



PLANNING AND REGULATORY COMMITTEE

Agenda

NOTICE OF MEETING

An ordinary meeting will be held in the Supper Room, Waihinga Centre, Martinborough, on Wednesday 4 September 2019 at 9:00am. 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 Colin Olds (Chair), Lee Carter, Brian Jephson, Pip Maynard, Ross Vickery, Colin Wright, community board chairs Lisa Cornelissen, Robyn Ramsden, Leigh Hay and Māori Standing Committee Chair Raihania Tipoki.

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 24 July 2019
Proposed Resolution: *That the minutes of the Planning and Regulatory Committee meeting held on 24 July 2019 are a true and correct record.*
- A7.** Notices of motion

Pages 1-2

B. Decision Reports

- B1.** Toast Martinborough Report Pages 3-17
B2. Correction to Resolution PR2019/06 Pages 18-20

C. Information and Verbal Reports from Chief Executive and Staff

- C1.** Planning and Environment Group Report Pages 21-29
C2. Planning and Regulatory Action Items Report Pages 30-32

Public Excluded**D. Public Excluded Reports**

***Proposed Resolution:** That the public be excluded from the following parts of the proceedings of this meeting, namely:*

- D1.** Report on Trade Waste Pages 1-4PE

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

| Report/General Subject Matter | Reason for passing this resolution in relation to the matter | Ground(s) under Section 48(1) for the passing of this Resolution |
|--------------------------------------|---|---|
| Report on Trade Waste | Good reason to withhold exists under section 7(2)(b)(ii), 6(a) | Section 48(1)(a) |

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public are as follows:

| Reason for passing this resolution in relation to the matter | Ground(s) under Section 48(1) for the passing of this Resolution |
|---|---|
| (b)(ii) The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information. | Section 7(2)(b)(ii) |
| (a) Good reason for withholding official information exists if the making available of that information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial. | Section 6(a) |

PLANNING AND REGULATORY COMMITTEE
Minutes from 24 July 2019

| | |
|-----------------------------|--|
| Present: | Councillors Colin Olds (Chair), Brian Jephson, Ross Vickery, Colin Wright, Pam Colenso and Featherston Community Board Chair, Robyn Ramsden. |
| In Attendance: | Harry Wilson (Chief Executive), Russell O’Leary (Group Manager Planning and Environment) and Angela Williams (Committee Advisor). |
| Conduct of Business: | The meeting was held in the WBS Room, Greytown Town Centre, Greytown and was conducted in public between 11:30am and 12.02pm. |

Open Section

A1. Apologies

*PLANNING AND REGULATORY RESOLVED (PR2019/11) to accept apologies from Leigh Hay and Mayor Viv Napier, Cr Maynard and Lisa Cornelissen.
(Moved Cr Olds/Seconded Cr Jephson)*

Carried

A2. Conflicts of Interest

There were no conflicts of interest declared.

A3. Public Participation

There was no public participation.

A4. Actions from Public Participation

There were no actions from public participation.

A5. Extraordinary Business

There was no extraordinary business.

A6. Minutes for Confirmation

*PLANNING AND REGULATORY COMMITTEE RESOLVED (PR2019/12) that the minutes of the Planning and Regulatory Committee meeting held on 19 June 2019 are a true and correct record.
(Moved Cr Jephson/Seconded Cr Wright)*

Carried

A7. Notices of motion

There were no notices of motion.

B Information and Verbal Reports from Chief Executive and Staff

B1. Planning and Environment Group Report

Mr O’Leary provided an overview of the report, additional updates and answered questions on the Spatial Plan, South Wairarapa Growth Area, District Plan Review, Dark Sky, Greytown Development Area, Greytown Orchards Retirement Village and the proposed Featherston Tiny Homes development.

Members noted that NZTA has been contacted regarding highway lighting in regards the Dark Sky reserve and contact will be made with Maritime NZ regarding lighthouses. Mrs Ramsden requested further information be provided to the Featherston Community Board (FCB) members regarding the Spatial Plan.

