NOTICE OF MEETING

Notice is hereby given of the Meeting of the Regulatory Services Committee to be held in the Council Chamber, First Floor, Civic Administration Building, 101 Esk Street, Invercargill on Tuesday 21 February 2017 at 4.00 pm

His Worship the Mayor Mr T R Shadbolt JP
Cr R R Amundsen (Chair)
Cr T M Biddle (Deputy Chair)
Cr K F Arnold
Cr A H Crackett
Cr D J Ludlow
Cr L F Soper

EIRWEN HARRIS MITCHELL
MANAGER, SECRETARIAL SERVICES

Finance and Corporate Services Directorate
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5. ACTIVITY PLAN REVIEW

N/A.

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N/A.

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8. URGENT BUSINESS

9. PUBLIC EXCLUDED SESSION

Moved, seconded that the public be excluded from the following parts of the proceedings of this meeting; namely

(a) Report of the Director of Environmental and Planning Services

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

General subject of each matter to be considered	**Reason for passing this resolution in relation to each matter**	**Ground(s) under Section 48(1) for the passing of this resolution**
Development Liaison Update	Enable any local authority holding the information to carry on, without prejudice or disadvantage negotiations (including commercial and industrial negotiations)	**Section 7(2)(i)**
Local Authority Compliance Certificates	Maintain legal professional privilege	**Section 7(2)(g)**
Report on Housing Pilot Project	Protect the privacy of natural persons, including that of deceased natural persons	**Section 7(2)(a)**

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TO: **REGULATORY SERVICES COMMITTEE**

FROM: **THE DIRECTOR OF ENVIRONMENTAL AND PLANNING SERVICES**

MEETING DATE: **TUESDAY 21 FEBRUARY 2017**

LEVELS OF SERVICE REPORT – 1 JULY 2016 TO 31 DECEMBER 2016

Report Prepared by: Melissa Short – Manager, Strategy and Policy

SUMMARY

Reporting on the Regulatory Services levels of service measures for the period comprising 1 July 2016 to 31 December 2016.

RECOMMENDATIONS

That the report be received.

IMPLICATIONS

1.	*Has this been provided for in the Long Term Plan/Annual Plan?* The report monitors performance in relation to levels of service measures identified in the Long Term Plan and the Annual Plan.
2.	*Is a budget amendment required?* No
3.	*Is this matter significant in terms of Council's Policy on Significance?* No
4.	*Implications in terms of other Council Strategic Documents or Council Policy?* No
5.	*Have the views of affected or interested persons been obtained and is any further public consultation required?* No
6.	*Has the Child, Youth and Family Friendly Policy been considered?* Yes

FINANCIAL IMPLICATIONS

No financial implications result from this report.

ALCOHOL LICENSING

Applications Lodged	December 2016	November 2016	October 2016
Club Licence	-	3	1
Off Licence	-	1	-
On Licence	-	3	5
On Licence BYO	-	-	-
Managers Licence	11	13	30
Special Licence	5	12	17
Total	**16**	**32**	**53**

Applications Determined	December 2016	November 2016	October 2016
Club Licence	2	-	5
Off Licence	2	1	1
On Licence	4	5	2
Managers Licence	14	16	17
Special Licence	12	13	8
Temporary Authority	**-**	**1**	**-**
Total	**38**	**36**	**34**

ANIMAL CONTROL

	1 July 2015 to 31 December 2015	1 July 2016 to 31 December 2016
Dog Population	8,362 (4.64% unregistered)	8,893 (4.3% unregistered)
Impounded	514	429
Requests for Service – Complaints Received		
Barking Dogs	351	362
Aggressive Dogs	173	114
Wandering Dogs	717	630
Number of Classified Dangerous/Menacing Dogs	170	114

COMMENTARY

- Dog Population - This continues to rise and is reflected in the increased revenue for dog registrations.
- Requests for Service - Barking dog complaints have increased, however aggressive and wandering dog complaints continue to trend downwards. This decrease is reflected in a corresponding downward trend in impounded dogs.
- Classified Dangerous and Menacing dogs are 33% down on the same period last year. This is a positive public safety result.

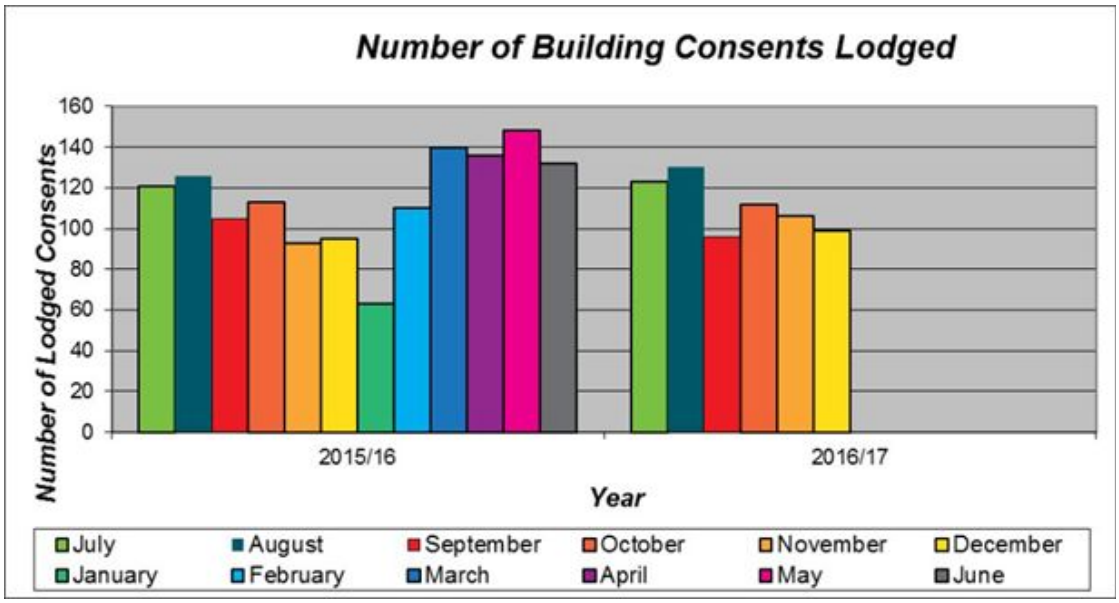
Overall the service is now seeing the benefits from our compliance efforts. The focus for the next period will remain on unregistered dogs, wandering dogs, working dogs, rehoming, park patrols, introduction of new legislation around menacing and dangerous dogs and education.

Commentary provided by John Youngson
Manager – Environmental Health and Compliance

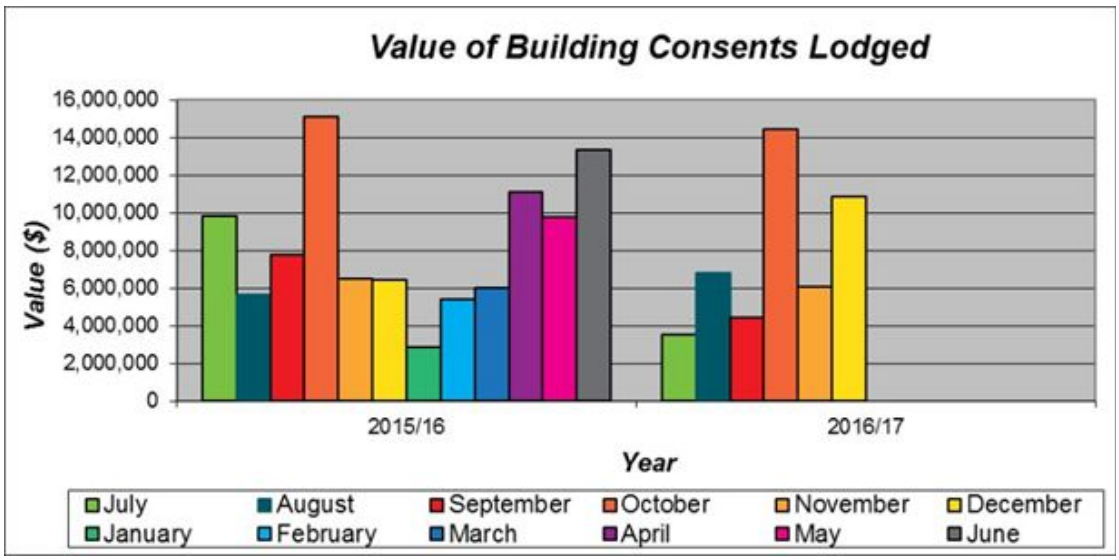
BUILDING CONTROL

	1 July 2015 to 31 Dec 2015	1 July 2016 to 31 Dec 2016
Building Consent Applications		
Number of consents lodged	649	675
Percentage of consents processed within statutory timeframes *(LTP measure)*	97.39%	99.56%
Percentage of consents receiving requests for further information	45.33%	47.89%

