY 9 AUGUST 2018

**FROM: ENVIRONMENTAL POLICY MANAGER
ROWAN WALLIS**

SUBJECT: UPDATE ON DISTRICT PLAN APPEALS

1.0 SUMMARY

- 1.1 The purpose of this report is to update the Committee about progress on the Appeals on the Proposed District Plan and the Variations to the Proposed Plan.
- 1.2 The Council is required to give effect to the purpose of local government as prescribed by Section 10 of the Local Government Act 2002. That purpose is to meet the current and future needs of communities for good quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses. Good quality means infrastructure, services and performance that are efficient and effective and appropriate to present and anticipated future circumstances.
- 1.3 The purpose of this report relevant to the purpose of Local Government is the performance of a regulatory function through the provision of a District Plan which will help to create an attractive and healthy environment for people, which promote the best use of natural resources and which is responsive to community needs. This report concludes by recommending that this report be received for information purposes.

2.0 BACKGROUND

- 2.1 A total of 47 appeals were received to the Proposed Hastings District Plan. This includes a later appeal by Golden Oaks as this hearing was held by Commissioners after the others were heard by the Hearings Committee. It also includes appeals on later Plan variations 1 (Omahu), 2 (Irongate) and 3 (Howard Street).
- 2.2 The appeals process is entirely managed by the Environment Court. The Council is automatically a party to the proceedings and must be available to attend any hearing to discuss or clarify matters in the hearing report/s, give evidence to the Court about its planning report and any other relevant information. Council staff will be required to act as witnesses and technical advisers. For each appeal, careful consideration is given to who are the best staff, consultants and/or independent experts needed for each case.
- 2.3 It is an expectation of the Court that Council have legal representation for all appeals. Council provided the first of its reporting memorandums to the Court in December 2015 and has provided further reports approximately every eight weeks' since.

- 2.4 The Court has an expectation that all appeals will involve mediation (where early resolution is not achieved) and memorandums and consent orders signed where an agreement can be reached. Mediation was facilitated by the Environment Court who appointed an independent commissioner to mediate appeals. Where agreement is not reached, the mediation process is useful in refining the issues before any Environment Court hearing. There is a court expectation that a number of appeals be resolved through this process rather than ending up at a hearing.
- 2.5 Mediation on all appeals has largely concluded, with Council staff involved in approximately 8 weeks of mediation. The remaining appeal requiring mediation is for a residential rezoning for land in the Brookvale Road area in Havelock North, which is pending the completion of further investigations by the appellant. Informal mediation on Howard Street has been ongoing and has involved expert engineering caucusing on an appropriate stormwater solution.

3.0 CURRENT SITUATION

- 3.1 Appended to this report as **Attachment 1** is an appeals tracking document which shows all appeals and where they are at in the appeals process. Included are several tables, broken down into the following categories: matters for which mediation has been held but all matters are not yet resolved (including where they are at in the process); on hold appeals and finally resolved appeals.
- 3.2 To date 44 appeals have been resolved, either through withdrawal, consent orders which have been lodged by parties and signed off by the Environment Court or through pending consent documents.
- 3.3 The Iona Streamlined Planning Process affected 2 appeals. As a result of a Council resolution on August 8 2017 an application was lodged with the Environment Minister to adopt a Streamlined Planning Process (SPP) for the rezoning of land at Iona. The benefits of adopting a Streamlined Planning Process versus the standard planning process to rezone this land (by way of Plan Variation under the Resource Management Act 1991) were outlined in a Council Workshop on July 18 2017.

As background, Council staff prepared and released a draft Structure Plan in August 2017 for public comment. The draft Structure Plan incorporated the design elements worked on by the Iona Working Group with specialist input from Isthmus Group (landscape and urban design consultants). Comments received on the draft Structure Plan were used to shape the Structure Plan which has been incorporated as part of the Plan Variation.

The Minister issued a direction on the SPP application in late Feb 2018, and the variation was notified in conformity with the direction timetable on 6 the April 2018, with submissions closing 7th May. Following the notification of the variation the 2 appeals on Iona were withdrawn.

The hearing of submissions was undertaken 30-31 May and 15th June 2018. The Independent Commissioners recommendations are with the Minister for his decision.

Two appeals have been placed on hold by the Environment Court, and are due to the:

- expert engineering conferencing on the appropriate stormwater solution for the Howard Street variation.
- structure planning work is carried out at Brookvale by the appellant in consultation with Council staff (Bourke appeal). Mediation will resume once the structure planning work has been completed; and

3.4 If hearings are needed on remaining outstanding appeals these will be on refined matters.

3.5 Since the last appeal update to Council the Environment Court has heard the Maungaharuru Tangitu Trust's appeal on the outstanding larger wāhi taonga sites and with the district plan provisions that manage the wāhi taonga sites. An Interim Decision has been given and this supports the Council's proposed plan provisions to manage land use on and around wāhi taonga sites. However, the decision requires the parties to the appeal to go back to mediation to agree the setting of clearly identifiable boundary points and margins for the sites under appeal. That mediation is yet to take place. Maungaharuru Tangitu Trust has appealed this decision to the High Court stating that the Environment Court failed to consider and properly apply the considerations of the RMA for a Plan Change Appeal. No date has yet been set by the High Court for the hearing of this appeal.

3.6 Since the last report to Council in May 2018, the Federated Farmers of New Zealand appeal as it relates to Genetically Modified Organisms (GMOs) has also been resolved with Federated Farmers withdrawing their appeal before the Court Hearing took place.

3.7 Changes required to the Proposed Plan as a result of signed consent orders will be incorporated into E-Plan (online version of the District Plan) and for later adoption as part of the new Operative District Plan.

4.0 RECOMMENDATIONS AND REASONS

A) That the report of the Environmental Policy Manager titled "Update on District Plan Appeals" dated 9/08/2018 be received.

Attachments:

1 Appeals Tracking Table as at 30 June 2018 ENV-9-18-5-18-727

Appeals Tracking (as at 30 June 2018)

A – Matters for which mediation has been held but all matters are not yet resolved or awaiting Environment Court decisions

Appeal	Appellant	Subject	Comment
054	Maungaharuru-Tangitu Trust	<ul style="list-style-type: none"> Sites of cultural significance 	<ul style="list-style-type: none"> Environment Court hearing held on a small number of sites and on the provisions that would sit with those sites was completed 26th April 2018 for a much reduced number of sites. Court issued Interim Decision 28 May 2018. Interim decision has been appealed by MTT to High Court
044	Karen Cooper	<ul style="list-style-type: none"> Howard Street Residential Rezoning Appeal limited to stormwater solution 	<ul style="list-style-type: none"> Mediation/expert caucusing ongoing between engineers around a stormwater solution.
053	Federated Farmers partial	<ul style="list-style-type: none"> Appeal on GMO provisions 	<ul style="list-style-type: none"> Consent Order lodged with the Court and awaiting Court decision.

B - On hold Appeals

Appeal	Appellant	Subject	Comment
083	Michael Bourke	<ul style="list-style-type: none"> Brookvale Rezoning 	<ul style="list-style-type: none"> Awaiting lodgement of structure plan

C - Resolved Appeals

Appeal	Appellant	Status
071	Progressive Enterprises	Confirmed as withdrawn 31 March 2016
089	Evans Family Trust	Confirmed as withdrawn 10 March 2016
090	Kahuranaki Station Ltd and Caroline Greenwood	Consent order issued 2 June 2016
087	Advance Properties Group Limited	Memorandum filed by Mr Lawson regarding withdrawal of appeal 9 May 2016
067	New Zealand Wool Services International Ltd	Memorandum filed regarding withdrawal of appeal 25 May 2016
068	The Chief of New Zealand Defence Force	Consent order issued 29 June 2016
072	Transpower New Zealand Limited	Consent order issued 19 September 2016
063	New Zealand Association of Radio Transmitters Incorporated and Hawkes Bay Amateur Radio Club	Consent order issued 5 August 2016
075	Foodstuffs North Island Limited	Consent order issued 12 October 2016
058	Bunnings Limited	Consent order issued 9 September 2016
082	Farmers Transport (2015) Ltd	Consent order issued 3 October 2016
070	Meridian Energy Limited	Partial consent order issued 6 October 2016 and remaining appeal point withdrawn
066	Raikes, Peter	Consent order issued
081	Longview Group Holdings Limited	Consent order issued 12 December 2016
065	K Stone, K and D Whiting and J Boyes	Confirmed as withdrawn 5 August 2016
094	Raymond Road Zoning Change Society Incorporated	Memorandum filed regarding withdrawal of appeal 3 August 2016
073	House Movers Section of the New Zealand Heavy Haulage Association Inc.	Consent order issued 7 December 2016
078	Apatu Farms Limited	Consent order issued 12 December 2016

