

Agenda for a meeting of the Policy & Regulatory Committee to be held in the Council Chambers, District Office, 15 Galileo Street, Ngaaruawaahia on **TUESDAY, 22 AUGUST 2023** commencing at **9.30am**.

1. APOLOGIES AND LEAVE OF ABSENCE

2. CONFIRMATION OF STATUS OF AGENDA

3. DISCLOSURES OF INTEREST

The register of interests is no longer included on agendas, however members still have a duty to disclose any interests under this item.

4. CONFIRMATION OF MINUTES

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7. EXCLUSION OF THE PUBLIC

GJ Ion
CHIEF EXECUTIVE

POLICY & REGULATORY COMMITTEE

Reports to:	Council
Chairperson:	Deputy Mayor Carolyn Eyre
Deputy Chairperson:	Cr Crystal Beavis
Membership:	The Mayor and all Councillors
Meeting frequency:	Six-weekly
Quorum:	Majority of the members (including vacancies)

Purpose

The Policy & Regulatory Committee is responsible for the Council's governance policies and bylaws, reviewing the District Plan and overseeing civil defence and emergency management issues.

In addition to the common delegations on page 10, the Policy & Regulatory Committee is delegated the following Terms of Reference and powers:

Terms of Reference:

1. To establish, implement and review the governance policy framework that will assist in achieving the Council's strategic priorities and outcomes.
2. To develop, review and approve the consultation process for Council bylaws.
3. To consider and determine changes to the schedules and parking restrictions in the Public Places Bylaw 2016, including hearing any submissions relating to those proposed changes.
4. To hear and determine matters arising under current bylaws, including applications for dispensation from compliance with the requirements of bylaws, unless such matters are otherwise delegated by Council.
5. To administer the Council's District Plan in accordance with the Resource Management Act 1991.
6. To monitor the performance of regulatory decision-making by the District Licensing Committee¹, Regulatory Subcommittee and officers under their respective delegations.
7. To monitor the Council's Civil Defence and Emergency Management framework.

¹ For clarity, the District Licensing Committee is a committee of Council under the Sale and Supply of Alcohol Act 2012.

The Committee is delegated the following powers to act:***Governance Policies***

- Develop and agree governance policies for the purpose of consultation/engagement.
- Recommend to Council policy for adoption, amendment or revocation.
- Monitor and review policy, including recommending amendments to any policy as and when required.

Bylaws

- Develop and approve the statement of proposal for new or amended bylaws for consultation.
- Recommend to Council new or amended bylaws for adoption.

District Plan

- Review and approve for notification a proposed district plan, a proposed change to the District Plan, or a variation to a proposed plan or proposed plan change (excluding any plan change notified under clause 25(2)(a), Schedule I of the Resource Management Act 1991)
- Withdraw a proposed plan or plan change under clause 8D, Schedule I of the Resource Management Act 1991.
- Make the following decisions to facilitate the administration of plan changes, variations, designation and heritage order processes:
 - a. To decide whether a decision of a Requiring Authority or Heritage Protection Authority will be appealed to the Environment Court by the Council and authorise the resolution of any such appeal, provided such decisions are consistent with professional advice.
 - b. To consider and approve Council submissions on a proposed plan, plan changes, and variations.
 - c. To monitor the private plan change process.
 - d. To accept, adopt or reject private plan change applications under clause 25, Schedule I, Resource Management Act 1991.

Other Resource Management Issues

- Pursuant to Section 34(1) of the Resource Management Act 1991, to exercise all of the Council's functions, powers and duties under that Act, except the functions, powers and duties:
 - a. that cannot be delegated or that are otherwise retained by the Council under its terms of reference; or
 - b. expressly delegated to other Council committees or decision-making bodies, or officers.
- Monitor and approve submissions in relation to National Policy Statements.

Civil Defence and Emergency Management

- Monitor the performance of Waikato District's civil defence and emergency management response against Council's requirements under the Civil Defence and Emergency Management Act including:
 - a. implementation of Government requirements; and
 - b. co-ordinating with, and receiving reports from, the Waikato Region Civil Defence and Emergency Management Group Joint Committee.

Other Delegations

- Exercise all of the Council's functions, powers and duties under the Building Act 2004, the Health Act 1956, and the Food Act 2014, and the respective regulations made under these Acts, except the functions, powers and duties:
 - a. that cannot be delegated or that are otherwise retained by the Council under its terms of reference; or
 - b. expressly delegated to other Council committees or decision-making bodies, or officers.
- Approval of attendance of elected members at conferences, seminars, training or events, in accordance with Council policy.

To	Policy and Regulatory Committee
Report title	Confirmation of Minutes
Date:	15 August 2023
Report Author:	Lynette Wainwright, Democracy Advisor
Authorised by:	Gaylene Kanawa, Democracy Manager

1. Purpose of the report

Te Take moo te puurongo

To confirm the minutes for a meeting of the Policy and Regulatory (P&R) Committee held on Tuesday, 11 July 2023.

2. Staff recommendations

Tuutohu-aa-kaimahi

THAT the minutes for a meeting of the Policy & Regulatory Committee meeting held on Tuesday, 11 July 2023 be confirmed as a true and correct record.

3. Attachments

Ngaa taapirihanga

Attachment 1 – Minutes for P&R Committee meeting held on Tuesday, 11 July 2023

Minutes for a meeting of the Policy & Regulatory Committee of the Waikato District Council held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawaahia on **TUESDAY, 11 JULY 2023** commencing at **9.32am.**

Present:

Cr CA Eyre (Chairperson)
Her Worship the Mayor, Mrs JA Church
Cr C Beavis
Cr M Keir
Cr K Ngataki
Cr EM Patterson
Cr V Reeve
Cr LR Thomson
Cr P Thomson
Cr T Turner
Cr D Whyte

Attending:

Mr G Ion (Chief Executive)
Mr T Whittaker (Chief Operations Officer)
Mrs S O’Gormon (General Manager)
Ms A Diaz (Chief Financial Officer)
Mr J Ebonhoh (Planning & Policy Manager)
Ms K Rinaldi (Corporate Planner)
Ms E Wright McHardie (Corporate Planning Contractor) (*via audio-visual conference*)
Ms T O’Shannessey (Monitoring Team Leader)
Mrs LM Wainwright (Democracy Advisor)
Ms R Chisholm (Democracy Advisor)

The meeting opened with a karakia.