Graph of number of consents lodged



Graph of value of consents lodged



COMMENTARY

The start of the financial year saw a reduction in the size of commercial building consent applications. As Building Consent fees are tied directly to building size this did result in a reduction in income. There has been some catch-up, but there is no indication that the second half of the financial year will position us anywhere near last year's position. We are not in a position to change this situation.

With one Building Inspector's vacancy and four relatively low experience inspectors, we are able to hold our own on processing times, but are not really in a position to do external processing. We are constantly reassessing this.

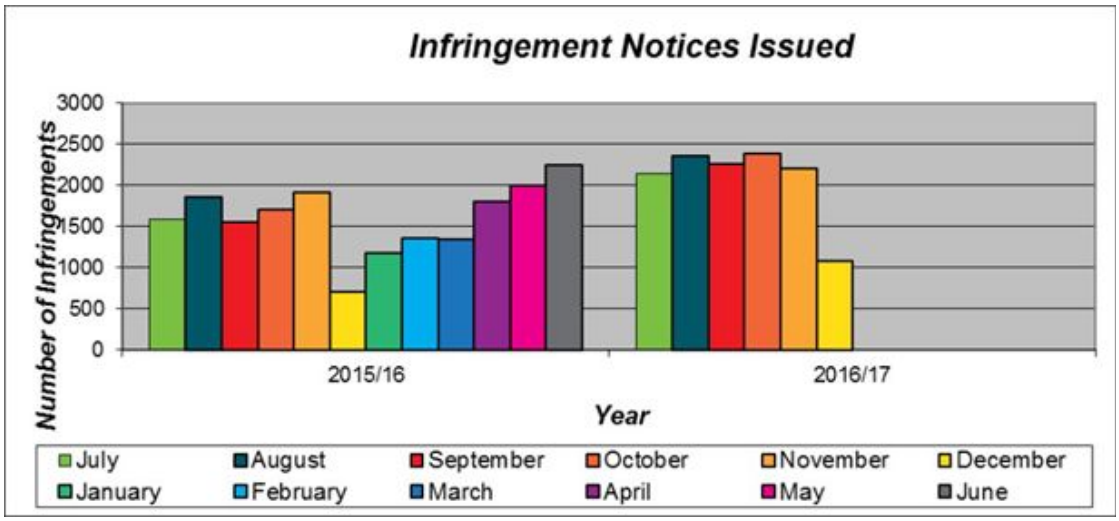
We have a project underway to catch up on Warrants of Fitness processing. This may produce a small income bump, but won't affect the overall income for the Building Warrant of Fitness dramatically.

Commentary provided by Brendan Monaghan
Manager – Building Services

COMPLIANCE

	1 July 2015 to 31 Dec 2015	1 July 2016 to 31 Dec 2016
Parking Infringements Issued	9,314	12,426
Total infringements issued for pedestrian safety	660	2,208
Total infringements issued for vehicle safety	2,364	1,873
Total infringements issued for parking nuisance	6,533	9,734
Average hours patrolling per week (LTP target = 80 hours)	98	77

Graph of number of Infringement Notices Issued



COMMENTARY

- An increase in parking infringements issued has been achieved. This stems from increases in infringements for pedestrian safety (parking on yellow lines and restricted areas) and parking nuisance (meters).
- Infringements for vehicle safety are down by 21%. This is a result of the introduction of the green caution card offering an education first approached as opposed to strict enforcement.
- Patrolling hours are down due to reduced staffing numbers and annual leave. The target is expected to be achieved next period.

Commentary provided by John Youngson
Manager – Environmental Health and Compliance

TOTAL MOBILITY

	December	November	October
Total Trip Numbers*	4,088	4,460	4,331

* This number is for Invercargill trips only. The Total Mobility Scheme is also administered by the Invercargill City Council on behalf of Gore and Southland.

ENVIRONMENTAL HEALTH SECTION

	1 July 2016 to 31 December 2016
Inspections	
Number of premises holding an Alcohol Licence	184
Percentage inspected *(LTP measure)*	20.65%
Number of medium risk food premises (HFPB eg dairies, cafes etc, that are yet to transition to the Food Act 2014)	59
Percentage inspected / audited *(LTP measure)*	29%
Number of low risk food premises (HFPC eg petrol stations, pre-packaged food stores etc, that are yet to transition to the Food Act 2014)	52
Percentage inspected / audited *(LTP measure)*	38%
Number of premises with Food Control Plan (businesses that have already transitioned to the Food Act 2014)	146
Excessive Noise	
Number of noise complaints received	651
Percentage responded to within one hour	96.31%

COMMENTARY:

With the changes in legislation we are refining the data that we collect. For this reason a comparative year has not been included.

Alcohol

- The number of premises holding an alcohol licence continues to increase.
- Inspection rates have also increased from that reported on in the last period. In 2013 the new legislation around alcohol was implemented. The 13/14 inspection period was one of education. Our Inspections since the new legislation have found a high level of compliance and this trend is being maintained.
- As reported in the last period, the review of the alcohol inspection service has been completed and over the next month the findings will be assessed and agreed changes implemented. The main emphasis is to ensure that our monitoring and reporting on alcohol licences are meeting best practice and is making the best use of the staffing resource available.

Food

Educating businesses on the changes to the legislation transition periods for different businesses continues to be the focus for the team.

- **Food Control Plans**
  There has been an increase in the number of businesses operating under this system because operators are transitioning their processes to either Food Control Plans or National programmes.

- **Medium Risk and Low Risk Businesses**
  The number of businesses operating under this system continue to decline with businesses moving on to the Food Control Plan or National Programmes as stated above. The inspections/audit will meet our targets as we implement a revised Audit/Inspections Plan over the next few months.

Noise Control

- Complaint numbers continue to decrease.
- Overall serious noise complaints which require the issuing of an Excessive Noise Direction Notice have declined. We believe the public are becoming more educated on our Noise Policy and as a result greater compliance is being achieved.
- The seizure of stereos has also significantly declined.

Commentary provided by John Youngson
Manager – Environmental Health and Compliance

RESOURCE MANAGEMENT

	1 July 2015 to 31 December 2015	**1 July 2016 to 31 December 2016**
Resource Consent Applications		
Number of consents lodged	85	113
Number of non-notified consents and percentage processed within statutory timeframes *(LTP measure)*	78 (100%)	103 (99%)
Number of notified consents and percentage processed within statutory timeframes *(LTP measure)*	2 (100%)	7 (100%)

VALUATION

The information below shows residential price movement and is provided on QV's website.