Appeal	Appellant	Status
069	Contact Energy Limited - Noise (site specific) Whirinaki	Consent order issued 21 November 2016
092	Drillers Poultry Farm (George Davies and Neville Charles Goldie Trading as Drillers Poultry Farm)	Consent order issued 12 December 2016
053	Federated Farmers of New Zealand <ul style="list-style-type: none"> • Rural Zone • Plains Production Zone • Natural Features and Landscapes • Riparian Land Management and Public Access • Earthworks (in relation to landscape areas) 	Partial consent order issued 14 October 2016 and 21 November 2016. One appeal point pertaining to GMOs outstanding.
077	Bradshaw, Wayne	Consent order issued 12 December 2016
076	Horticulture New Zealand <ul style="list-style-type: none"> • Biosecurity • Network Utilities • Rural Zone • Plains Zone • Definitions 	Consent order issued 1 November 2016
059	Brownrigg Agriculture Group Ltd	Consent order issued 12 December 2016

Appeal	Appellant	Status
088	Bell, Andy (Trading as Design Builders)	Resource consent issued to vary consent conditions to resolve concerns. Appellant still to file memorandum with the Court withdrawing appeal.
049	Renouf, David	Consent documentation lodged with the Environment Court. Minute requesting information received from the Environment Court and response provided with the agreement of all parties. Awaiting response/issuing of consent order.
055	Ngati Kahungunu Iwi Incorporated <ul style="list-style-type: none"> Urban Strategy Subdivision and Land Development Heretaunga Plains Aquifer System Definitions 	Partial consent order issued 15 December 2016. Remaining issued associated with Renouf appeal and the minute outlined above.
085	ERL Investments Limited (formerly Crasborn ERL Limited)	Consent order issued 12 December 2016
056 057	Bates, Martin Paul Hall, S and I <ul style="list-style-type: none"> Zoning - Haumoana – Te Awanga 	Consent order issued 28 April 2017
032	GA and SJ Cornes Partnership (trading as Golden Oak) <ul style="list-style-type: none"> Plains to Industrial Rezoning Request 	Environment Court scheduled for 6 June 2017, but appeal was withdrawn by the appellant prior to the hearing occurring.
060	Ocean Beach Wilderness Property Ltd, Ocean Beach Land Holdings Ltd, Tennyson OB Ltd and Andrew Lowe <ul style="list-style-type: none"> Nature Preservation Zone Landscape provisions for Ocean Beach Mediation held 4 July 2016 and 16 August 2016 	Consent order issued 12 October 2017

Appeal	Appellant	Status
	<ul style="list-style-type: none"> Mediated position discussed with members of the Hearings Committee 	
2017-045	Bayley & Others (Omahu – Variation 1)	Consent order issued 29 August 2017
2017-046	Navilluso Holdings, Tumu Timbers, Carrfields Investments and M Walmsley (Irongate – Variation 2)	Consent order issued 24 th Jan 2018
074	Ballance Agri-Nutrients	<ul style="list-style-type: none"> Request for Scheduled Activity (Irongate) Appeal withdrawn
084	Te Aute Holdings JV Ltd	<ul style="list-style-type: none"> Residential Rezoning – Havelock North – Te Aute Road Mediation held September 2017 and consent documents filed with the Environment Court with the signatures of all parties
064	Te Awanga Downs Family Trust	<ul style="list-style-type: none"> Residential Rezoning Request Consent order issued December 2017
093	Navilluso Holdings Limited	<ul style="list-style-type: none"> Appeal resolved by Consent order issued 24th Jan 2018
091	Roil, John	<ul style="list-style-type: none"> Appeal resolved by Consent order issued 24th Jan 2018
086	Mike Walmsley Limited	<ul style="list-style-type: none"> Appeal resolved by Consent order issued 24th Jan 2018
080	Carr Group Investments Limited (formerly Maraekakaho Properties Limited)	<ul style="list-style-type: none"> Appeal resolved by Consent order issued 24th Jan 2018
079	Hansen, W (Haupouri Partnership)	<ul style="list-style-type: none"> Appeal resolved by Consent Order issued 7th June 2018
061	Graeme Lowe Properties Limited and Lowe Family Holdings	<ul style="list-style-type: none"> Appeal withdrawn 9th May 2018
062	JE Lowe and Lansdale Development Limited	<ul style="list-style-type: none"> Appeal withdrawn 9th May 2018

REPORT TO: STRATEGY PLANNING AND PARTNERSHIPS COMMITTEE

MEETING DATE: THURSDAY 9 AUGUST 2018

FROM: PARKING TRANSPORTATION OFFICER MEL ENGLAND

SUBJECT: PARKING CONTROLS

1.0 SUMMARY

1.1 The purpose of this report is to obtain a decision from the Committee on a number of changes to parking controls throughout the District.

1.2 These proposals arise from requests for new parking controls and an amendment to an existing control.

Council is required to give effect to the purpose of local government as prescribed by Section 10 of the Local Government Act 2002. That purpose is to meet the current and future needs of communities for good quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses. Good quality means infrastructure, services and performance that are efficient and effective and appropriate to present and anticipated future circumstances.

1.3 The objective of this decision relevant to the purpose of Local Government is the provision of quality infrastructure and local public service.

1.4 This report concludes by recommending;

A) That a 60 minute time limit be established on Hastings Street North.

B) That the 180 time limit encompass all of the Queen Street West Carpark.

2.0 BACKGROUND

2.1 From time to time it is necessary to introduce parking controls and or amend those that are already in place.

2.2 In order that the changes are legally established these need to be formally resolved by Committee.

2.3 The following table provides the background and current situation relevant to the various changes being proposed:

Hastings Street North

Officers were approached by the owner of C and T Commercial Limited, at 303 Hastings Street North, advising that due to all-day parking by those working in the immediate area, customers and couriers were finding it difficult to access the business.

Two occupancy survey's were carried out during April and July 2018 which

showed the overall average to be 90%.

It is generally accepted as a national standard that if occupancy levels are in excess of 85% a motorist will normally have difficulty finding a carpark within close proximity to their destination.

Individual carparks already exist on the road which maximise's the on-street parking, but it is proposed that 3 spaces directly outside the business have a 60 minute time limit established to provide regular turnover of the spaces, thus enabling ready access for customers and delivery vehicles-**see Attachment 1.**

Queen Street West Carpark

In April this year the leased carparks were disestablished due to the 325 Heretaunga Street West Laneway project commencing.

It is proposed that the existing 180 minute time limit include the old leased carparks and to be introduced once the 325 Heretaunga Street West Laneway project is concluded-**see Attachment 3.**

3.0 OPTIONS

3.1 The options available to Council are to:

A) Approve the changes being proposed

OR

B) Not approve all or some of the changes being proposed

4.0 SIGNIFICANCE AND ENGAGEMENT

4.1 The matters in this report are not significant in terms of Council's Significance Policy.

4.2 Hastings Street North

Because the 3 parking spaces, proposed to have a 60 minute time limit, are directly outside the business that has requested the controls be established, no other businesses in the area are likely to be affected and no other consultation has been undertaken.

4.3 Queen Street Car Parking

Because the old lease carparks, proposed to have the 180 time limit, are no longer being used by businesses in the area no other consultation has been undertaken.

5.0 PREFERRED OPTION/S AND REASONS

5.1 Hastings Street North

Officers support the introduction of the time limit for the 3 carpark spaces.

It will help to provide ready parking for customers, couriers and delivery vehicles wanting to access the C and T Commercial Limited office and workshop by ensuring there is a regular turnover of the spaces.

5.2 Queen Street Car Parking

Officers support the introduction of the time limit for the old lease carpark spaces.

It replicates time limits that already apply in the same area. This will ensure there is regular turnover of the spaces and in turn provide opportunity for public to easily access the central CBD.

