

**MINUTES OF A MEETING OF THE REGULATORY SERVICES COMMITTEE HELD IN
THE COUNCIL CHAMBER, FIRST FLOOR, CIVIC ADMINISTRATION BUILDING,
101 ESK STREET INVERCARGILL ON TUESDAY 27 FEBRUARY 2018 AT 2.30 PM**

PRESENT: Cr R R Amundsen – Chairperson
Cr T M Biddle – Deputy Chairperson (via conference call) (up to
3.50 pm)
Cr A H Crackett
Cr D J Ludlow
Cr L F Soper

IN ATTENDANCE: Cr L S Thomas (from 3.36 pm)
Cr I R Pottinger (from 4.05 pm)
Mrs G Henderson (from 3.52 pm)
Mrs P M Gare – Director of Environmental and Planning Services
Mr S Tonkin - Development Liaison Manager
Mr T Boylan – Planning Manager
Mr B Monaghan – Building Regulation Services Manager
Mr J Youngson - Manager - Environmental Health
Ms M Short - Manager Strategy and Policy
Mr A Cameron – Policy Analyst
Mr B Monaghan - Manager - Building Services
Mr M Morris - Legal Advisor
Ms L Devery - Senior Planner - Policy Focus
Mr T Boylan – Manager Planning
Ms L Kuresa – Governance Officer

1. APOLOGIES

His Worship the Mayor and Cr K F Arnold.

Moved Cr Soper, seconded Cr Crackett and **RESOLVED** that the apologies be accepted.

2. SUBMISSIONS HEARING

2.1 Priority Buildings – Earthquake Prone

2.1.1 *William J Watt and David Corbin*

In addition to their written submission, a copy of their submission was tabled and the submitters took the meeting through it.

Cr Amundsen thanked the submitters for taking the time to present to the Committee.

2.1.2 *Gaire Thompson*

In addition to his written submission, the submitter took the meeting through the main points in his submission.

In response to a question by Cr Amundsen, as to whether it was a good idea for building owners to have 12½ years as opposed to 25 years to fix their buildings up, Mr Thompson said that could be a good idea but the other issue was that with regard to the Christchurch earthquake, there was a pressure on services like engineers and builders to get the work done. After the Christchurch earthquake they had received a quote from a contractor to say the work on a panel that needed more brackets on it would be \$6,500 and another contractor saying it would be \$56,000. This was the sort of nonsense that could happen and it was really helpful to have a reasonable period so that people were not ripped off.

In response to a question by Cr Soper, as to whether Mr Thompson could confirm that 12½ years was a reasonable amount of time, Mr Thompson said it was a reasonable amount of time but the years soon disappeared, so he was concerned about the economics of it in places like Invercargill. Having the tenancy demand there was one of the big things because people were happy to upgrade their building if someone was to occupy it. It depended on what the Government came up on the requirements because it was 34% at the moment because in some areas it was 67%.

Cr Amundsen thanked the submitter for taking the time to present to the Committee.

2.1.3 **Chris Henderson**

In addition to her written submission, the submitter took the meeting through a map from the 1940s as well as her submission to SoRDS that showed a vision of classic Invercargill.

In response to a question by Cr Soper, as to whether 12½ years was a reasonable time for building owners to fix up their buildings, Mrs Henderson said you could probably do it blocks. Building owners could do the easy work first to get them out of the way within five to ten years and there was the revolving fund so that it was not hard on the owners to get it done. There were also people who were skilled in that area, so a lot of the work could be completed quickly. It was the big buildings like Night and Day that she was concerned with.

Cr Amundsen thanked the submitter for taking the time to present to the Committee.

2.1.4 **David McKillop**

In addition to his written submission, the submitter took the meeting through the main points in his submission.

In response to questions, the following answers were given:

1. The national tenants mainly want 67% or better, like the banks that lend the money to buy these buildings and do the fit-outs and supply the stock to some of the tenants as it gives better security to the banks because the building is less likely to fall over. Therefore the security being the building is still standing and of some value. At 34% a lot of banks will want to increase the security level and the insurance companies don't like paying out either.
2. I'm dealing with the real world where the commercial tenants, the banks and insurance companies want 67% or better.