Area	Average Value December 2016	Average Value December 2015	Change in value
Invercargill City	$236,416	$215,327	9.8%
Central Otago District	$398,063	$344,080	15.7%
Queenstown-Lakes District	$1,022,214	$776,671	31.6%
Dunedin City	$354,133	$308,944	14.6%
Clutha District	$186,819	$163,669	14.1%
Southland District	$228,760	$212,616	7.6%
Gore District	$201,719	$183,917	9.7%
Auckland Area	$1,047,179	$933,264	12.2%
Wellington Area	$574,410	$476,634	20.5%

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Business Unit **400000 - Environment and Planning**

Six months to 31 December 2016

	Dec YTD			2016 / 17	
	Actual	Budget	Variance	Remaining Budget	Budget
Internal Revenue	614,768	647,821	(33,053)	680,874	1,295,642
Fees & Charges Revenue	2,182,299	2,150,873	31,426	1,706,421	3,888,721
Financial Revenue	783,273	164,061	619,212	(368,039)	415,234
Total Revenue	3,580,340	2,962,755	617,585	2,019,257	5,599,597
Internal Expenditure	1,391,511	1,426,501	(34,989)	1,461,490	2,853,001
Staff Expenditure	2,100,836	2,207,519	(106,683)	2,316,763	4,417,599
Administration Expenditure	206,290	221,318	(15,028)	236,346	442,636
Financial Expenditure	507,015	139,988	367,027	(227,038)	279,977
Grants & Subsidies Expenditure	25,094	22,781	2,313	20,467	45,561
Repairs & Maintenance Expenditure	26,144	20,946	5,198	15,748	41,892
Operational Expenditure	520,092	386,294	133,797	252,497	772,589
Depreciation Expenditure	56,892	63,868	(6,976)	70,844	127,736
Total Expenditure	4,833,874	4,489,215	344,659	4,147,118	8,980,992
Operating Surplus / (Deficit)	**(1,253,534)**	**(1,526,461)**	**272,927**	**(2,127,861)**	**(3,381,395)**
Capital Expenditure	73,381	0	73,381	55,167	128,549
Capital Funding	(27,943)	(52,238)	24,296	(382,277)	(410,220)
Cash Back Depreciation	0	0	(0)	(0)	0
Rates Required	**1,298,972**	**1,474,222**	**(175,250)**	**1,800,751**	**3,099,724**

Commentary:

Environmental and Planning Services Directorate is $175,250 below budget as at 31 December 2016. Revenue is higher than anticipated and commentary is provided against individual departments.

Business Unit **410000 - Environment and Planning Administration**

Six months to 31 December 2016

	Dec YTD			2016 / 17	
	Actual	Budget	Variance	Remaining Budget	Budget
Internal Revenue	573,233	573,233	(0)	573,233	1,146,466
Financial Revenue	174	0	174	(174)	0
Total Revenue	573,406	573,233	173	573,060	1,146,466
Internal Expenditure	179,880	179,786	94	179,692	359,572
Staff Expenditure	392,125	390,742	1,382	390,384	782,509
Administration Expenditure	13,590	25,302	(11,713)	37,015	50,604
Financial Expenditure	3,689	4,964	(1,275)	6,239	9,928
Grants & Subsidies Expenditure	0	256	(256)	512	512
Repairs & Maintenance Expenditure	83	2,049	(1,966)	4,015	4,098
Operational Expenditure	4,021	6,867	(2,846)	9,713	13,734
Depreciation Expenditure	5,979	10,409	(4,430)	14,839	20,818
Total Expenditure	599,365	620,375	(21,010)	642,410	1,241,775
Operating Surplus / (Deficit)	**(25,959)**	**(47,142)**	**21,184**	**(69,350)**	**(95,309)**
Capital Expenditure	31,410	0	31,410	(1,699)	29,711
Capital Funding	(39,818)	(52,238)	12,421	(85,202)	(125,020)
Rates Required	**17,551**	**(5,096)**	**22,647**	**(17,551)**	**(0)**

Commentary:

Administration capital expenditure reflects the purchase of two additional scanners and associated licences for the property digitisation process.

Business Unit **414000 - Environment and Planning - Valuations**

Six months to 31 December 2016

	Dec YTD			2016 / 17	
	Actual	Budget	Variance	Remaining Budget	Budget
Fees & Charges Revenue	7,225	3,026	4,199	(54)	7,172
Financial Revenue	14,000	14,343	(343)	14,686	28,686
Total Revenue	21,225	17,369	3,856	14,633	35,858
Internal Expenditure	44,013	44,013	(0)	44,013	88,026
Staff Expenditure	9,798	10,846	(1,048)	11,894	21,692
Administration Expenditure	562	8,115	(7,553)	15,668	16,229
Operational Expenditure	105,000	105,000	0	105,000	210,000
Total Expenditure	159,372	167,974	(8,601)	176,575	335,947
Operating Surplus / (Deficit)	(138,147)	(150,605)	12,458	(161,942)	(300,090)
Rates Required	138,147	150,605	(12,458)	161,942	300,090

Commentary:

The Valuation Activity continues to operate within its budget.

Business Unit **420000 - Environment and Planning - Building Services**

Six months to 31 December 2016

	Dec YTD			2016 / 17	
	Actual	Budget	Variance	Remaining Budget	Budget
Internal Revenue	130	0	130	(130)	0
Fees & Charges Revenue	1,036,814	1,137,768	(100,954)	1,040,026	2,076,840
Financial Revenue	(5,237)	0	(5,237)	5,237	0
Total Revenue	1,031,708	1,137,768	(106,060)	1,045,132	2,076,840
Internal Expenditure	380,248	390,331	(10,083)	400,414	780,662
Staff Expenditure	666,235	766,519	(100,284)	868,340	1,534,575
Administration Expenditure	108,206	114,679	(6,474)	121,153	229,359
Financial Expenditure	105,732	126,012	(20,280)	146,293	252,025
Grants & Subsidies Expenditure	0	1,025	(1,025)	2,049	2,049
Repairs & Maintenance Expenditure	3,107	3,775	(667)	4,442	7,549
Operational Expenditure	100,604	43,497	57,108	(13,611)	86,993
Depreciation Expenditure	16,007	18,885	(2,878)	21,764	37,771
Total Expenditure	1,380,139	1,464,723	(84,583)	1,550,843	2,930,982
Operating Surplus / (Deficit)	**(348,432)**	**(326,955)**	**(21,477)**	**(505,711)**	**(854,143)**
Capital Expenditure	(7,391)	0	(7,391)	48,391	41,000
Capital Funding	0	0	0	(140,000)	(140,000)
Rates Required	**341,040**	**326,955**	**14,085**	**414,103**	**755,143**

Commentary:

Building numbers continue to follow the previous year's trend. The income remains low as a consequence of the lower values. December has seen an increase in revenue over November, with the result being that we are now only slightly behind budget overall. Income is down 15% on previous years due to reduced size of commercial work. Expenditure is behind budget due to us still not having a full complement of staff.

Business Unit **448000 - Alcohol Licensing - Inspection Services**

Six months to 31 December 2016

	Dec YTD			2016 / 17	
	Actual	Budget	Variance	Remaining Budget	Budget
Internal Revenue	0	25,000	(25,000)	50,000	50,000
Total Revenue	0	25,000	(25,000)	50,000	50,000
Staff Expenditure	29,306	31,093	(1,786)	32,879	62,185
Administration Expenditure	3,943	1,450	2,493	(1,043)	2,900
Total Expenditure	33,249	32,543	706	31,836	65,085
Operating Surplus / (Deficit)	(33,249)	(7,543)	(25,706)	18,164	(15,085)
Capital Funding	0	0	0	(15,085)	(15,085)
Rates Required	33,249	7,543	25,706	(33,249)	0

Commentary:

Nothing further to report from previous commentary. The service is within budget.