6.0 RECOMMENDATIONS AND REASONS

- A) That the report of the Parking Transportation Officer titled "Parking Controls" dated 9/08/2018 be received.
- B) That Council resolve pursuant to Clause 5.3.1(a)(i) of Chapter 5 (Parking and Traffic) of the Hastings District Consolidated Bylaw 2016, that 3 carpark spaces on the eastern side of Hastings Street North, be resolved to have a 60 minute time limit . See attachment 2
- C) That the Council resolve pursuant to Clause 5.3.1(a)(i) of Chapter 5 (Parking and Traffic) of the Hastings District Consolidated Bylaw 2016, that all the parking on Queen Street East, between Hastings Street North and Warren Street North be resolved to have a 180 minute time limit.

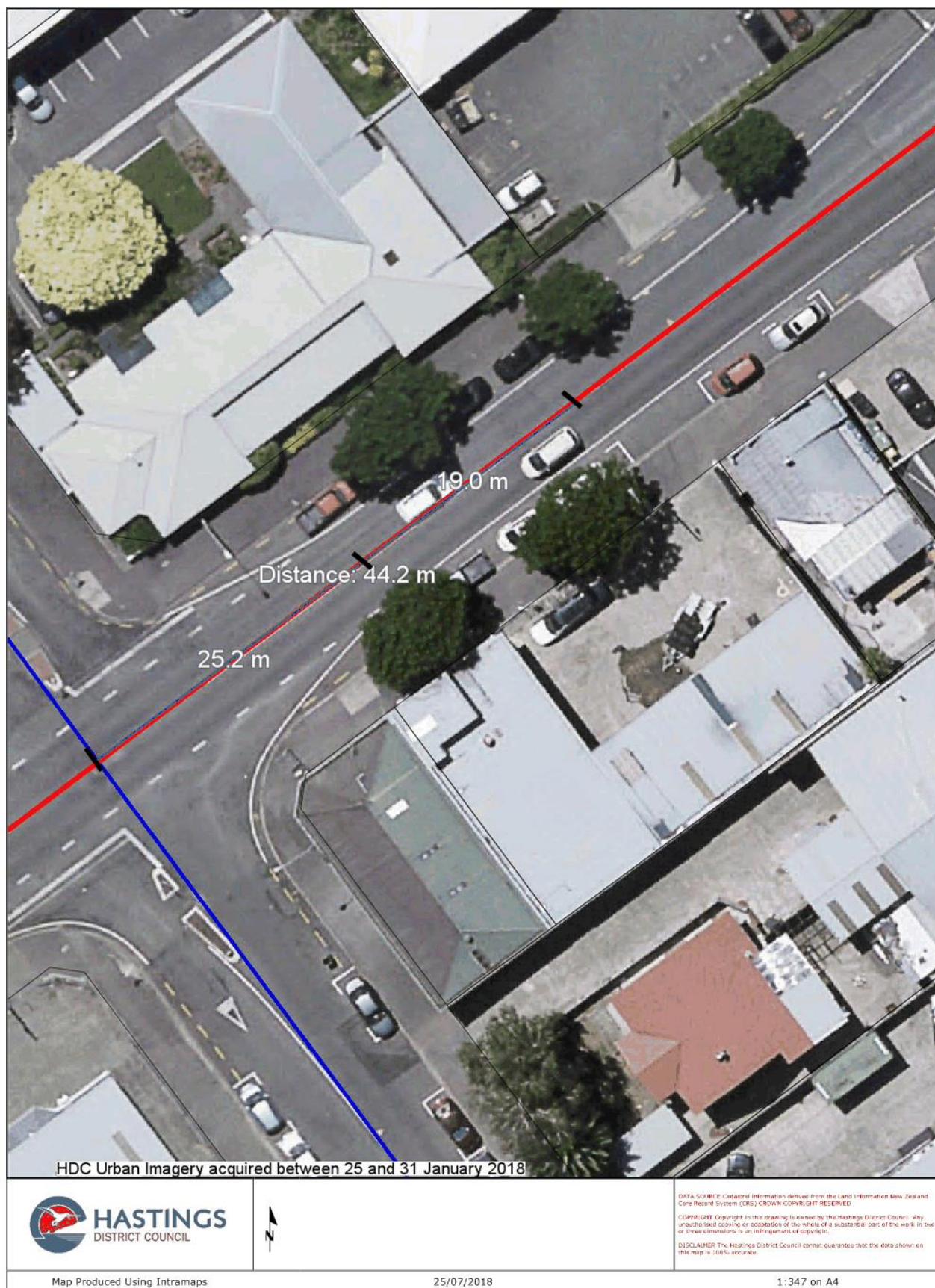
With the reasons for this decision being that the objective of the decision will contribute to performance of regulatory functions in a way that is efficient and effective and appropriate to present and future circumstances by:

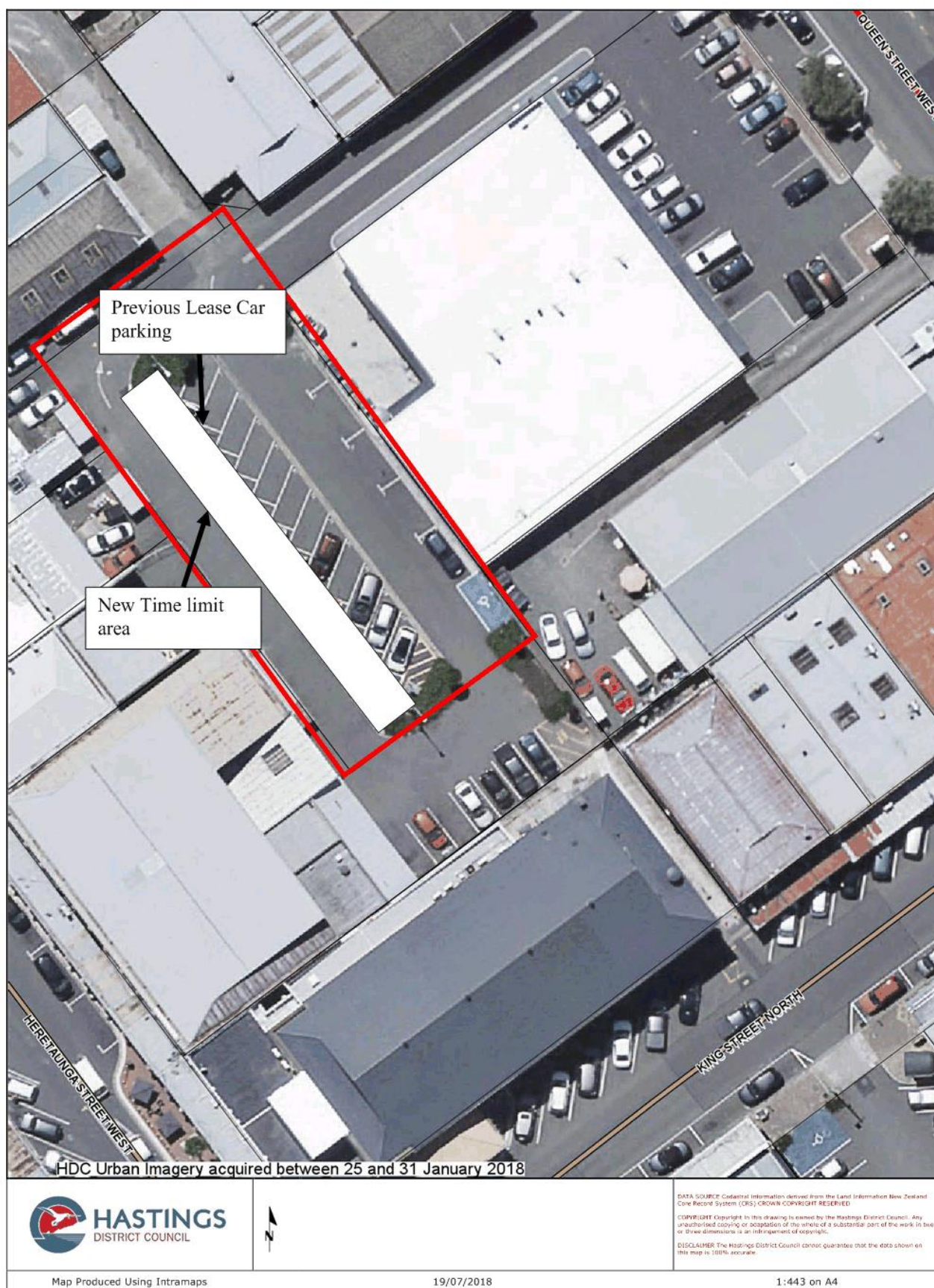
- Providing parking spaces in relevant places within the district that are safe and readily available to motorists.