PLANNING AND REGULATORY RESOLVED (PR2019/13):

1. To receive the Planning and Environment Group Report.

(Moved Cr Jephson/Seconded Cr Vickery)

Carried

2. Action 22 – To provide further information regarding the Spatial Plan to FCB members, Mr O’Leary.

B2. Actions Items Report

Members discussed actions and noted further updates.

PLANNING AND REGULATORY RESOLVED (PR2019/14) to receive the Actions Items Report.

(Moved Ramsden/Seconded Cr Vickery)

Carried

B3. Update on Planning for New Dog Pound Facility

Mr O’Leary advised that a full costings report for a joint dog pound with CDC will be undertaken and provided to this Committee for review. Members noted that a combined facility has been a topic to be addressed for a number of years and are keen to see this long-term solution progress.

PLANNING AND REGULATORY RESOLVED (PR2019/15) to receive the Update on Planning for the New Dog Pound Facility Report.

(Moved Cr Jephson/Seconded Ramsden)

Carried

Confirmed as a true and correct record

.....(Chair)

.....(Date)

PLANNING AND REGULATORY COMMITTEE

4 SEPTEMBER 2019

AGENDA ITEM B1

TOAST MARTINBOROUGH LIQUOR 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 17th November 2019.

Recommendations

Officers recommend that the Committee:

1. *Receive the Toast Martinborough Liquor 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 liquor for the public places (as shown in Appendix 1 to this report) as a "Liquor Prohibition Area".*

1. Executive Summary

Council may by resolution order a prohibition of alcohol consumption or possession of liquor (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 liquor 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 17th November 2019, from 12:00 midday to 9:00 pm.

The area to be covered by the ban includes the Martinborough town square area bounded by Strasbourg, 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 Police and the event organisers to have a temporary liquor 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 seventh year that a liquor ban has been in place for the event.

The 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 liquor 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. This is in line with the strategic policy of Prevention First by the police.”

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 police has a shorter time period requested than that of the event organisers. Officers recommend the larger hours sought by the event organisers as this allows for enforcement should police deem it appropriate.

3. Discussion

Resolution/Consultation Process

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 Police powers of search under section 170(2) of the Local Government Act 2002 apply to these events.

Legal

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 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 this bylaw”.*