Business Unit

449000 - Alcohol Licensing - District Licensing Committee

Six months to 31 December 2016

	Dec YTD			2016 / 17	
	Actual	Budget	Variance	Remaining Budget	Budget
Fees & Charges Revenue	79,899	68,631	11,267	57,771	137,670
Total Revenue	79,899	68,631	11,267	57,771	137,670
Internal Expenditure	10,353	35,353	(25,000)	60,353	70,706
Staff Expenditure	24,412	31,848	(7,436)	39,284	63,696
Administration Expenditure	5,708	5,150	558	4,592	10,300
Financial Expenditure	7,500	8,000	(500)	8,500	16,000
Grants & Subsidies Expenditure	55	0	55	(55)	0
Repairs & Maintenance Expenditure	195	0	195	(195)	0
Total Expenditure	48,223	80,351	(32,128)	112,480	160,702
Operating Surplus / (Deficit)	**31,676**	**(11,720)**	**43,396**	**(54,708)**	**(23,032)**
Capital Funding	0	0	0	(23,032)	(23,032)
Rates Required	**(31,676)**	**11,720**	**(43,396)**	**31,676**	**0**

Commentary:

The District Licensing side of the Alcohol Activity is operating within its budget. Note income received is used to offset the costs of the operation of the inspectorate side of the Alcohol Activity.

Business Unit

450000 - Environment and Planning - Animal Services

Six months to 31 December 2016

	Dec YTD			2016 / 17	
	Actual	Budget	Variance	Remaining Budget	Budget
Internal Revenue	31,209	25,000	6,209	18,791	50,000
Fees & Charges Revenue	629,726	493,019	136,707	97,223	726,950
Financial Revenue	74,564	(16,754)	91,318	(14,319)	60,245
Total Revenue	735,499	501,265	234,233	101,696	837,195
Internal Expenditure	214,701	214,701	(0)	214,701	429,402
Staff Expenditure	255,754	236,398	19,356	217,043	472,797
Administration Expenditure	18,375	13,035	5,339	7,696	26,071
Financial Expenditure	57,240	500	56,740	(56,240)	1,000
Grants & Subsidies Expenditure	11,044	8,500	2,544	5,956	17,000
Repairs & Maintenance Expenditure	13,403	2,299	11,104	(8,805)	4,598
Operational Expenditure	53,895	48,750	5,145	43,605	97,500
Depreciation Expenditure	13,557	13,285	272	13,012	26,570
Total Expenditure	637,969	537,469	100,501	436,968	1,074,938
Operating Surplus / (Deficit)	**97,529**	**(36,204)**	**133,733**	**(335,272)**	**(237,743)**
Capital Expenditure	20,829	0	20,829	(18,780)	2,049
Capital Funding	6,209	0	6,209	22,497	28,706
Cash Back Depreciation	0	0	0	(0)	0
Rates Required	**(70,492)**	**36,204**	**(106,696)**	**338,990**	**268,498**

Commentary:

Dog registrations continue to exceed budgeted expectations. The main contributor to the increase in expenditure relates to provision for doubtful debts (unpaid infringements). This money will be recovered via the Courts over time. The service continues to exceed that budgeted for but it should be noted income levels will decrease as most dog registrations have been received.

Business Unit **460000 - Environment and Planning - Environmental Health**

Six months to 31 December 2016

	Dec YTD			2016 / 17	
	Actual	Budget	Variance	Remaining Budget	Budget
Internal Revenue	2,130	12,294	(10,164)	22,458	24,588
Fees & Charges Revenue	70,482	68,490	1,992	93,438	163,920
Financial Revenue	89,982	10,205	79,777	(74,614)	15,368
Total Revenue	162,594	90,989	71,604	41,282	203,876
Internal Expenditure	175,269	175,269	0	175,269	350,538
Staff Expenditure	225,166	223,831	1,334	222,497	447,663
Administration Expenditure	15,225	16,393	(1,168)	17,562	32,786
Financial Expenditure	(19,133)	512	(19,645)	20,157	1,025
Grants & Subsidies Expenditure	522	0	522	(522)	0
Repairs & Maintenance Expenditure	2,520	2,049	471	1,578	4,098
Operational Expenditure	67,802	69,610	(1,808)	71,419	139,221
Depreciation Expenditure	12,090	12,602	(513)	13,115	25,205
Total Expenditure	479,460	500,268	(20,808)	521,076	1,000,535
Operating Surplus / (Deficit)	**(316,866)**	**(409,278)**	**92,412**	**(479,794)**	**(796,660)**
Capital Expenditure	31,360	0	31,360	331	31,691
Capital Funding	0	0	0	(109,691)	(109,691)
Rates Required	**348,226**	**409,278**	**(61,052)**	**370,434**	**718,660**

Commentary:

The Environmental Health budget is operating within budget at this time.

Business Unit **470000 - Environment and Planning - Compliance**

Six months to 31 December 2016

	Dec YTD			2016 / 17	
	Actual	Budget	Variance	Remaining Budget	Budget
Internal Revenue	5,666	0	5,666	(5,666)	0
Fees & Charges Revenue	270,690	285,145	(14,456)	299,601	570,291
Financial Revenue	590,556	153,675	436,881	(283,206)	307,350
Total Revenue	866,911	438,820	428,091	10,729	877,641
Internal Expenditure	125,933	125,933	(0)	125,934	251,867
Staff Expenditure	135,155	154,019	(18,863)	172,882	308,037
Administration Expenditure	20,793	15,682	5,112	10,570	31,363
Financial Expenditure	334,098	0	334,098	(334,098)	0
Grants & Subsidies Expenditure	5,891	3,500	2,391	1,109	7,000
Repairs & Maintenance Expenditure	6,836	9,750	(2,914)	12,664	19,500
Operational Expenditure	109,785	61,112	48,673	12,439	122,224
Depreciation Expenditure	6,628	6,011	617	5,394	12,022
Total Expenditure	745,120	376,007	369,113	6,894	752,014
Operating Surplus / (Deficit)	**121,792**	**62,813**	**58,978**	**3,835**	**125,627**
Capital Expenditure	(2,826)	0	(2,826)	24,875	22,049
Capital Funding	5,666	0	5,666	(29,715)	(24,049)
Rates Required	**(118,952)**	**(62,813)**	**(56,138)**	**(8,675)**	**(127,627)**

Commentary:

The variance in the budget exceedance relates to the Operational Expenditure. The majority of this expenditure relates to Court Lodgement Fees.

Business Unit

480000 - Environment and Planning - Resource Management

Six months to 31 December 2016

	Dec YTD			2016 / 17	
	Actual	Budget	Variance	Remaining Budget	Budget
Internal Revenue	2,400	12,294	(9,894)	22,188	24,588
Fees & Charges Revenue	87,464	94,794	(7,329)	118,416	205,880
Financial Revenue	19,234	2,591	16,643	(15,648)	3,586
Total Revenue	109,098	109,679	(581)	124,955	234,054
Internal Expenditure	261,114	261,114	0	261,114	522,228
Staff Expenditure	362,885	362,222	663	361,560	724,445
Administration Expenditure	19,890	21,512	(1,622)	23,134	43,024
Financial Expenditure	17,890	0	17,890	(17,890)	0
Grants & Subsidies Expenditure	7,583	9,500	(1,917)	11,417	19,000
Repairs & Maintenance Expenditure	0	1,025	(1,025)	2,049	2,049
Operational Expenditure	78,984	51,458	27,526	23,932	102,917
Depreciation Expenditure	2,631	2,675	(45)	2,720	5,351
Total Expenditure	750,977	709,506	41,470	668,036	1,419,013
Operating Surplus / (Deficit)	**(641,878)**	**(599,827)**	**(42,051)**	**(543,081)**	**(1,184,959)**
Capital Expenditure	0	0	0	2,049	2,049
Capital Funding	0	0	0	(2,049)	(2,049)
Rates Required	**641,878**	**599,827**	**42,051**	**543,081**	**1,184,959**

Commentary:

The budget for the first six months of 2016/2017 is as expected due to the work on the District Plan and Heritage review that occurred during this period.