Attachments:

1	Hastings Street North Time Limit	REG-22-03-12-18-441
2	Hastings Street North Time limit Car park distances	REG-22-03-12-18-443
3	Queen Street West Car Park Time Limit	REG-22-03-12-18-442







REPORT TO: STRATEGIC PLANNING AND PARTNERSHIPS COMMITTEE

MEETING DATE: THURSDAY 9 AUGUST 2018

FROM: LICENSING INSPECTOR JANINE GREEN

SUBJECT: INFORMATION REPORT - ENFORCEMENT POLICY

1.0 SUMMARY

- 1.1 The purpose of this report is to inform the Committee about the development and approval of a new Council Enforcement Policy.
- 1.2 This policy was developed as the result of recommendations arising from the Local Government Excellence Programme review that was conducted in 2017.
- 1.3 This report concludes by recommending that the report and attached Enforcement Policy be received.

2.0 BACKGROUND

- 2.1 Local Government New Zealand (LGNZ) created the local government excellence programme "CouncilMARK", to support individual councils to further improve the value they provide to all New Zealanders.
- 2.2 The Council completed this programme in 2017 and as part of this process, it was identified that an Enforcement Policy for all the regulatory functions of council was required. Accordingly, an enforcement policy was developed. The process used to form the policy is outlined in 2.3 to 2.7 below.

The policy development process

- 2.3 An environmental scan of 25 of 78 New Zealand Councils, private companies and government organisations, was completed to analyse different approaches to enforcement and compliance.
- 2.4 National and international literature was gathered on effective regulation and enforcement in order to establish a best practise for regulatory compliance.
- 2.5 Internal consultation and engagement with Council staff was carried out over a three month period. Part of the work included analysing current processes and practises within the regulatory functions of council as well meeting with those involved in regulatory work.
- 2.6 All information obtained through the above research was analysed and a draft Enforcement policy was formulated.
- 2.7 The policy has had an internal legal review by Scott Smith, General Counsel, and external legal review from The Crown Law Office, Prosecution Unit.

Approval of the draft policy for Council use

- 2.8 On the 30 May 2018 the policy was approved for use by Council, by the Executive Leadership team.

The Enforcement policy

- 2.9 The Enforcement Policy is a high level document that will provide guidance for Council Officers when undertaking enforcement and compliance work.
- 2.10 The purpose is to ensure there is consistency across Council when dealing with regulatory matters and also to provide mechanisms and processes to ensure enforcement powers are exercised appropriately.
- 2.11 This policy will also be available on the Council website to create transparency and inform the public of councils approach, processes and actions in enforcement and compliance.
- 2.12 The policy document includes:
- an overall purpose with 6 policy objectives
 - 5 principles to guide the way council officers work in compliance and enforcement
 - A 4 step compliance and enforcement procedure for council officers to follow
 - A compliance and enforcement risk and response model to utilise to make decisions.
 - A short prosecutions policy based on the Crown Law Office Prosecution Guidelines.
 - A summary on the importance of Recording, Monitoring and evaluation
 - An appendix of relevant legislation and important Council documents.

3.0 CURRENT SITUATION

- 3.1 The policy will be implemented Council wide through meetings with teams and workshops where required, over the next two months.
- 3.2 The policy will be put on the council website to help ensure the public is aware of how Council undertakes its enforcement role.

4.0 RECOMMENDATIONS AND REASONS

- A) That the report of the Licensing Inspector titled "Information Report - Enforcement Policy" dated 9/08/2018 be received.**

Attachments:

- 1 Enforcement Policy - Final Draft 8.5.18 PMD-02-11-18-15

ENFORCEMENT POLICY



ENFORCEMENT POLICY

'A GUIDELINE DOCUMENT FOR COUNCIL OFFICERS'<PROJECT NAME>

May 2018

Item 8

Attachment 1



PMD-02-11-18-15

1 | Page

ENFORCEMENT POLICY

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ENFORCEMENT POLICY

1. Introduction

Hastings District Council is required by various pieces of legislation and statutes to control a range of activities designed to:

- Protect the health, wellbeing and safety of residents
- Manage land use and development
- Protect the environment.

Control is achieved in a number of ways, including through:

- Building and Resource Consents
- District Plan controls
- Asset management
- Parking, animal and noise control
- Bylaw enforcement
- Alcohol Licensing and monitoring
- Environmental Health Licensing and monitoring.

Council monitors activities associated with the above controls and may investigate issues or complaints regarding breaches of rules or regulations for the district. For the year January 2017 to January 2018 Hastings District Council has received¹:

- 173 Environmental health complaints
- 101 Planning complaints including RMA complaints / internal referrals
- 74 Building complaints / Internal referrals
- 3,459 Animal control complaints.

It also issued:

- 8 Resource Management Act infringements
- 3 Noise control infringements
- 496 Dog Control related infringement fines, 1167 impounded dogs
- 16,423 Parking related infringement fines
- 9 Noise Abatement notices.

The Enforcement Policy includes; an overall purpose with 6 policy objectives, 5 principles to guide the way council officers work in compliance and enforcement, a 4 step compliance and enforcement procedure for Council officers to follow and a Compliance and Enforcement Risk and Response model to utilise to make decisions. Having a standard procedure or policy for enforcement of the council's regulatory activities is important for consistency and transparency. Please note this policy is a guide only.

¹ These numbers are approximate and are based on records from the Council database, those that are not recorded are not included in this number.

ENFORCEMENT POLICY

2. Purpose

The Enforcement Policy is a high level document that will provide guidance for Council Officers when undertaking enforcement and compliance work. The purpose is to ensure there is consistency across Council when dealing with regulatory matters and also to provide mechanisms and processes to ensure enforcement powers are exercised appropriately. Lastly, this policy is to inform the public of councils approach and processes for enforcement to ensure transparency and outline the enforcement actions available to Council.

The policy is to be utilised in conjunction with key legislation, the Crown Law Prosecution Guidelines 2013, Media Protocol for Prosecutors 2013 and Council guidance and procedural documentation. The legislation and statutes which Council has responsibilities for, and is required to consider when enforcing regulatory requirements, are listed in Appendix One (Note: this is not an exhaustive list and is subject to change).

Council also has many guideline documents, policies and procedural documents that provide process maps, instructions and guidelines specific to each regulatory function of council. These documents vary in detail and need to be referred to when undertaking regulatory enforcement functions. Appendix One lists a number of these policies and documents but again is not intended to be exhaustive.

3. Enforcement Model Background

This policy utilises both a risk based and responsive enforcement approach. A responsive enforcement approach recognises that there needs to be a range of tools to deal with regulatory matters, contingent upon the attitudes and conduct of those subject to the regulatory action. It assists those who want to comply and is more punitive to reluctant parties.

Responsive enforcement is typically arranged conceptually in a pyramid. At the bottom of the pyramid are the more frequently used strategies of first choice; these are less interventionist, and cheaper. Conversely, the strategies at the top of pyramid are less utilised, more directive actions and are more expensive.

While the responsive models focus on behaviour and appropriate responses to achieve compliance with regulation, risk-based frameworks focus on identifying and assessing the risk of harm of non-compliance and on channelling resources to the highest risk cases.

Council will use both responsive and risk based enforcement models to ensure enforcement action is effective and appropriate. Council will generally use a graduated response to complaints, breaches and non-compliance as this tends to increase voluntary compliance and is the most effective in enforcement of regulations. However, in some cases legislation prescribes the action and outcome required for non-compliance or a breach.

ENFORCEMENT POLICY

4. Legal Statement

The Enforcement Policy provides guidance, and ensures consistency in enforcement matters across Council. As such the policy is:

- Not legally binding on the Council and is not a substitute for legal advice or legal process
- General in nature and does not exhaustively address all specific statutory and legislative limitations and considerations that may be relevant to enforcement and compliance functions of Council
- Not intended to confine, limit or constrain the discretion of the Council to take any action on a matter.

5. Strategic Alignment

The Enforcement Policy aligns with other Council documents including The Annual and The Long Term Plan. The Long Term and Annual plan identify 3 'key outcome statements' and '37 things to focus on'.

The Enforcement Policy specifically aligns with 'The Regulatory Functions' key outcome statement in the Long Term Plan:

- Regulatory Functions which help prevent harm and help create a safe and healthy environment for people, which promote the best use of the natural resources and which are responsive to community needs.

