



PLANNING AND REGULATORY COMMITTEE

Agenda

NOTICE OF MEETING

An ordinary meeting will be held in the Council Chambers, 18 Kitchener Street, Martinborough, on Wednesday 12 August 2020 at 11:30am. The meeting will be held in public (except for any items specifically noted in the agenda as being for public exclusion).

MEMBERSHIP OF THE COMMITTEE

Councillors Ross Vickery (Chair), Pam Colenso, Rebecca Fox, Leigh Hay, Alistair Plimmer, Brenda West and Mayor Alex Beijen.

Open Section

- A1.** Apologies
 - A2.** Conflicts of interest
 - A3.** Public participation
As per standing order 14.17 no debate or decisions will be made at the meeting on issues raised during the forum unless related to items already on the agenda.
 - A4.** Actions from public participation
 - A5.** Extraordinary business
 - A6.** Minutes for Confirmation: Planning and Regulatory Committee
Minutes of 1 July 2020
Proposed Resolution: *That the minutes of the Planning and Regulatory Committee meeting held on 1 July 2020 are a true and correct record.*
 - A7.** Notices of motion
- Pages 1-5

B. Decision Reports from Chief Executive and Staff

B1. Toast Martinborough Alcohol Ban Request

Pages 6-18

B2. Tobin Stopbank Report

Pages 19-50

C. Information and Verbal Reports from Chief Executive and Staff

C1. Planning and Regulatory Report

Pages 51-65

C2. Action Items Report

Pages 66-69

D. Member and Appointment Reports

Proposed Resolution: To receive members' reports.



PLANNING AND REGULATORY COMMITTEE
Minutes from 1 July 2020

- Present:** Councillors Ross Vickery (Chair), Pam Colenso, Rebecca Fox (from 11:31am), Leigh Hay (from 11:35am), Alistair Plimmer, Brenda West and Mayor Beijen (until 1:38pm).
- In Attendance:** Russell O’Leary (Group Manager Planning and Environment), Harry Wilson (Chief Executive), Godwell Mahowa (Planning Manager), Karen Yates (Policy and Governance Manager), Rick Meads (Manager Environmental Services), Melanie Barthe (Climate Change Advisor) and Suzanne Clark (Committee Advisor).
- Conduct of Business:** The meeting was held in the Supper Room, Waihinga Centre, Texas Street, Martinborough and was conducted in public between 11:30am and 1:50pm.
- Also in Attendance:** Daphne Geisler and Colin Wright (Council appointment to Waiohine Floodplain Management Steering Group).
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Open Section

A1. Apologies

PLANNING AND REGULATORY COMMITTEE RESOLVED (P&R2020/06) to accept lateness apologies from Cr Hay.

(Moved Cr Colenso/Seconded Mayor Beijen)

Carried

A2. Conflicts of Interest

There were no conflicts of interest declared.

A3. Public Participation

Mrs Geisler queried why the Committee was considering proceeding with a joint pound at a cost of \$300,000 plus operating costs, especially given the low number of impounded dogs. Mrs Geisler requested the Committee investigate commercial partnerships as an alternative.

A4. Actions from Public Participation

Discussion was deferred to agenda item ‘B2 Proposed Combined Dog Pound Facility’.

A5. Minutes for Confirmation

PLANNING AND REGULATORY COMMITTEE RESOLVED (P&R2020/07) that the minutes of the Planning and Regulatory Committee meeting held on 26 February 2020 are a true and correct record.

(Moved Cr Fox/Seconded Cr Hay)

Carried

A6. Extraordinary Business

There was no extraordinary business.

A7. Notices of motion

There were no notices of motion.

B Decision Reports

B1. Wairarapa Combined District Plan Review – Joint Committee and Consultancy Appointment

Mr O’Leary discussed the report with members and answered questions about how topics of concern were being captured for the review, keeping the Committee appraised on progress, and Joint Committee member appointments.

Members noted the importance of ensuring the quorum of the new Joint Committee included at least one member from each district.

PLANNING AND REGULATORY RESOLVED (P&R2020/08):

1. To receive the Wairarapa Combined District Plan Review – Joint Committee and Consultancy Appointment report dated 16 June 2020.

(Moved Cr Plimmer/Seconded Cr Colenso)

Carried

2. To recommend to Council to approve the appointment of Boffa Miskell as the consultancy firm to provide support for the Wairarapa Combined District Plan review.

(Moved Mayor Alex Beijen/Seconded Cr Hay)

Carried

3. In accordance with sections 34(1) of the Resource Management Act 1991 (“RMA”) and clause 30 of Schedule 7 to the Local Government Act 2002, the South Wairarapa District Council: Recommends to Council

- a. to unite with the Carterton District Council and Masterton District Council in appointing a joint committee, to be known as the Wairarapa Combined District Plan Joint Committee to exercise the functions, duties and powers of the Council under the First Schedule to the Resource Management Act 1991 which are delegated to the Joint Committee; and
- b. to agree that each council will appoint two members to the joint committee with the ability to appoint alternate members to cover absences; and
- c. to agree that the joint committee will appoint an appropriately qualified commissioner as an independent chair and the Joint Committee will appoint one of its members as the Deputy Chair;

- d. to agree that the removal of the office of Chair and Deputy Chair is within the powers of the Joint Committee; and
- e. To agree that the quorum of the Joint Committee will be four members and include at least one member of each territorial authority; and
- f. To appoint Cr Brian Jephson and Cr Alistair Plimmer as the South Wairarapa District Council members to the Joint Committee.
- g. To appoint Cr Rebecca Fox as the alternate member of the Joint Committee to cover the absence of one of the appointed members.

(Moved Cr Colenso/Seconded Mayor Alex Beijen) Carried

- 4. To recommend to Council that in accordance with Section 34 of the Resource Management 1991 the South Wairarapa District Council delegates to the Wairarapa Combined District Plan Joint Committee all its functions, powers and duties under the First Schedule to the Act.

(Moved Cr Plimmer/Seconded Cr Colenso) Carried

B2. Proposed Combined Dog Pound Facility

Mr Mead gave a presentation on animal control and answered councillors' questions on registrations and incentives.

Members discussed implications of contracting out pound services to private organisations and the potential to have a contract for service agreement with Masterton District Council, the Ministry for Primary Industry's standards for dog pounds, the need to move quickly to meet legal requirements, and that approved budget would not cover the full cost of a joint pound.

PLANNING AND REGULATORY RESOLVED (P&R2020/09):

- 1. To receive the Proposed Combined Dog Pound Facility Report.

(Moved Cr Hay/Seconded Cr Plimmer) Carried

- 2. To receive the Armstrong Dixon Limited April 2020 Report.

(Moved Cr Fox/Seconded Cr Hay) Carried

- 3. That officers should continue negotiations with Masterton District Council to receive a quote for services, and to continue working with Carterton District Council for a combined facility and to present back to the Planning and Regulatory Committee the detailed alternatives.

(Moved Cr Vickery/Seconded Mayor Beijen) Carried

C. Information and Verbal Reports from Chief Executive and Staff

C1. Progress of the Wairarapa International Dark Sky – Outdoor Artificial Lighting Plan Change

PLANNING AND REGULATORY RESOLVED (P&R2020/10) to receive the Progress of the Wairarapa International Dark Sky Outdoor Artificial Lighting Plan Change Report.

(Moved Cr Colenso/Seconded Cr Fox) Carried

The meeting adjourned at 12:43pm.

The meeting reconvened at 12:51pm.

C2. Climate Change Report

Ms Barthe tabled the South Wairarapa District Council 2018 Greenhouse Gas Inventory and answered members' questions on the Wairarapa emissions from waste, and potential consequences of land use changes in the Wairarapa.

PLANNING AND REGULATORY RESOLVED (P&R2020/11):

1. To receive the Climate Change Report.
(Moved Cr Plimmer/Seconded Mayor Beijen) Carried
2. To receive the finalised version of the Ruamahanga Strategy and Implementation plan.
3. To receive the 2018 Greenhouse Gas Inventory Report for SWDC.
4. To receive the Wairarapa Combined District Greenhouse Gas Inventory.
(Moved Cr Fox/Seconded Cr Colenso) Carried
5. Action 307: Review the benefits and disadvantages for Wairarapa for the conversion of land from one use to another (agricultural land being converted to forestry) and what future affect this could have on the Wairarapa; K Yates

C3. Planning and Environment Group Report

Mr O'Leary with support from Mr Mahowa answered questions on a request to remove a notable tree, subdivision options for people living in the Martinborough Southeast Development area, the Featherston Brookside development, protection of productive land immediately surrounding the district's towns, noncompliance and impacts for not meeting statutory timeframes for resource consents.

Officers undertook to provide further reporting information to the Committee.

PLANNING AND REGULATORY RESOLVED (P&R2020/12):

1. To receive the Planning and Environment Group Report.
(Moved Cr Fox/Seconded Cr Hay) Carried
2. Action 308: Develop reporting by exception across each topic (including graphs), with a short narrative to indicate changes; R O'Leary

D. Member and Appointment Reports

D1. GWRC – Waiohine Floodplain Management Steering Group

Mr Wright updated the Committee on the work Undertaken by the Waiohine Action Group/Waiohine Floodplain Management Steering Group in developing the draft Waiohine River Plan.

Mr Wright encouraged Council to make a submission on the draft Plan.

Mayor Beijen left the meeting at 1:38pm.

PLANNING AND REGULATORY RESOLVED (P&R2020/14) to receive members' reports.

(Moved Cr Plimmer/Seconded Cr Fox)

Carried

C4. Action Items Reporting

Cr Fox left the meeting at 1:48pm.

Cr Vickery left the meeting at 1:48pm.

Cr Vickery returned to the meeting at 1:49pm.

PLANNING AND REGULATORY RESOLVED (P&R2020/13) to receive the Action Items Report.

(Moved Cr Colenso/Seconded Cr Hay)

Carried

Confirmed as a true and correct record

.....(Chair)

.....(Date)

PLANNING AND REGULATORY COMMITTEE

20 AUGUST 2020

AGENDA ITEM B1

TOAST MARTINBOROUGH ALCOHOL BAN REQUEST

Purpose of Report

Notice is required to be given to affect a prohibition on alcohol consumption or possession (including while in a vehicle) on specified public roads and in public places within Martinborough for the Toast Martinborough festival on the 15th November 2020.

Recommendations

Officers recommend that the Council:

1. *Receive the 'Toast Martinborough Alcohol Ban request' Report.*
2. *By resolution pursuant to Clause 3.2 of the South Wairarapa Liquor Control Bylaw 2011, recommend Council order a prohibition of alcohol consumption or possession of alcohol for the public places (as shown in Appendix 1 to this report) as a "Alcohol Prohibition Area". The prohibition is to be effective on 15th November 2020 from 12:00 midday to 9:00pm.*

1. Executive Summary

Council may by resolution order a prohibition of alcohol consumption or possession of alcohol (including while in a vehicle) in a public place. The new governance structure of South Wairarapa District Council allows for the Regulatory and Policy Committee to approve an alcohol ban with subsequent adoption from Council.

The ban can occur for certain specified times and/or within certain specified public places within the South Wairarapa District.

A temporary alcohol ban is requested for the Toast Martinborough site which includes the Martinborough Square and immediately adjoining areas.

The prohibition is sought to be in effect on 15th November 2020, from 12:00 midday to 9:00pm.

The area to be covered by the ban includes the Martinborough town square area bounded by Strasbourge, Cork, Naples and Ohio streets and the adjoining Cambridge Road, Texas, Oxford, Kansas, Jellicoe and Kitchener streets that enter the square.

2. Background

There have been requests from both the New Zealand Police and the event organisers to have a temporary alcohol ban as a means of addressing alcohol-related behaviour in public places during Toast Martinborough, an annual wine, food and music event.

If approved this would be the eighth year that an alcohol ban has been in place for the event.

The NZ Police report that:

“The intent of the police in this submission is a response to concerns from the organisers and the community about the anti-social behaviour, harm and negative perceptions of safety in public places derived from the consumption of alcohol during the event. It is a means of managing the alcohol related behaviour and having communities where people feel safer and free from intimidation at all times.”

The requests for an alcohol ban from the Police and event organisers are attached as Appendix 2 and 3, respectively. It should be noted that the alcohol ban request from the NZ Police has a shorter tie period requested than that of the event organisers. Officers recommend the larger hours sought by the event organisers as this allows for enforcement should the police deem it appropriate.

3. Discussion

3.1 Resolution/Consultation

Council is required to pass a resolution in order to impose the prohibition. Officers recommend that the Committee approve the alcohol ban for adoption by Council. The prohibition must be publicly notified in an appropriate newspaper at least 14 days in advance of the event. The NZ Police powers of search under section 170(2) of the Local Government Act 2002 apply to this event.

3.2 Legal Implications

The legal authority comes from the South Wairarapa Liquor Control Bylaw 2011 which states (Appendix 4):

“3 Liquor Prohibition

3.2 In addition to the prohibition in Clause 3.1 above, the Council by resolution may order a prohibition of alcohol consumption or possession of liquor (including while in a vehicle) in a public place for certain specified times and/or within certain specified public places and areas within the South Wairarapa District. The prohibition must be notified in the appropriate newspaper at least 14 days in advance of the event. The NZ Police powers of search under s170(2) of the Local Government Act 2002 applies to these events.”, and,

“6 Offences

6.1 Everyone commits an offence who:

- a) Consumes or possesses any liquor in a public place in breach of a prohibition under this part of the bylaw; and
- b) Breaches, or permits a breach of, the terms of any Council permission granted pursuant to clause 4 of the bylaw”.

4. Financial Considerations

No financial implications.