TO: **REGULATORY SERVICES COMMITTEE**

FROM: **THE DIRECTOR OF ENVIRONMENTAL AND PLANNING SERVICES**

MEETING DATE: **TUESDAY 21 FEBRUARY 2017**

NATIONAL ACTION PLAN TO REDUCE THE RISK AND HARM OF DOG ATTACKS: APPLICATION FOR FUNDING TO UNDERTAKE A NEUTERING PROGAMME FOR DANGEROUS AND MENACING DOGS

Report Prepared by: John Youngson, Manager Environmental Health and Compliance

SUMMARY

Late in 2016, the Associate Local Government Minister, Louise Upston, announced a new national action plan to reduce the risk and harm of dog attacks. This report sets out the implications for the Council and the financial incentives available for neutering.

Law changes to give effect to the action plan will be included in a Bill to amend the Dog Control Act 1996. It is intended that the Bill will be introduced to Parliament in February 2017.

Under the action plan, high-risk dogs and their owners will be subject to stricter controls.

The action plan will be supported by a nationwide neutering programme, which includes $850,000 of Government funding. Animal Services has submitted an application under this fund to neuter the city's dangerous and menacing dogs and has received preliminary approval of $43,000 subject to confirmation of our agreement to the terms of acceptance. This will allow these dogs to be neutered at no cost to the owner.

RECOMMENDATION

That the report be received.

1.	*Has this been provided for in the Long Term Plan/Annual Plan?* No. Will have no implications as many of the changes are already included in our Dog Control Bylaw.
2.	*Is a budget amendment required?* No.
3.	*Is this matter significant in terms of Council's Policy on Significance?* No.
4.	*Implications in terms of other Council Strategic Documents or Council Policy?* No.
5.	*Have the views of affected or interested persons been obtained and is any further public consultation required?* N/A as implemented by the Government.
6.	*Has the Child, Youth and Family Friendly Policy been considered?* N/A as implemented by the Government.

FINANCIAL IMPLICATIONS

A Grant of $43,000 for the neutering of the city's dangerous and menacing dogs will be received from Internal Affairs subject to conditions.

BACKGROUND TO THE NATIONAL ACTION PLAN TO REDUCE THE RISK AND HARM OF DOG ATTACKS

In late 2016, the Associate Local Government Minister, Louise Upston, announced a new national action plan to reduce the risk and harm of dog attacks.

A full copy of the national action plan and other information can be found on the Internal Affairs website: www.dia.govt.nz

Law changes to give effect to the action plan will be included in a Bill to amend the Dog Control Act 1996. It is intended that Bill will be introduced to Parliament in February 2017.

Under the action plan, high-risk dogs and their owners will be subject to stricter controls. The law changes give effect to such controls and will complement a renewed focus on education about dog owner responsibility and safety around dogs, as well as new work with local government on best practice guidance for Councils.

The action plan will be supported by a nationwide neutering programme, which includes $850,000 of Government funding. A partnership between central and local government has been established to provide discounted neutering for menacing dogs.

For the purposes of the action plan, high-risk dogs are those dogs that are classified as “menacing” and “dangerous” under the Dog Control Act 1996 (the Act), and those that would be classified as menacing or dangerous if known to local authorities and registered.

Under the Act, a dog may be classified as menacing if it belongs to a breed and type currently banned from importation, or if the local authority considers the dog poses a threat to people or animals on the basis of its behaviour.

A local authority must classify a dog as dangerous if it constitutes a threat to the safety of any person or animal, based on its aggressive behaviour.

HOW WILL THIS IMPACT ON INVERCARGILL CITY COUNCIL ANIMAL SERVICES?

The proposed law changes will require owners of high-risk dogs to:

- Have their high-risk dog neutered.
- Keep high-risk dogs in a fenced in area at home that allows visitors dog-free access to at least one house entrance.
- Display signs at the front of their property alerting people of high-risk dogs.
- Ensure dangerous or menacing dogs wear collars identifying them as high-risk. These dogs must also wear muzzles and be on a leash in public places.
- Obtain a high-risk dog owner licence.
- Seek consent from the local authority to transfer the dog to new owner.
- Inform any new owner that the dog is classified.
- Animal shelters will be prevented from adopting out high-risk dogs to new owners, except that menacing dogs can be adopted out to those who hold a high-risk dog owner licence.

NOTE: The points underlined indicate a significant change for our service.

There will also be several adjustments to the infringements and offences under the Dog Control Act 1996 to support the changes.

ACTION AND PREPARATION FOR THE CHANGES

Our Animal Service has made an application that outlined a proposal for a neutering programme, in partnership with the city's veterinarians and the SPCA, that will ensure all classified dogs on our records and projected new dogs will be able to be neutered at no cost to the dog owner.

We have approached all the city's veterinarians and the SPCA to advise them of the changes and the requirements that these dogs will need to be neutered. All our veterinarians and the SPCA have agreed to participate in the programme and we have submitted a price for undertaking the surgery as part of our application. It is our objective that dogs owners will be able to go to a provider of their choice to have their dog neutered.

CONDITIONS

I am pleased to advise that our application for $43,000 to the neutering fund has received preliminary approval subject to confirmation of the following:

a. Reporting

We are required to confirm that we can meet Internal Affairs reporting requirements. This means they will provide us with monthly surveys to be filled out, including:

- The numbers of male and female menacing dogs neutered as part of the programme, and whether they were classified based on their breed or behaviour;
- The number of dogs registered for the first time as part of the programme;
- Any significant dog attack incidents that occurred in our area; and
- Any other information we consider to be relevant.

b. Messaging

We need to advise in any media material promoting our programme that funding has been provided for the programme in part by central government as part of the national strategy to reduce the risk and harm of dog attacks.

CONCLUSION

Animal Services has confirmed that we are comfortable with the above conditions and are awaiting advice from Internal Affairs so we can proceed with implementing the programme.

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A1822907

TO: **REGULATORY SERVICES COMMITTEE**

FROM: **THE DIRECTOR OF ENVIRONMENTAL AND PLANNING SERVICES**

MEETING DATE: **TUESDAY 21 FEBRUARY 2017**

ELECTRONIC LODGEMENT OF RESOURCE CONSENTS

Report Prepared by: Terence Boylan, Manager - Planning

SUMMARY

Since the beginning of November 2016 planning applications have been able to be lodged electronically. This is part of the process towards the "paperless" system of lodgement and processing applications.

RECOMMENDATION

That the report be received.

IMPLICATIONS

1.	*Has this been provided for in the Long Term Plan/Annual Plan?* No – not applicable.
2.	*Is a budget amendment required?* No.
3.	*Is this matter significant in terms of Council's Policy on Significance?* No.
4.	*Implications in terms of other Council Strategic Documents or Council Policy?* None
5.	*Have the views of affected or interested persons been obtained and is any further public consultation required?* No – not applicable.
6.	*Has the Child, Youth and Family Friendly Policy been considered?* No – not applicable.

ELECTRONIC PROCESSING OF RESOURCE CONSENTS

From the beginning of November 2016 the Council has gone live with the electronic lodgement of planning applications and associated fee payment. The Planning Department was chosen as the first to utilise electronic lodgement and see what, if any, issues arise so that these can be addressed before other types of applications are able to be lodged online.

The feedback to date from those using the electronic lodgement is that it is easy to use. It also gives customers the flexibility to lodge and pay at a time that is suitable to them.

To date the following companies have registered to lodge planning applications on line:

- TrueSouth Survey Services Ltd
- Don Moir and Associates
- Opus International Ltd
- Versatile Southland

Going forward the aim is to encourage more companies who frequently lodge planning applications to move to the electronic lodgement process.

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A1821601

TO: **REGULATORY SERVICES COMMITTEE**

FROM: **THE DIRECTOR OF ENVIRONMENTAL AND PLANNING SERVICES**

MEETING DATE: **TUESDAY 21 FEBRUARY 2017**

PROPERTY SALES IN THE INVERCARGILL DISTRICT

Report Prepared by: Terence Boylan, Manager - Planning

SUMMARY

Property sales in the Invercargill District are predominantly sold to people living locally. There has been an increase in the number of sales in 2016 compared with 2015.

RECOMMENDATION

That the report be received.