And specifically to items 3 and 4 listed under the 'The Regulatory Functions' key outcome statement in the Long Term Plan;

- Responsive Council planning services
- Reducing public nuisance and threats to public health and safety.

The Enforcement Strategy also aligns with 'Broad Group Activity 2; Safe, Healthy and Liveable Communities' in the Long Term Plan.

6. Goals and Objectives

A primary goal of the Enforcement Policy is to increase the level of voluntary compliance with the law through effective and appropriate enforcement. The Council's regulatory functions provide a range of health, safety and environmental benefits for the public and residents of the Hastings District, with this in mind the Council strives to achieve the following objectives;

Buildings; Buildings that are safe and provide the amenities expected by owners and users. Council will ensure regulatory compliance with legislation to reduce risk to health and safety for Hastings District Community members.

ENFORCEMENT POLICY

Environment; Promote the sustainable management of the Districts outstanding natural and physical features and resources such as land, air and water. Provide a safe, clean and enjoyable built and natural environment that contributes to the objectives of the District Plan and the Long Term Plan.

Food; Support local food businesses that meet the food safety standards and ensure that people can enjoy food prepared and sold in the district without the concern about risk to health.

Alcohol: Ensure residents can have a safe and healthy community, enjoy public events, places and premises without being confronted by anti-social behavior or illegal activity associated with the consumption alcohol.

Animals; Residents feel safe, secure and confident that they can live and carry out their business in the district without being distressed or intimidated by animals that are not properly controlled or looked after.

Parking; Ensure public safety, encourage traffic turn over in areas of high occupancy and combat the negative effects of illegal parking so all community members can enjoy the Hastings District services and amenities.

7. Principles

Hastings District Council will apply and adhere to the following principles when carrying out enforcement functions.

1. Fair, consistent, appropriate and proportionate approach to enforcement

Council will apply regulatory intervention and actions appropriate for the situation, using discretion justifiably. The response will be appropriate and proportionate to the seriousness of the non-compliance and risk posed to people and the environment. All situations and persons will be treated impartially and fairly. Council will be consistent and free from personal, commercial, financial, political or other bias, pressures and interference that might affect the actual or perceived ability to make independent decisions.

2. Transparent and open

Council will be transparent and open about its compliance responsibilities, approach to enforcement and how to make decisions. Those affected by decisions will have the opportunity to ask questions, seek information and engage with Council.

3. Intelligence led with continuous improvement

Council will use an evidence based approach to investigation and decision making ensuring council staff have the most up-to-date and relevant information when making decisions about enforcement. Council will ensure staff are well trained and encourage continuous improvement through ongoing training and practical experience.

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4. Responsive and effective

Council will consider all alleged non-compliance to determine necessary intervention and actions to reduce the impacts on the community and the environment. Council will respond within the regulatory timeframes where appropriate, fulfil its compliance and enforcement roles and responsibilities under legislations and work in a swift and consultative manner.

5. A focus on prevention

Council will have a focus on prevention (through effective communication, education and advice) where possible as a means to promoting awareness and compliance to avoid the need for enforcement action. Council will provide certainty and clarity about what is and what isn't acceptable behavior and ensure accountability through its enforcement actions. This will act as a sufficient deterrent and prevent non-compliance.

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8. Enforcement Options

The table below details the potential enforcement actions open to Council by regulatory function. (Note: This is not an exhaustive list of actions)

Enforcement Action →	1. Education / Advice	2. Formal Caution	3. Written Warning	4. Notice to fix	5. Infringement Notice	6. Abatement Notice	7. Enforcement Order / Letter of Direction	8. Classification	9. Prosecution
Building	✓	✓	✓	✓	✓	NA	✓	NA	✓
Resource Consents	✓	✓	✓	NA	✓	✓	✓	NA	✓
Environmental Health	✓	✓	✓	NA	✓	✓	✓	NA	✓
Alcohol	✓	✓	NZ POLICE	NA	✓	NA	NZ POLICE	NA	NZ POLICE
Parking	✓	✓	✓	NA	✓	NA	NA	NA	✓
Noise	✓	✓	✓	NA	✓	✓	✓	NA	✓
Animal Control	✓	NA	✓	NA	✓	✓	NA	✓	✓
District Plan	✓	✓	✓	NA	✓	✓	✓	NA	✓
Bylaws	✓	✓	✓	NA	✓	NA	NA	NA	✓

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The section below provides descriptions of each enforcement action itemized above, that Council has at its disposal. In many instances legislation prescribes the enforcement action required for non-compliance or a breach.

1. Education and advice

The Council understands the importance of people having access to good quality information and guidance on how to comply with regulation and legislation.

Minor incidents are often dealt with by informal action which might include; education and advice through the provision of resources, documentation and advice on procedures, legislation, regulation or rules. Staff get ongoing training to ensure the education and advice they provide is up to date and scientifically sound.

In instances where Council is not the most appropriate party to provide advice or the advice required is specialist in nature, Council will provide contact details for a specialist in field or a consultant if appropriate.

Education and advice should include a follow up visit or contact to ensure on-going compliance and prevent future non-compliance.

2. Formal Caution

This is an informal discussion for low risk non-compliance and the non-compliant party has the opportunity to provide feedback. Verbal cautions may be used in conjunction with Education and Advice. A follow up letter detailing the discussion, agreed action to be taken and the agreed timeframe will be sent.

Rarely will a minor or technical non-compliance result in more formal action being taken, particularly if immediate rectification is possible.

All cautions should be noted on file for future reference.

3. Written Warning

This is a formal Council letter to notify a party of non-compliance. That they are the liable party, but no formal actions will be taken if it is remedied. (Sometimes no further action is required).

The letter usually notifies the non-compliant party that the warning is kept on file should there be any further offending or non-compliance. All warnings should be noted on file for future reference.

4. Notice to Fix

These notices are available under the Building Act 2004. A notice to fix is a formal written directive drafted and served by Council Officers instructing an individual or company to cease any activity, prohibit them from commencing an activity or requiring them to do something. The form, content and scope of these notices are prescribed in statute. It is an offence to fail to comply with these notices.

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Further information on Notice to Fix can be found in; The Building Act Guide; Notice to fix guide and the Councils Notice to Fix Procedure. (See Appendix One).

5. Infringement Notice

An infringement notice is a written notice alleging a person or party has committed an offence which requires payment of a fee. Infringement notices are available for use as a blunt tool and deterrent in many of Councils regulatory activities.

The criteria for the issue of an Infringement notice varies slightly from Act to Act. Officers are to have regard to the particular criteria that applies in situations they face. As a general guide, the officer will be required to have sufficient evidence to provide proof that the offence has been committed. That evidence will need to be preserved in a way that allows the Council to defend the issuing of the notice should challenge to it be made.

The amount of an infringement notice will vary depending on the offence, \$30 for minor parking offence, through to thousands of dollars for a building breach, generally the fee is set by central government. The level of approval required to serve an infringement notice will depend on the regulatory function and the amount it is for (See Section 12 for further information on approval levels).

6. Abatement Notice

An abatement notice is a warning to the recipient that he/she has contravened a provision of the Resource Management Act 1991. The relevant sections of the Act are sections 322 to 325A. Section 324 sets out the contents of an abatement notice and provides that the notice shall be in the prescribed form. It is an offence to fail to comply with such a notice.

An abatement notice can also be served under Section 54 of the Dog Control Act.

7. Excessive Noise Direction

An excessive noise direction directs the occupier of the place from which the sound is being emitted, or any other person who appears to be responsible for causing the excessive noise, to immediately reduce the noise to a reasonable level. The recipient of an excessive noise direction must immediately comply. This is a provision under the Resource Management Act 1991 (RMA), Section 326 – 328. The direction may be written or oral. Section 327 powers are in addition to powers under Sections 322 to 325 of the RMA, to issue abatement notices relating to unreasonable noise and to seek an enforcement order under Section 316.

8. Classification

A classification is specifically related to dog control and dangerous, menacing and disqualified dogs or a probationary owner under the Dog Control Act 1996. Specific details on the process and when a dog can be 'classified' can be found in the Councils Animal Control Training Guidelines (Appendix One). Once a dog is 'classified' there are additional measures the owner has to undertake to ensure the dog is properly controlled. A classification will usually be served on an owner when a dog has attacked another dog or a person. A 'Dangerous Dog Classification' is usually approved by a team leader and is subject to objection by the recipient.