5. Appendices

Appendix 1 – Map showing proposed alcohol prohibition area

Appendix 2 – NZ Police letter – Sergeant Kevin Basher, NZ Police

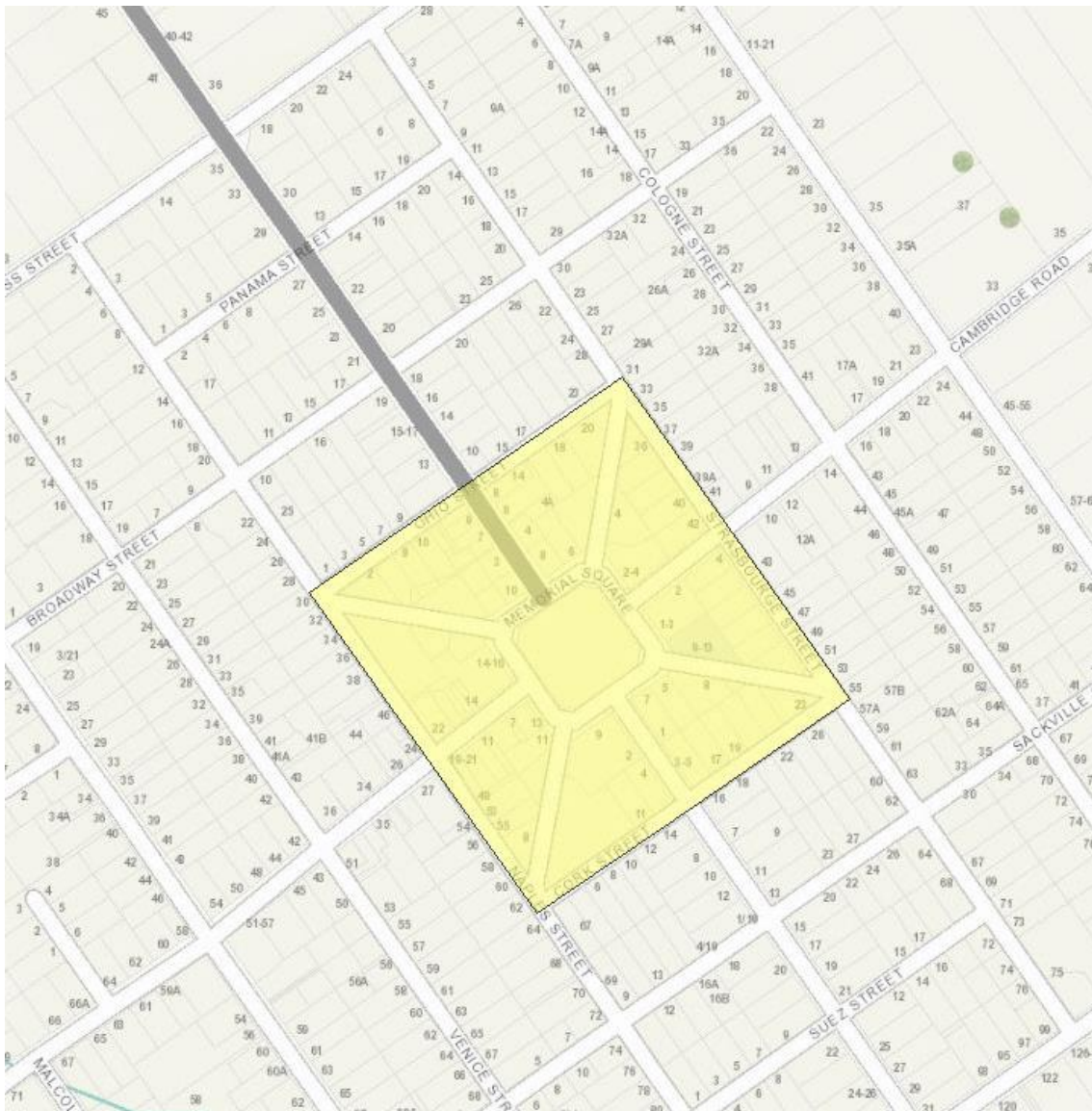
Appendix 3 – Event organiser letter – GM Ariel Codde, Toast Martinborough

Appendix 4 – South Wairarapa Liquor Control Bylaw 2011

Contact Officer: Rick Mead, Manager Environmental Services

Reviewed By: Russell O’Leary, Group Manager Planning and Environment

Appendix 1 – Map of Liquor Ban Area



**Appendix 2 – NZ Police letter –
Sergeant Kevin Basher, NZ Police**

17 July 2020

Masterton Police
PO Box 43
Phone: 06 3700300
Mobile: 021 1909 442

To: Environmental Services Manager
South Wairarapa District Council

Submission from Wairarapa Police for input and consultation for a temporary liquor ban in Martinborough during the period of the Toast Martinborough event, 15 November 2020.

The preferred times are:

15 November 2020 - 12 midday to 8 pm

Area to be covered by the ban would include the Martinborough town square area bounded by Strasbourg, Ohio, Cork, and Naples streets and include the Cambridge Road, Jellicoe, Texas, Kansas, Kitchener, and Oxford streets that enter the square.

General information

The Toast Martinborough event is one held for the showcasing of the Martinborough wineries. There normally about 12 wineries that participate in the surrounding Martinborough area. A Special Licence to sell and supply alcohol is obtained by each of the wineries for the event under the auspices of the Toast Martinborough event group. This is restricted to wine only, for obvious reasons.

The event is well organised and civilian marshal's co-ordinate town parking and traffic control.

The event has 10,000 tickets available for the event and all are normally sold.

The Martinborough square is the coordinating and marshalling area for the event, including registration and transport facilities.

This is the area where the majority of patrons return to near the days end to be transported from Martinborough.

This area becomes a major concentration of people from mid to late afternoon.

Information in support of the submission

At this time there is a degree of intoxication that is evident in persons in this area. Police would exercise discretion for festival patrons who return to the square with some wine left in their personal issued glasses; however, that discretion would be cognisant of their behaviour.

In the recent event history Police have noted an increased concentration of persons using this area to attempt to continue drinking alcohol whether it is wine and in some cases beer from bottles.

There have been instances noted of persons other than festival goers indulging in the practice of loitering about the square environs drinking alcohol and at times becoming involved in disorderly behaviour type offending. This behaviour has involved festival patrons and these persons, which has a negative impact on the event.

This type of behaviour can very easily escalate into serious disorder leading to fighting and assaults. It is the police's experience that when this occurs the available glass bottles are the used as weapons; thereby creating a heightened opportunity for serious injury to occur.

It is acknowledged by other local authorities that similar liquor bans have proved effective in the reduction of disorder, assaults to persons and wilful damage to property. The Masterton CBD ban area is one such example.

The intent of the police in this submission is a response to concerns from the organisers and the community about the anti-social behaviour, harm, and negative perceptions of safety in public places derived from the consumption of alcohol during the event. It is a means of managing the alcohol related behaviour and having communities where people feel safer and free from intimidation at all times.

A submission for this event is in line with the prevention first strategy of the police. And to have a considered contingency in place to identify and nullify any potential risk to the patrons partaking in an event that is not only enjoyable for them, but is important for the Martinborough community to be successful; then the police believe the submission is pertinent and justified.

Thank you

If you wish to discuss the matter further, do not hesitate to contact me at the above number.

K P BASHER
SERGEANT
MASTERTON POLICE

Appendix 3 – Event organiser letter – GM Ariel Codde, Toast Martinborough

TOAST

MARTINBOROUGH

Wine, food & music festival

6 July 2020

Rick Mead
Environmental Services Manager
South Wairarapa District Council

Support for submission from Wairarapa Police for a temporary liquor ban in The Square, Martinborough during Toast Martinborough 2020

Toast Martinborough is held on the 3rd Sunday in November each year. In 2020, it will be held on Sunday 15th November. Eight vineyards will partner with a top restaurant /caterer and live music to provide a showcase of the regions wine and food.

All 8,000 available tickets sell out, and the event brings a significant amount of investment into the local economy.

The Square in Martinborough is the hub for many services provided to the festival, such as entry and glass collection, the main Festival Bank, and the main centre for transport arrival and departures.

In order to wind the day down, we intend to have an alcohol-free food feast, with quiet music such as crooning by Steve Carlin in The Square between 5 and 7pm to conclude the day's proceedings. The event concludes on the sites at 6pm and in the Square at 7pm.

Since 2013 a temporary liquor ban was introduced for The Square, to provide Police with a tool to remove people bringing in and drinking alcohol in the Square.

Even though there are not many who do this now, it is still a useful tool for the Police to have if required. Often it is not the event's festivalgoers these days, but the general public.

As a result, I would support a liquor ban in The Square from 12noon until 9pm again this year. This will protect festival goers and the general public alike.

Yours sincerely,

Ariel Codde
General Manager, Toast Martinborough

Appendix 4 – South Wairarapa Liquor Control Bylaw 2011

South Wairarapa Liquor Control Bylaw 2011

1 **Purpose**

This part of the bylaw prohibits the consumption and possession of liquor in public places at all times. It applies to the Featherston Central Business District at all times, as shown on the attached map: Featherston Prohibited Area Map. The bylaw also enables a temporary liquor ban for specified parts of South Wairarapa for a specified time, associated with particular events. These temporary bans will be subject to Council resolution.

The bylaw includes a process to obtain written permission from the Council to authorise events that would otherwise breach the bylaw. The Council will erect signage to communicate the terms of the bylaw to the public.

The purpose of this bylaw is to address concerns relating to potential offending and safety concerns that are linked to the possession or consumption of liquor in public places. By imposing this ban, the consumption of liquor within the control area should primarily be restricted to private residences or licensed premises.

The bylaw is introduced pursuant to s147 of the Local Government Act 2002- this section should be read together with this part of the bylaw as it contains the relevant definitions and the situations when the bylaw will not apply (particularly relating to the transportation of unopened liquor). Pursuant to s 169 and s 170 of the Local Government Act 2002, the Police can enforce this part of the bylaw. Further details on the statutory provisions are provided as a note at the end of this part of the bylaw.

2 **Definitions**

The Featherston Central Business District means the area depicted in the attached schedule 1, but excluding:

- a) Any area that is subject to a road encroachment issued by the Council;
- b) Any licensed premises that occupies a paved area on legal road or Council land where permission to occupy has been granted by the Council.
- c) Any private premises which are not a public place.

3 **Liquor Prohibition**

3.1 The consumption or possession of liquor in a public place (including while in a vehicle), within the Featherston Central Business District. This prohibition applies at all times.

3.2 In addition to the prohibition in Clause 3.1 above, the Council by resolution may order a prohibition of alcohol consumption or possession of liquor (including while in a vehicle) in a public place for certain specified times and/or within certain specified public places and areas within the South Wairarapa District. The prohibition must be notified in the appropriate newspaper at least 14 days in advance of the event. The Police powers of search under s170 (2) of the Local Government Act 2002 applies to these events.

4 **Council Permission**

4.1 Any person may apply to the Council for prior written permission for any activity that would be in breach of any prohibition under this part of the bylaw.

4.2 A special licence may be issued under the Sale of Liquor Act 1989 in respect of any location

or event, and subject to the terms of that special licence will include waivers and dispensation from this bylaw according to those terms.

5 Signage

- 5.1 Should a liquor prohibition be imposed, Council will erect signage within public places to provide information to the public on the terms of the prohibition. The size, location and terms of this signage shall be at Council's discretion. To avoid any doubt, the absence of signage in any public place does not authorise breach of this part of the bylaw.

6 Offences

- 6.1 Everyone commits an offence who:

- a) Consumes or possesses any liquor in a public place in breach of a prohibition under this part of the bylaw; and
- b) Breaches, or permits a breach of, the terms of any Council permission granted pursuant to clause 4 of this bylaw.

7 Powers to amend or revoke this Bylaw

- 7.1 Any changes to the bylaw once adopted either by way of amendment or revocation will be undertaken in accordance with section 156 of the Local Government Act 2002 and any other relevant legislation.

Note

This bylaw is introduced pursuant to the specific empowering provisions of the Local Government Act 2002 that provide for bylaws for liquor control purposes. This bylaw does not repeat or paraphrase those statutory provisions, and accordingly those provisions should be read in conjunction with this bylaw. In particular, the following provisions are noted:

Section 147 empowers Council to make this bylaw. It also defines 'liquor' and 'public place'. In addition, s147 (3) sets out a number of specific exemptions when the bylaw will not apply with respect to the transportation of unopened bottles or containers.

Section 169 provides the Police with powers of search and seizure, without warrant, to enforce the bylaw. The Police are responsible for enforcing the bylaw.

Section 170 sets out certain conditions imposed on the Police powers of search under s 169.

This bylaw has no effect on any other Police powers of search, seizure and arrest or any other statutory offences.

Schedule 1 – Featherston Prohibited Area



For the avoidance of doubt this area includes the entire length of legal road reserve of the streets which form the boundary to the area specified, up to the boundaries with adjoining properties and including the carriageway, berms and footpaths, where the public place meets or is crossed by another road the boundary of the public place shall be deemed to continue in an unbroken straight line across the other road.

PLANNING & REGULATORY COMMITTEE

12 AUGUST 2020

AGENDA ITEM B2

TOBIN STOPBANK PROJECT – EXEMPTION FROM AN ESPLANADE RESERVE, ROAD STOPPING AND VESTING A PORTION OF SWDC ROAD RESERVE WITH GWRC FOR CONSERVATION AND RIVER CONTROL PURPOSES

Purpose of Report

To inform the Planning and Regulatory Committee on the Tobin Stopbank Project where a 6750m² piece of land currently vested as South Wairarapa District Council (SWDC) road reserve needs to be acquired by Greater Wellington Regional Council (GWRC) for soil conservation and river protection purposes in exchange for similarly sized footprint GWRC has already acquired to realign the road reserve.

Recommendations

Officers request that the Committee:

1. Receives the Tobin Stopbank Report.
2. Recommends that Council passes a resolution pursuant to Rule 24.2.3 of the Wairarapa Combined District Plan to waive the requirement to create an esplanade reserve under Section 345(3) of the Local Government Act 1974.
3. Recommends to Council to pass a resolution to stop the portion of road in the above referred land in accordance with the Local Government Act 1974 and transfer ownership to GWRC for soil conservation and river protection purposes.

1. Background/Context

The road realignment and the construction of a stop bank.

The Tobin Stopbank Project involves the realignment of the Pahautea Road along the Ruamahanga River at its intersection with Buick Road. This work is located to the Southeast of Kahutara. Pursuant to an Agreement dated 4 July 2011 made between the GWRC and the SWDC, the latter had undertaken soil conservation and river control / mitigation works along the lower Ruamahanga River. GWRC's work involved the construction of a new stopbank which necessitated the realignment of this section of the public road.

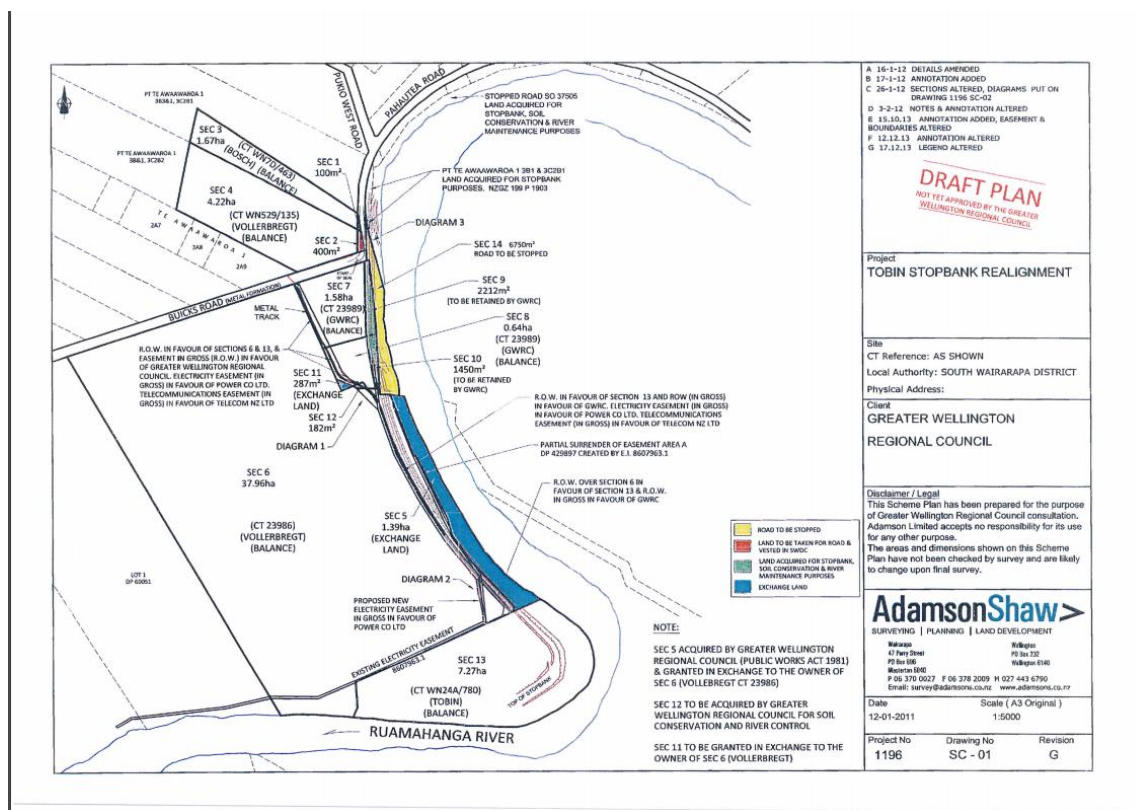
The realignment of the public road required some sections of the road reserve to be widened and for that reason two areas of land were procured from adjoining landowners and vested in SWDC. These areas included Section 1 with a footprint of 100m² and Section 2 with a footprint

of 400m² to allow the realignment of the subject section of the road to occur. These pieces of land have already been vested with the SWDC as road.