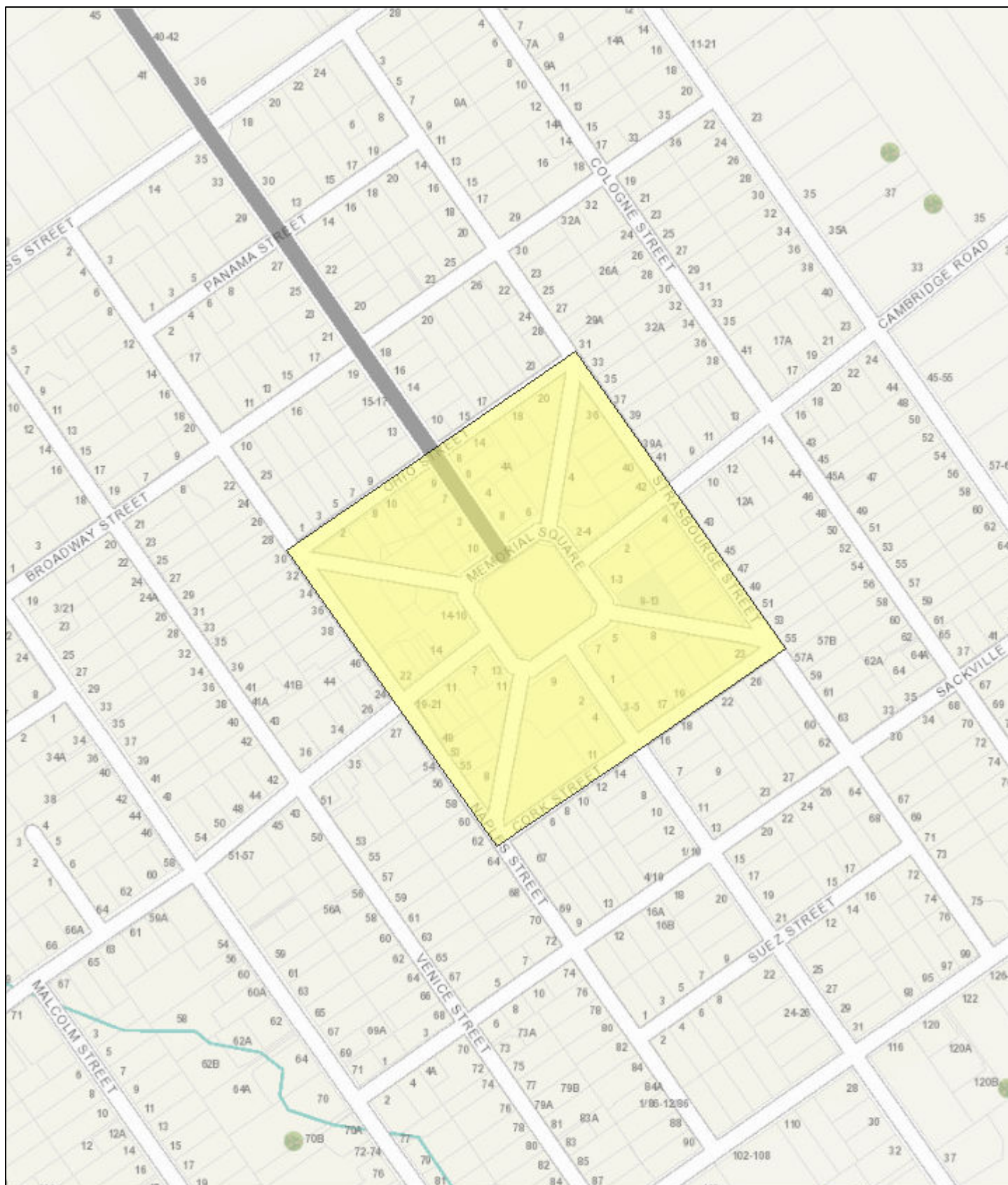
5. Appendices

| | |
|-------------|---|
| Appendix 1: | Map showing proposed liquor prohibition area |
| Appendix 2: | Police report - Sergeant Kevin Basher, New Zealand Police |
| Appendix 3: | Report - Anna Neilson, Toast Martinborough |
| Appendix 4: | South Wairarapa Liquor Control Bylaw 2011 |

Prepared by: Shane Sykes, Environmental Services Manager

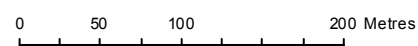
Reviewed By: Russell O'Leary, Group Manager Planning and Environment

Appendix 1 - Map showing proposed liquor prohibition area



September 2, 2016

1:4,673



DISCLAIMER

The Masterton, Carterton, and South Wairarapa District Councils accept no responsibility for actions or projects undertaken or loss or damages incurred, by any individuals or company, or agency, using all or any of the information presented on this map. The Councils do not provide interpretation of this information or advice on how to interpret, or utilise this information. Your own independent and appropriate professional advice should be sought. The information displayed on this map may contain errors or omissions or may not have the spatial accuracy required for some purposes.



Appendix 2 - Police report - Sergeant Kevin Basher, New Zealand Police



Masterton Police
21 Church street
Masterton

16th August 2019

Phone 06 3700345

Mobile: 0211909442

Environmental Health Team Leader
South Wairarapa District Council

Submission from South Wairarapa Police for input and consultation for a temporary liquor ban in Martinborough during the period of the 'Toast Martinborough' event, 17th November 2019.

The preferred times are:

17th November 2019 - 2 pm 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 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 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 marshalls 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.