9. Enforcement Order

Like an abatement notice an enforcement order can direct a person or parties to cease an activity or take particular action due to an action that contravenes a rule in a plan, requirement

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in the RMA, or that is dangerous, noxious or offensive. However an enforcement order is usually made to the Environment Court. It is an offence to fail to comply with such a notice.

Enforcement orders offer more options than an abatement notice, including the ability to recover clean-up costs incurred or likely to be incurred in avoiding, remedying or mitigating any adverse effect on the environment. The Court may also order restoration of a natural or physical resource.

10. Prosecution

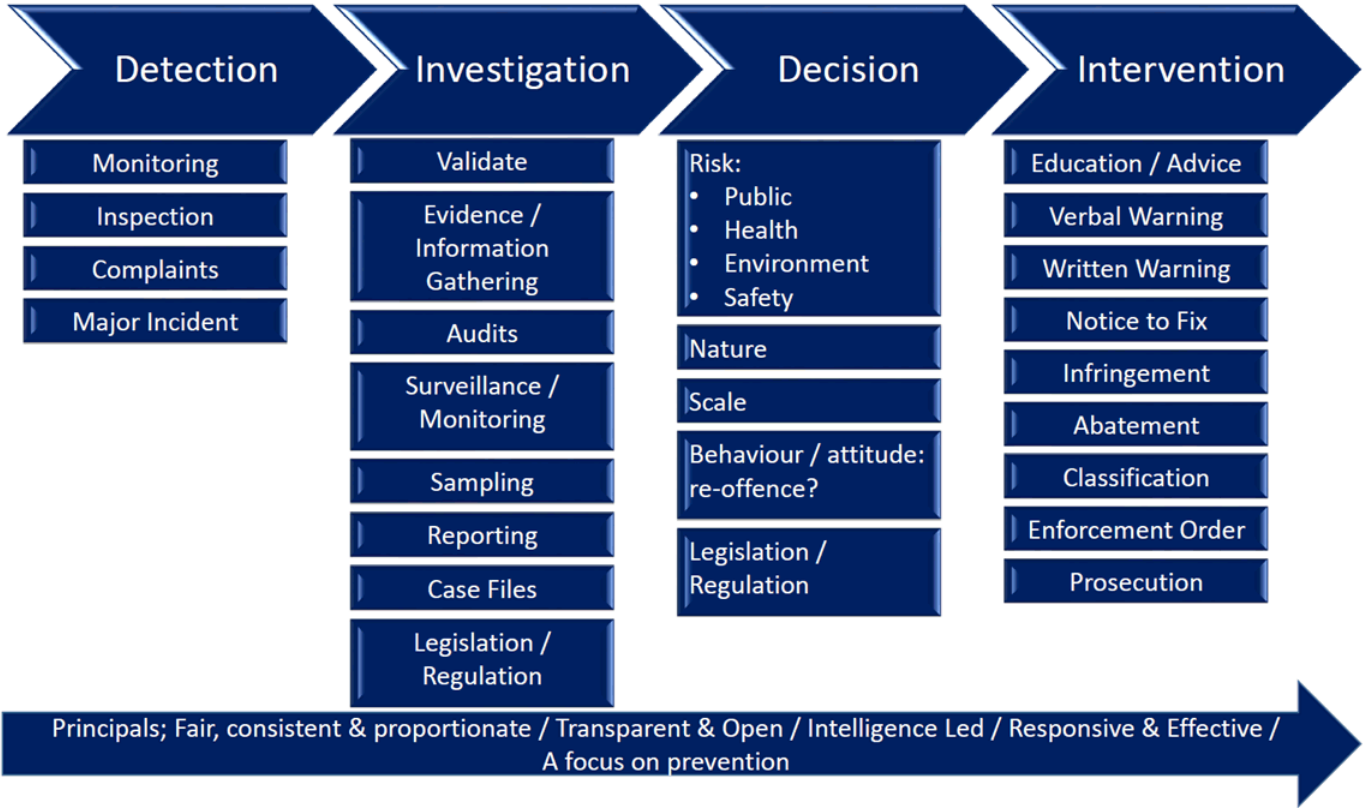
Prosecution is one of the highest of penalty options open to Council. It is initiated by laying criminal charges in the District Court and is utilised in serious offending / re-offending, often when all other appropriate options are exhausted (unless legislation, or Council's role as an enforcement agency, demands or stipulates prosecution for the breach or non-compliance).

The penalties are substantial and the costs to Council (time and financial) of taking prosecution are high. Prosecution is rare and not taken lightly. Officers will utilise the Crown Prosecution Guidelines and ensure that the general conditions for prosecutions are met. Please see the Section 13 for further details on Councils Prosecution Policy.

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9. Enforcement Procedure

The diagram below summarizes the enforcement procedure Hastings District Council will utilise for all regulatory compliance and enforcement matters it undertakes.



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Below are descriptions and details for each item in the Enforcement Procedure shown above.

1. Detection

Council will detect non-compliance or offending through a complaint, during regular monitoring, during a standard inspection, or it may have come about through a major incident.

When non-compliance is detected, the matter will be recorded in the Council database system and this will prompt an investigation by the appropriate officer.

2. Investigation

Investigation may include validating the complaint, looking at current regulation or legislation, gathering information or evidence for the case, completing an audit or inspection, completing ongoing monitoring or surveillance, sampling, measuring or photographing or interviewing relevant parties. The officer will write a report or create a case file and ensure all relevant information is documented and recorded appropriately in the Council database system.

'The Investigating officers' powers are prescribed in their position description and / or in formal delegations (for statutory powers) and vary according to the area of enforcement and the nature of the enforcement option.

3. Decision

A range of factors including the risk, nature, scale of the breach, the behavior of the non-compliant party and the legislative requirements are taken into account when deciding on the action to be taken (This is detailed more in Section 11 of the policy).

4. Response

There are 9 main responses open to council officers as outlined in Section 8 of this document. Different levels of response require different levels of approval which is outlined in Section 12.

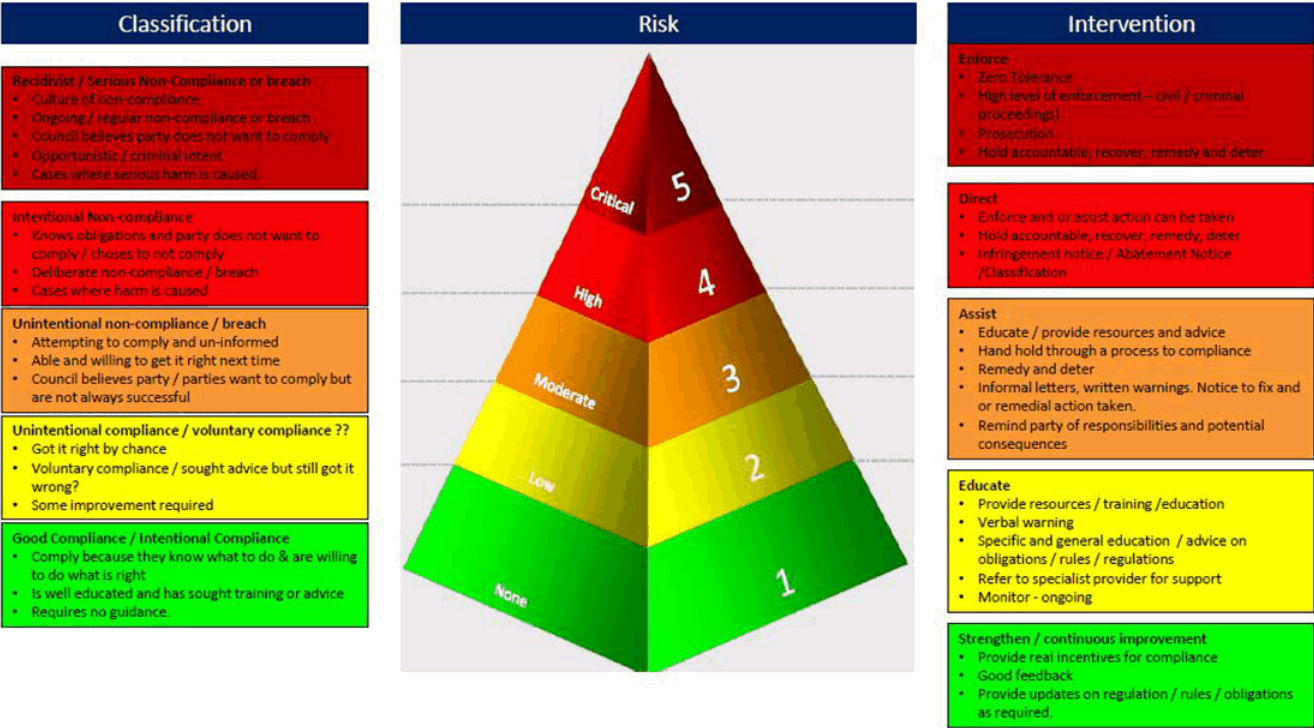
No single factor will be determinative of an enforcement response but all the relevant factors must be weighed up in deciding the appropriate enforcement response.