IMPLICATIONS

1.	*Has this been provided for in the Long Term Plan/Annual Plan?* No – not applicable.
2.	*Is a budget amendment required?* No.
3.	*Is this matter significant in terms of Council's Policy on Significance?* No.
4.	*Implications in terms of other Council Strategic Documents or Council Policy?* None.
5.	*Have the views of affected or interested persons been obtained and is any further public consultation required?* No – not applicable.
6.	*Has the Child, Youth and Family Friendly Policy been considered?* No – not applicable.

PROPERTY SALES IN THE INVERCARGILL DISTRICT

Committee members enquired as to what was the trend in respect of where purchasers of property within the district were residing.

An analysis using the post codes on the contact addresses provided to Council for all property sales (not solely residential) indicates that the significant majority of sales are to people who live within the district (it is accepted that some purchasers living outside the district will be using a local agent as their contact).

The table below gives a comparison for the 2015 and 2016 calendar years in terms of property sales broken down into five categories based on the postal contact details provided to Council.

	1 Jan 2015 - 31 Dec 2015		1 Jan 2016 - 31 Dec 2016	
Overseas	21	1.12%	23	1.03%
North Island	55	2.93%	143	6.39%
South Island	104	5.54%	156	6.97%
Southland	64	3.41%	57	2.55%
Invercargill	1,632	86.99%	1,858	83.06%
Total Sales	1,876		2,237	

For 2016, of 143 properties that have a North Island contact address, 70 have an Auckland and 26 a Hamilton post code. In respect of the 156 properties with a South Island contact address 41 have a Christchurch, 31 a Queenstown, 13 a Dunedin, 10 a Rangiora and 10 a Cromwell post code.

There was an overall increase of 361 property sales in 2016 compared with 2015.

It is proposed that this will be reported on an annual basis comparing the previous two years of property sales.

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A1821205

TO: **REGULATORY SERVICES COMMITTEE**

FROM: **THE DIRECTOR OF ENVIRONMENTAL AND PLANNING SERVICES**

MEETING DATE: **TUESDAY 21 FEBRUARY 2017**

TRAINING ON LEGISLATIVE RESPONSIBILITIES RELATING TO ALTERATIONS AND CHANGE OF USE

Report Prepared by: Brendan Monaghan - Building Services Manager

SUMMARY

Commercial buildings undergoing alterations to make them more useable, or a complete change of use, are required to undergo assessments to comply with Sections 112 and 115 of the Building Act 2004. These clauses are included in the Act to ensure that opportunities to improve user safety and amenity are taken, thereby raising the quality of otherwise ageing buildings.

RECOMMENDATION

That the report be received.

IMPLICATIONS

1.	*Has this been provided for in the Long Term Plan/Annual Plan?* Yes.
2.	*Is a budget amendment required?* No.
3.	*Is this matter significant in terms of Council's Policy on Significance?* No.
4.	*Implications in terms of other Council Strategic Documents or Council Policy?* No.
5.	*Have the views of affected or interested persons been obtained and is any further public consultation required?* This is a legal requirement and a meeting with the professionals concerned has been held to reinforce that.
6.	*Has the Child, Youth and Family Friendly Policy been considered?* No.

REQUIREMENTS OF SECTIONS 112 - ALTERATIONS

When a building consent application is made for alterations to a commercial building, Council as a Building Consenting Authority (BCA) must apply some tests to ensure that the proposed

alterations will comply, as nearly as is reasonably practicable, with the provisions of the Building Code that relate to means of escape from fire; and access and facilities for persons with disabilities.

This is a ratchet mechanism that was put in place to ensure that every opportunity is taken to upgrade buildings in relation to those two specific items, whenever work is being done on a building.

This is in line with the Purpose (Section 3) of the Building Act 2004.

If it has been a long time since any consented work has been done there could be significant amounts of work to do.

This requirement often causes designers and property owners to question our decisions because they see the requirements as out of proportion with the original work.

For instance, a building consent application for a new kitchen sink could bring about the requirement to upgrade the fire alarm system for a whole building.

There is an ongoing need to keep designers and building owners aware of their responsibilities in relation to Section 112.

REQUIREMENTS OF SECTIONS 115 – CHANGE OF USE

If a commercial building is undergoing a change of use, in accordance with Schedule 2 of the Building (Specified Systems, Change the Use, and Earthquake-Prone Buildings) Regulations 2005, the BCA is required to assess the means of escape from fire; and access and facilities for persons with disabilities, as in the Section 112 analysis, but we are also required to assess:-

- Protection of other property (for example, the spread of fire to other property)
- Sanitary facilities
- Structural performance
- Fire rating performance

These additional requirements have the ability to add significant cost to the planned project, but as with Section 112 they are a mechanism to improve the overall quality of the building stock.

There are additional requirements if the proposal is to convert a building into a residential dwelling. This is often unexpected by commercial building owners who have the intention of converting part of their building to flats.

RECENT EDUCATION OF DESIGNERS/OWNERS

Situations occur regularly where designers and owners debate the requirement to include all tests as required by Sections 112 and 115. To clarify the requirements of these Sections, and to help designers understand what the Council looks at when processing the building consent applications, we ran a training session in early February 2017.

Council employed a well recognised industry trainer, Rosie Killip, to run two sessions of training for us. A morning session was held for Council employed Building Inspectors to reinforce the Act's requirements. At this meeting we were joined by building inspectors from Gore District Council, Southland District Council and also one from Hurunui District Council.

By having all these people in one room the intent was that consistency across the region can be obtained.

In the afternoon we invited designers and some commercial real estate agents in to discuss Sections 112 and 115. It was reiterated that building owners need to do more due diligence on the Building Act requirements when altering or changing the use of the building. Rosie's presentation placed much of the education of the building owners in the designers' laps. It was reinforced that designers need to prepare the owners for the requirements of the Act when they are first discussing proposed plans, rather than it being a surprise during the processing phase.

A key message of the presentation was that designers should work with Councils to improve the building stock, rather than fighting them in order to compromise on the requirements of the Building Act.

OVERALL CONCLUSION

The feedback was that the designers generally appreciated the education, and that this will continue to be difficult, as owners still want to minimise investment in building upgrades if they can, in many cases.

The recent education sessions should be helping to clarify some historic issues.

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A1826569

TO: **REGULATORY SERVICES COMMITTEE**

FROM: **THE DIRECTOR OF ENVIRONMENTAL AND PLANNING SERVICES**

MEETING DATE: **TUESDAY 21 FEBRUARY 2017**

BUILDING WARRANTS OF FITNESS PROCESS AND ASSOCIATED AUDITS

Report Prepared by: Brendan Monaghan - Building Services Manager

SUMMARY

This report outlines the recent changes to the process of administering the Building Warrants of Fitness process, in order to perform to the requirements of the Building Act 2004.

Council collates records of over 900 buildings that are required to have an annual Warrant of Fitness. MBIE has informed the Council that it needs to be more vigilant with respect to the information received for the Warrants of Fitness in respect of their completeness of information. It is also recommended that site audits are undertaken to ensure building owners are fulfilling their requirements in respect of the site paperwork.

RECOMMENDATION

That the report be received.

IMPLICATIONS

1.	*Has this been provided for in the Long Term Plan/Annual Plan?* Yes.
2.	*Is a budget amendment required?* No.
3.	*Is this matter significant in terms of Council's Policy on Significance?* No.
4.	*Implications in terms of other Council Strategic Documents or Council Policy?* None.
5.	*Have the views of affected or interested persons been obtained and is any further public consultation required?* This is a legal requirement and a meeting with the professionals concerned has reinforced this.
6.	*Has the Child, Youth and Family Friendly Policy been considered?* No.

BUILDING WARRANT OF FITNESS – COMPLIANCE AS REQUIRED

THE BUILDING WARRANT OF FITNESS

A Building Warrant of Fitness (BWoF) is a record that life safety systems within a building have been tested in accordance with the Compliance Schedule that exists for the building.