APOLOGIES AND LEAVE OF ABSENCE

Resolved: (Crs Ngataki/Keir)

THAT the Policy & Regulatory Committee:

- a. accepts the apology from Cr M Raumati for non-attendance.

CARRIED

P&R2307/01

CONFIRMATION OF STATUS OF AGENDA ITEMS

Resolved: (Crs Eyre/Beavis)

THAT:

- a. the agenda for a meeting of the Policy & Regulatory Committee held on Tuesday, 11 July 2023 be confirmed;
- b. all reports be received; and
- c. in accordance with Standing Order 9.9, Item 6.2 (*District Plan Forward Works Programme*) be withdrawn from the agenda.

CARRIED

P&R2307/02

CONFIRMATION OF MINUTES

Resolved: (Her Worship the Mayor, Mrs JA Church/Cr Beavis)

THAT the minutes for a meeting of the Policy & Regulatory Committee held on Monday, 29 May 2023 be confirmed as a true and correct record of that meeting.

CARRIED

P&R2307/03

DISCLOSURES OF INTEREST

There were no disclosures of interest.

ACTIONS REGISTER

Agenda Item 5

The report was received [*P&R2307/02 refers*] and the Chief Operating Officer spoke to the report. The following items were discussed:

Small Community Events requiring traffic management

Traffic management discussions had been held with Waikato District Alliance on the COPTTM (Code of Practice for Temporary Traffic Management) vs a risk-based approach. A question was raised on where Maaori Wardens sat with traffic management in the process. Councillors Patterson and Whyte would be attending a meeting on Friday, 21 July 2023 with Waikato District Council staff, and a member from Downers (Alliance partner) for a traffic management update and what, if any, progress had been made. If any councillors had questions they would like raised at the meeting, they could email the questions to either Councillor Patterson or Whyte to discuss at the meeting.

ACTION: This action to be removed from the register.

Traffic Management Plan discussion with Executive Leadership Team

ACTION: This action to be removed from the register.

Te Reo policy

The policy had been adopted at the Waikato District Council meeting held on Wednesday, 7 June 2023.

ACTION: This action to be removed from the register.

REPORTS

Proposed new Freedom Camping Bylaw adoption for consultation
Agenda Item 6.1

The report was received [P&R2307/02 refers] and the Corporate Planner and Monitoring Team Leader, supported by the Corporate Planning Contractor, spoke to the report. The following items were discussed:

- Seven (7) key changes had been made as outlined in the report.
- The report clarified and amended the district-wide restriction to apply a maximum number of nights a person can freedom camp in a particular area and what constituted a new area if campers were required to move to another area.
- Clarified the process and requirements for people who may wish to apply for an exception to a prohibition or restriction and changes to specific areas which were prohibited or restricted.
- Maps – reference numbers were not shown on the maps. This would be remedied to enable easy reference within the schedule document. It was noted that maps required correct location and place names eg. “Manu Bay Reserve” should show as Manu Bay Reserve, Raglan, Kopua Domain should read Papahua Domain and Maraetai Bay Road should read Maraetai Bay Road, Port Waikato.

ACTION: Staff to remedy the map reference numbers and ensure location and place names were correct.

- Camping on reserves would be covered under the Reserve Management Plans.
- It was noted that pages 73 and 84 were shown twice in the agenda document.
- All areas were assessed under the matrix which Councillors had received at the recent workshop. Legislation required Council to have a robust reason for having, or not having, restrictions.
- Rationale of non self-contained areas. These areas were a legacy from the 2015 engagement held with communities. Onewhero had received funds through Tourism Infrastructure to support the facilities onsite at the Onewhero Domain.

- Bans could not be placed wherever Council wanted and this was covered under legislation e.g. because there were no toilets in an area did not mean freedom campers could not camp there.
- A suggestion was made that there be a defined area for motorhomes at the St Stephens Road, Tuakau site. Trucks were a problem at this site during the night.
- There was a lack of toilet facilities at Mercer. This area would require a restriction for self-contained vehicles. The truck stop toilets were open 12 hours per day and were not available for freedom campers out of hours.

ACTION: Staff to carry out a spell check before the consultation documents go out to ensure there were no errors.

Resolved: (Crs Beavis/Reeve)

THAT the Policy and Regulatory Committee:

- a. **determines it is necessary to make a bylaw under section 11(2) of the Freedom Camping Act 2011 for one or more of the following purposes:**
 - i. **to protect an area;**
 - ii. **to protect the health and safety of people who may visit an area; and**
 - iii. **to protect access to an area;**
- b. **confirms that:**
 - i. **the Draft Proposed New Freedom Camping Bylaw 2023 is the most appropriate and proportionate way of addressing the perceived problem in relation to that area; and**
 - ii. **the Draft Proposed New Freedom Camping Bylaw 2023 is not inconsistent with the New Zealand Bill of Rights Act 1990;**
- c. **approves the statement of proposal, which includes the Draft Proposed New Freedom Camping Bylaw for public consultation in Attachment I;**
- d. **approves consultation to commence in accordance with s83 of the Local Government Act 2002 on the Draft Proposed New Freedom Camping Bylaw 2023 for the period 13 July until 14 August 2023; and**
- e. **authorises the Chief Executive to make any editorial or layout changes to the statement of proposal that may be necessary before it is made publicly available.**

CARRIED

P&R2307/04

District Plan Forward Works Programme
Agenda Item 6.2

This item was withdrawn from the agenda [P&R2307/02 refers].

The meeting closed with a Karakia.

There being no further business the meeting was declared closed at 10.15am.

Minutes approved and confirmed this day of 2023.

Cr C Eyre
CHAIRPERSON

To	Policy and Regulatory Committee
Report title	Actions Register – August 2023
Date:	22 August 2023
Report Author:	Elaine Digby, EA to the General Manager Customer Support
Authorised by:	Sue O’Gorman, General Manager Customer Support

1. Purpose of the report **Te Take moo te puurongo**

To update the Policy and Regulatory Committee on the actions arising from the previous meeting.

2. Staff recommendations **Tuutohu-aa-kaimahi**

THAT the Policy and Regulatory Committee receives the Actions Register – August 2023 report.