Safer Communities Together

MASTERTON POLICE STATION

21 Church Street, PO Box 443, Masterton, New Zealand
Telephone: (06) 370 0300 Facsimile: (06) 370 5950 www.police.govt.nz

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. Although there is a requirement that wine purchased from the winery sites is not to be opened, there have been occasions when patrons have ignored that. Police have exercised discretion in these instances and advised patrons of the requirement without any adverse reaction. (Police would exercise discretion also 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).

Since the introduction of the liquor ban Police have noted a decrease in the concentration of persons using this area to attempt to continue drinking alcohol.

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. The liquor ban has reduced this potentiality.

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 liquor 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. This is in line with the strategic policy of Prevention First by the police.

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.

A handwritten signature in black ink, appearing to read 'K P Basher', with a stylized flourish at the end.

K P BASHER
SERGEANT
ALCOHOL HARM PREVENTION
MASTERTON POLICE

Appendix 3 - Report - Anna Neilson, Toast Martinborough

TOAST

MARTINBOROUGH

Wine, food & music festival

14 August 2019

Shane Sykes
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 2019

Toast Martinborough is held on the 3rd Sunday in November each year. In 2019, it will be held on Sunday 17th November. Ten 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.

Like last year, we intend to have an alcohol-free concert 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,

Anna Nielson
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 AND REGULATORY COMMITTEE

4 SEPTEMBER 2019

AGENDA ITEM B2

CORRECTION TO RESOLUTION PR2019/06

Purpose of Report

To correct a typing error in resolution PR2019/06.

Recommendations

Officers recommend that the Committee:

1. *Receive the Correction to Resolution PR2019/06 Report.*
2. *Approves the change to Resolution PR2019/06 in the minutes of the 19 June 2019 from:*
 - a. *'PLANNING AND REGULATORY COMMITTEE RESOLVED (PR2019/06) that the minutes of the Planning and Regulatory Committee meeting held on 19 June 2019 are a true and correct record' to:*
 - b. *'PLANNING AND REGULATORY COMMITTEE RESOLVED (PR2019/06) that the minutes of the Planning and Regulatory Committee meeting held on 1 May 2019 are a true and correct record'.*

1. Executive Summary

The Planning and Regulatory Committee resolved the resolution as presented in the 19 June 2019 agenda to confirm the minutes of the 1 May 2019 as a true and correct record. As the minutes have already been approved at a subsequent meeting, the Committee are now being asked to allow the retrospective correction to resolution PR2019/06.

2. Discussion

2.1 Making Amendments to Resolutions

As per standing orders, resolutions of a committee may be altered by the committee or body that made them on recommendation in a report by the chairperson, chief executive or the meeting itself provided notice is given of the intention two days prior to consideration.

2.2 Meeting Recommendation 19 June 2019

The recommendation in the 19 June 2019 Committee agenda was as follows:

Minutes for Confirmation: Planning and Regulatory Committee
Minutes of 1 May 2019

Proposed Resolution: *That the minutes of the Planning and Regulatory Committee meeting held on 1 May 2019 are a true and correct record.*

2.3 Minutes of 19 June 2019

The minutes were prepared and accepted as a true and correct record at the 24 July 2019 meeting as follows:

PLANNING AND REGULATORY COMMITTEE RESOLVED
(PR2019/06) that the minutes of the Planning and Regulatory Committee meeting held on 19 June 2019 are a true and correct record.
(Moved Cr Vickery/Seconded Cornelissen) Carried

As the minutes provided in the Committee agenda were from the 1 May 2019, and the recommendation was to accept the minutes of the 1 May 2019, the requested change is due to a typing error.