Reports from the Ministry of Business, Innovation and Employment have advised us to be more vigilant and rigorous in our checking of BWoF. To do so we have had to spend more time checking the information that is supplied to us. There are prescribed forms to be completed by/for commercial building owners by their Independently Qualified Persons (IQPs), who perform annual checks and often supply the completed BWoF on the owner's behalf. As we have inspected these documents we have discovered that there are some historic omissions that we are now asking to have supplied. This information has always been required but not always provided, or requested.

The result of our increased vigilance is that we are becoming aware of instances where insufficient information has been provided. Once discovered we are asking for further information, which is causing additional work for the IQPs, and potentially could result in additional costs to the building owners.

We held a meeting of local IQPs in January 2017 to advise what we are doing. If an owner fails to supply the additional information within a specific time we should be taking steps to ensure that a completed Warrant of Fitness is in place, as per Section 108 of the Building Act 2004. We have generated a number of Notices to Fix, and are having some resistance from building owners and their IQPs. This resistance is based on historic practices, even though the IQPs know the information that they should be supplying.

Since starting this additional checking we have noticed an improvement in the quality of information supplied. However, there are some building owners who are unhappy with the penalties they have received to date.

AUDITS

We are given authority to do Audits of the sites under Section 111 of the Building Act 2004 to ensure that building owners are complying with the law. We intend to start random audits by allocating one afternoon per week, for one Inspector, for checking the site and performing an audit on the paperwork. Our Audit will help them gain compliance. Only if we find serious issues will there be any penalties imposed.

Our target is 5-10% of all sites per annum. This will be self funding as we have a fee in our published fees and charges to cover the costs.

This process will allow us to convey a message about the importance of this, without being too onerous on building owners. Our intention is to check Invercargill City Council buildings first, to both test our procedures and to ensure that we have our own house in order.

We want to use the first round to help guide owners towards compliance, as it appears there is still some confusion about what is required.

ISSUES UNCOVERED

In the process of chasing BWoFs and performing Audits, we may be uncovering some seriously outstanding issues. Our timing on this generally looks like:

- One month before expiry we send a reminder.
- If incorrect information received (generally on or after due date) we send a letter to the owner requesting specific information. A short timeframe will be given, generally seven (7) days.
- If additional information is not received at the end of that period of time another letter will be sent, which will have a Notice to Fix attached. A Notice to Fix carries a $500.00 penalty and outlines the laws broken and remedies required. It also has a seven (7) day time frame. If there is still no action we will issue an Infringement.

To date no Infringements have been issued.

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A1822242

TO: **REGULATORY SERVICES COMMITTEE**

FROM: **THE DIRECTOR OF ENVIRONMENTAL AND PLANNING SERVICES**

MEETING DATE: **TUESDAY 21 FEBRUARY 2017**

APPEALS ON DECISIONS ON PROPOSED DISTRICT PLAN

Report Prepared by: Liz Devery, Senior Policy Planner

SUMMARY

Sixteen appeals to the Environment Court have been lodged relating to the Council's decisions on the Proposed Invercargill City District Plan. Staff have indicated to the Environment Court that the Council will be willing to meet with the Appellants to work through the issues by way of mediation as a first means of resolving the issues.

Provisions that have not been appealed in the Proposed District Plan are now to be treated as operative, meaning the corresponding provisions of the Operative District Plan are no longer to be considered. Where provisions have been appealed, both the Operative District Plan provisions and the Proposed District Plan provisions have legal effect.

RECOMMENDATION

That the report be received.

IMPLICATIONS

1.	*Has this been provided for in the Long Term Plan/Annual Plan?* Yes.
2.	*Is a budget amendment required?* No.
3.	*Is this matter significant in terms of Council's Policy on Significance?* No.
4.	*Implications in terms of other Council Strategic Documents or Council Policy?* The District Plan is one of Council's Strategic Documents.
5.	*Have the views of affected or interested persons been obtained and is any further public consultation required?* A programme of consultation and submission has been carried out. No further public consultation is required.
6.	*Has the Child, Youth and Family Friendly Policy been considered?* No.

FINANCIAL IMPLICATIONS

Unknown.

APPEALS TO THE ENVIRONMENT COURT ON DECISIONS ON THE PROPOSED INVERCARGILL CITY DISTRICT PLAN

Following the release of decisions on the Proposed Invercargill City District Plan, submitters and further submitters had the opportunity to lodge appeals with the Environment Court relating to decisions made by the Council on their submission. Sixteen appeals were received by the Environment Court.

Where other parties submitted on provisions that have been appealed, those other submitters have had the opportunity to join the appeal as an interested party, pursuant to Section 274 of the Resource Management Act (referred to below as "s274 Parties").

The appeals received cover a range of issues, as summarised below. The Notices of Appeal are able to be viewed on the Council website, and on request.

Where a provision is not subject to an appeal, then these provisions are to be treated as operative. This means that the corresponding provisions in the Operative District Plan are essentially inoperative, and only the Proposed District Plan provisions need to be considered. Where a provision has been appealed, both the Operative District Plan and the Proposed District Plan continue to have effect with greater weight being placed on the Operative Plan. In these cases, for an activity not to require a resource consent, it would need to be a "permitted activity" under both plans. There are substantial portions of the Proposed District Plan that are not the subject of appeal and that can now be treated as operative. An "Appeals Version" of the Proposed District Plan has been developed incorporating all of the decisions and highlighting those provisions and the maps that are still subject to appeal.

On behalf of the Council, we have informed the Environment Court that the Council is willing to meet with the Appellants to work through the issues by way of mediation as a first means of resolving the issues. Where an agreement is unable to be reached, the matters will be referred for Hearing in the Environment Court.

SUMMARY OF APPEALS

Following is a summary of some of the key points raised in the appeals. As stated above, the Notices of Appeal are available online. The Appeals are summarised below in alphabetical order.

Blue River Dairy LP ENV 2016–CHC-089

Blue River Dairy LP has appealed the decision to include "Dairy Processing" in the Schedule of Heavy Industries.

BP Oil NZ Ltd, Mobil Oil NZ Ltd and Z Energy Ltd ("the Oil Companies") ENV 2016-CHC-074

s274 Parties: South Port NZ Ltd, Southland Regional Council, Transpower NZ Ltd.

The Oil Companies have appealed three parts of the Plan. They have appealed the Hazardous Substances provisions as they relate to the provision for LPG and provision for Diesel and Petroleum at Service Stations. They are seeking that earthworks associated with the installation and removal of an underground petroleum storage system be permitted. The Oil Companies have also sought changes to the Reverse Sensitivity policy in the Seaport Zones.

Department of Corrections ENV 2016-CHC-094

The Department of Corrections has appealed the decision not to include specific provision for Community Corrections Facilities and to permit these within the Business 1 (Central Business District), Business 2 (Suburban Shopping and Business), Business 3 (Specialist Commercial) and Business 4 (Neighbourhood Shops) Zones, as well as the Industrial 1 (Light) Zone.

Director-General of Conservation ENV 2016–CHC–091

s274 Parties: Ballance Agri-Nutrients, Federated Farmers of NZ, NZ Aluminium Smelters Ltd, Royal Forest and Bird Protection Society of New Zealand Inc, South Port NZ Ltd, Southland Regional Council, Transpower NZ Ltd.

The Director-General of Conservation has appealed provisions in the Biodiversity, Coastal Environment, and Soils, Minerals and Earthquakes sections of the Plan, in particular the Council's decisions relating to the identification and management of indigenous biodiversity. The Director-General is concerned about Council's reliance on the mapping of areas of significant vegetation when applying the Plan provisions, which the Appellant does not consider to be inclusive of all areas of significant indigenous biological diversity.

G Simmons ENV 2016–CHC–101

s274 Parties: Southland Regional Council.

Mr Simmons is appealing changes to the extent of the Residential 3 Zone and is seeking changes to some of the Residential 3 Zone provisions.