3. Nobody has been killed in Invercargill due to fire or an earthquake in a commercial building but people have died in a house where the wiring is old and people get drunk and cook food while they sleep.

Cr Amundsen thanked the submitter for taking the time to present to the Committee.

2.1.5 **Graeme Pope**

In addition to his written submission, the submitter took the meeting through the main points in his submission.

Note: Cr Thomas joined the meeting at 3.36 pm.

In response to questions, the following answers were given:

1. You only have five years once you set that zone. As soon as you set a zone you are in control under the national legislation. What I'm saying is to shrink to the bare minimum you can get away with so that you can take the time to take buildings outside that area and make it apply to them.
2. Buildings are buildings and they either fit into that category or not. If you put them all into that category, you are limiting the owners time, whereas if you shrink that, you're giving yourself more time and them more time to bring the buildings up to compliance. If you're outside that zone you still have to fit inside that 25 year timeframe. I understand the legislation says that the state highways are a priority but we have incredibly wide streets. Don and Tay Streets are really six-lane roads with very wide footpaths. Outside Cornerstone, if that parapet was to fall I would be very surprised if it fell on the road. We have enough arterial routes around this city that if one dropped off, there are more than enough left. We are blessed with the very good planning of our city.
3. The reality is that if a building is not going to be strengthened it has to be demolished and that's what the legislation says. My question is, do you want a whole lot of abandoned buildings? That the reality of what Council is going to get, the Council will be left to demolish them. We're renting 9 Tay Street. We got a valuation done on it and it came back at \$235,000 and that's with strengthening done, which hasn't been factored in, so effectively the building is worth nothing. The problem is that if you brought it for nothing and demolished the building, it will still cost you a quarter of a million to flatten the area. It could be more because who knows what's in and amongst the building.
4. It would put people in one of two camps, either they decide that they are going to strengthen the building because it's worth something. The building at 9 Tay Street is perfect for us because of the location, its right in the centre of town. My wife had a business in town and the building got rid of it and all the tenants and we looked at trying to find somewhere else but there was nowhere to go. That was in 2006 because the buildings were full and eleven years later the buildings are almost empty and I hope that area will be full again. If we can get people coming back into the CBD you'll have people wanting the buildings, people wanting to buy the section, demolish the building and replace it or earthquake strengthen the building because they can't operate out of it otherwise. If you look at 12½ years it's too short a period of time to do the work. The more time building owners get, the more options they get. My fear is that the CBD is going to continue to die and nobody wants that.

Cr Amundsen thanked the submitter for taking the time to present to the Committee.

2.1.6 ***Nathan Shearing***

The submitter had put in apology earlier today due to unforeseen circumstances.

2.1.7 ***Ronald Van der Voom***

The submitter could no longer attend the Hearing and a copy of his submission was tabled.

Note: Cr Biddle's conference call ended at 3.50 pm due to technical reasons.

3. **PUBLIC FORUM**

3.1 **Dog Procedures**

Elizabeth Curry had put in an apology due to sickness and would now be speaking at the 13 March 2018 Council Meeting on this matter.

4. **MONITORING OF SERVICE PERFORMANCE**

The report had been circulated.

4.1 **Levels of Service**

4.1.1 ***Alcohol Licensing***

4.1.2 ***Animal Control***

4.1.3 ***Building Control***

4.1.4 ***Compliance***

4.1.5 ***Total Mobility***

4.1.6 ***Environmental Health***

4.1.7 ***Resource Management***

4.1.8 ***Valuation***

Moved Cr Soper, seconded Cr Crackett and **RESOLVED** that the report be received.