3. Attachments **Ngaa taapirihanga**

Attachment 1 – Policy and Regulatory Committee Actions Register August 2023

Policy and Regulatory Committee Actions Register August 2023

	Action	Responsible to Action	Status/Update/Response
1.	<p>Proposed new Freedom Camping Bylaw adoption for consultation</p> <p>Staff to remedy the map reference numbers and ensure location and place names were correct.</p> <p>Staff to carry out a spell check before the consultation documents go out to ensure there were no errors.</p>	<p>Policy and Planning</p> <p>Mary Rinaldi – Corporate Planner</p>	<p>August 2023</p> <p>Proposed Freedom Camping Bylaw is now being consulted on and these checks were completed before opening consultation</p>

To	Policy and Regulatory Committee
Report title	Approval to Consult - Dangerous, Affected and Insanitary Buildings Policy 2023
Date:	6 July 2023
Report Author:	Toby McIntyre, Policy Advisor
Authorised by:	Sue O’Gorman, General Manager Customer Support

1. Purpose of the report

Te Take moo te puurongo

To seek approval from the Policy and Regulatory Committee to consult on the proposed Dangerous, Affected and Insanitary Buildings Policy 2023.

2. Executive summary

Whakaraapopotanga matua

Under Section 131 of the Building Act 2004 (the Act) all territorial authorities are required to adopt a policy on dangerous and insanitary buildings.

The policy must state:

- a. the approach that the territorial authority will take in performing its functions under this Part; and
- b. the territorial authority’s priorities in performing those functions; and
- c. how the policy will apply to heritage buildings.

Council last reviewed this policy in 2018, and it is now time for us to do so again. The proposed policy is intended to replace the Dangerous, Affected and Insanitary Buildings Policy 2018. As a part of the policy review, the Act requires Council to undergo a Special Consultative Procedure (as per Section 83 of the Local Government Act 2002).

There are no substantive changes being proposed to be made to the policy, with only minor changes from the 2018 Policy, to reflect small shifts in the Act and the renaming of the New Zealand Fire Service to Fire and Emergency New Zealand.

If approved, this report will allow consultation from 23 August to 22 September 2023. Hearings and Deliberations will take place with the Policy and Regulatory Committee on 3 October, at which a recommendation to adopt will be sought for Council on 9 October 2023.

3. Staff recommendations Tuutohu-aa-kaimahi

That the Waikato District Council:

- a. adopts the Statement of Proposal on the Proposed Dangerous, Affected and Insanitary Buildings Policy 2023 (Attachment 1); and**
- b. approves consultation to commence in accordance with s83 of the Local Government Act 2002 on the Proposed Dangerous, Affected and Insanitary Buildings Policy 2023 (Attachment 2).**

4. Background Koorero whaimaarama

Under Section 131 of the Building Act 2004 (the Act) all territorial authorities are required to adopt a policy on dangerous and insanitary buildings. Waikato District Council adopted such a policy in 2006. In 2013 the Act was amended to require councils to also consider 'affected buildings' in their policies. Council last reviewed this policy in 2018, and it is now time for us to do so again. The proposed policy is intended to replace the Dangerous, Affected and Insanitary Buildings Policy 2018.

The provisions of the Building Act 2004 reflect the government's broad concern with public safety in buildings and the need to reduce the danger to the public posed by dangerous and insanitary buildings.

The Act requires Council to develop and adopt a policy for the management of these buildings but provides discretion in the approach to be adopted and implementation of the Policy. This policy is Council's response to the requirements of the Act.

The policy sets out Council's response to the policy requirements of the Act in relation to Dangerous, Affected and Insanitary buildings.

5. Discussion and analysis Taataritanga me ngaa tohutohu

As there are no substantive changes being proposed, the consultation (included below) instead is setting out what the policy covers and asks for feedback on Council's approach to meeting the requirements of s131 and 132 of the Building Act 2004.

The proposed policy sets out:

- how we define dangerous, affected and insanitary buildings;
- how we approach the management of dangerous, affected and insanitary buildings;
- how we respond to complaints about potentially dangerous, affected or insanitary buildings;
- how we interact with the related sections of the Act (specifically how we apply the principles of the Act);
- how we deal with the impacts of the policy; and
- how the policy is applied to heritage buildings.

What we'd like to know

The Dangerous, Affected and Insanitary Buildings Policy 2023 is how Council is responding to the requirements of Sections 131 and 132 of the Building Act 2004.

Is there anything about our policy approach to the requirements of the Act that you would like provide feedback on?

5.1 Options

Ngaa koowhiringa

The following options have been identified.

Option 1 – Proposed Policy is adopted for consultation

Council accepts the recommendation in this report and begins consultation on the proposed policy from 23 August to 22 September 2023.

Option 2 – Further work is undertaken on the Policy

Council does not accept the recommendation to begin consultation and requests staff make amendments to the proposed policy, postponing consultation to a later date.

Staff recommend Option 1 as the proposed policy is drawn directly from the Building Act 2004, which has not undergone any significant changes since the adoption of the previous policy and has been judged as fit for purpose.

5.2 Financial considerations

Whaiwhakaaro puutea

There are no material financial considerations associated with the recommendations of this report.

5.3 Legal considerations **Whaiwhakaaro-aa-ture**

Staff confirm that the decision to consult complies with the Council's legal and policy requirements.

5.4 Strategy and policy considerations **Whaiwhakaaro whakamaaherehere kaupapa here**

The report and recommendations are consistent with the Council's policies, plans and prior decisions.

5.5 Maaori and cultural considerations **Whaiwhakaaro Maaori me oona tikanga**

No specific cultural issues have been identified with respect to this decision.

5.6 Climate response and resilience considerations **Whaiwhakaaro-aa-taiao**

The matters in this report have no known impact on climate change or resilience for the Council.

5.7 Risks **Tuuraru**

A minor risk could develop if Council does not recommend the policy for consultation at this time, as it could create delays in adopting the new policy, however, as per s132 of the Building Act 2004, the current policy does not cease to have effect because it is due for review or being reviewed.

6. Significance and engagement assessment **Aromatawai paahekoheko**

6.1 Significance **Te Hiranga**

The decisions and matters of this report are assessed as of moderate significance, in accordance with the Council's [Significance and Engagement Policy](#).