Officers recommend correcting this error so PR2019/06 reads as follows:

PLANNING AND REGULATORY COMMITTEE RESOLVED
(PR2019/06) that the minutes of the Planning and Regulatory Committee meeting held on 1 May 2019 are a true and correct record.
(Moved Cr Vickery/Seconded Cornelissen) Carried

2.4 Options Considered

The following options were considered and discussed with the Chair prior to this report being prepared.

| Options | Advantages | Disadvantages |
|---|---|---|
| Receive and approve the 1 May 2019 minutes at the 4 September meeting and make a resolution to receive them as a true and correct record, thus ensuring that resolutions have been received for all sets of minutes prepared. | Less administration. | Two resolutions recording the acceptance of the 19 June 19 minutes. Potential ambiguity for future readers of the minutes. |
| Prepare a Chief Executive Report requesting a resolution correction. | A clean solution allowing the minutes to be altered to reflect the needed change. Less future ambiguity. | More administration. |

2.5 Consultation and Communications

There is no consultation or communications required.

2.6 Financial Considerations

There are no financial considerations.

Contact Officer: Suzanne Clark, Committee Advisor

Reviewed By: Harry Wilson, Chief Executive Officer

PLANNING AND REGULATORY COMMITTEE

24 JULY 2019

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. General

The Planning Team continues to receive high numbers of consent applications, planning enquiries, compliance matters and growing policy project work. The Planning Manager replacement will commence on 2nd September, he is Godwell Mahowa, who has worked for Masterton District Council (MDC).

1.1.2. South Wairarapa Spatial Plan

The Draft Spatial Plan Discussion Document looking out to 2050 was presented to Council on 15 May. A communications plan was presented at last committee meeting. The integrated work saw the release of the spatial plan discussion document on 10 July, calling for feedback comments by 16 August, the initial engagement period has been extended and closes on 13 September. Some group engagement sessions will occur in this period, then revision work in September/October to produce the draft plan document. Other community sessions will occur in October/November 2019.

1.1.3. Martinborough South Growth Area (MSGA)

Following consultant and staff work on the MSGA a meeting with landowners (those within and adjoining area) held 17 April to give context, outline potential layout for the future residential area, and indicate next steps. Work included assessment by an experienced urban designer; the meeting revealed a mix of views, info sent and have called for further landowner feedback. Further stormwater assessment work to be undertaken/compiled. Recent landowner feedback views have been captured and a possible community meeting is being considered.

1.1.4. District Plan Review

The earlier work on this involved an officers' meeting late January at Carterton between MDC, Carterton District Council (CDC), SWDC and Boffa Miskell staff. Further meeting recently convened to progress this review and topics. Review to be in line with national planning standards for new district plans.

1.1.5. Dark Sky

The local Martinborough Dark Sky Society has been compiling their economic report and regional funding application. A report on the process for a council adopted plan change for review of the SWDC outdoor lighting rules to support a proposed dark sky reserve was presented to Council. Plan change to be based on approach used at Mackenzie DC, initial use of a working group suggested. Further checking done on the extent of need to change outdoor lighting rules alongside advice from Carterton. Change to lighting on highways a focus, discussion with NZTA. A Memorandum of Understanding (MOU) on the dark sky reserve to be compiled for commitment by the three Wairarapa Council's, and this followed by a plan change to the WCDP.

1.1.6. Review of Notable Trees Register

Public notification of the updated tree register was extended to 17th May 2019. This was to allow property owners identified as having listed trees overhanging their properties a chance to make submissions and for consultation on the Planning Maps. Total of 37 submissions were received, summary of the submissions done and was notified. Report to be compiled for an independent commissioner hearing in October.

1.1.7. Greytown Development Area

Following the decision and notification, the area is subject to an Environment Court appeal. Staff have been working with the two appellants to try and reach agreement on respective matters prior to an Environment Court hearing. The two appeals are both being mediated through two memorandums of understanding. One appeal resolved, other appeal awaits trustee signatures on the agreement. This has avoided protracted time/related costs of appeal matters within the Environment Court.