Council officers will utilize the Compliance and Enforcement Decision Model in Section 10 below to respond to a breach or non-compliance. In some instances the intervention or enforcement action may be prescribed in statute and therefore it is not a decision made by Council.

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10. Compliance and Enforcement Decision Model

The response to non-compliance or a breach is shown in the Enforcement and Compliance Decision Model below. It illustrates the level of response in relation to the risk and behavior of the party / parties involved and the associated level of enforcement or intervention required. The model also allows the Council to encourage compliance through promoting examples of excellence in compliance and not just encourage compliance from those who are not complying.



*Adapted from the Braithwaite Responsive Regulation Model / Ayres & Braithwaite Enforcement Pyramid 1992

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11. Decision Making Considerations

Council will use a graduated response model for compliance and enforcement, based on behavior and risk (unless legislation or regulation dictates otherwise) with different levels of intervention to:

- Make it easy as possible to comply, for those who want to comply
- Assist those who are trying to comply but are not successful
- Deter those people who are thinking of not complying
- Use the full force of the law for those who refuse to comply.

1. Risk of harm

The officer must consider the level of risk to the public generally, to the health and safety of the public and the environment when making a decision on what course of action is required. The nature, scale and severity of the non-compliance / breach has to be assessed.

Council will consider harm, or potential harm and whether that harm is:

- Serious or potentially life threatening (to the environment or the individual)
- Temporary / can be remedied or mitigated / is permanent
- Trivial or does not require an enforcement response
- Likely to affect a particular group or section of the community
- Is widespread or limited in nature.

2. Behaviour and conduct of the non-compliant party

The behavior and attitude of the non-compliant party has to be considered. The Council know that some parties will not comply with regulatory requirements for a multitude of reasons and can be classified on a scale from; excellent / voluntary compliance, to a party not aware they are non-compliant, to lastly, a conscious decision not to comply regardless of the consequences.

Council officers will consider the behavior, conduct and intent of the party / individual:

- Whether the party knew they were in breach or were not complying
- Whether this is the first time the party has been non-compliant
- Whether there is a pattern of behavior
- Whether the Council previously took enforcement action
- Whether the party profited or benefited from the breach / non-compliance
- Whether the party notified or contacted the Council
- Whether the party was acting alone or was directed by an external party
- Whether the party had taken any steps to avoid the issue or breach to start with / or in the future
- Whether the party is willing to comply / able to comply / reluctant to comply / unwilling to comply / deliberate decision not to comply.

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3. Public Interest

The requirement for public interest test are set out in the Solicitor General Prosecution Guidelines (see Appendix One).

In many cases a decision and response to non-compliance or breach is based in law and therefore there is little or no discretion for council to take a graduated response, for example a strict liability offence under the Building Act

12. *Enforcement Decision Making Approval*

The level of approval required within Council for each enforcement action will depend on the level of non-compliance, the risk associated with the non-compliance and the intervention required. The table below illustrates the levels of approval required for each level of intervention or enforcement action. This may vary slightly between regulatory function.

Classification	Risk	Intervention	Level of approval
Serious non-compliance or breach	Critical	Enforce / Civil or criminal Proceedings / Prosecution	Group Manager Chief Executive Officer Legal Counsel Independent legal advice (in some cases)
Intentional Non-compliance	High	Enforce / Infringement Notice / Abatement Notice/ Enforcement Order / Classification / Notice to fix	Group Manager Team Leader Officer (Parking & Animal Control)
Un-intentional non compliance	Moderate	Assist / informal letter / written warning / Classification / notice to fix	Inspector / Officer Team Leader (inform)
Un-intentional Compliance / voluntary compliance	Low	Educate / monitor	Inspector / Officer
Good Compliance	None	Strengthen	All

13. *Prosecution Policy*

Prosecutions are a response to non-compliance which result in serious consequences and are utilised for the serious offending. In some instances several infringements and / or non-payment of infringements fees can lead to prosecution or legislation demands or stipulates prosecution for the breach or non-compliance.

The penalties are substantial, as are the costs of taking the prosecution, both in time and financially. Council will seek the support of an independent legal advisor for prosecutions.

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Prosecution has to be assessed and approved by senior management, Councils Legal Counsel and / or the Chief Executive Officer of Council. Council Officers should use the Crown Prosecution Guidelines and ensure that the general conditions for prosecutions are met;

- **The evidential test;** Council need to consider whether there is reasonable prospect of securing a conviction on reliable, available and admissible evidence. That there is an identifiable offender; credible evidence that will meet the criminal standard of 'beyond reasonable doubt'.
- **The public interest test;** Council need to consider whether the public interest requires a prosecution; seriousness of the offence; whether the offence is likely or already has been continued or repeated, relevant previous convictions or enforcement action, the degree of carelessness and deliberateness.
- **Independence and impartiality;** That all staff involved in the process and decision making in Council act fairly, promptly, without actual or potential conflict of interest and in accordance with the law.

14. Cost Recovery

The Council will seek to recover a contribution towards the costs associated with enforcement of its regulatory functions where possible. This is dependent on the regulatory function. In some regulatory functions of council, inspection fees are charged, time is charged by the hour or annual fees are charged which enables enforcement functions to be undertaken efficiently and minimize the cost to ratepayers.

15. Recording, Monitoring and Evaluation

All enforcement actions should be recorded and evaluated for effectiveness in achieving the desired outcome. It is important for the officer to record in the Council database system (CI), all relevant information for all compliance and enforcement actions and outcomes. This builds a history and provides information for other Council officers in the future or if further action is required. Officers should also ensure that all information is collected in accordance with the Evidence Act 2006, as well as the New Zealand Bill of Rights Act 1990.

The accurate recording of information is also useful as it provides critical information regarding further monitoring; it could assist in the development of a 'continuous non-compliant' list to monitor activities by non-compliant parties. Effective record keeping can indicate trends of non-compliance, which might indicate areas where the council and other organisations are required to increase education or information to the public. It can also help to target high risk activities and help assess performance / success of the compliance and enforcement policy and associated procedures.

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16. Appendix One**RELEVANT LEGISLATION AND STATUTES**

The main legislations and statutes under which the council has responsibilities and has to consider in enforcing regulation requirements are listed below (Note this is not an exhaustive list).

Animal Welfare Act 1999
 Bill of Rights Act 1990
 Biosecurity Act 1993
 Building Act 2004 / Building Code
 Building Amendment Act 2013
 Building (Earthquake Prone Buildings) Amendment Act 2016
 Building Regulations (infringement, offences, fees and forms regulation 2007)
 Code of Ethical Conduct for handling live animals
 Criminal Proceeding Act 2011
 Crown Law Office Solicitor General; Prosecution Guidelines 2013 & Media Protocol 2013
 Dog Control Act 1996 and regulations
 Food Act 1981 / 2014 and regulations
 Forest and Rural Fires Act 1977
 Forest and Rural Fires Regulations 2005
 Freedom Camping Act 2011
 Gambling Act 2003
 Hair dresser regulations 1980
 Hazardous Substances and New Organisms Act 1996
 Health Act 1956
 Health Act (Hair Dresses) 1980
 Healthy (Drinking Water) Amendment Act 2007 and Drinking Water Standards for NZ 2008
 Human Rights Act 1993
 Impounding Act 1955
 Impounding Regulations 1981
 Land Drainage Act 1908
 Land Transport Act 1998
 Land Transport regulations
 Land Transport rules
 Litter Act 1979
 Local Government Act 1974
 Local Government Act 2002
 Privacy Act 1993
 Prostitution Law Reform Act 2003
 Public Works Act 1981
 Reserves Act 1977

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Resource Management Act 1991
 Sale and Supply of Alcohol Act 2012
 Sentencing Act 2002
 Summary of Proceedings Act 1957
 Various Regulations, Council policies, plans and bylaws
 Victim Rights Act 2002
 Waste Minimisation Act 2008

RELEVANT COUNCIL DOCUMENTS BY REGULATORY FUNCTION

Below is a list of Current Council guidelines, policies and procedure documents that provide process maps, instructions and guidelines specific to each regulatory function of council (Note: this is not an exhaustive list and documents listed will change over time). These documents vary in detail and contents and should be referred to to effectively complete the regulatory enforcement functions of council.