A section of the road reserve (section 14) which lies between the road and the Ruamahanga River was supposed to serve as an esplanade reserve but is now required by GWRC for soil conservation and river control purposes. It is this 6750m² piece of land that is the subject of this report. Earlier communications between SWDC and GWRC are contained in Appendix 4.

The earlier procurement of section 1 and 2 and the vesting of these sections as SWDC road reserve and the realigning the road was done at the cost of the GWRC. It is now proposed to stop Section 14 with a footprint of 6750m² and vest it with GWRC for purposes of soil conservation and river control purposes. The SWDC is expected to take such steps or actions as necessary to stop Section 14 in accordance with Section 342 and Schedule 10 of the Local Government Act 1974 or alternatively Section 116 of the Public Works Act 1981. The choice of the legislation to be used is also part of the resolution sought from Council in this report.

The location and the sections of land (1, 2, &14) referred above are shown on the plan below.



2. Legislative Framework

It is acknowledged that as Section 14 adjoins the Ruamahanga River, the provisions of section 118(1)(a) of the Public Works Act 1981 together with section 345 of the Local Government Act 1974 requires the creation of an esplanade reserve. Section 345(4) of the Local Government Act 1974 also states that the obligations in subsection (3) is "subject to any rule included in a District Plan under section 77 of the Resource Management Act 1991".

2.1 Section 77(3) of the Resource Management Act 1991 states that,

"A territorial authority may include in its district plan a rule which provides-

- (a) that esplanade reserves, required to be set aside under [section 345\(3\)](#) of the Local Government Act 1974, shall be of a width greater or less than 20 metres:*
- (b) that section 345(3) of the Local Government Act 1974 shall not apply."*

The Wairarapa Combined District Plan adopted clause (a) of the subject section and Rule 24.2.3 of the Operative Plan states the following:

"Creation of Esplanade Reserves and Esplanade Strips on Road Stopping

- (i) An esplanade reserve shall be required where any road or any part of a road along mean high water springs of the sea, or along the bank of a river or the margin of a lake is stopped, pursuant to Section 345(3) of the Local Government Act 1974.*
- (ii) Council retains the discretion to waive by resolution the requirement to create an esplanade reserve under Section 345(3) of the Local Government Act 1974 if it is satisfied that there is adequate alternative:*
 - (1) Public access; or*
 - (2) Means of protecting conservation values; or*
 - (3) Provision of public recreational use of the area of coast, river or lake in questions."*

There are opportunities for the public to use the road to access the river and footprint to be used by GWRC for soil conservation and river protection purposes can still be used by the public as access to the river. It is therefore considered that there are adequate alternatives for the public to gain access to the river as a national resource and the waiver will not compromise this access.

2.2 Section 342 and Schedule 10 of the Local Government Act 1974

Stopping and closing of roads

- (1) The council may, in the manner provided in Schedule 10,—*
 - (a) stop any road or part thereof in the district: provided that the council shall not proceed to stop any road or part thereof in a rural area unless the prior consent of the Minister of Lands has been obtained*

2.3 Section 116 of the Public Works Act 1981.

Stopping roads

Subject to subsection (2), the Minister may, by notice in the Gazette, declare any road or part of a road to be stopped.

- (2) A declaration shall not be made under subsection (1) unless—*
 - (a) at least 10 working days' prior notice has been given to every territorial authority whose district adjoins the road or part of the road that is the subject of the declaration;*
 - and*

- (b) either—
 - (i) adequate road access to land adjoining the road is left or provided; or
 - (ii) the owners of the land adjoining the road or part of the road consent in writing to the stopping; and
- (d) if the road or part of a road is under the control of a regional council or a territorial authority, the written consent of that council or authority has been obtained.

The 6750m² required by the GWRC will not compromise the efficient functioning and safety of the subject section of the Pahautea Road as it has already been realigned.

2.4 Section 118 of the Public Works Act 1981

Application of other Acts to stopped roads

- (1) Notwithstanding [section 117](#), where any road or any portion of a road along the mark of mean high-water springs of the sea, or along the bank of any river, or the margin of any lake (as the case may be) is stopped under [section 116](#)—
 - (a) [section 345\(3\)](#) of the Local Government Act 1974 (relating to esplanade reserves) shall apply to the land comprising the road or portion of the road so stopped if that land was formerly a road vested in a local authority (including a State highway vested in a local authority)

2.5 Schedule 10 Conditions as to stopping of roads and the temporary prohibition of traffic on roads

Stopping of roads

1. The council shall prepare a plan of the road proposed to be stopped, together with an explanation as to why the road is to be stopped and the purpose or purposes to which the stopped road will be put, and a survey made and a plan prepared of any new road proposed to be made in lieu thereof, showing the lands through which it is proposed to pass, and the owners and occupiers of those lands so far as known, and shall lodge the plan in the office of the Chief Surveyor of the land district in which the road is situated. The plan shall separately show any area of esplanade reserve which will become vested in the council under [section 345\(3\)](#).
2. On receipt of the Chief Surveyor's notice of approval and plan number the council shall open the plan for public inspection at the office of the council, and the council shall at least twice, at intervals of not less than 7 days, give public notice of the proposals and of the place where the plan may be inspected, and shall in the notice call upon persons objecting to the proposals to lodge their objections in writing at the office of the council on or before a date to be specified in the notice, being not earlier than 40 days after the date of the first publication thereof. The council shall also forthwith after that first publication serve a notice in the same form on the occupiers of all land adjoining the road proposed to be stopped or any new road proposed to be made in lieu thereof, and, in the case of any such land of which the occupier is not also the owner, on the owner of the land also, so far as they can be ascertained.

3. *A notice of the proposed stoppage shall, during the period between the first publication of the notice and the expiration of the last day for lodging objections as aforesaid, be kept fixed in a conspicuous place at each end of the road proposed to be stopped: provided that the council shall not be deemed to have failed to comply with the provisions of this clause in any case where any such notice is removed without the authority of the council, but in any such case the council shall, as soon as conveniently may be after being informed of the unauthorised removal of the notice, cause a new notice complying with the provisions of this clause to be affixed in place of the notice so removed and to be kept so affixed for the period aforesaid.*
4. *If no objections are received within the time limited as aforesaid, the council may by public notice declare that the road is stopped; and the road shall, subject to the council's compliance with clause 9, thereafter cease to be a road*
5. *If objections are received as aforesaid, the council shall, after the expiration of the period within which an objection must be lodged, unless it decides to allow the objections, send the objections together with the plans aforesaid, and a full description of the proposed alterations to the Environment Court.*
6. *The Environment Court shall consider the district plan, the plan of the road proposed to be stopped, the council's explanation under clause 1, and any objection made thereto by any person, and confirm, modify, or reverse the decision of the council which shall be final and conclusive on all questions.*
7. *If the Environment Court reverses the decision of the council, no proceedings shall be entertained by the Environment Court for stopping the road for 2 years thereafter.*
8. *If the Environment Court confirms the decision of the council, the council may declare by public notice that the road is stopped; and the road shall, subject to the council's compliance with clause 9, thereafter cease to be a road.*
9. *Two copies of that notice and of the plans hereinbefore referred to shall be transmitted by the council for record in the office of the Chief Surveyor of the land district in which the road is situated, and no notice of the stoppage of the road shall take effect until that record is made.*
10. *The Chief Surveyor shall allocate a new description of the land comprising the stopped road, and shall forward to the Registrar-General of Land or the Registrar of Deeds, as the case may require, a copy of that description and a copy of the notice and the plans transmitted to him by the council, and the Registrar shall amend his records accordingly.*

3. Defining the problem

The SWDC and the GWRC entered into an Agreement dated 4 July 2011 to allow GWRC to undertake work on the Pahautea Road reserve. The work included the realignment of the existing public road and under the provisions of the Public Works Act 1981 after acquiring areas of land from adjoining landowners and vesting them in SWDC as legal road. An email from Warren Lim of Oakley Moran Barristers and Solicitors representing GWRC indicate that the GWRC has paid compensation to Mr Tobin for land that was

acquired and disturbed during the realignment of the road. A total of 1.3ha was involved. The agreement was reviewed on 31 January 2018 and the latest version was signed on 7 May 2020. The agreements are attached in appendix 3 of this report.

It has taken a long time but GWRC is now in a position to progress the land transactions required under its agreement with SWDC relating to the Tobin Stopbank project. GWRC has engaged a surveyor to produce a scheme plan which records the various land transfers and easements relating to the respective landowner agreements. The scheme plan is attached for your consideration and approval as Appendix 1.

In context of the GWRC agreement with this Council, the transactions shown on the plan are as follows:

1. Section 1 already acquired and vested in SWDC as road.
2. Section 2 already acquired and vested in SWDC as road.
3. Section 14 road to be stopped and is the subject of this report.

The first two stages were accomplished and stage 3 was complicated in that it appears the stopping of any road adjoining a water body requires a 20-metre esplanade reserve to be created. The existing agreement intended that the stopped road be transferred to GWRC for soil conservation and river control purposes. The GWRC is therefore seeking an opportunity to undertake stage 3 so the Tobin Stopbank project can be finalised.

4. Options and analysis

Section 77 of the Local Government act sets the following requirements in relation to Council decisions:

- (a) A local authority must, in the course of the decision-making process, seek to identify all reasonably practicable options for the achievement of the objective of a decision; and assess the options in terms of their advantages and disadvantages.

It is in this context that the following options are being assessed by way of the table below.

Options for BCA	Risk	Cost	Benefit
1-Do nothing	<ul style="list-style-type: none"> • There is a risk to Council if the soil conservation and river control works are not established and managed as there could be damage to the road as a result of flooding or landslip. 	<ul style="list-style-type: none"> • Cost to Council for repairing the road if and when damaged. 	<ul style="list-style-type: none"> • No current cost to Council in terms of land loss.
2-Waive the requirement to create an esplanade reserve under section 345(3) of the Local Government act and transfer section 14 to GWRC using <i>Section 342 and Schedule 10 of the Local Government Act 1974</i>	<ul style="list-style-type: none"> • The public may lose the opportunity to use the esplanade reserve to access the Ruamahanga River, depending on the nature of the soil conservation and river control works. 	<ul style="list-style-type: none"> • Council will lose 6750m² of road reserve as this will be vested with GWRC 	<ul style="list-style-type: none"> • A more secure and protected section of the road
3-Waive the requirement to create an esplanade reserve under section 345(3) of the Local	<ul style="list-style-type: none"> • The public will lose the opportunity to use the esplanade reserve to access 	<ul style="list-style-type: none"> • Council will lose 6750m² of road 	<ul style="list-style-type: none"> • A more secure and protected section of the road

Government act and transfer section 14 to GWRC Use Section 116 of the Public Works Act 1981	the Ruamahanga River depending on the nature of the soil conservation and river control works	reserve as this will be vested with GWRC	
3-Establish an esplanade reserve and vest in GWRC the balance of Section 14 and provide written agreement to allow GWRC to declare by notice in the Gazette pursuant to Section 237 of the RMA that the esplanade reserve created shall cease to be vested in and administered by the SWDC but instead shall vest in GWRC for purposes of soil conservation and river control	<ul style="list-style-type: none"> • A lengthy process of establishing the esplanade reserve and then declare by notice in the gazette • The public will lose the use of that portion of the 6750m² footprint that will be used by the GWRC. 	<ul style="list-style-type: none"> • While part of the 6750 m² land will be used as an esplanade reserve, It will lose the balance of the 6750m² of road reserve that will be vested with GWRC 	<ul style="list-style-type: none"> • A well-defined esplanade reserve and a partially secure section of the road

5. Recommendation

In light of the above, for pragmatic soil conservation and river control works purposes option 2 above is recommended as the most suitable option. It is recommended that Council makes an exemption to the need for an esplanade reserve and transfers the 6750m² of land referred to as section 14 for purposes of soil conservation and river control using section 345(3) of the Local Government Act and transfers section 14 to GWRC using *Section 342 and Schedule 10 of the Local Government Act 1974*.

6. Consultation

Consultation with the public will be required as part of the road stopping process. However, communication with the public about the broader use of public facilities in the district is recommended.

7. Legal implications

The legal requirements and implications of this issue are identified in paragraphs 2 above.

8. Financial considerations

The financial costs relating to this proposal are partially identified in the schedule of options in table 4 above albeit without numerical values. The financial cost to Council will be the value of the 6750m² that will be transferred to GWRC less the value of land used to realign the road and already vested with SWDC. This value will be assessed as part of the land exchange process and will be noted in the Council asset register. The opportunity cost of the 6750m² as a road reserve will be similar to its proposed use for soil conservation and river control works as the public will still benefit.

The land in question (road to be stopped and transferred to Greater Wellington) was never formally valued as no compensation was ever contemplated by the two Councils at the time of the agreement. It was considered an exchange and both sides thought it was fair exchange. The closest record on file is a compensation valuation agreement between two valuers involved in the acquisition of similar private land downstream from Mr Tobin for the purposes of realigning the road to enable the stop bank project in 2011. The assessed compensation was for 1.33 ha at \$20,000 = \$15,000/ha. The SWDC road to be stopped and transferred to GWRC is 0.6750 ha X

\$15,000/ha = \$10,125. It is therefore suggested that the value is \$10,125 as 24 February 2011 and adjustment for inflation would reflect the value of the lost asset. A valuation report is attached as Appendix 2.