This considers the following relevant criteria:

- There is a legal requirement to engage with the community.
-

6.2 Engagement

Te Whakatuutakitaki

Highest level of engagement	Inform	Consult	Involve	Collaborate	Empower
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Public notices in local papers; An update on the Council Website; Promotional media release; 					

External stakeholders that have been engaged with:

Planned	In Progress	Complete	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Internal
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Community Boards/Community Committees
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Waikato-Tainui/Local iwi and hapuu
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Affected Communities

7. Next steps

Ahu whakamua

If the Council approves consultation on the proposed policy, formal consultation will begin on 23 August and close on 22 September 2023.

Hearings and Deliberations will take place with the Policy and Regulatory Committee on 3 October 2023, at which a recommendation to adopt will be sought for Council on 9 October 2023.

8. Confirmation of statutory compliance Te Whakatuuturutanga aa-ture

As required by the Local Government Act 2002, staff confirm the following:

The report fits with Council's role and Committee's Terms of Reference and Delegations.	Confirmed
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The report contains sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages (<i>Section 5.1</i>).	Confirmed
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Staff assessment of the level of significance of the issues in the report after consideration of the Council's Significance and Engagement Policy (<i>Section 6.1</i>).	Minor
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The report contains adequate consideration of the views and preferences of affected and interested persons taking account of any proposed or previous community engagement and assessed level of significance (<i>Section 6.2</i>).	Confirmed
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The report considers impact on Maaori (<i>Section 5.5</i>)	Confirmed
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The report and recommendations are consistent with Council's plans and policies (<i>Section 5.4</i>).	Confirmed
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The report and recommendations comply with Council's legal duties and responsibilities (<i>Section 5.3</i>).	Confirmed
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9. Attachments Ngaa taapirihanga

Attachment 1 – Statement of Proposal – Proposed Dangerous, Affected and Insanitary Buildings Policy 2023

Attachment 2 – Proposed Dangerous, Affected and Insanitary Buildings Policy 2023

Attachment 3 – Dangerous, Affected and Insanitary Building Policy Tracked Changes Version

Attachment 4 – Printable Submission Form - Proposed Dangerous, Affected and Insanitary Buildings Policy 2023



Warning

Dangerous building

LET US
KNOW WHAT
YOU THINK

STATEMENT OF PROPOSAL

DANGEROUS, AFFECTED AND
INSANITARY BUILDINGS POLICY

waikatodistrict.govt.nz

0800 492 452

This Statement of Proposal is made
for the purposes of Section 83
of the Local Government Act 2002 and
Section 131 and 132 of the Building Act 2004.

It includes:

- Background to the proposal
- Reasons for the proposal
- 'Have your say' details

BACKGROUND

Under Section 131 of the Building Act 2004 (the Act) all territorial authorities are required to adopt a policy on dangerous and insanitary buildings. Waikato District Council adopted such a policy in 2006. In 2013 the Act was amended to require councils to also consider 'affected buildings' in their policies. Council last reviewed this policy in 2018, and it is now time for us to do so again. The proposed policy is intended to replace the Dangerous, Affected and Insanitary Buildings Policy 2018.

The provisions of the Building Act 2004 reflect the government's broad concern with public safety in buildings and the need to reduce the danger to the public posed by dangerous and insanitary buildings.

The Act requires Council to develop and adopt a policy for the management of these buildings but provides discretion in the approach to be adopted and implementation of the policy. This policy is Council's response to the requirements of the Act.

The policy sets out Council's response to the policy requirements of the Act in relation to Dangerous, Affected and Insanitary buildings.

THE PROPOSED POLICY



While there are no substantial changes from the 2018 Policy being proposed for this review, the Act requires we undertake a Special Consultative Procedure at least once every five years to review the policy. We have updated the policy to reflect small shifts in the Act and the renaming of the New Zealand Fire Service to Fire and Emergency New Zealand.

Council's policy includes:

- The approach that Council will take in performing its functions under the Building Act 2004.
 - Council's priorities in performing those functions.
 - How the policy will apply to heritage buildings.
-



HOW YOU CAN HELP US

What we're doing now

The proposed policy sets out:

- how we define dangerous, affected and insanitary buildings;
- how we approach the management of dangerous, affected and insanitary buildings;
- how we respond to complaints about potentially dangerous, affected or insanitary buildings;
- how we interact with the related sections of the Act (specifically how we apply the principles of the Act);
- how we deal with the impacts of the policy; and
- how the policy is applied to heritage buildings.

What we'd like to know

The Dangerous, Affected and Insanitary Buildings Policy 2023 is how Council is responding to the requirements of Sections 131 and 132 of the Building Act 2004.

Is there anything about our policy approach that you would like provide feedback on?

SUBMISSIONS CAN BE:

ONLINE:

www.waikatodistrict.govt.nz/sayit



POSTED:

Waikato District Council
Private Bag 544
Ngaaruawaahia 3742

DELIVERED:

Waikato District Council
Attn: Policy Advisor
15 Galileo Street, Ngaaruawaahia
3742

Huntly Office
142 Main Street, Huntly 3700

Raglan Office
7 Bow Street, Raglan 3225

Tuakau Office
2 Dominion Rd, Tuakau 2121

Te Kauwhata Office
1 Main Road, Te Kauwhata 3710



EMAILED:

consult@waidc.govt.nz

Subject heading should read:
"Dangerous, Affected and
Insanitary Buildings Policy –
Submission"

WHAT HAPPENS NEXT?

Council will acknowledge each submission received in writing, either by letter or email.

Following the closing of submissions on 22 September 2023, all submissions will be reviewed. Verbal submissions will be heard and all submissions formally considered at a Policy and Regulatory meeting on 3 October 2023. This meeting is open to both submitters and the public to attend.

IMPORTANT DATES TO REMEMBER:

SUBMISSIONS OPEN – 23 August 2023

SUBMISSIONS CLOSE – 22 September 2023

HEARING OF SUBMISSIONS – 3 October 2023

If you have any further queries or would like further copies of the proposed policy, please contact
Toby McIntyre on 0800 492 452.

Dangerous, Affected and Insanitary Buildings Policy

Policy Owner:	Building Quality Manager
Date approved:	XX
Next review date:	September 2028
Document number:	XX
Required by legislation:	Section 131 and 132 of the Building Act 2004

I Introduction and Background

1.1 Under Section 131 of the Building Act 2004 (the Act) all territorial authorities are required to adopt a policy on dangerous and insanitary buildings. Waikato District Council (Council) adopted such a policy in 2006. In 2013 the Act was amended to require councils to also consider 'affected buildings' in their policies.