1.1.8. Greytown Orchards Retirement Village

Processing a resource consent for first stage and a private plan change for master plan/rezoning land to residential. The applicants worked through the request for further information, application was publicly notified, twenty submissions received. The summary of submissions to be notified. Consultant Honor Clark processing this application for Council. A hearing is to be held in Greytown, by independent commissioner on 29-30 August 2019.

1.1.9. Featherston Tiny Homes/Brookside RC

The application has involved multiple meetings with planning staff on aspects. Currently the applicant has been requested to provide further information on urban design and traffic assessment. Once full application is submitted, application is likely to be limited notified to surrounding neighbours in line with RMA practice.

1.2 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. |

1.3 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% | 57% | Total 8/ 14 |
| | | 71% | 5/ 7 Land Use applications were completed within statutory timeframes. NCS |
| | | 43% | 3/ 7 Subdivision applications were completed within statutory timeframes. NCS |
| | | - | 0 marginal / permitted boundary activity applications were completed within statutory timeframes. NCS |
| s.223 certificates issued within 10 working days | 100% | 50% | 2 of 4 s223 certificates were certified within statutory timeframes. NCS. |
| s.224 certificates issued within 15 working days of receiving all required information (note no statutory requirement) | 95% | 89% | 8 out of 9 s224 certificates were certified. NCS. |

1.4 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. |

1.5 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% | 100% | 18/ 18 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 JULY 2019 TO 30 TH JUNE 2020 | PREVIOUS PERIOD 1 ST JULY 2018 TO 30 TH JUNE 2019 |
|--|---|--|--|---|
| Standard LIMs (Processed within 10 working days) | 18 | 15 | 18 | 15 |
| Urgent LIMs (Processed within 5 working days) | 5 | 4 | 5 | 4 |
| Totals | 23 | 23 | 23 | 23 |

1.6 Building Summary

1.6.1. 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% | 100% | NCS – 31 CCC's were issued within 20WD YTD |
| Building consent applications are processed within 20 working days | 100% | 100% | NCS – 43 consents were issued within 20WD YTD |
| Council maintains its processes so that it meets BCA accreditation every 2 years | Yes | Yes | Next accreditation review due January 2020. Council was re-accredited in January 2018 |
| 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 (July 2019– 487 inspections) BWOF's – Total 169 – average of 3 audits per month required, 4 audits carried out July. Swimming Pools – Total 279 – average of 7 audits per month required. 3 audits carried out in July. |
| Earthquake prone buildings reports received | 100% | N/A | Under previous legislation 148 of 229 known premises had been addressed. Under the new legislation, 248 were identified as EPB and through the modelling process we eliminated 132 buildings leaving 116 buildings potentially EPB. Council has now reviewed the potential Earthquake Prone Buildings (EPB) and letters have been |

| PUBLIC PROTECTION KEY PERFORMANCE INDICATORS | TARGET | YTD RESULT | COMMENT SOURCE, AND ACTIONS TAKEN TO ACHIEVE TARGET |
|---|--------|---------------|--|
| | | | <p>sent to owners advising them of their buildings status.</p> <p>104 letters sent out in total.</p> <p>11 (previously 12) - still being assessed by LGE</p> <p>Status:</p> <p>69 - identified as no longer EPB</p> <p>20 (previously 21) - require engineer assessment</p> <ul style="list-style-type: none"> - 3 or the 21 approved extensions - 3 or the 21 engineers reports received & 1 confirmation report is being completed - 1 added to list after LGE completed their assessment - 1 building demolished as a result of a fire <p>14 (previously 15) - identified as EPB and have been sent notices to be affixed to the building.</p> <ul style="list-style-type: none"> - 2 of the 14 have building consents for strengthening work - 1 building has been demolished (Anglican Church in Featherston) |