5. **MONITORING OF FINANCIAL PERFORMANCE**

5.1 **Directorate Overview**

5.1.1 ***Environmental and Planning Services***

5.1.2 ***Support Services***

- 5.1.3 ***Valuations***
- 5.1.4 ***Building Services***
- 5.1.5 ***Alcohol Licensing***
- 5.1.6 ***Animal Services***
- 5.1.7 ***Environmental Health***
- 5.1.8 ***Compliance***
- 5.1.9 ***Resource Management***

Moved Cr Soper, seconded Cr Crackett that the report be received.

Cr Crackett said that Building Services was slightly down on budget at the moment and the commentary was that it was caused by near constant position of open vacancies and the fact that the position of Building Control Officer had been sought for nearly a year. It could be time to open discussions about how these positions were structured. She agreed that compliance was always important but rather than looking at a Building Control Officer, Council strategically needed to look at being positive for development rather than prohibitive by looking at that position being a Building Development Officer. She wondered if it was time for Council to look at how Council was developing and helping development rather than being prohibitive.

Note: Mrs G Henderson joined the meeting at 3.52 pm.

Cr Amundsen said she was not sure if the Financial Services Report was the place to discuss that but this matter could be flagged for further discussions. She received a memorandum around subjects that Regulatory Services may want to discuss in workshops in the future and that could be a good place to discuss this matter.

Cr Ludlow said it was about how the role was presented rather than the actual role itself.

After further discussions, it was agreed that this matter would be added to the Action Sheet.

Cr Soper said that with regard to Environmental Health on Page 22, she was aware that the service was operating within its budget but she noted that the operational expenditure was so far between budget and actual and she wondered if there an explanation for that.

Mrs Gare said it was an underspend because money had been set aside for the audit. Audit costs had been budgeted for April or May this year, so it was a timing issue.

The motion, now being put, was **RESOLVED** in the **affirmative**.

6. OTHER BUSINESS

6.1 Report of the Director of Environmental and Planning Services

6.1.1 Priority Buildings – Earthquake Prone

Cr Amundsen said she was interesting in discussing whether the size of the priority area for the CBD should be reduced or not. She understood why the area was at the current size to incorporate the areas where people park when they work in the CBD. Therefore people would be walking past lots of buildings but she wondered if that put unnecessary pressure on building owners. It could be just a one-storey building that would not do much damage if it fell over compared with a two to three-storey building. She also wondered about the little outcrop on the map and whether the Museum could be included as its own priority area, without it being part of a whole.

Cr Soper said that as a supplement, if Council was going to look at tightening the area as Cr Amundsen mentioned, then the Water Tower would be the other building that the same question applied to.

Cr Crackett said that there was quite a bit of industrial area where it was thoroughfare for people walking to their cars and such and Council needed to take into consideration that was a low pedestrian rated area. She agreed that Council needed to discuss reducing that founding but consideration needed to be given to the submissions that had been made. Council did not want people abandoning their buildings and the timeframe as demonstrated put the pressure on finding engineers to provide reporting. Council was being told that there was considerable strain on building owners to do that, so was Council asking too much of the building owners?

Cr Ludlow said that he agreed that there would be considerable strain, not just here but right across the country to try and find sufficient engineers. He was not entirely convinced that opting for the longer deadline would make a difference in the case of some building owners. There would be some building owners who would push out for as long as they possibly could and still get to that point where they would abandoned their building and leave it in Council's hands to see what sort of revenue they could get in the meantime. There had been a few submitters who were involved in rental or property development say that they were comfortable with the 12½ years and in that time Council could see standard shift or clarity around that. Tenants would want to be occupying buildings of a higher standard. It was also being measured against a shift in the activity that was going on in the CBD and the way retail had conducted had moved. Council would also see the increased focus on food and entertainment as a reason for people coming into town rather than specifically retail. Some of the suggestions around inner city living was valid and there would be an increase of people being interested in that but he still did not see that pushing out that deadline was going to make that change. If people wanted their buildings to be tenanted, building owners would probably want 12 to 15 years to make that investment to get that benefit. The time was about finding engineers to carry it out because if building owners wanted their buildings tenanted, they would carry out the work so that it was at that minimum of 67%.