1.2 This Policy replaces Council's Dangerous, Affected and Insanitary Buildings Policy 2018.

1.3 Legislative Provisions

A building is defined as being dangerous in Section 121 of the Act if in the ordinary course of events (excluding the occurrence of an earthquake), the building is likely to cause:

- a) injury or death (whether by collapse or otherwise) to any persons in it or to persons on other property; or
- b) damage to other property; or
- c) in the event of fire, injury or death to any persons in the building or to persons on other property is likely.

A building is defined as affected in Section 121A of the Act if it is adjacent to, adjoining or nearby:

- (a) a dangerous building as defined in section 121; or
- (b) a dangerous dam within the meaning of section 153.

A building is defined as insanitary in Section 123 of the Act defines if it:

- a) is offensive or likely to be injurious to health because:
 - i) of how it is situated or constructed; or
 - ii) it is in a state of disrepair; or
- b) has insufficient or defective provisions against moisture penetration so as to cause dampness in the building or in any adjoining building; or
- c) does not have a supply of potable water that is adequate for its intended use; or
- d) does not have sanitary facilities that are adequate for its intended use.

2 Purpose

2.1 This document sets out Council's response to the policy requirements of the Act in relation to Dangerous and Insanitary buildings.

2.2 The policy includes:

- The approach that Council will take in performing its functions under the Building Act 2004.
- Council's priorities in performing those functions.
- How the policy will apply to heritage buildings.

3 Application

- 3.1 The provisions of the Building Act 2004 reflect the government's broad concern with public safety in buildings and the need to reduce the danger to the public posed by dangerous and insanitary buildings.
- 3.2 The Act requires Council to develop and adopt a policy for the management of these buildings but provides discretion in the approach to be adopted and implementation of the policy. This policy document is Council's response to the requirements of the Act.

4 Policy statements

4.1 Policy Approach

- 4.1.1 It is intended that Council will maintain a reactive approach to the management of dangerous, affected and insanitary buildings. Identification of these types of buildings is particularly difficult as a building's external appearance does not necessarily reflect its internal condition. For this reason, Council will continue to be reliant upon external sources such as building occupants, neighbours, police, fire service and other agencies to inform them of dangerous, affected and insanitary buildings.
- 4.1.2 Once a building has been brought to Council's attention, Council will then actively engage in inspection and assessment of the buildings condition in terms of the Act. Following confirmation of a buildings status as being dangerous, affected or insanitary, Council will actively work with building owners to find a mutually acceptable solution before exercising its powers under the Act.
- 4.1.3 Council will, however, exercise its statutory powers under Section 124 of the Act where action is required to avoid immediate danger or in circumstances where an acceptable solution cannot be reached with the building owner. Council will not actively inspect all buildings within the District but will make it a priority to quickly and efficiently respond to information received regarding potentially dangerous, affected and insanitary buildings.

5 Responding to Complaints about Potentially Dangerous, Affected or Insanitary Buildings

- 5.1 Once Council has received information regarding a potentially dangerous, affected or insanitary building it will:
 - Check the details of the property against Council records.
 - Have an authorised officer undertake an inspection of the building in question. In doing this, Council may seek advice from Fire Emergency New Zealand, or any other professional deemed appropriate by Council.
 - Prepare an inspection record.
- 5.2 Assessment Criteria

All inspections of potentially dangerous, affected or insanitary buildings will involve assessment of the building's condition in terms of the definitions in Sections 121 and 123 of the Act and the current building code requirements. Inspection records will be prepared in all cases.
- 5.3 Taking Action on Dangerous, Affected or Insanitary Buildings

Council will review the inspection record and any information received from the Fire and Emergency New Zealand and consider Sections 124 of the Act by an authorised Council Officer.

 - Where appropriate, try to work with the owner of the building to achieve an acceptable outcome.

- Where a mutually acceptable outcome cannot be reached, or where the situation requires, Council may invoke its powers under Sections 124, 126 or 129 of the Act.

5.4 Interacting with Building Owners and Complainants

Council will endeavour to work with property owners/occupiers. Warranted officers are not required to inform or obtain approval for inspections to determine whether or not a building is dangerous, affected or insanitary, unless the building is a household unit.

In these circumstances Council must either:

- a) obtain consent of the occupier of the household unit; or
- b) an order of a District Court.

Once Council has determined that a building is dangerous, affected or insanitary it will, in the first instance, consult with the owners of the subject building to further determine the circumstances and decide on an appropriate course of action. However, where the situation requires, immediate action will be taken without consultation with the building owner to remove danger or fix insanitary conditions.

Complainants will be informed of the inspection results and Council's intended course of action to deal with the situation.

5.5 Recording Information about Dangerous, Affected and Insanitary Buildings

All information relating to dangerous, affected and insanitary buildings will be filed on the relevant property file. This will include a copy of the original inspection record and any further action taken. This information will also be included on any LIM prepared for the property.

6 Interaction with Related Sections of Building Act 2003

In exercising its powers under the Act in relation to dangerous, affected and insanitary buildings Council will be guided by the purpose of the Act and the principles of its functions as set out in Section 4. Particular regard will be given to:

- harmful effects on human health; and
- special cultural, traditional or heritage aspects of a building; and
- protection of other property from physical damage resulting from use of a building; and
- preservation of buildings of significant cultural, historical or heritage value.

When issuing building consents Council will also consider any requirements relating to dangerous, affected and insanitary buildings.

7 Impacts of the Policy

Implementation of this policy will have beneficial effects on the health and safety of people using buildings. The policy provides a clear framework of how Council will manage unsatisfactory building conditions. Implementation of this policy will raise people's awareness of the processes that are in place to address such building issues and empower people to raise concerns about buildings and have these concerns investigated.

The options available to Council under the Act to deal with dangerous, affected and insanitary buildings will be applied with discretion. The situation regarding each building will be different and Council will weigh up all elements when deciding what approach should be taken to deal with the situation and remove or minimise the danger the building presents. The cost of any action taken will be borne by the building owner.

8 Application of the Policy to Heritage Buildings

This policy applies to heritage buildings in the same way it applies to all other buildings.