Heenan, Dixon, Munro, Scott and Oakland Family Trust ENV – 2016 – CHC – 097

s274 Parties: Southland Regional Council, Mr W Devine.

The Appellants are appealing changes to the extent of the Residential 3 Zone, particularly as the Zone relates to their properties that reverted back to Rural as a result of the decisions. They are also seeking changes to some of the Residential 3 Zone provisions.

Invercargill Airport Ltd ENV 2016–CHC–095

s274 Parties: Southland Regional Council.

Invercargill Airport Ltd (IAL) has sought changes to the wording of some Infrastructure and Airport Operations Zone Objectives and Policies and explanatory text. They would also like an objective and policy introduced into the Plan. These changes would result in the recognition of the value of their infrastructure to the wider community, as well as potential development of the Airport infrastructure and the ability to carry out a wider range of activities than provided for in the Proposed District Plan.

IAL is also seeking stricter provisions prohibiting activities that do not meet sound insulation requirements or minimum lot sizes within areas affected by the Airport's noise boundaries.

The IAL appeal is also seeking to expand the definition of "conference facilities" to include stand alone events (such as weddings and parties) and to remove limitations on "conference facilities" within the Airport Operations Zone.

Invercargill City Council – Water Manager ENV 2016–CHC-096

s274 Parties: Southland Regional Council.

The ICC Water Manager is appealing the rule relating to extensions of Council's Reticulated Water Services. He is concerned that the restriction to new extensions only applies to the Otatara and Rural Zones.

Minister of Defence ENV 2016–CHC-090

The Minister of Defence is appealing decisions relating to Temporary Military Training Activities. The Minister appeals the Council's decisions that:

1. Limit weapons firing and the use of explosives in the Rural Zone as a permitted activity to between 0700 and 1900 hours;
2. Require compliance with both a setback and a maximum noise level;
3. Do not provide for Temporary Military Training Activities as a permitted activity in any Zone in the District other than the Rural Zone.

Niagara Sawmilling Company Ltd ENV 2016–CHC-098

s274 Parties: Mr Q Stephens, Mr B Stephenson, Mrs R Stephenson, Mr S de Garnham.

Niagara Sawmilling Company Ltd has appealed the zoning of the properties on the south-east corner of Kennington Road and the Woodlands-Invercargill Highway. These properties have been zoned Rural Zone. Niagara Sawmilling Company Ltd is seeking 7 and 9* Kennington Road to be zoned Industrial 3 (Large Industry) Zone.

PowerNet Ltd ENV 2016–CHC-092

s274 Parties: Director-General of Conservation, Federated Farmers of NZ, Invercargill Airport Ltd, Southland Regional Council.

Power Net appealed decisions relating to infrastructure. Their first point of appeal relates to an Infrastructure policy that establishes a hierarchy in terms of the preferred management of adverse effects arising from the development, construction, maintenance and upgrading of infrastructure, with avoiding adverse effects as the first order of priority.

Their other key point of appeal relates to the decision that deems it a discretionary activity for the trimming, removal or changes to any indigenous vegetation, or parts thereof, within the dripline of that vegetation for the construction of a network utility service.

Royal Forest and Bird Protection Society of New Zealand Inc ENV 2016–CHC–099

s274 Parties: Director-General of Conservation, Federated Farmers of NZ, NZ Aluminium Smelters Ltd, Southland Regional Council, Transpower NZ Ltd.

Royal Forest and Bird Protection Society of New Zealand Inc ("Forest and Bird") have appealed the definition of "Areas of Significant Indigenous Biodiversity". They are seeking that the definition should not be restricted to those areas identified on the Planning Maps, but that these areas be identified on a case-by-case basis using a specific criteria set out in the Plan.

South Port New Zealand Ltd ENV 2016–CHC-093

s274 Parties: Director-General of Conservation, Federated Farmers of NZ, Invercargill Airport Ltd, Southland Regional Council, Transpower NZ Ltd.

South Port NZ Ltd has appealed decisions relating to the wording of a number of Policies through the Plan relating to the Coastal Environment, Energy, Hazardous Substances, Infrastructure.

South Port is also appealing the decisions not to permit "Seaport Activities" in the Smelter Zone.

They have appealed the decisions that introduced the Seaport 2 Zone and its accompanying provisions into the Plan.

Spark New Zealand Trading Ltd ENV 2016–CHC–116

Spark is appealing against the rules relating to the size and location of communications masts, poles and towers within the Residential, Otatara, and Business 2 and 4 Zones. Spark is also seeking amendments to the maximum permitted size of telecommunications and radio communications cabinets. They are also seeking a rule enabling Communication Hubs (previously telephone booths).

Transpower New Zealand Ltd ENV 2016–CHC-100

s274 Parties: Director-General of Conservation, Federated Farmers of NZ, Invercargill Airport Ltd, South Port NZ Ltd, Southland Regional Council.

Transpower New Zealand Ltd has appealed a number of Objectives, Rules and Definitions as they relate to the National Grid. A theme through their appeal is the concept of reverse sensitivity, and protection of their assets from activities and development that may be carried out in the areas around the National Grid. They are also wanting provisions that are more enabling for potential development of their infrastructure and that recognise more explicitly their technical and operational requirements.

W and J Smellie ENV 2016–CHC-081

Mr and Mrs Smellie are appealing the zoning of their property at 208 Gore Street, Bluff. This property has been zoned Residential 2 (Bluff and Omaui) Zone. However, the Appellants are seeking an industrial zoning for this section.

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A1818238

TO: **REGULATORY SERVICES COMMITTEE**

FROM: **THE DIRECTOR OF ENVIRONMENTAL AND PLANNING SERVICES**

MEETING DATE: **TUESDAY 21 FEBRUARY 2017**

DELEGATION FOR MEDIATION OF DISTRICT PLAN ENVIRONMENT COURT APPEALS

Report Prepared by: P M Gare, Director of Environmental and Planning Services

SUMMARY

Sixteen (16) appeals to Council's decision on submissions to the Proposed District Plan have been received. Clear delegation on who has authority to sign on behalf of Council for mediated agreements is required.

RECOMMENDATION

That the Director of Environmental and Planning Services in consultation with either the Chair or Deputy Chair of the Hearings Panel is given delegation on behalf of Council to sign off mediated agreements to Environment Court Appeals and other proceedings lodged in the Environment Court.

IMPLICATIONS

1.	*Has this been provided for in the Long Term Plan/Annual Plan?* Yes.
2.	*Is a budget amendment required?* No.
3.	*Is this matter significant in terms of Council's Policy on Significance?* No.
4.	*Implications in terms of other Council Strategic Documents or Council Policy?* Having the authority to mediate Environment Court appeals on behalf of Council will progress the District Plan review with respect to time and resources.
5.	*Have the views of affected or interested persons been obtained and is any further public consultation required?* There has been extensive consultation and a formal submission process as part of the District Plan review.
6.	*Has the Child, Youth and Family Friendly Policy been considered?* Not applicable.

MEDIATION OF ENVIRONMENT COURT DISTRICT PLAN APPEALS

The review of the District Plan is a statutory requirement under the Resource Management Act 1991 and is both lengthy and complex in its nature.

At its meeting on 6 June 2012 Council resolved to delegate to the District Plan Hearings Panel the full delegation to hear, consider and determine plan changes/plan reviews. Cr Darren Ludlow was appointed as Chair of the District Plan Hearings Panel with a quorum of three elected members (Councillors Ludlow, Boniface and Sycamore.)

At its meeting on 23 September 2014 Council resolved *"that the Director of Environmental and Planning Services in consultation with either the Chair or of the Hearings Panel is given the delegation on behalf of Council to sign off mediated agreements to Environment Court Appeals and all other proceedings lodged in the Environment Court."*

"Chair or of the Hearings Panel" contains an error and it is important that we are able to provide the Environment Court with a clear, recent delegation so that they understand that the mediated settlement has been endorsed under Council delegation.

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A1818502