9. Appendices

Appendix 1 – Scheme Plan

Appendix 2 - Valuation Report of 2011

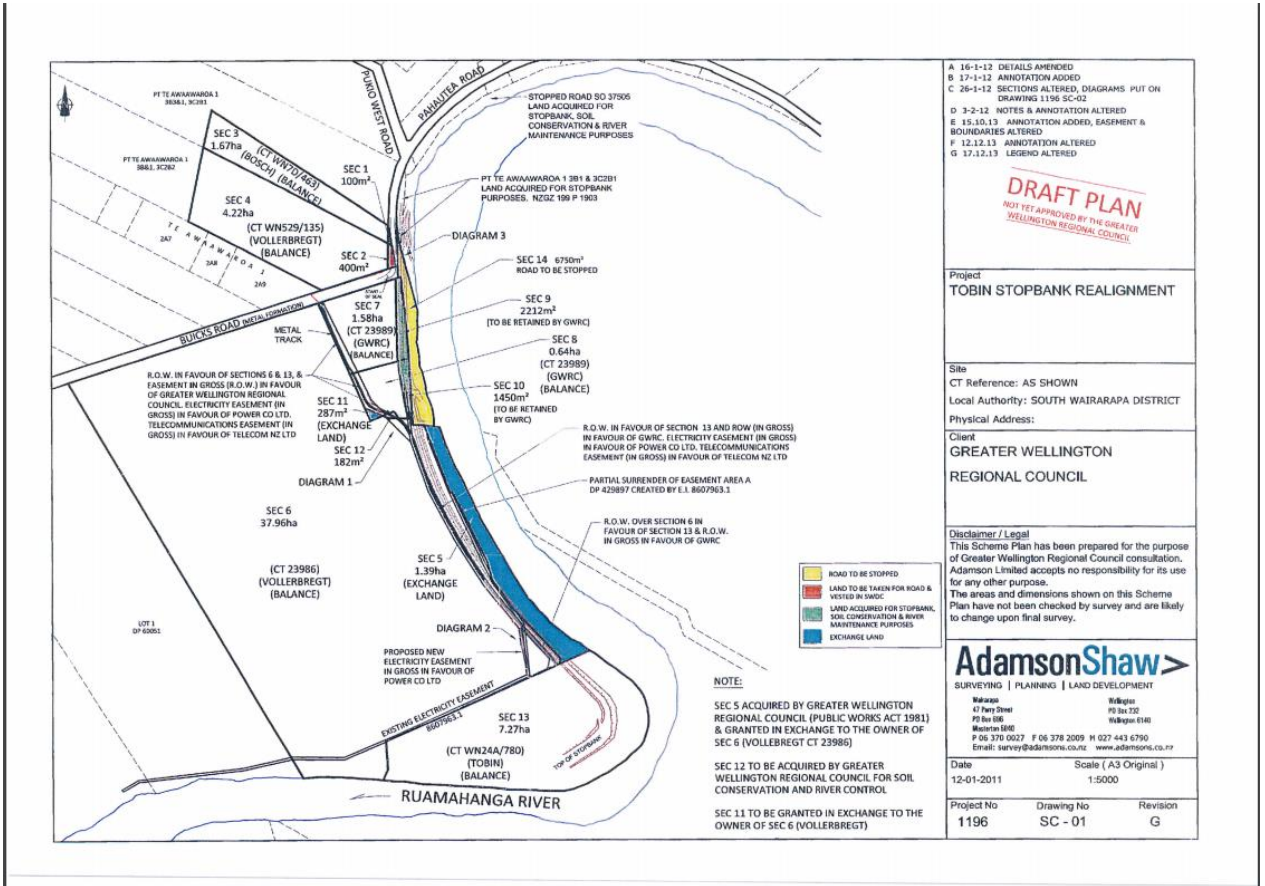
Appendix 3 - Signed Agreement

Appendix 4 - Historic Communications

Contact Officer: Godwell Mahowa, Planning Manager

Reviewed By: Russell O’Leary, Group Manager Planning and Environment

Appendix 1 – Scheme Plan



Appendix 2 - Valuation Report of 2011

AGREED VALUATION FEBRUARY 2011

- THE PARTIES:
- 1). Greater Wellington Regional Council represented by David O'Brian Baker, Registered Valuer of Masterton
 - 2). Steve Tobin represented by Philip John Guscott, Registered Valuer of Masterton

THE MATTER: In the matter of the valuation for compensation under the Public Works Act between Mr Tobin and Greater Wellington Regional Council for the realignment of the Ruamahunga River banks at 19A Pukio West Road, Kahutara.

THE PROPERTY: 8.7000 hectares more or less being Lot 1 D. P. 53766 all comprised and contained in Certificate of Title WN398/17.

THE ISSUES: Background
The Greater Wellington Regional Council wish to realign the Ruamahunga River stop banks at the end of Pukio West Road, which requires them acquiring some land from Mr Tobin, rerouting his access to his property by a new easement, using his land as a construction site and doing major stop bank realignment over a three year period.

VALUATION METHODOLOGY:

1) The Land to be Acquired

The area of land required is 1.33 hectares (approx) and includes Mr Tobin's road access to the main body of his property.

In the calculation of this land value both Valuers had a starting point of \$25,000 per hectare arrived at independently.

The compensation value has been assessed taking into account the new right of way access secured by an Easement.

Compensation \$ 20,000

- 2) Loss of value from land going from being protected by the stopbank to being outside the stopbank

The area of land was agreed at 0.25 hectares (approx)

Compensation \$ 4,300

des
PJB

3) Injurious Affection

- (a) Disturbance to the Occupation of the land over the construction period of three years commencing March 2011.

This has been based on the actual rental paid to Mr Tobin for the lease of the property

Compensation \$ 5,000

- (b) The impact of the works on Mr Tobin's ownership of the property and the consequent restrictions to this ownership over the three year period.

Compensation \$ 6,000

TOTAL COMPENSATION **\$ 35,300**

4). Relocation of the Cattle Yards

These will need to be relocated due to the works. The Greater Wellington Regional Council is prepared to offer compensation of \$5,000 for this. Mr Tobin is considering this, versus the option of the Greater Wellington Regional Council being responsible for the relocation. The new site needs to be accessible by trucks (*metal required*) as well as functional for cattle handling. The parties will negotiate this themselves.

Potential Compensation \$ 5,000

As agreed this 24th day of February 2011



D. O. Baker – Registered Valuer



P. J. Guscott – Registered Valuer

3) Injurious Affection

- (a) Disturbance to the Occupation of the land over the construction period of three years commencing March 2011.

This has been based on the actual rental paid to Mr Tobin for the lease of the property

Compensation \$ 5,000

- (b) The impact of the works on Mr Tobin's ownership of the property and the consequent restrictions to this ownership over the three year period.

Compensation \$ 6,000

TOTAL COMPENSATION \$ 35,300

4) Relocation of the Cattle Yards

These will need to be relocated due to the works. The Greater Wellington Regional Council is prepared to offer compensation of \$5,000 for this. Mr Tobin is considering this, versus the option of the Greater Wellington Regional Council being responsible for the relocation. The new site needs to be accessible by trucks (*metal required*) as well as functional for cattle handling. The parties will negotiate this themselves.

Potential Compensation \$ 5,000

As agreed this 24th day of February 2011



D. O. Baker – Registered Valuer



P. J. Guscott – Registered Valuer

Appendix 3 - Signed Agreement

AGREEMENT DATED THE 31st DAY OF JANUARY 2017 8

BETWEEN WELLINGTON REGIONAL COUNCIL

A N D SOUTH WAIRARAPA DISTRICT COUNCIL

**SUPPLEMENTARY AGREEMENT TO THE
AGREEMENT DATED 4 JULY 2011 TO CONSTRUCT
STOPBANK AND REALIGN PUBLIC ROAD**

**OAKLEY MORAN
SOLICITORS
P O BOX 241
WELLINGTON**

(Person Acting: Warren Lim)
Phone: (04) 472 3055
Facsimile: (04) 472 6657

THIS AGREEMENT made the 31st day of JANUARY 2017/8

BETWEEN WELLINGTON REGIONAL COUNCIL a Council under the Local Government Act 2002 ("GW")

A N D SOUTH WAIRARAPA DISTRICT COUNCIL ("SWDC")

BACKGROUND

- A. SWDC is responsible for the administration of local roads within its jurisdiction.
- B. Pursuant to an Agreement dated 4 July 2011 made between the parties ("the Agreement"), GW had undertaken soil conservation and river control / mitigation works along the lower Ruamahanga River. Part of GW's work involved the construction of a new stopbank which would partially be on existing road reserve approximately at the corner of Buicks Road and Pahautea Road which construction also necessitates the realignment of this part of the public road.
- C. The realignment of the public road required the area of the road reserve to be increased or widened and for that reason two areas of land was taken from adjoining land owners and vested in SWDC.
- D. The parties have entered into an Agreement dated 4 July 2011 to allow GW to undertake GW's work on road reserve, realign the existing public road and under the provisions of the Public Works Act 1981 acquired areas of land from adjoining land owners and vest it in SWDC as legal road.
- E. Subsequent to the agreement, the parties entered into a variation of the above arrangement as recorded by way of an exchange of correspondence from Jigsaw Property Consultancy Limited to SWDC dated 9 March 2012 and confirmation from SWDC by its letter of 1 May 2012 ("the Variation").

- F. The Agreement as varied by the Variation was partially implemented by way of a legalisation completed in 2014. The parcels of land defined as the "Required Area" in the Agreement and referred to as Sections 1 and 2 on the draft Scheme Plan 1196 SC-01 Rev D attached to the Variation have vested in SWDC as a legal road. The arrangement in respect to that part of the legal road shown as section 15 on the draft Scheme Plan 1196 SC-01 Rev D attached to the Variation (and as Section 14 on the attached Plan) has still to be implemented as a result of difficulties arising from the way the arrangement between the parties was recorded.
- G. Section 14 is a local road vested in SWDC and is not formerly a government road or a state highway or other road vested in the Crown.
- H. The parties now wish to enter into this Supplementary Agreement to clarify or record in greater detail the above arrangements in respect to Section 15 (and now referred to as Section 14).

THE PARTIES AGREE AS FOLLOWS:

1. DEFINITIONS

- 1.1 In this Supplementary Agreement, including the Recitals, unless the context otherwise requires:
- 1.1.1 "**Agreement**" means Agreement to Construct Stopbank and Realign Public Road dated 4 July 2011 between the parties.
- 1.1.2 "**GW**" means Wellington Regional Council and its successors.
- 1.1.3 "**SWDC**" means South Wairarapa District Council and its successors.
- 1.1.4 "**Section 14**" means that part of the local road of SWDC to be stopped and vested in GW in accordance with this Supplementary Agreement and being of approximately 6,750 square metres and described as Section 14 on the Plan.

- 1.1.5 “**Plan**” means the draft scheme plan 1196 SC-01 Rev G prepared by Adamson Shaw and attached to this Supplementary Agreement.
- 1.1.6 “**Variation**” means the variation to the Agreement as the recorded by way of an exchange of correspondence from Jigsaw Property Consultancy Limited to SWDC dated 9 March 2012 and confirmation from SWDC by its letter of 1 May 2012.
- 1.2 In this Supplementary Agreement including the recitals unless the context otherwise requires:
- 1.2.1 References to clauses, subclauses, and schedules are to the clauses, subclauses and the schedules to this Supplementary Agreement.
- 1.2.2 Words denoting the singular number include the plural number and vice versa.
- 1.2.3 Words denoting a gender include all genders.
- 1.2.4 A reference to any agreement or document is to that agreement or document as amended, novated, supplemented or replaced from time to time.
- 1.2.5 A reference to any party of this Supplementary Agreement or any other document or arrangement includes that party’s executors, administrators, substitutes, successors, and permitted assigns.
- 1.2.6 A reference to a matter being to the knowledge of a person means that the matter is to the best of the knowledge and belief of that person after proper inquiry including the inquiry which a reasonable person would have determined to make by reason of knowledge of a fact or omission brought to the notice of that person.

2. SECTION 14 TO BE STOPPED

- 2.1 In consideration of the road of SWDC being realigned at the cost of GW and the Required Area referred to in the Agreement being acquired by GW and vested in SWDC as a legal road, SWDC agrees to stop the Section 14 and transfer or vest Section 14 in GW for purposes of soil conservation and river control.
- 2.2 SWDC shall take such steps or actions as is necessary to stop Section 14 in accordance with Section 342 and Schedule 10 of the Local Government Act 1974 or alternatively Section 116 of the Public Works Act 1981.
- 2.3 The parties acknowledge that as Section 14 adjoins a river, the provisions of section 118(1)(a) of the Public Works Act 1981 together with section 345 of the Local Government Act 1974 requires the creation of an esplanade reserve. Section 345(4) of the Local Government Act 1974 also states that the obligations in subsection (3) is "*subject to any rule included in a District Plan under section 7 of the Resource Management Act 1991*".

Section 77(3) of the Resource Management Act 1991 states that,
"A territorial authority may include in its district plan a rule which provides—

...

- (b) *that section 345(3) of the Local Government Act 1974 shall not apply."*

Rule 24.2.3 of the Wairarapa Combined District Plan states the following:

"Creation of Esplanade Reserves and Esplanade Strips on Road Stopping

- (i) *An esplanade reserve shall be required where any road or any part of a road along mean high water springs of the sea, or along the bank of a river or the margin of a lake is stopped, pursuant to Section 345(3) of the Local Government Act 1974.*

- (ii) *Council retains the discretion to waive by resolution the requirement to create an esplanade reserve under Section 345(3) of the Local Government Act 1974 if it is satisfied that there is adequate alternative:*
- (1) *Public access; or*
 - (2) *Means of protecting conservation values; or*
 - (3) *Provision of public recreational use of the area of coast, river or lake in questions."*

SWDC shall endeavour to pass a resolution pursuant to Rule 24.2.3 to waive the requirement to create an esplanade reserve under Section 345(3) of the Local Government Act 1974.

2.4 In the event that SWDC could not for any reason pass the necessary resolution as required by clause 2.3 above, then SWDC agrees to,

2.4.1 transfer to or vest in GW the balance of Section 14 after the esplanade reserve has been defined; and

2.4.2 provide written agreement to GW to allow GW to declare by notice in the Gazette pursuant to Section 237D of the Resource Management Act 1991 that the esplanade reserve created above shall cease to be vested in and administered by SWDC but instead shall vest in Greater Wellington and classified as a local purpose reserve for purposes of soil conservation and river control.

3. PUBLIC WORKS ACT

3.1 The parties agree that Section 14 (or the balance of Section 14, as the case may be) shall be transferred from SWDC to GW pursuant to section 50 of the Public Works Act 1981. The parties acknowledges that following the realignment of the road by GW and vesting of land in SWDC as a legal road pursuant to the Agreement, Section 14 is no longer required by SWDC as legal road but is required by GW to protect the stopbank constructed by GW pursuant to the Agreement on part of Section 14.

- 3.2 The transfer of land to GW shall be implemented by way of a declaration issued pursuant to section 20 of the Public Works Act 1981 and/or such other statutory provisions as may be applicable.

4. SURVEY

- 4.1 The parties acknowledge and agree that the shape, size and position of the boundaries of Section 14 showed on the attached Plan are approximate and are subject to final survey. The parties acknowledge and anticipate that there will be variations and differences in the final survey plans from the approximate area shown on the Plan attached to this Supplementary Agreement. In the event of slight variations and differences, neither party shall be entitled to cancellation or rescission of this Supplementary Agreement or to any compensation or damages against the other party.

5. PREPARATION OF PLANS, DOCUMENTS AND REGISTRATION

- 5.1 GW shall at its expense arrange for the preparation and lodgement of all survey plans by a registered surveyor nominated by GW.
- 5.2 GW shall meet all legal and registration costs relating to the applications of all consents and the preparation and registration of all declarations and documents contemplated by this Supplementary Agreement.
- 5.3 GW shall meet the reasonable legal costs of SWDC incurred in the perusal and approval of all documents submitted by GW including this Supplementary Agreement.
- 5.4 The parties agree to complete such documents and obligations required of them under this Supplementary Agreement in a timely fashion and shall further undertake to execute all documents and plans when required without delay.