Where Council receives information regarding buildings which have a heritage classification, either in the District Plan or under Heritage New Zealand, in addition to consulting with affected owners Council will consider seeking advice from Heritage New Zealand.

9 Policy review

This policy shall be reviewed at five yearly intervals or as otherwise required by the Chief Executive or the Building Quality Manager.

Dangerous, Affected and Insanitary Buildings Policy

Policy Owner:	Building Quality Manager
Date approved:	XX
Next review date:	September 2028
Document number:	XX
Required by legislation:	Section 131 and 132 of the Building Act 2004

1 Introduction and Background

1.1 Under Section 131 of the Building Act 2004 (the Act) all territorial authorities are required to adopt a policy on dangerous and insanitary buildings. Waikato District Council (Council) adopted such a policy in 2006. In 2013 the Act was amended to require councils to also consider 'affected buildings' in their policies.

1.2 This Policy replaces Council's Dangerous, Affected and Insanitary Buildings Policy 2018.

1.3 Legislative Provisions

A building is defined as being dangerous in Section 121 of the Act if in the ordinary course of events (excluding the occurrence of an earthquake), the building is likely to cause:

- a) injury or death (whether by collapse or otherwise) to any persons in it or to persons on other property; or
- b) damage to other property; or
- c) in the event of fire, injury or death to any persons in the building or to persons on other property is likely.

A building is defined as affected in Section 121A of the Act if it is adjacent to, adjoining or nearby:

- (a) a dangerous building as defined in section 121; or
- (b) a dangerous dam within the meaning of section 153.

A building is defined as insanitary in Section 123 of the Act defines if it:

- a) is offensive or likely to be injurious to health because:
 - i) of how it is situated or constructed; or
 - ii) it is in a state of disrepair; or
- b) has insufficient or defective provisions against moisture penetration so as to cause dampness in the building or in any adjoining building; or
- c) does not have a supply of potable water that is adequate for its intended use; or
- d) does not have sanitary facilities that are adequate for its intended use.

2 Purpose

2.1 This document sets out Council's response to the policy requirements of the Act in relation to Dangerous and Insanitary buildings.

2.2 The policy includes:

- The approach that Council will take in performing its functions under the Building Act 2004.
- Council's priorities in performing those functions.

- How the policy will apply to heritage buildings.

3 Application

- 3.1 The provisions of the Building Act 2004 reflect the government's broad concern with public safety in buildings and the need to reduce the danger to the public posed by dangerous and insanitary buildings.
- 3.2 The Act requires Council to develop and adopt a policy for the management of these buildings but provides discretion in the approach to be adopted and implementation of the policy. This policy document is Council's response to the requirements of the Act.

4 Policy statements

4.1 Policy Approach

- 4.1.1 It is intended that Council will maintain a reactive approach to the management of dangerous, affected and insanitary buildings. Identification of these types of buildings is particularly difficult as a building's external appearance does not necessarily reflect its internal condition. For this reason, Council will continue to be reliant upon external sources such as building occupants, neighbours, police, fire service and other agencies to inform them of dangerous, affected and insanitary buildings.
- 4.1.2 Once a building has been brought to Council's attention, Council will then actively engage in inspection and assessment of the buildings condition in terms of the Act. Following confirmation of a buildings status as being dangerous, affected or insanitary, Council will actively work with building owners to find a mutually acceptable solution before exercising its powers under the Act.
- 4.1.3 Council will, however, exercise its statutory powers under Section 124 of the Act where action is required to avoid immediate danger or in circumstances where an acceptable solution cannot be reached with the building owner. Council will not actively inspect all buildings within the District but will make it a priority to quickly and efficiently respond to information received regarding potentially dangerous, affected and insanitary buildings.

5 Responding to Complaints about Potentially Dangerous, Affected or Insanitary Buildings

- 5.1 Once Council has received information regarding a potentially dangerous, affected or insanitary building it will:
- Check the details of the property against Council records.
 - Have an authorised officer undertake an inspection of the building in question. In doing this, Council may seek advice from Fire Emergency New Zealand, or any other professional deemed appropriate by Council.
 - Prepare an inspection record.
- 5.2 Assessment Criteria
- All inspections of potentially dangerous, affected or insanitary buildings will involve assessment of the building's condition in terms of the definitions in Sections 121 and 123 of

the Act and the current building code requirements. Inspection records will be prepared in all cases.

5.3 Taking Action on Dangerous, Affected or Insanitary Buildings

Council will review the inspection record and any information received from the Fire and Emergency New Zealand and consider Sections 124 of the Act by an authorised Council Officer.

- Where appropriate, try to work with the owner of the building to achieve an acceptable outcome.
- Where a mutually acceptable outcome cannot be reached, or where the situation requires, Council may invoke its powers under Sections 124, 126 or 129 of the Act.

5.4 Interacting with Building Owners and Complainants

Council will endeavour to work with property owners/occupiers. Warranted officers are not required to inform or obtain approval for inspections to determine whether or not a building is dangerous, affected or insanitary, unless the building is a household unit.

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- a) obtain consent of the occupier of the household unit; or
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Once Council has determined that a building is dangerous, affected or insanitary it will, in the first instance, consult with the owners of the subject building to further determine the circumstances and decide on an appropriate course of action. However, where the situation requires, immediate action will be taken without consultation with the building owner to remove danger or fix insanitary conditions.

Complainants will be informed of the inspection results and Council's intended course of action to deal with the situation.

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- preservation of buildings of significant cultural, historical or heritage value.

When issuing building consents Council will also consider any requirements relating to dangerous, affected and insanitary buildings.

7 Impacts of the Policy

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awareness of the processes that are in place to address such building issues and empower people to raise concerns about buildings and have these concerns investigated.

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This policy applies to heritage buildings in the same way it applies to all other buildings.

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2.1 This document sets out Council's response to the policy requirements of the Act in relation to Dangerous and Insanitary buildings.

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- Council's priorities in performing those functions.
- How the policy will apply to heritage buildings.

3 Application

3.1 The provisions of the Building Act 2004 reflect the government's broad concern with public safety in buildings and the need to reduce the danger to the public posed by dangerous and insanitary buildings.

3.2 The Act requires Council to develop and adopt a policy for the management of these buildings but provides discretion in the approach to be adopted and implementation of the policy. This policy document is Council's response to the requirements of the Act.