1.6.2. Building Consents Processed

| TYPE –MAY - JULY 2019 | NUMBER | VALUE |
|--|-----------|--------------------|
| Commercial (shops, restaurants, rest home – convalescence, restaurant /bar / cafeteria / tavern, motel, commercial building demolition - other commercial buildings) | 2 | \$13,000 |
| Industrial (covered farm yards, building demolition, warehouse and/or storage, factory, processing plant, bottling plant, winery) | 1 | \$3,000 |
| Residential (new dwellings, extensions and alterations, demolition of building, swimming and spa pools, sleep-outs, garages, relocations, heaters, solid fuel heaters). | 47 | \$4,062,039 |
| Other (public facilities - schools, toilets, halls, swimming pools) | 0 | \$0 |
| Totals | 50 | \$4,078,039 |

1.7 Environmental Health and Public Protection

1.7.1. 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 |
| Complaints about roaming and nuisance dogs are responded to within 4 hours | 100% | 100% | K:\resource\Bylaw Officers\Registers\AC Service Requests.xls 8/8 |
| Complaints about dog attacks on persons, animals or stock are responded to within 1 hour | 100% | 100% | 2/2 |

Officers have planned since November 2018 to undertake education visits to two Wairarapa based businesses who had a role to play in a dog attack that occurred on 31st October 2018. Officers classified the dog as menacing following that attack, with the classification subsequently appealed. The Hearings Committee decided on 10 July to uphold the menacing classification. As such, officers expect that these education visits will count as 'extra' education visits in the 2019 period.

| INCIDENTS REPORTED FOR PERIOD 1 JULY 2019 TO 31 JULY 2019 | FEATHERSTON | GREYTOWN | MARTINBOROUGH |
|--|-------------|----------|---------------|
| Attack on Pets | 1 | - | - |
| Attack on Person | 1 | - | - |
| Attack on Stock | - | - | - |
| Barking and whining | - | - | 1 |
| Lost Dogs | - | - | 1 |
| Found Dogs | - | - | 1 |
| Rushing Aggressive | - | - | 1 |
| Wandering | 2 | 3 | - |
| Welfare | - | - | - |
| Fouling | - | - | - |
| Uncontrolled (off leash urban) | - | - | - |

1.7.2. 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 No incidents |
| 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 1 incident |

| INCIDENTS REPORTED | TOTAL FOR PERIOD 1 JULY 2019 TO 31 JULY 2019 |
|--------------------|---|
| Stock | 1 |

1.7.3. 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% | 100% | K:\resource\Health\Resource Management\Noise Control Complaints 9/9 attended within timeframe |

| AFTER HOURS NOISE CONTROL COMPLAINTS RECEIVED | YTD 1 JULY 2019 TO 31 JULY 2019 | PREVIOUS YTD 1 JULY 2018 TO 31 JULY 2018 | PERIOD 1 JULY 2019 TO 31 JULY 2019 | PREVIOUS PERIOD 1 JULY 2018 TO 31 JULY 2018 |
|---|---------------------------------------|--|--|---|
| Total | 9 | 2 | 9 | 2 |

Officers will start to charge the recently approved \$160 fee for each justified noise control callout. Previously, Council had a fee of \$357 for a seizure of equipment causing a verified noise nuisance. This fee was not charged frequently as seizures are not common. The charging of the new fee will allow Council to recoup its costs for providing the noise control function. If this fee existed and was charged during the 2018-19 year, it would have resulted in Council recouping approximately \$18,000 to cover the costs of our afterhours noise control contractor.

1.7.4. Sale and Supply of Alcohol Act - Licensing

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

| PUBLIC PROTECTION KEY PERFORMANCE INDICATORS | 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% | 4% YTD | MAGIQ data. All premises inspected at new or renewal application stage (2/45*). *Number of inspections completed of licences coming up for renewal within the YTD period. 122 licences in total. Total number of licences is subject to change month by month as new businesses open and existing premises close. |
| Premises that are high risk are inspected annually, while low or medium risk premises are audited no less than once every three years. | 100% | 4% YTD | 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 24 low and medium licences due for renewal or new inspections in this financial year. 1 of these have been inspected as at 31 July 2019. Total number of licences is subject to change month by month as new businesses open and existing premises close. (1/24) |
| Compliance activities are undertaken generally in accord with the Combined Licensing Enforcement Agencies agreement. | 100% | N/A | 1 meeting held August 2019. No compliance inspections undertaken with the CLEG to date. |