All of Council

Hastings District Council District Plan
 Hastings District Council Annual Plan
 Hastings District Council Long Term Plan

Building

Building compliance and Enforcement guidelines
 Complaints, Investigations and Unauthorized Building policy
 Managing a Building Warrant of Fitness
 Building Infringement Procedure
 Dangerous and Insanitary Building Policy 2016
 Notice to fix procedure
 Swimming Pool Compliance Procedure

Environmental Health and Alcohol

EHO Procedure Manual
 Alcohol Licensing Procedure Manual
 Alcohol Licensing Monitoring Strategy
 VADE Model
 Public Nuisances – Rubbish or litter or refuse – litter infringement policy 2009
 Public Nuisances – Noise control – Complaints – standard operating procedure

Parking

Parking Procedure Manual
 City Centre Strategy

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Bylaws

Hastings District Council Consolidated Bylaw

Animal Control

Cat colonies Operational Training Guidelines
 Dog Aggression Operational Training Guidelines
 Dog Barking Operational Training Guidelines
 Dog Honorary Rangers Operational Training Guidelines
 Dog Impounding Operational Training Guidelines
 Dog Infringement Operational Training Guidelines
 Dog Microchipping
 Dog Registration Operational Training Guidelines
 Dog Roaming Operational Training Guidelines
 Stock Control Operational Training Guidelines
 Dog Control Policy and Bylaw 2016

Asset Management

Vegetation Control and Tree Trimming Non Scheduled Work (Complaints process)
 HDC Approved Process to Respond to "Approved Discharge" that Exceeds Approved Limits.
 HDC Approved Process to Respond to "Permitted" Discharge that Exceeds Limits in Schedule B
 in Chapter 7 of the Consolidated Bylaw.
 Flowchart - Process response - non-compliant discharges from approved discharges
 Flowchart – Process response – not approved discharges found to be controlled wastewater

Other

Waikato Regional Council – Basic Investigative skills for Local Government 2016
 Hawkes Bay Regional Council Enforcement Policy 2018

REPORT TO: STRATEGY PLANNING AND PARTNERSHIPS COMMITTEE

MEETING DATE: THURSDAY 9 AUGUST 2018

FROM: PRINCIPAL ADVISOR: DISTRICT DEVELOPMENT MARK CLEWS

SUBJECT: MONITORING OF MARKET INDICATORS - NATIONAL POLICY STATEMENT ON URBAN DEVELOPMENT CAPACITY

1.0 SUMMARY

- 1.1 The purpose of this report is to introduce the Committee to the commencement of the quarterly monitoring reports on property market indicators. These reports arise from the requirements of the National Policy Statement on Urban Development Capacity 2016 (NPSUDC).
- 1.2 The Council is required to give effect to the purpose of local government as prescribed by Section 10 of the Local Government Act 2002. That purpose is to meet the current and future needs of communities for good quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses. Good quality means infrastructure, services and performance that are efficient and effective and appropriate to present and anticipated future circumstances.
- 1.3 The objective of this decision relevant to the purpose of Local Government is to ensure Council has information and advice relevant to its regulatory functions the provision of land and infrastructure to enable urban development that meets the community's current and future needs.
- 1.4 The report is for information only at this stage so concludes by recommending only that the report be received.

2.0 BACKGROUND

- 2.1 Councillors may recall that in February 2018 the Economic Development and Urban Affairs Committee received a report on government initiatives with actual and potential implications for Council's urban development activities in the future, including in particular the NPSUDC, which came into force on 1 December 2016. This directs local authorities to provide sufficient development capacity in their resource management plans for housing and business growth to meet demand.
- 2.2 Obligations on faster growing areas include evidence and monitoring requirements to support planning decisions. Local authorities are also required to carry out a Housing and Business Development Capacity Assessment on at least a three-yearly basis. These assessments must use information about demand, including information obtained from the mandatory quarterly monitoring of a range of indicators, which include:

- Prices and rents for housing, residential land and business land by location and type; and changes in these prices and rents over time;
- The number of resource consents and building consents granted for urban development relative to the growth in population; and
- Indicators of housing affordability.

2.3 Local authorities such as Hastings and Napier, with urban areas newly defined as either high or medium growth urban areas due to Statistics New Zealand revisions in 2017, were given extra time to complete some of the requirements as follows:

- Begin monitoring indicators and using indicators of price efficiency under by 31 March 2018.
- Complete the housing and business development capacity assessment by 31 December 2018.

3.0 CURRENT SITUATION

3.1 The NPSUDC encourages local authorities that have been identified as medium or high growth to work together to implement the requirements of the NPSUDC. This was the case with the preparation Heretaunga Plains Urban Development Strategy 2010 and more recently to review the strategy in 2016-2017. Under the Strategy the three partner Councils have committed to regular joint monitoring, which now includes taking account of the requirements of the NPSUDC starting with the preparation of these quarterly monitoring reports.

3.2 As the first report of its kind for NPSUDC monitoring and reporting purposes the initial report (**Attachment 1**) sets baseline data for existing time series across a range of variables on an annual basis to 2016 or December 2017, depending upon the time series data availability. Moving forward some data series are or will be available at three monthly intervals (i.e. quarterly) and a simpler reporting framework covers the intervening quarters between Calendar years with the report for the first quarter of this year attached as **Attachment 2**.

3.3 Due to the nature of the source data some information relates to data covering the two territorial areas separately, and/or in combination, while some relates to the Hastings-Napier Main Urban Area only. For simplicity, at this stage further breakdowns are not reported, but this will be reconsidered once the first housing and business capacity assessment under the NPSUDC framework has been completed in December 2018. Similarly this report does not attempt to provide any detailed summary of the reports at this stage.

3.4 The format and content of the reports will be progressively refined over time. This will be particularly relevant in the case of business land market indicators, where there is a paucity of information freely available. This will need to be filled at a cost by Council directly or through the commissioning of property market specialists (an example being section 11 of the baseline report relating to business land vacancies).

3.5 The quarterly reports will be a regular feature of future Community Development Committee Meetings as an attachment to the future Urban

Development Update Reports that the former Economic Development and Urban Affairs Committee was receiving from Project Manager Mr Faulknor. The reports are being introduced to the Strategy and Partnerships Committee now, simply because they are available and the next Community Development meeting is not until the 18 September. By then the second quarter report will be available along with third quarter building and subdivision information.

- 3.6 In many cases, trends will remain the same from quarter to quarter, and as such detailed commentary on the indicators will be provided through a specific Council report on an annual basis, unless there is a notable change in an indicator, in which case they will be highlighted in the regular Urban Development Update report.
- 3.7 Finally it should be noted that while Council building and subdivision data is readily available and able to be collated within a short time following the end of the quarter that is not the case for much of the data sourced from other organisations. Accordingly the quarterly reports will not be available until around three months after the quarter end.
- 3.8 Local authorities are encouraged to publish the results of their monitoring and the intention is to make the reports available on both the Council(s) website and the dedicated HPUDS website, with their availability being advertised through the regular

4.0 PREFERRED OPTION/S AND REASONS

- 4.1 This report is for information only and no recommendation is made other than that the report be received.

5.0 RECOMMENDATIONS AND REASONS

- A) That the report of the Principal Advisor: District Development titled "Monitoring of Market Indicators - National Policy Statement on Urban Development Capacity" dated 9/08/2018 and Attachments 1 and 2 be received.**

Attachments:

- | | | | |
|---|--|----------------|--------------|
| 1 | National Policy Statement on Urban Development Capacity Final NPSUDC Quarterly Market Indicator Monitoring Report (April 2018) | STR-4-2-18-844 | Separate Doc |
| 2 | NPSUDC Quarterly Market Indicator Monitoring Report 2018 Q1 Final.docx | STR-4-2-18-845 | Separate Doc |