6. DISPUTE RESOLUTION

6.1 The parties agree that all differences and disputes which may arise between the parties as to this Supplementary Agreement or any act or thing done, or omission, or the interpretation of this Supplementary Agreement shall be dealt with in the following manner –

6.1.1 The difference or dispute shall be submitted to a process of Alternative Dispute Resolution (in the manner usually conducted within the Wellington region) with the intent that the matter be resolved as expeditiously as possible and to the mutual benefit of both parties.

6.1.2 In the event that the Alternative Dispute Resolution procedure is unsuccessful, the difference or dispute shall be referred to arbitration in accordance with the Arbitration Act 1996 and any amendments and/or substitution to the said Act.

SIGNED by)
WELLINGTON REGIONAL COUNCIL)
by its authorised signatory)
in the presence of:)




JOZSEF BOGNAR
PROPERTY MANAGER
WELLINGTON

SIGNED by Mark Allingham)
SOUTH WAIRARAPA DISTRICT COUNCIL)
by its authorised signatory)
in the presence of:)






- A 16-1-12 DETAILS AMENDED
- B 17-1-12 ANNOTATION ADDED
- C 26-1-12 SECTIONS ALTERED, DIAGRAMS PUT ON DRAWING 1196 SC-02
- D 3-2-12 NOTES & ANNOTATION ALTERED
- E 15.10.13 ANNOTATION ADDED, EASEMENT & BOUNDARIES ALTERED
- F 12.12.13 ANNOTATION ALTERED
- G 17.12.13 LEGEND ALTERED

DRAFT PLAN

NOT YET APPROVED BY THE GREATER WELLINGTON REGIONAL COUNCIL

Project
TOBIN STOPBANK REALIGNMENT

Site
CT Reference: AS SHOWN
Local Authority: SOUTH WAIRARAPA DISTRICT
Physical Address:

Client
GREATER WELLINGTON REGIONAL COUNCIL

Disclaimer / Legal
This Scheme Plan has been prepared for the purpose of Greater Wellington Regional Council consultation. Adamson Limited accepts no responsibility for its use for any other purpose. The areas and dimensions shown on this Scheme Plan have not been checked by survey and are likely to change upon final survey.

AdamsonShaw >

SURVEYING | PLANNING | LAND DEVELOPMENT

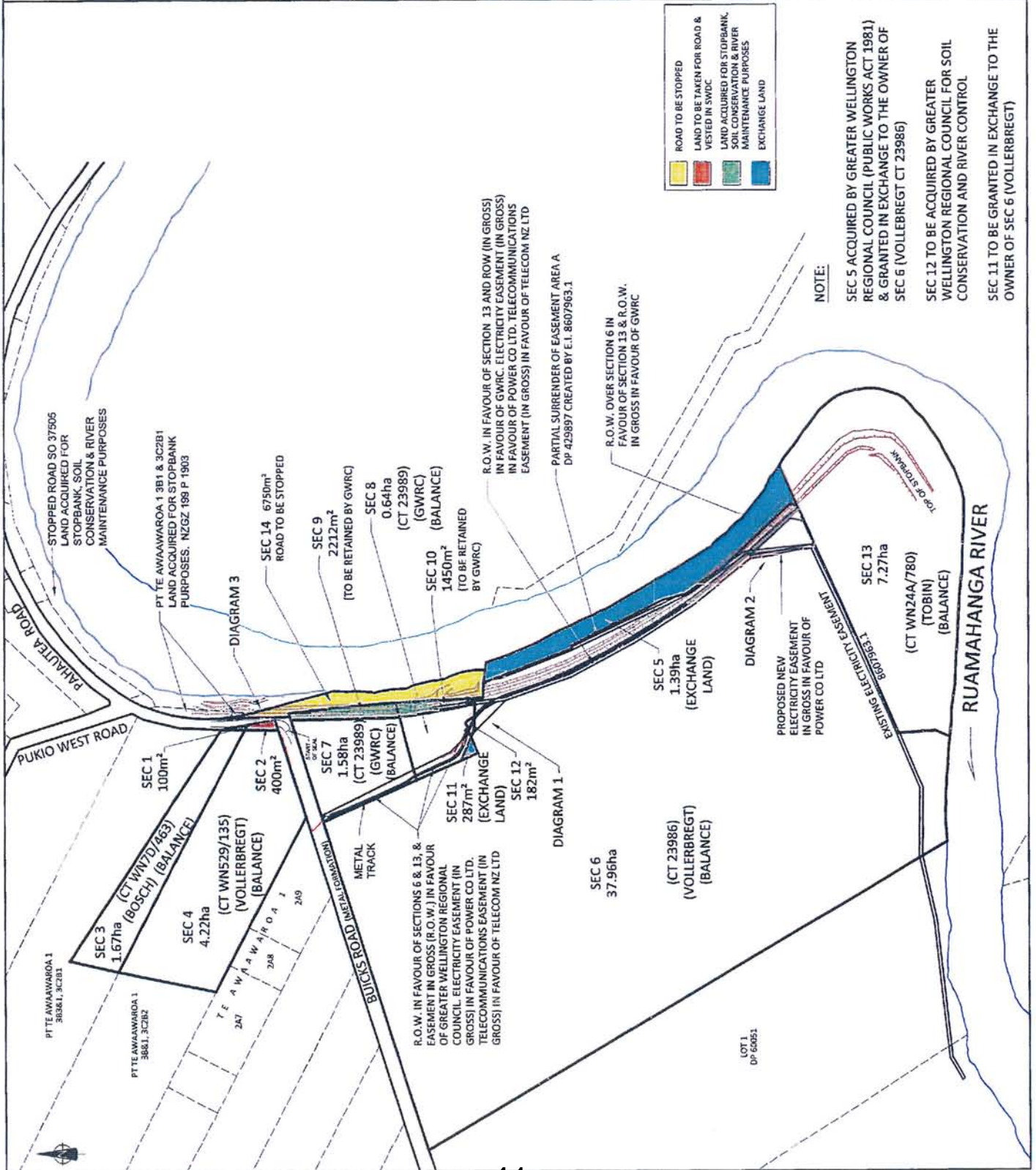
Wellington
47 Perry Street
PO Box 5386
Mairangi Bay
P 06 370 0027 F 06 376 2009 M 027 443 6790
Email: survey@adamson.co.nz www.adamson.co.nz

Date
12-01-2011
Scale (A3 Original)
1:5000

Project No
1196

Drawing No
SC - 01

Revision
G



	ROAD TO BE STOPPED
	LAND TO BE TAKEN FOR ROAD & VESTED IN SWDC
	LAND ACQUIRED FOR STOPBANK, SOIL CONSERVATION & RIVER MAINTENANCE PURPOSES
	EXCHANGE LAND

NOTE:

SEC 5 ACQUIRED BY GREATER WELLINGTON REGIONAL COUNCIL (PUBLIC WORKS ACT 1981) & GRANTED IN EXCHANGE TO THE OWNER OF SEC 6 (VOLLERBREGT CT 23986)

SEC 12 TO BE ACQUIRED BY GREATER WELLINGTON REGIONAL COUNCIL FOR SOIL CONSERVATION AND RIVER CONTROL

SEC 11 TO BE GRANTED IN EXCHANGE TO THE OWNER OF SEC 6 (VOLLERBREGT)

- A 16-1-12 DETAILS AMENDED
- B 17-1-12 ANNOTATION ADDED
- C 26-1-12 SECTIONS ALTERED, DIAGRAMS PUT ON DRAWING 1196 SC-02
- D 3-2-12 NOTES & ANNOTATION ALTERED

DRAFT PLAN

NOT YET APPROVED BY THE GRAYLOR
WELLINGTON REGIONAL COUNCIL

Project
TOBIN STOPBANK REALIGNMENT

Site

CT Reference: AS SHOWN

Local Authority: SOUTH WAIRARAPA DISTRICT

Physical Address:

Client
GREATER WELLINGTON
REGIONAL COUNCIL

Disclaimer: Legal

This Scheme Plan has been prepared for the purpose of Greater Wellington Regional Council consultation. Adamson Limited accepts no responsibility for its use for any other purpose. The areas and dimensions shown on this Scheme Plan have not been checked by survey and are likely to change upon final survey.

AdamsonShaw >

SURVEYING | PLANNING | LAND DEVELOPMENT

Wellington
47 Piers Street
PO Box 232
Wellington 6140

Manawatu
Masonry 5840
P 06 370 0027 F 06 378 2069 M 027 443 6790
Email: survey@adamsonshaw.co.nz www.adamsonshaw.co.nz

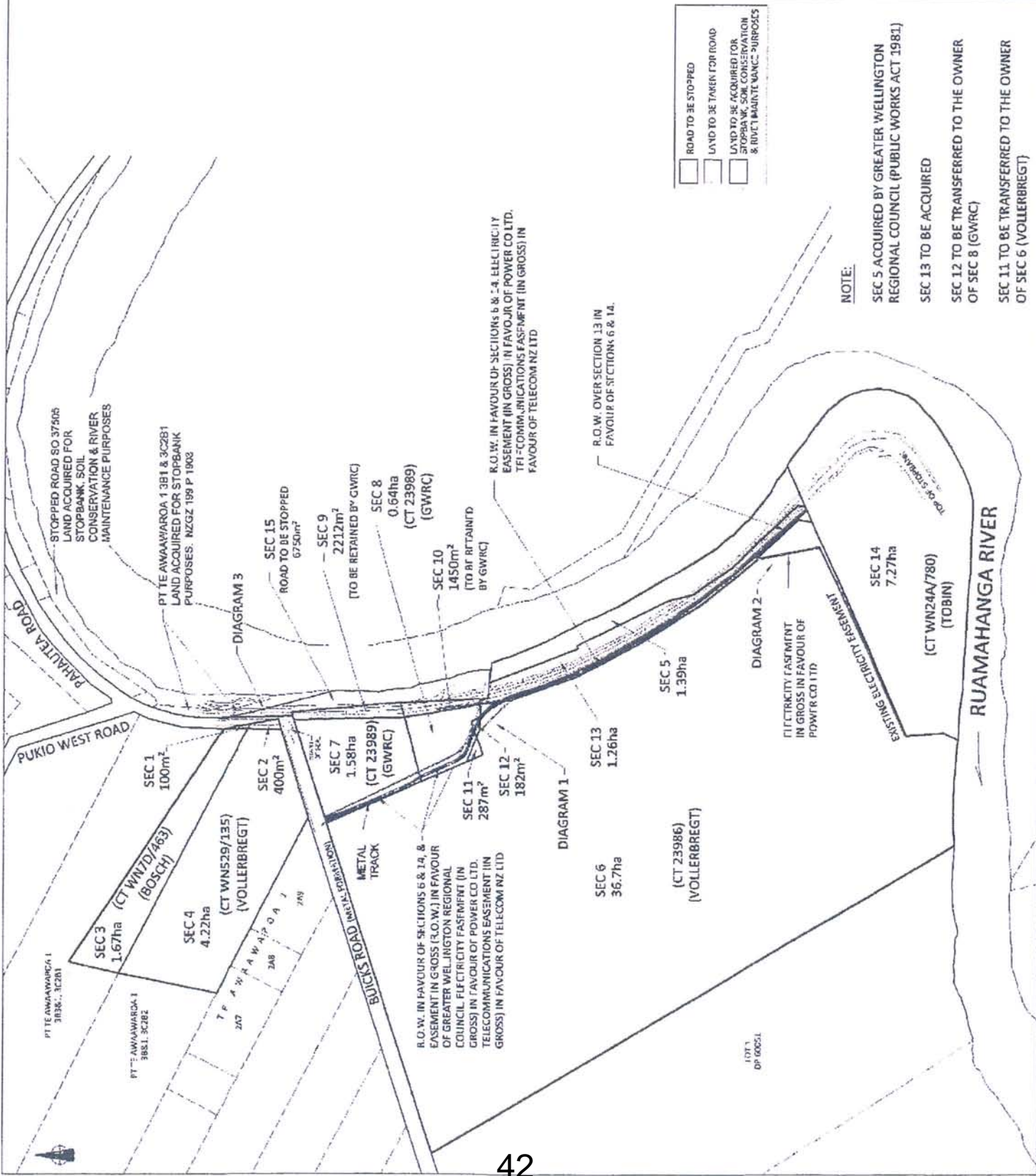
Date
12-01-2011

Scale (A3 Original)
1:5000

Project No
1196

Drawing No
SC - 01

Revision
D



Appendix 4 - Historic Communications

Jozsef Bognar

From: Kara McKelvey- Infrastructure & Services Administration Assistant
<Kara.MKelvey@swdc.govt.nz>
Sent: Wednesday, 12 February 2014 2:28 p.m.
To: Jozsef Bognar
Subject: RE: Tobin Stopbank Project - Legalisation Actions

Hi Jozsef

Sorry for the delay. Mark Allingham our Group Manager for Infrastructure & Services has reviewed scheme plans and these are acceptable to SWDC.

Regards

Kara McKelvey
Infrastructure & Services Administration Assistant
South Wairarapa District Council

From: Jozsef Bognar [<mailto:Jozsef@jigsawproperty.co.nz>]
Sent: Monday, 27 January 2014 10:20 a.m.
To: Kara McKelvey- Infrastructure & Services Administration Assistant
Subject: FW: Tobin Stopbank Project - Legalisation Actions

Hello Kara,

Can you please advise if you have had the chance to review my email below and the scheme plan.

GWRC is keen to complete the legalisation work represented on the scheme plan so that it can obtain title and dispose of the property in acquired at 19 Buicks Road as part of the Tobin Stopbank upgrade.

I look forward to hearing from you at your earliest convenience.

Regards

Jozsef Bognar
JIGSAW PROPERTY CONSULTANCY LIMITED
55 Waterloo Quay
Pipitea
Wellington 6011

phone (04) 471 2426
mobile 0274 521 391
<http://www.linkedin.com/in/jozsefbognar>

From: Jozsef Bognar
Sent: Tuesday, 17 December 2013 10:46 a.m.
To: 'kara.mckelvey@swdc.govt.nz'
Subject: FW: Tobin Stopbank Project - Legalisation Actions

Hi Kara,

I have received an auto reply advising that Ian Richards has retired and you have taken over his role.

Please refer to the email below and the scheme plans attached.

P.O. BOX 6
MARTINBOROUGH 5741



TELEPHONE (06) 306-9611
FACSIMILE (06) 306-9373
EMAIL enquiries@swdc.govt.nz

File:

If calling ask for: Ian Richards

19 KITCHENER STREET
MARTINBOROUGH 5711

1 May 2012

Jigsaw Property Consultancy Ltd
Floor 3
88 Willis St
Wellington

Attention Jozsef Bognar,

Dear Jozsef,

**Request to Stop Road and Vest Land in Greater Wellington Regional Council
Tobin Stopbank Project**

Refer your letter and attachments of 9 March 2012.
I apologise for the lateness of my reply.

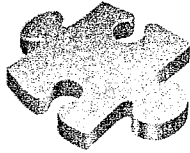
Your revised proposal is acceptable in principal to SWDC.