Cr Soper said she had asked a couple of submitters whether they necessarily thought that shortening the map and pushing out the timeframe to 25 years would make any difference and the conclusion was it might, but nobody could crystal ball gaze.

She had looked at the map and how it could be adjusted that it would make a significant difference while still addressing an issue that was important to Invercargill city. Apart from taking out a couple of Council's owned buildings like the Museum and the Water Tower, she struggled to see how the map could be changed to give more assistance to building owners. There were a number of submitters who said that they were comfortable with the 12½ year timeframe were the submitters who said that the map needed to be adjusted. It was worth having a discussion but she could not see how the map could be re-drawn so that there was still a sensible response to the legislation.

Note: Cr Pottinger joined the meeting at 4.05 pm.

Mr Tonkin took the meeting through the process that he had in mind for identifying the buildings in the next five years.

In response to questions, the following answers were given:

1. When we looked at it, we thought that the greatest was the CBD plus the main street in Bluff. We didn't consider that the other shopping centres were as high risk.
2. What we look at are unreinforced masonry buildings. The majority of unreinforced masonry buildings are in the centre of town. There may be potentially earthquake prone buildings but I don't think there are unreinforced masonry buildings in other areas other than in the CBD.
3. We will look at unreinforced masonry buildings and then we'll look at other profile categories which are the pre-1976 over four storeys and the pre-1935 buildings.
4. We will look at every building within the area and we'll see what fits. We'll look at our property files to see what we think the buildings are constructed of and look at the profile categories and see if it fits and then go from there.
5. The priority areas while still leaving those particular buildings but there are no other buildings on Queens Drive that can cause any issues at all.
6. The rationale is that it's a heavy traffic bypass so it's a busy section of road and there are not too many buildings in that area that fits the profile. It is also a place where people park and walk to get into town, Tyne Street is the same.

Cr Amundsen said she was inclined to make the area smaller and Cr Crackett agreed with that. She said she worried about the risk of building abandonment when Council was trying to incite more development in the CBD.

Mrs Gare said that Council staff could take the feedback on board and come to the Council meeting with a reduced area, taking in Mr Tonkin's views of doing whole blocks rather than doing a block at a time, and looking at those strategic routes by putting it back into the centre of town.

Cr Soper agreed to have a slightly revised map come back to the Council Meeting and if it was possible, it would be good to indicate the order in which the blocks would be addressed.

In response to a question by Cr Amundsen, as to whether it mattered that not all Councillors had heard the submissions when this matter came back to the Council meeting, Cr Ludlow said it did matter because in ratifying the decision, it could only be the Councillors who were present at this meeting and heard the submission who could comment.

Mrs Gare asked if it would be helpful if the map included those priorities that the Committee had selected to be sent to Committee Members before it went to the Council Meeting. That would give the Committee the opportunity to make any further alterations. The Committee was happy with this suggestion.

Moved Cr Soper, seconded Cr Ludlow and **RESOLVED** that the report be received, including the tabled submission by Mr Ronald Van der Voom;

AND THAT

Ocean Beach Road be identified as a transport route of strategic importance and as such approved as priority areas.

Note: The second recommendation was added to the Action Sheet.

6.1.2 ***Rehoming and Euthanasia of Dogs Advisory Panel***

Moved Cr Amundsen, seconded Cr Ludlow and **RESOLVED** that it be **RECOMMENDED** to Council that the Advisory Panel presents its findings to the Regulatory Services Committee on 10 April 2018.

6.1.3 ***Partial Demolition of a Building and Heritage Façade at 28 Esk Street***

The report had been circulated and Mrs Gare took the meeting through it.

Moved Cr Soper, seconded Cr Amundsen that the report be received.

Cr Ludlow wondered if it was appropriate that Council recognised the fact that this building owner had taken the positive step themselves in dealing with some earthquake prone issues by reducing the size of the building because it was not needed and still looking at retaining some of its heritage values. He saw that as a positive step.

Cr Amundsen said that may be Council could look at some kind of incentive and encouragement for building owners who do that kind of work.