As the Committee will be aware, there has been a backlog of alcohol licences that have needed processing, which has resulted in time delays for inspections. With the employment of a dedicated alcohol licensing inspector, this backlog has predominantly been cleared and it is anticipated that this will facilitate timely alcohol inspections.

| ALCOHOL LICENCE APPLICATIONS PROCESSED | YTD 1 JULY 2019 TO 31 JULY 2019 | PREVIOUS YTD 1 JULY 2018 TO 31 JULY 2018 | PERIOD 1 JULY 2019 TO 31 JULY 2019 | PREVIOUS PERIOD 1 JULY 2018 TO 31 JULY 2018 |
|--|---------------------------------------|--|--|---|
| On Licence | 4 | 0 | 4 | 0 |
| Off Licence | 5 | 1 | 5 | 1 |
| Club Licence | 3 | 1 | 3 | 1 |
| Manager's Certificate | 7 | 2 | 7 | 2 |
| Special Licence | 3 | 2 | 3 | 2 |
| Temporary Authority | 0 | 2 | 0 | 2 |
| Total | 22 | 8 | 22 | 8 |

1.8.1. 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) – 94 NP – 62 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% | 0% | FCP verifications – 0/94 *Total number of premises is subject to change month by month as new businesses open and existing premises close. |

The large workload increases for Council staff that has been brought about by the Food Act 2014 has made it challenging to have all businesses verified in a timely manner. Officers have had to be pragmatic in providing additional educational activities to operators during the verifications. This has made the verifications take longer and therefore place pressure on the number of businesses that can be verified in a given time.

1.8.2. Bylaws

Between 1 July 2019 and 31 July 2019 there were no notices relating to trees and hedges, 2 litter and 2 abandoned vehicle complaints.

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

PLANNING AND REGULATORY COMMITTEE

4 SEPTEMBER 2019

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 the Chief Executive for comment and all members may ask the Chief Executive 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 remain in a master register but no longer reported on. Procedural resolutions are not reported on.

2. Appendices

Appendix 1 - Action Items to 4 September 2019

Contact Officer: Suzanne Clark, Committee Advisor

Reviewed By: Harry Wilson, Chief Executive

Appendix 1 – Action Items to 4 September 2019

| Ref # | Raised Date | Action Type | Responsible Manager | Action or Task details | Open | Notes |
|-------|-------------|-------------|---------------------|--|----------|---|
| 860 | 12-Dec-18 | Action | Russell | Integrate the WEDS wheel into the South Wairarapa spatial plan project | Open | Noted. Info from Wairarapa Economic Development Strategy to be integrated with Spatial Plan project. 5/6/19: Transferred to P&R |
| 234 | 1-May-19 | Action | Russell | Provide information to the P&R Committee on the current protected status, condition and exact GPS location of the Carkeek Observatory | Open | The old observatory is not a protected building under the current District Plan. Dark Sky Society has approached Heritage NZ about future protection of the building. A subject for the District Plan review. |
| 434 | 19-Jun-19 | Resolution | Russell | PLANNING AND REGULATORY RESOLVED (PR2019/07) 1. To receive the Report on proposed Dog Pound South Wairarapa and Carterton District Location Recommendation. (Moved Cr Jephson/Seconded Ramsden) Carried 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 | Open | 15/7/19: Information report to P&R for 24 July 19. 8/19: Consultant report being compiled on three sites, costings and components for combined CDC/SWDC new dog pound. |
| 22 | 24-Jul-19 | Action | Russell | To provide further information regarding the Spatial Plan to FCB members. | Actioned | 20/8/19: Detailed email sent to FCB members providing additional information. |