What are the next steps in the process?

Yours faithfully

A handwritten signature in black ink that reads 'Ian Richards'.

Ian Richards
Roding and Reserves Manager



JIGSAW PROPERTY
CONSULTANCY LIMITED

Floor 3
82 Willis Street
Wellington

phone (04) 471 2426
mobile 0274 521 391
jozsef@jigsawproperty.co.nz

9 March 2012

Attention: Ian Richards
Roading & Reserves Manager
South Wairarapa District Council
PO Box 6
MARTINBOROUGH 5741

Dear Ian,

Re: Request to Stop Road and Vest Land in Greater Wellington Regional Council – Tobin Stopbank Project

Thank you for meeting with Ranjan Cyril and myself on 6th March 2012 regarding the above.

As you will be aware South Wairarapa District Council (SWDC) and Greater Wellington Regional Council (GWRC) entered into an agreement dated 4 July 2011 which provided for the realignment of a public road to facilitate the construction of the new Tobin Stopbank.

Our current agreement provides for GWRC to acquire private land (at the corner of Buicks and Pahautea Roads) to vest it in SWDC as legal road. Agreements are in place with the private owners to achieve this.

The new stopbank has been substantially completed and the new road surface formed; but the legalisation work has yet to be completed.

As discussed the new alignment of the stopbank has resulted in a section of unformed legal road which is now partially under the stopbank footprint and partially on the unprotected (river) side of the stopbank. This land is shaded pink on the attached aerial plan and shown as Section 15 on the attached draft survey plans.

Given this land is now stopbank and floodplain, going forward, it will logically be managed and controlled by GWRC as part of its flood protection responsibilities. Therefore GWRC would like SWDC to consider the stopping of this section of legal road and to subsequently transfer the land to GWRC for the purpose of soil conservation and river control.

Therefore the revised proposal is:

1. GWRC shall acquire Sections 1 and 2 as shown on the attached draft survey plans and vest the same in SWDC as legal road (as previously agreed).
2. SWDC shall stop that part of the legal road shown as Section 15 on the attached draft survey plans and transfer ownership of the same to GWRC for soil conservation and river control purposes.

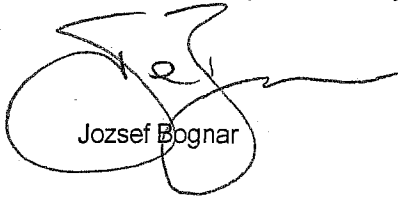
9 March, 2012

3. GWRC shall be responsible for survey costs and all reasonable legal costs to achieve 1 & 2 above.

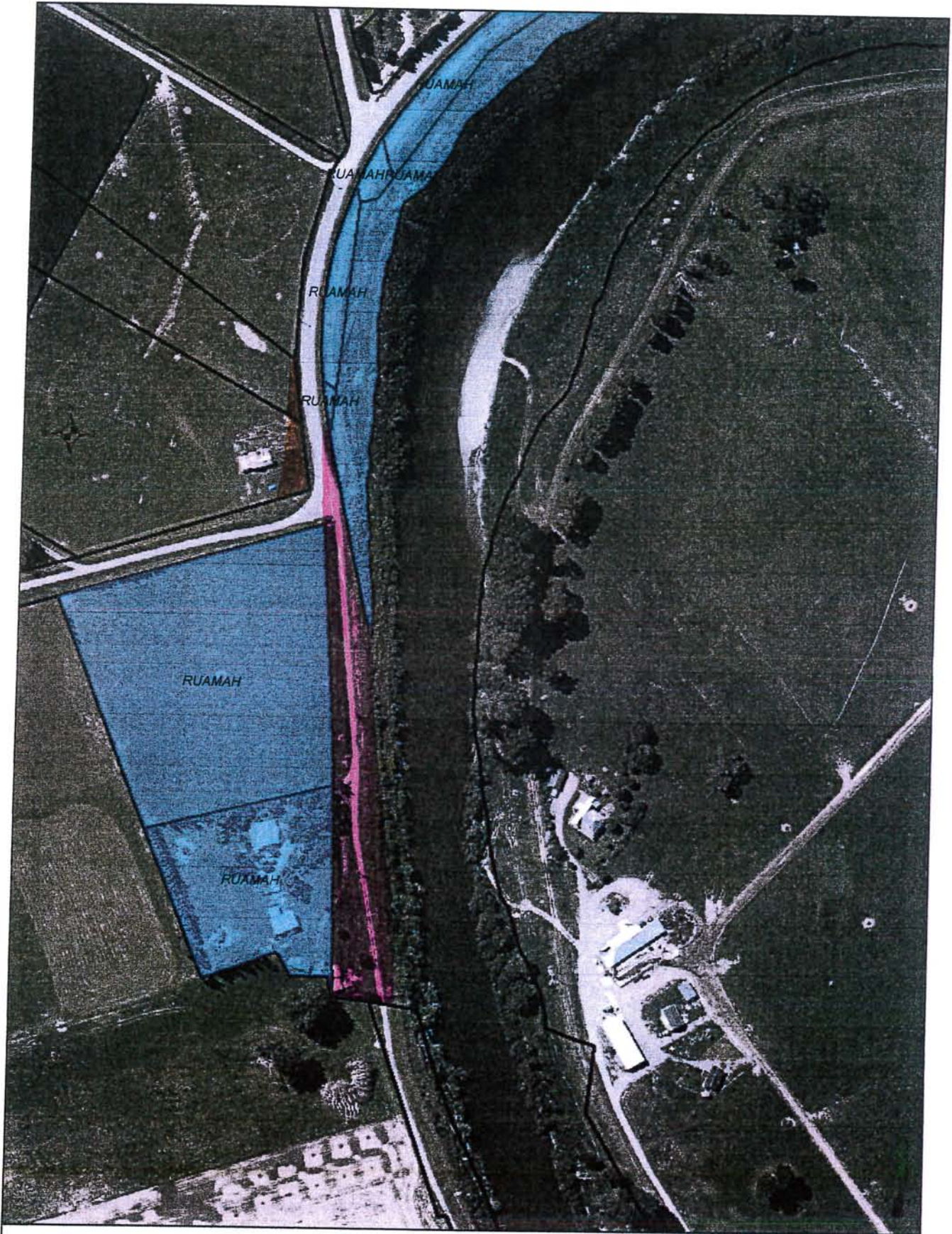
Can you please consider this proposal and advise if it is acceptable in principle to SWDC.

I look forward to hearing from you.

Yours sincerely
Jigsaw Property Consultancy Limited.



Jozsef Bogнар



Greater Wellington Regional Council

0 0.03 0.06 Kilometre

Topographic and Cadastral data is copyright LINZ

 ROAD TO VEST IN SWDC (BOSCH/VOULEBREGT)

48  ROAD TO STOP & VEST IN GN FOR SCRC

- A 16-1-12 DETAILS AMERILED
- B 17-1-12 ANNOTATION ADDED
- C 26-1-12 SECTIONS ALTERED, DIAGRAMS PUT ON DRAWING 1196-SC-02
- D 3-2-12 NOTES & ANNOTATION ALTERED

DRAFT PLAN
 DATE: 17/03/2012
 BY: [Signature]
 FOR: [Signature]

Project
TOBIN STOPBANK REALIGNMENT

Site
CT Reference: AS SHOWN

Local Authority: SOUTH WAIRARAPA DISTRICT

Physical Address:
GREATER WELLINGTON
REGIONAL COUNCIL

Disclaimer / Legal
 This Scheme Plan has been prepared for the purpose of Greater Wellington Regional Council consultation. Adamson Limited accepts no responsibility for its use for any other purpose. The areas and dimensions shown on this Scheme Plan have not been checked by survey and are likely to change upon final survey.

Adamson Shaw

SURVEYING | PLANNING | LAND DEVELOPMENT

Wairarapa
 47 New Street
 PO Box 695
 Masterton 5240
 P 06 370 0027 F 06 378 2069 M 027 443 6790
 Email: survey@adamsonshaw.co.nz www.adamsonshaw.co.nz

Date
 12-01-2011

Scale (A3 Original)
 1:5000

Project No
 1196

Drawing No
 SC - 01

Revision
 D



NOTE:

- SEC 5 ACQUIRED BY GREATER WELLINGTON REGIONAL COUNCIL (PUBLIC WORKS ACT 1981)
- SEC 13 TO BE ACQUIRED
- SEC 12 TO BE TRANSFERRED TO THE OWNER OF SEC 8 (GWRC)
- SEC 11 TO BE TRANSFERRED TO THE OWNER OF SEC 5 (VOLLERBREGT)

DRAFT PLAN
 NOT FOR CONSTRUCTION
 PREPARED BY: ADAMSON STAW >

Project
 TOBIN STOPBANK REALIGNMENT

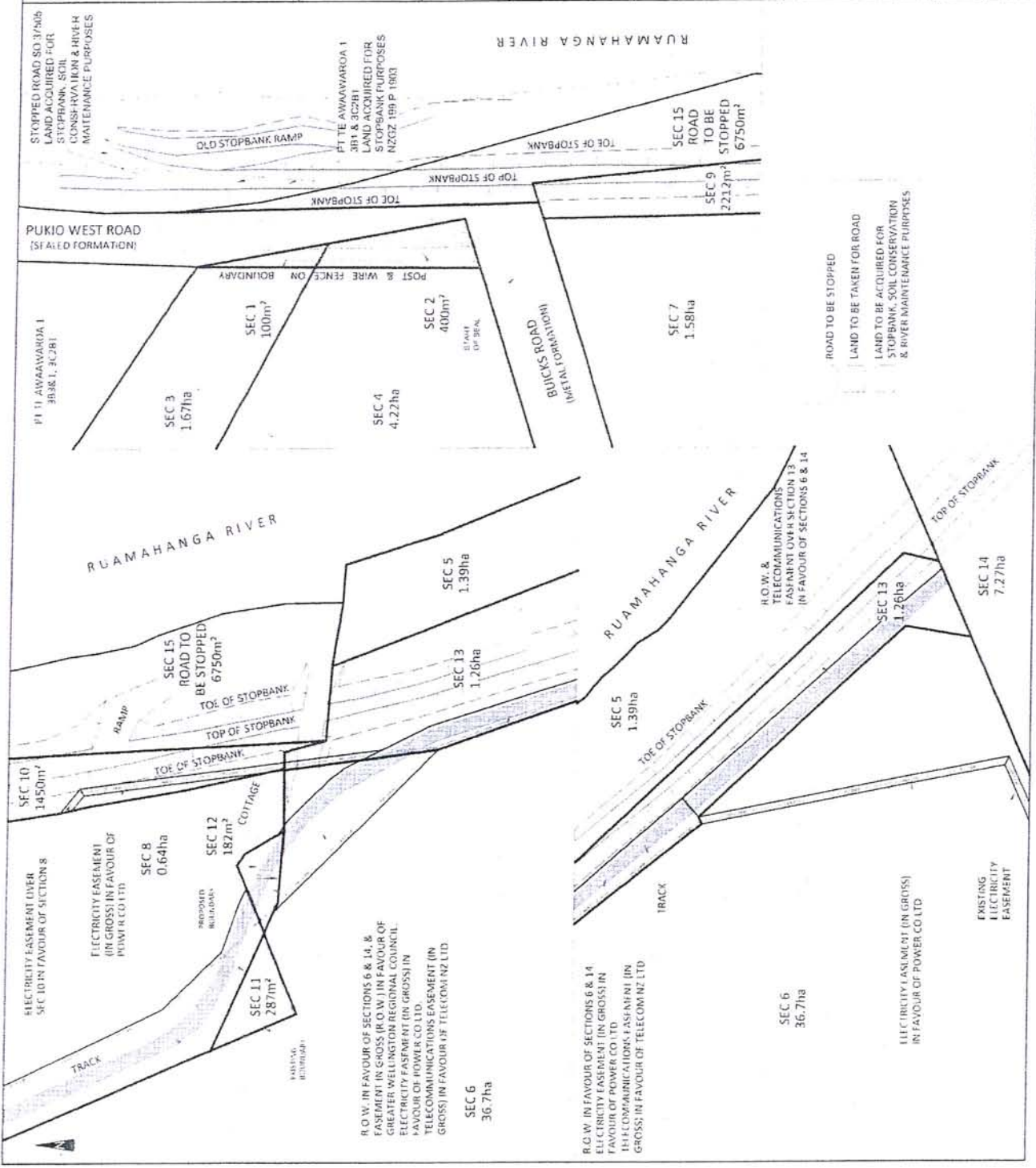
Site
 CT Reference: AS SHOWN
 Local Authority: SOUTH WAIRARAPA DISTRICT
 Physical Address:

Client
 GREATER WELLINGTON
 REGIONAL COUNCIL

Disclaimer / Legal
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Adamson Staw >
 SURVEYING | PLANNING | LAND DEVELOPMENT
 Wellington
 57 Parr Street
 PO Box 698
 Mairangi Bay
 P O Box 10027 F O Box 378 2009 M 027 443 6790
 Email: survey@adamson.co.nz www.adamson.co.nz

Date
 12-01-2011
 Scale (A3 Original)
 1:1000
Project No
 1196
Drawing No
 SC - 02
Revision



PLANNING AND REGULATORY COMMITTEE

12 AUGUST 2020

AGENDA ITEM C1

PLANNING AND ENVIRONMENT GROUP REPORT

Purpose of Report

To update the Planning and Regulatory Committee on the activities of the Planning and Environment Group and progress against Annual Plan performance measures.

Recommendations

Officers recommend that the Committee:

1. *Receive the Planning and Environment Group Report.*

1. Resource Management

1.1 Planning Summary

1.1.1. Planning

The Planning team in a year receives around 200 resource consent applications. In normal periods, usually have about 13 - 20 resource consents to assess. Currently there are 13 resource consent applications active for land use and subdivision decision making. There are currently 24 applications for certificates, including 223, 224 certificates. Consent work sits alongside the mix of planning/district plan enquiry work, land use compliance, and growing policy work. Robust and timely application decision making has continued over the recent months.

1.1.2. South Wairarapa Spatial Plan

The South Wairarapa Spatial Plan is our districts strategic document looking out to 2050. Integrated work saw the release of the Spatial Plan Discussion Document on 10 July 2019 with feedback received by 6 August. An update and options approach on engagement for the South Wairarapa Spatial Plan was presented to Council on 18 March. The recent workshop on Spatial Planning held on 23 July provided more awareness on what spatial planning constitutes, shared key elements, and benchmarked 4 NZ Spatial Plan examples. The workshop provided opportunity to consider options for the approach and alignment of the Spatial Plan work with the LTP. Further consideration is being given to this and to future engagement plan timings.

1.1.3. Martinborough Southeast Growth Area (MSGA)

An assessment report on stormwater issues by Wellington Water was completed after February. As a result of discussion at Council including work for the South Wairarapa Spatial Plan, and due to awareness of extent and costs of stormwater constraints and required mitigation in the area, the Martinborough Southeast Growth Area is now on hold, including the phase two stormwater modelling work.