The motion, now being put, was **RESOLVED** in the **affirmative**.

6.1.4 ***Resource Management Hearing Commissioners***

The report had been circulated.

Moved Cr Ludlow, seconded Cr Soper that it be **RECOMMENDED** to Council that:

1. Those persons listed on the MfE Good Decisions certificate holders list (non-local body elected members) form the Council's list of pre-approved commissioners.
2. The Director of Environmental and Planning Services and the Chair of the Hearings Panel make the decision as to whether there is a conflict of interest that precludes the Hearings Panel from hearing and deciding on an application, or determining if specific expertise is required.
3. The Director of Environmental and Planning Services is delegated the authority to appoint commissioner/s where there is a conflict of interest that precludes the Council's Hearing Panel from fulfilling the role.

4. The Chair of the Hearings Panel and the Director of Environmental and Planning Services appoints commissioners where they are to sit with the Hearings Panel where specific expertise is required.

In response to questions, the following answers were given:

1. The last list was selected on people who Council used in the past and consultants who have become commissioners who Council felt have the expertise to operate within this process.
2. If Council wants to select someone outside, there needs to be a Council resolution to do so.
3. If this recommendation is passed I will be able to select a commissioner that has heritage expertise and that will strengthen that heritage expertise, which will strengthen that hearing process.

The motion, now being put, was **RESOLVED** in the affirmative.

6.1.5 ***Landscape/Natural Character and Biodiversity Studies for Southland***

The report had been circulated.

Moved Cr Amundsen, seconded Cr Soper and **RESOLVED** that the report be received.

6.1.6 ***Revaluation Objections***

The report had been circulated.

Moved Cr Soper, seconded Cr Crackett and **RESOLVED** that the report be received.

6.1.7 ***Removal of Illegal Dumped and Soil from 62 Colyers Road, Invercargill***

Moved Cr Soper, seconded Cr Crackett and **RESOLVED** that it be **RECOMMENDED** to Council that Council endorses its direction to engage contractors to remove illegally dumped material and that further testing of soil be undertaken to ensure there is no residual contamination.

6.2 **Report of the Director of Finance and Corporate Services**

6.2.1 ***Methamphetamine Property Policy***

The report had been circulated.

Cr Crackett said that this Policy was very well needed and wondered if there was a register of certified de-contamination contractors or how was that regulated.

Mr Youngson said that there was list and you needed to be iron-credited certified to do any work in this field and it needed to be a certified laboratory to do any testing.

Moved Cr Crackett, seconded Cr Ludlow and **RESOLVED** that it be **RECOMMENDED** to Council that the draft Methamphetamine Property Policy be approved for consultation;

AND THAT

Following the consultation, the final Methamphetamine Property Policy be returned for Council approval.

6.2.2 **Health and Hygiene Bylaw**

The report had been circulated.

Moved Cr Soper, seconded Cr Crackett and **RESOLVED** that it be **RECOMMENDED** to Council that the draft Health and Hygiene Bylaw be approved for consultation aimed at consulting consistent with the Significance and Engagement Policy;

AND THAT

The draft be provided to Medical Officer of Health for submission to the Director General;

AND THAT

Following consultation and the hearing of submissions, the final Health and Hygiene Bylaw be returned for Council approval.

7. **URGENT BUSINESS**

Nil.

8. **PUBLIC EXCLUDED SESSION**

Moved Cr Amundsen, seconded Cr Soper and **RESOLVED** 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 matter 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
(a) Update on Activities of Development Liaison Manager	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	Section (7)(i)

Prosecution of Mr Laidlaw	Maintain legal professional privilege	Section 7(2)(g)
Stadium Southland Supreme Court Decision	Maintain legal professional privilege	Section 7(2)(g)
Stadium Southland Determination	Maintain legal professional privilege	Section 7(2)(g)
Update on District Plan Appeals	Maintain legal professional privilege	Section 7(2)(g)
Inner City Redevelopment – Information Barrier	Maintain legal professional privilege	Section 7(2)(g)