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9 Policy review

This policy shall be reviewed at five yearly intervals or as otherwise required by the Chief Executive or the Building Quality Manager.



For internal use only:	
ECM project #	BYL22/01
ECM no. #	
Submission #	

Proposed Dangerous, Affected and Insanitary Buildings Policy 2023

Submission form (please provide feedback by **19 August 2023**)

Name/Organisation _____

Phone Number _____ Postcode _____

Email _____

A hearing will be held on the 13 September 2023. Would you like to present your submission in person to Council at the hearing?

Yes No

The proposed policy sets out:

- how we define dangerous, affected and insanitary buildings;
- how we approach the management of dangerous, affected and insanitary buildings;
- how we respond to complaints about potentially dangerous, affected or insanitary buildings;
- how we interact with the related sections of the Act (specifically how we apply the principles of the Act);
- how we deal with the impacts of the policy; and
- how the policy is applied to heritage buildings.

What we'd like to know

The Dangerous, Affected and Insanitary Buildings Policy 2023 is how Council is responding to the requirements of Sections 131 and 132 of the Building Act 2004.

Is there anything about our policy approach to the requirements of the Act that you would like provide feedback on?

Yes No I do not have a response for this section

Please help us understand your thoughts on this matter

Prefer to do it online?

You can complete the submission form online at www.waikatodistrict.govt.nz/sayit

Need more information

For more information, visit our website www.waikatodistrict.govt.nz

Privacy statement

The contents of your submission (not including your address and contact details) will be made public through Council agendas and as a result will be published on our website.

If you would like your name also kept confidential, please tick this box

To	Policy and Regulatory Committee
Report title	Proposed scope for 2024 development contribution policy review
Date:	22 August 2023
Report Author:	Will Gauntlett, Growth & Analytics Manager
Authorised by:	Clive Morgan, General Manager Community Growth

1. Purpose of the report

Te Take moo te puurongo

To present and seek approval for the proposed scope of the review of Waikato District Council's Development Contributions Policy (DC Policy).

2. Executive summary

Whakaraapopototanga matua

It is the Council's current position that costs of growth-related capital expenditure should largely be borne from participants in the property development process, rather than from rate payers at large or any other indirect funding source. The Council's primary mechanism for capturing those costs is via Development Contributions under the Local Government Act 2002 (LGA).

Council is required, under the LGA, to have a policy on development contributions in order to levy them. The legislation requires review of the DC Policy at least every three years and best practice links the review cycle to the preparation of the Long Term Plan.

Following workshops with the Development Agreements Committee and with Council, staff are presenting in this report a proposal of scope to Council for the policy review.

While it is acknowledged that the policy could undergo a wider review, it is the opinion of staff that, due to the extent of pending legislative reform and local government review, the review be kept relatively light, with more extensive policy and organisational approaches to be researched and explored in 2024-2026.

3. Staff recommendations Tuutohu-aa-kaimahi

THAT the Policy and Regulatory Committee:

- a. directs staff to initiate a review of the Waikato District Council's Development Contributions Policy, within the following scope:**
 - i. Updating schedules, catchment maps, and levies based on changes proposed and incorporated into the 2024-2034 Long Term Plan.**
 - ii. Amending minor errors and implementation pain-points.**
 - iii. Implementing Department of Internal Affairs guidance on best practice format and implement any legislative updates.**
 - iv. Preparing the policy to implement Affordable Waters legislative reform.**
 - v. Considering adding specific provisions in relation to retirement villages to increase certainty and reduce requirement for separate deferral agreements.**
 - vi. Reconsidering the classification and applicable levies for minor dwellings to ensure the levies paid are fair and proportional to the demand created.**

4. Background Koorero whaimaarama

4.1 Purpose of the DC Policy

Waikato District has experienced significant growth over the past decade which is forecasted to continue. Over the next decade a large proportion of this additional growth (as much as 80%) is expected to be in and around the district's towns and villages and be connected to and dependent on Council infrastructure.

Although growth is often described as positive for the community, it also presents several challenges. One of the greatest challenges for the Council is expanding its infrastructure networks to cater for increased demand.

The cost of expanding these networks typically comes with a high up-front capital cost. The issue of funding and financing this inevitably arises. A range of funding sources is available to Council including rates, grants, subsidies and development contributions.

Funding growth-related infrastructure via general rates (or other indirect means) can be inequitable, where existing ratepayers are neither the primary cause nor the primary beneficiaries. Where new infrastructure also benefits the wider community, an appropriate funding balance must be struck.

The purpose of development contributions under the LGA is to recover from persons undertaking development in a fair and equitable manner, and proportionally to the total cost of capital expenditure necessary to service growth over the long term.

It is the Council's current position that costs of growth-related capital expenditure should largely be borne from participants in the property development process, rather than from rate payers at large or any other indirect funding source.

The purpose of the current DC Policy is to:

- a. ensure that new development contributes fairly to the funding of Council's infrastructure; and
- b. establish a policy framework for the calculation and application of development contributions; and
- c. set development contribution levies at a level which enables the provision of infrastructure to accommodate growth and delivers on strategic outcomes.

4.2 Legislative context

Under section 102(1) and (2) of the LGA, a local authority must adopt a DC (or financial contributions) Policy (amongst other policies) to provide predictability and certainty about sources and levels of funding.

Section 106 and Subpart 5 of the LGA set out the legislative scope and limitations of a DC Policy.

Section 106(6) of the LGA requires a DC Policy to be reviewed at least once every three years using a consultation process that gives effect to the requirements of Section 82 (Principles of Consultation).

4.3 Waikato District's DC Policies

The Council has utilised development contributions as part of its funding mix for more than 15 years. The current DC Policy can be found on the [Council Website](#) alongside previous policies.

It is the view of staff that the current policy is largely fit for purpose. It is simple and, by and large, it is believed to be easy for developers and landowners to understand.

Council has a team of four staff who manage and implement the DC Policy and collect the levies on behalf of Council.

The DC levies themselves are informed by the capital works schedules determined through the Long-Term Plan. The projects, costs, years to be built and growth split are put into a mathematical model which determines the levies. The Council receives revenue towards capital projects in the order of \$15M per year from development contributions.