1.1.4. District Plan Review

WCDP became operative in 2011, required to be reviewed after 10 years. Review of a District Plan can take around 2 years. The CE of MDC sought that further expressions of interest for the review work be pursued. Of the ten consultancy firms that responded/put in applications to undertake the review, Boffa Miskell were identified as the preferred provider to support the review of the WCDP, this has been confirmed, as has membership of the hearings committee for the review. Discussion meetings for the work group progressing the review are being sorted.

1.1.5. Dark Sky

Council supported the need for a Council initiated plan change to review district plan outdoor lighting rules to support a dark sky reserve. Plan change is based on Mackenzie DC approach. Checking done on extent of need to change lighting rules alongside advice with Carterton. The change to lighting on highways, discussion with NZTA. Memorandum of Understanding (MOU) on proposed Dark Sky Reserve compiled, committed to by 3 Council's. A visit made by IDSS representatives from USA. Council initiated plan change being drafted by Perception Planning. Wairarapa Dark Sky Society - focused on need to measure existing night light levels, funding, economic plan, preparing for certification. Draft of Wairarapa International Dark Sky /Outdoor Artificial Lighting Plan Change been compiled, being reviewed for report to the Committee.

1.1.6. Featherston Tiny Homes/Brookside RC

The application has involved multiple meetings. The applicant has been requested to provide further information on urban design and traffic assessment. Number of units proposed has lowered from 120 to approx. 100 dwellings. Applicant, Council planner, independent urban design reviewer meeting 24 Feb to assess this application. Required further information on urban design aspects, due to site intensity, was requested, info. was supplied, the application was publicly notified on 9 July, will go to a hearing.

1.1.7. Proposed Combined Council Dog Pound SWDC/CDC

The proposal for a combined dog pound facility for SWDC and CDC was again suggested during 2019. An initial report to identify location options was compiled, with the preferred location identified as Carterton's existing site. Independent report on facility needs and costings initially prepared by Beca's Mike Todd, but report not completed, Beca ceased property service work. Recent costings report by Armstrong Dixon Ltd in April for reporting to July Committee mtg. The Committee has sought detailed component costings, comparative costs info being compiled.

2. Building Services

The procedures audit by IANZ identified a small number of procedure improvements which were updated and quickly resolved, and resulted in recent re-accreditation of our BCA, together with positive praise by the auditors. The level of new building consent applications has remained consistent, there has been timely processing together with the provision of ongoing site inspections services. Over the last financial year our team processed 584 applications which included exemptions. There are usually around 60 active building consent applications in the system.

3. Environmental Services

The team has continued to provide helpful advice, support and decision making in the areas of food safety, alcohol, bylaws and dog control matters. It was pleasing to see the high level of interest, uptake and positive feedbacks from the earlier food training, provided through Council on Food Safety Plans to support operators of food premises.

4. Resource Management Act - District Plan

SERVICE LEVEL – Council has a Combined District Plan that proves certainty of land-use/environmental outcomes at the local and district levels.

RESOURCE MANAGEMENT KEY PERFORMANCE INDICATORS	TARGET	RESULT	COMMENT SOURCE AND ACTIONS TAKEN TO ACHIEVE TARGET
Ratepayers and residents' image of the closest town centre ranked "satisfied"	80%	89%	NRB 3 Yearly Survey October 2018 (2016: 87%)
The district plan has a monitoring programme that provides information on the achievement of its outcomes (AER's)		-	Consultants have established data to be recorded and stored to enable effective reporting against AER's in WCDP. A final monitoring strategy is still to be completed.

4.1 Resource Management Act - Consents

SERVICE LEVEL – All resource consents will be processed efficiently.

RESOURCE MANAGEMENT KEY PERFORMANCE INDICATORS	TARGET	YTD RESULT	COMMENT SOURCE, AND ACTIONS TAKEN TO ACHIEVE TARGET
Consent applications completed within statutory timeframes	100%	92.5%	Total 136/147
		94.4%	68/72 Land Use applications were completed within statutory timeframes. NCS
		88.5%	68/75 Subdivision applications were completed within statutory timeframes. NCS
		100%	15/15 permitted boundary activity applications were completed within statutory timeframes. NCS
		-	
s.223 certificates issued within 10 working days	100%	89.6%	52 of 58 s223 certificates were certified within statutory timeframes. NCS. Impacted by the departure of the Planning Manager and team transition from June to August 2019
s.224 certificates issued within 15 working days of receiving all required information (note no statutory requirement)	95%	96%	52 out of 54 s224 certificates were certified. NCS.

4.2 Reserves Act – Management Plans

SERVICE LEVEL – Council has a reserve management plan programme.

RESOURCE MANAGEMENT KEY PERFORMANCE INDICATORS	TARGET	YTD RESULT	COMMENT SOURCE, AND ACTIONS TAKEN TO ACHIEVE TARGET
Council maintains, and updates reserve management plans as required.	Yes	Yes	RMP's are generally current and appropriate. It is therefore not anticipated that any updates will be undertaken this year.

Six Months Trend from 1 st January 2020 to 30 th June 2020		
Item	No of applications completed within the time frame over the total number of applications	% of applications processed within time frames
Land use consents	46/48 within 20 working days	96%
Subdivision Consents	45/51 in 20 working days	88%
223 Certificates	32/32 in 10 working days	100%
224 Certificates	27/27 in 15 working days	100%

4.3 Local Government Act – LIM's

SERVICE LEVEL – Land Information Memoranda: It is easy to purchase information on any property in the District.

RESOURCE MANAGEMENT KEY PERFORMANCE INDICATORS	TARGET	YTD RESULT	COMMENT SOURCE, AND ACTIONS TAKEN TO ACHIEVE TARGET
LIMs contain all relevant accurate information (no proven complaints)	100%	100%	G:\LIMs\LIMS PROCESSED 2019-2020
Standard LIMs are processed within 10 days	100%	99.6%	250251 standard LIMs were completed G:\LIMs\LIMS PROCESSED 2019-2020

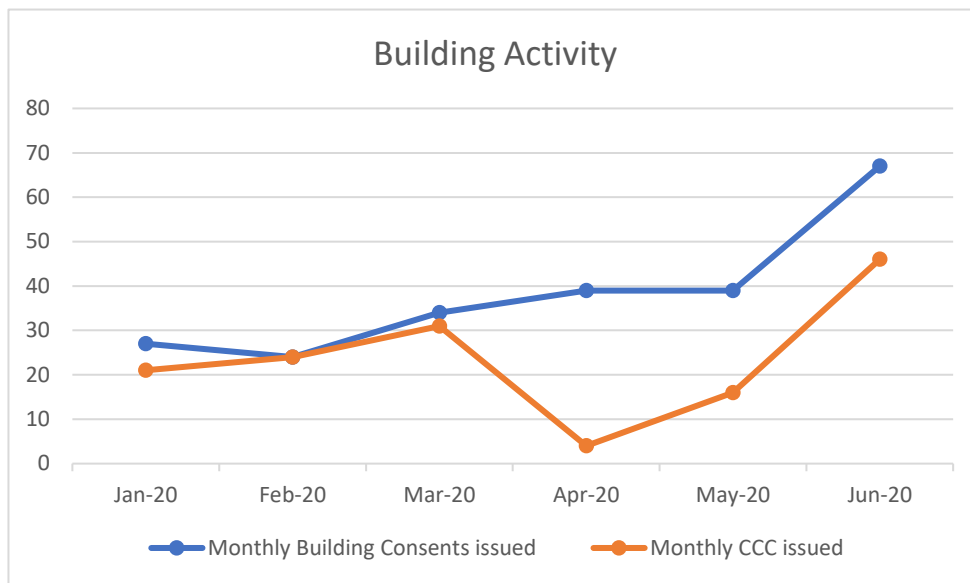
TYPE	YTD 1 ST JULY 2019 TO 30 TH JUNE 2020	PREVIOUS YTD 1 ST JULY 2018 TO 30 TH JUNE 2019	PERIOD 1 ST JUNE 2020 TO 30 TH JUNE 2020	PREVIOUS PERIOD 1 ST JUNE 2019 TO 30 TH JUNE 2019
Standard LIMs (Processed within 10 working days)	162	220	18	12
Urgent LIMs (Processed within 5 working days)	89	50	15	5
Totals	251	270	33	17

5. Building Act - Consents and Enforcement

SERVICE LEVEL - Council certifies all consented work complies with the building code, ensuring our communities are safe. The Council processes, inspects, and certifies building work in my district.

PUBLIC PROTECTION KEY PERFORMANCE INDICATORS	TARGET	YTD RESULT	COMMENT SOURCE, AND ACTIONS TAKEN TO ACHIEVE TARGET
Code Compliance Certificate applications are processed within 20 working days	100%	99.15%	NCS – 350 of 353 CCC's were issued within 20WD YTD – Human/technical error, process put in place to prevent this from happening in the future.
Building consent applications are processed within 20 working days	100%	99.80%	NCS – 507 of 508 consents were issued within 20WD YTD – 1 building consent was granted on 21 days
Council maintains its processes so that it meets BCA accreditation every 2 years	Yes	Yes	Next accreditation review due January 2022. Council was re-accredited in January 2020
BCA inspects new building works to ensure compliance with the BC issued for the work, Council audits BWOF's and Swimming Pools	Yes	Yes	Building Consents Council inspects all new work to ensure compliance (June 2020 – 364 inspections) BWOF's – Total 169 – average of 3 audits per month required, 0 audits carried out June Swimming Pools – Total 279 – average of 7 audits per month required. 1 audit carried out in June
Earthquake prone buildings reports received	100%	N/A	Of the remaining buildings: 11 - requiring further desktop assessed by SWDC 22 - Identified as EPB and have had notices issued 5 - Newly Identified that require engineer assessment from owners

	Jan 20	Feb 20	Mar 20	Apr 20	May 20	June 20
Monthly Building Consents issued	27	24	34	39	39	67
Monthly CCC issued	21	24	31	4	16	46



5.1 Building Consents Processed

TYPE – JUNE 2020	NUMBER	VALUE
Commercial (shops, restaurants, rest home – convalescence, restaurant /bar / cafeteria / tavern, motel, commercial building demolition - other commercial buildings)	2	\$43,800.00
Industrial (covered farm yards, building demolition, warehouse and/or storage, factory, processing plant, bottling plant, winery)	1	\$50,000.00
Residential (new dwellings, extensions and alterations, demolition of building, swimming and spa pools, sleep-outs, garages, relocations, heaters, solid fuel heaters).	53	\$4,942,549.00
Other (public facilities - schools, toilets, halls, swimming pools)	0	\$0
Totals	56	\$5,036,349.00

6. Environmental Health and Public Protection

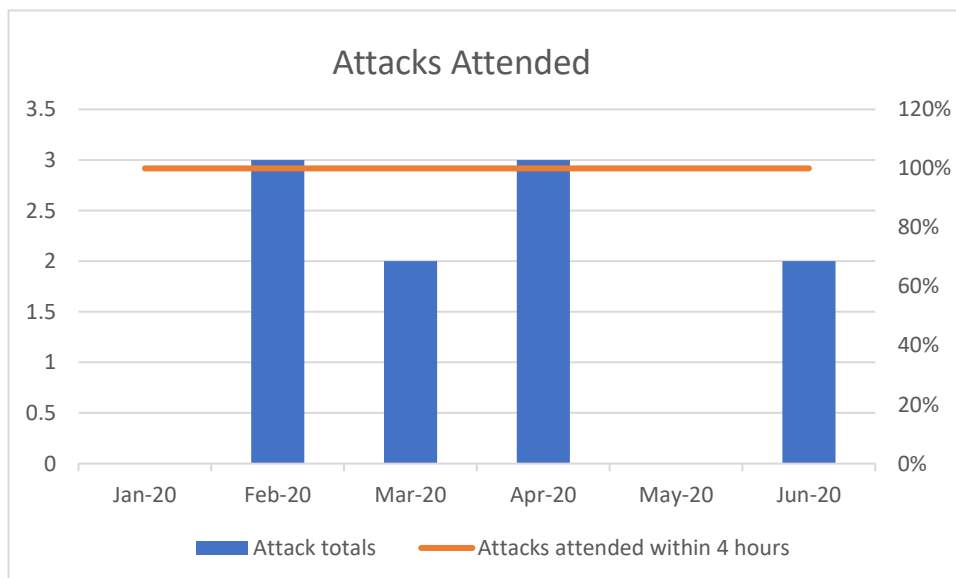
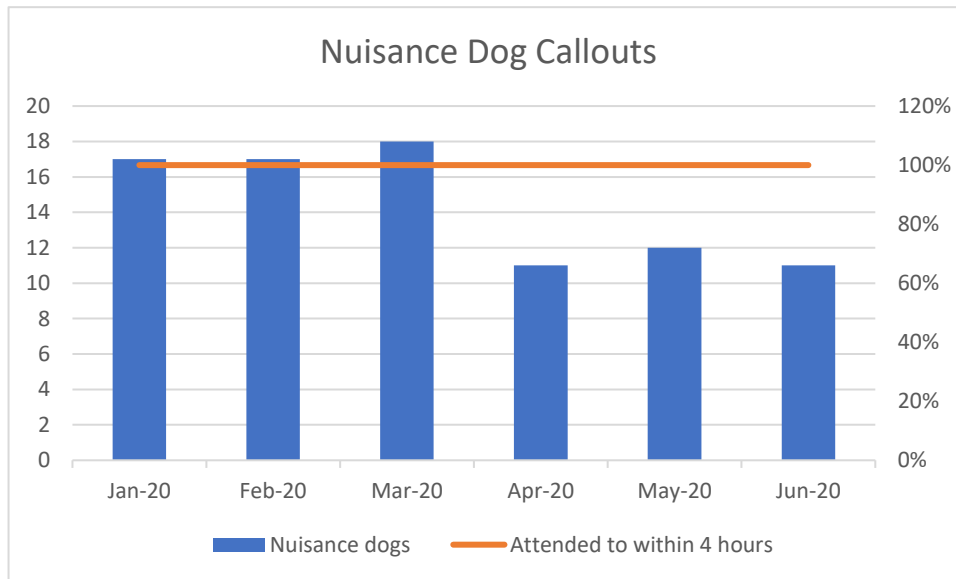
6.1 Dog Control Act – Registration and Enforcement

SERVICE LEVEL – Dogs don't wander freely in the street or cause menace to humans or stock.

PUBLIC PROTECTION KEY PERFORMANCE INDICATORS	TARGET	YTD RESULT	COMMENT SOURCE, AND ACTIONS TAKEN TO ACHIEVE TARGET
Undertake public education, school and community visits to promote safe behaviour around dogs and/or responsible dog ownership	3 visits	0	Letter to go out to schools. Adult education is being organised for at "risk groups" who work out in public spaces such as Council staff/ contractors, meter readers etc.
Complaints about roaming and nuisance dogs are responded to within 4 hours	100%	98.5%	K:\resource\Bylaw Officers\Registers\AC Service Requests.xls 148/150 (unable to locate owner at the time)
Complaints about dog attacks on persons, animals or stock are responded to within 1 hour	100%	100%	26/26

INCIDENTS REPORTED FOR PERIOD 1 JUNE 2020 TO 30 JUNE 2020	FEATHERSTON	GREYTOWN	MARTINBOROUGH
Attack on Pets	1	-	-
Attack on Person	1	-	-
Attack on Stock	-	-	-
Barking and whining	-	2	1
Lost Dogs	1	1	1
Found Dogs	1	1	1
Rushing Aggressive	-	-	-
Wandering	1	-	2
Welfare	1	-	2
Fouling	-	-	-
Uncontrolled (off leash urban)	1	-	-

	Jan 20	Feb 20	Mar 20	Apr 20	May 20	June 20
Nuisance dogs	17	17	18	11	12	11
Attended to within 4 hours	17	18	18	11	12	10
Attack totals	0	3	2	3	0	2
Attacks attended within 4 hours	0	3	2	3	0	2



7. Public Places Bylaw 2012 - Stock Control

SERVICE LEVEL – Stock don't wander on roads, farmers are aware of their responsibilities.

PUBLIC PROTECTION KEY PERFORMANCE INDICATORS	TARGET	YTD RESULT	COMMENT SOURCE, AND ACTIONS TAKEN TO ACHIEVE TARGET
Stock causing a traffic hazard is responded to within 1 hour	100%	100%	K:\resource\Bylaw Officers\Registers\AC Service Requests.xls 24/24
In cases where multiple stock escapes (more than 1 occasion) have occurred from a property taking compliance or enforcement or prosecution action against the property owner	100%	-	No incidents
Council responds to complaints regarding animals within 48 hours.	100%	100%	K:\resource\Bylaw Officers\Registers\AC Service Requests.xls 13/13

INCIDENTS REPORTED	TOTAL FOR PERIOD 1 JAN 2020 TO 31 MAY 2020
Stock	4

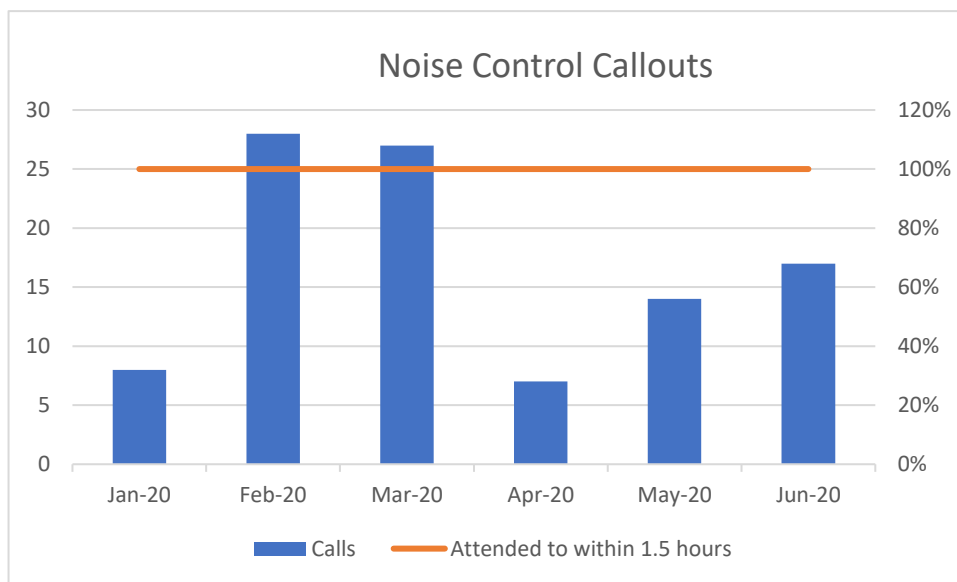
8. Resource Management Act – afterhours Noise Control

SERVICE LEVEL – The Council will respond when I need some help with noise control.

PUBLIC PROTECTION KEY PERFORMANCE INDICATORS	TARGET 19/20	YTD RESULT	COMMENT SOURCE, AND ACTIONS TAKEN TO ACHIEVE TARGET
% of calls received by Council that have been responded to within 1.5 hours	100%	98.9%	K:\resource\Health\Resource Management\Noise Control Complaints 182/184 attended within timeframe 17 callouts June 20 17/17 attended to within 1.5 hours

AFTER HOURS NOISE CONTROL COMPLAINTS RECEIVED	YTD 1 JULY 2019 TO 30 JUNE 2020	PREVIOUS YTD 1 JULY 2018 TO 30 TH JUNE 2019	PERIOD 1 JUNE 2020 TO 30 JUNE 2020	PREVIOUS PERIOD 1 JUNE 2019 TO 30 JUNE 2019
Total	184	109	17	5

	Jan 20	Feb 20	Mar 20	Apr 20	May 20	June 20
Calls	8	28	27	7	14	17
Attended to within 1.5 hours	100%	100%	100%	100%	100%	100%



9. Sale and Supply of Alcohol Act - Licensing

SERVICE LEVEL – The supply of alcohol is controlled by promoting responsible drinking.

	TARGET 19/20	YTD RESULT	COMMENT SOURCE, AND ACTIONS TAKEN TO ACHIEVE TARGET
Premises are inspected as part of licence renewals or applications for new licences.	100%	100% YTD	<p>MAGIQ data. All premises inspected at new or renewal application stage (61/61*).</p> <p>*Number of inspections completed or licences coming up for renewal within the YTD period.</p> <p>Total number of licences is subject to change month by month as new businesses open and existing premises close.</p>
Premises that are high risk are inspected annually, while low or medium risk premises are audited no less than once every three years.	100%	100% YTD	<p>MAGIQ data. There are no high risk premises in the district. Low and medium risk premises are inspected every 3 years as part of the renewal process. There are currently 35 low and medium licenses due for renewal or new inspections in this financial year.</p> <p>.We have undertaken 1 premises inspections remotely in June 20 .</p> <p>As at 30 June 20, 35 inspections have been done YTD.</p> <p>Total number of licenses is subject to change month by month as new businesses open and existing premises close. 35/35</p>
Compliance activities are undertaken generally in accord with the Combined Licencing Enforcement Agencies agreement.	100%	100%	<p>1 Controlled purchase Operation has been undertaken this year. All premises in SWDC were compliant</p> <p>10 Compliance inspections undertaken at 10 licensed premises</p> <p>Usual practice is for the SWDC alcohol licensing inspector is to undertake identified compliance inspections at licensed premises. This is to encourage open communication with our licensees and provide support and education to help our licenced premises comply with their requirements under the Act. Covid 19 and Government lockdown put a stop to this activity in this form and the Alcohol Licensing Inspector undertook compliance through an advisory role remotely under lockdown and as business moved down levels 3, 2 and 1</p>

ALCOHOL LICENCE APPLICATIONS PROCESSED	YTD 1 JULY 2019 TO 30 JUNE 2020	PREVIOUS YTD 1 JULY 2018 TO 30 JUNE 2019	PERIOD 1 JUNE 2020 TO 30 TH JUNE 2020	PREVIOUS PERIOD 1 JUNE 2019 TO 30 TH JUNE 2019
On Licence	29	21	-	6
Off Licence	39	23	2	5
Club Licence	7	7	-	-
Manager's Certificate	161	120	11	5
Special Licence	65	57	-	2
Temporary Authority	4	5	-	-
Total	305	233	13	18

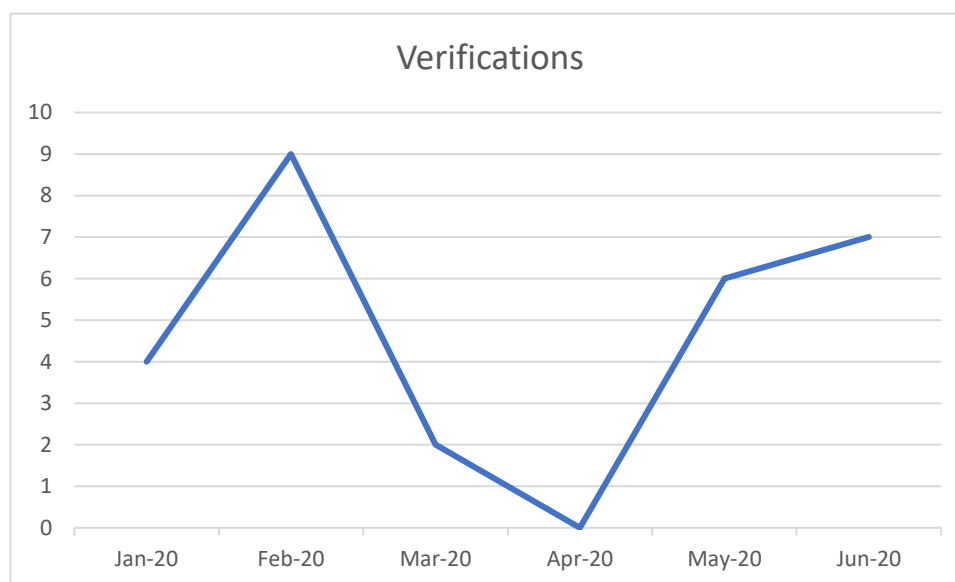
10. Health Act - Safe Food

SERVICE LEVEL – Food services used by the public are safe.

PUBLIC PROTECTION KEY PERFORMANCE INDICATORS	TARGET 19/20	YTD RESULT	COMMENT SOURCE, AND ACTIONS TAKEN TO ACHIEVE TARGET
Premises have appropriate FMP in place and meet the risk based standards set out in the Plan.	100%	100%	FHR – 0 FCP (Food Act) – 106 NP – 63 The changes in the Food Act 2014 require that businesses have an appropriate Risk Based Measure in place by end of transition period (Feb 2019). Total number of premises is subject to change month by month as new businesses open and existing premises close.
Premises are inspected in accord with regulatory requirements.	100%	48.1%	FCP verifications – 51/106 *Total number of premises is subject to change month by month as new businesses open and existing premises close. The continuance of a backlog has been created from no appointed EHO for over 3 months and the inability to undertake verifications during Covid 19 lockdown causing a continual pressure point YTD. The EHO role also includes Hairdressers, Beauty businesses, Camping, Noise, Nuisance (odour/smoke/rats) There is the aim to complete a minimum of 2 verifications per week, being 8 per month. 7 verifications were undertaken in June 2020 We were able to finalise (close out) 5 premises in June 2020 21 outstanding corrective action food business follow ups In addition our EHO was the SWDC first point of contact for all the food businesses and queries to ensure compliance with Government regulations under the various Covid 19 levels. In June EHO attended: 3 day time noise complaints

PUBLIC PROTECTION KEY PERFORMANCE INDICATORS	TARGET 19/20	YTD RESULT	COMMENT SOURCE, AND ACTIONS TAKEN TO ACHIEVE TARGET
			2 Hazardous substances complaints 2 smoke complaints 1 rat nuisance complaint from vacant house EHO communicated with licenced premises regarding Level 2 & 1 restrictions

	Jan 20	Feb 20	Mar 20	Apr 20	May 20	June 20
Verifications	4	9	2	0	6	7



11. Bylaws

Between 1 July 2019 and 30 June 2020 there were:

Trees & Hedges

- 20 notices were sent by council requesting the owner/occupier to remove the obstruction from the public space.

Litter

- 28 litter incidents were recorded and from this, council sent 15 notices to the identifiable people associated with these incidents.

Abandoned vehicles

- There were 26 abandoned vehicles located in the SWDC area, of which 15 were removed by their owners and the remaining 11 vehicles were removed by councils' contractor.

Contact Officer: Russell O'Leary, Group Manager – Planning & Environment

PLANNING AND REGULATORY COMMITTEE

12 AUGUST 2020

AGENDA ITEM C2

ACTION ITEMS REPORT

Purpose of Report

To present the Planning and Regulatory Committee with updates on actions and resolutions.

Recommendations

Officers recommend that the Committee:

1. *Receive the Planning and Regulatory Action Items Report.*

1. Executive Summary

Action items from recent meetings are presented to the Committee for information. The Chair may ask officers for comment and all members may ask officers for clarification and information through the Chair.

If the action has been completed between meetings it will be shown as 'actioned' for one meeting and then will be remain in a master register but no longer reported on. Procedural resolutions are not reported on.

2. Appendices

Appendix 1 - Action Items to 12 August 2020

Contact Officer: Suzanne Clark, Committee Advisor

Reviewed By: Russell O'Leary, Group Manager Planning and Regulatory

Appendix 1 – Action Items to 12 August 2020

Number	Raised Date	Action Type	Responsible Manager	Assigned to	Action or Task details	Open	Notes
434	19-Jun-19	Resolution	Russell	Rick	<p>PLANNING AND REGULATORY RESOLVED (PR2019/07)</p> <p>1. To receive the Report on proposed Dog Pound South Wairarapa and Carterton District Location Recommendation. (Moved Cr Jephson/Seconded Ramsden) Carried</p> <p>2. That officers continue to look at dog pound solutions in Greytown, noting an appetite to establish a joint arrangement between Carterton District Council and South Wairarapa District Council. (Moved Cornelissen/Seconded Cr Maynard) Carried</p>	Actioned	<p>15/7/19: Information report to P&R for 24 July 19. Consultant report being compiled on three sites, costings and components for combined CDC/SWDC new dog pound.</p> <p>12/8/20: Resolution closed as new Resolution opened</p>
130	29-Apr-20	Action	Russell		At the end of the spatial plan consultation period, provide the total cost attributed to spatial plan community engagement to the Planning and Regulatory Committee	Open	27/5/20: Action transferred to the P&R Committee
131	29-Apr-20	Resolution	Russell		<p>COUNCIL RESOLVED (DC2020/42):</p> <p>1. To receive the Listing of the Carkeek Observatory as a Heritage Building Report. (Moved Cr Emms/Seconded Cr Colenso) Carried</p> <p>2. To support, in principle, the listing of the Carkeek Observatory by Heritage New Zealand through Heritage New Zealand's public consultation process.</p> <p>3. To delegate to the Chief Executive and Mayor the authority to make the submission to Heritage New Zealand subject to councillor comment on said submission.</p> <p>4. To inform the public about the Heritage New Zealand process and Council's support for the listing.</p> <p>5. To undertake further investigation, including costings, to conserve Carkeek Observatory as recommended by Heritage New Zealand. (Moved Cr Fox/Seconded Cr Vickery) Carried</p>	Open	27/5/20: Items 2-4 completed. Action transferred to P&R Committee. Awaiting outcome of Heritage NZ consultation before considering #5.
208	3-Jun-20	Action	Russell	Godwell	To review the Tobin Stopbank Report to incorporate feedback from Council and refer to the Planning and Regulatory Committee	Actioned	12/8/20: Report prepared for 12 August meeting

Number	Raised Date	Action Type	Responsible Manager	Assigned to	Action or Task details	Open	Notes
300	1-Jul-20	Resolution	Russell	Rick	<p>PLANNING AND REGULATORY RESOLVED (P&R2020/09):</p> <p>1. To receive the Proposed Combined Dog Pound Facility Report. (Moved Cr Hay/Seconded Cr Plimmer) Carried</p> <p>2. To receive the Armstrong Dixon Limited April 2020 Report. (Moved Cr Fox/Seconded Cr Hay) Carried</p> <p>3. That officers should continue negotiations with Masterton District Council to receive a quote for services, and to continue working with Carterton District Council for a combined facility and to present back to the Planning and Regulatory Committee the detailed alternatives. (Moved Cr Vickery/Seconded Mayor Beijen) Carried</p>	Open	
322	1-Jul-20	Action	Russell		Develop reporting by exception across each topic (including graphs), with a short narrative to indicate changes	Open	