5. Discussion and analysis

Taataritanga me ngaa tohutohu

5.1 Scoping workshops

Staff held a workshop with the Development Agreement Committee on 12 June 2023 and with the whole of Council on 26 June 2023. The purpose of those workshops was to refresh Councillors on the purpose of the DC Policy and to discuss potential scope options for the review.

Broadly speaking, the options presented in those workshops have not changed from the options presented in Section 5.2 of this report. Noting, though, that the workshops, and the Councillor survey (sent following the workshops), were specifically used to inform the scope of Option 3, below.

A summary of the Councillor survey results is included in Attachment 1 of this report.

5.2 Options

Ngaa koowhiringa

Staff have assessed that there are three reasonable and viable options for the Policy and Regulatory Committee to consider.

Option 1: Limited Review

Scope includes:

- Update schedules, catchment maps, and levies based on changes proposed and incorporated into the 2024-2034 Long Term Plan (including incorporating district plan zone changes, where applicable).
- Amend minor errors and implementation pain-points.
- Implement Department of Internal Affairs (DIA) guidance on best practice format¹ and implement any legislative updates.
- Prepare the policy to implement Affordable Waters legislative reform.

Advantages	Disadvantages
<ul style="list-style-type: none"> • Can be completed within current budgets and resources. • Less effort exerted knowing that the policy will still need to be reviewed post-water reform. 	<ul style="list-style-type: none"> • Misses an opportunity to consider wider policy issues.

¹ [https://www.dia.govt.nz/diawebsite.nsf/Files/Development-contributions-policies-guide/\\$file/Development-contributions-policies-guide-v2.pdf](https://www.dia.govt.nz/diawebsite.nsf/Files/Development-contributions-policies-guide/$file/Development-contributions-policies-guide-v2.pdf)

Option 2: Moderate Review (recommended)

Scope includes Option 1 scope plus:

- Consider adding specific provisions in relation to retirement villages to increase certainty and reduce requirement for separate deferral agreements.
- Reconsider the classification and applicable levies for minor dwellings to ensure the levies paid are fair and proportional to the demand created.

Advantages	Disadvantages
<ul style="list-style-type: none"> • Can be completed within current budgets and resources. • Addresses two common implementation issues without making fundamental changes to the policy. 	<ul style="list-style-type: none"> • Misses an opportunity to consider wider policy issues. • Will still need to be reviewed post-water reform.

Option 3: Moderate review plus consider 1-2 wider policy issues:

Scope includes Option 2 scope plus investigating using the policy to incentivise:

- revitalisation of town centres.
- provision of affordable housing.

Advantages	Disadvantages
<ul style="list-style-type: none"> • Enables consideration of wider policy issues. • If incentives are viable, could drive behaviour change and outcomes. 	<ul style="list-style-type: none"> • Cannot be completed within current budgets and resources. • Will be difficult to complete within LTP timeframes. • Even if incentives are viable, unlikely to create significant financial incentives post-water reform. • Will still need to be reviewed and consulted on post-water reform.

As per feedback from the workshop and survey results (Attachment 1), elected members also indicated a strong desire to see staff investigate and understand the impacts Council policies and processes are having on the entire development lifecycle cost.

That is, the time and financial efficiencies that could be gained by streamlining processes may be more significant on total lifecycle cost to developers than any remissions/incentives Council may consider offering through the DC Policy. Staff are doing some exploratory work on this.

Staff recommend Option 2 as it is the most reasonably practicable option.

In addition to progressing the Option 2 scope now, staff intend to propose to Council resourcing for consideration in the 2024-2034 Long Term Plan to progress the two additional policy issues identified in Option 3 (using DC Policy to incentivise revitalisation of town centres, and provision of affordable housing) but will seek to do so in a more holistic way, as identified as the preference in the elected member survey.

5.3 Financial considerations

Whaiwhakaaro puutea

There are no material financial considerations associated with the recommendations of this report. The recommended option can proceed within current resourcing and budget.

As part of the DC Policy review work itself and the associated Long Term Plan capital works programming, financial considerations will be thoroughly assessed. The resulting DC levies will be subject to further consideration by Council and consultation.

5.4 Legal considerations

Whaiwhakaaro-aa-ture

There are no material legal considerations associated with the recommendations of this report. As part of the DC Policy review, legal considerations will be thoroughly assessed, and the review process is recommended to include an independent legal review.

5.5 Strategy and policy considerations

Whaiwhakaaro whakamaaherehere kaupapa here

The proposal is deemed to be in line with Council's strategies and policies. The review will be carried out in conjunction with the LTP process, in order to ensure that the policy aligns with any strategic shifts.

5.6 Maaori and cultural considerations

Whaiwhakaaro Maaori me oona tikanga

Maaori and cultural considerations will be considered as part of the review. It is noted that the LGA directs that the DC Policy must support the principles set out in the Preamble of Te Ture Whenua Maori Act 1993. Further, LGA Section 82 consultation directs Council to ensure that it has in place processes for consulting with Maaori.

As an aside, Council staff have been working on a "DC Flyer" for Papakaainga developments. This was following some confusion from whaanau as to the applicability of DCs to Papakaainga developments.

It is intended to help raise awareness, especially early during the project feasibility phase. The flyer is being prepared with input from key elected members and will include engagement with two whaanau in Ngaaruawaahia who have recently completed Papakaainga and paid DCs.

5.7 Climate response and resilience considerations

Whaiwhakaaro-aa-taiao

There are no material climate response and resilience considerations associated with this report.

5.8 Risks

Tuuraru

Council's DC Policy needs to be robust to reduce the likelihood of successful challenge and to ensure that development adequately and fairly contributes to the growth-related capital expenditure of Council.

The existing DC Policy is considered by staff to be robust and will be further improved by the review scope as recommended. The review will include consideration of both risk and reward to Council, developers and ratepayers.

6. Significance and engagement assessment

Aromatawai paahekoheko

6.1 Significance

Te Hiranga

The decisions and matters of this report are assessed as of low significance, in accordance with the Council's [Significance and Engagement Policy](#) however following staff undertaking the review, a further report will be brought to Council that will be assessed as High significance and the DC Policy review will be subject to the required consultation.

The following criteria will be particularly relevant in determining the level of significance when it comes to community engagement on the DC Policy review:

- The proposal or decision will affect a large portion of the community.
 - The community interest is likely to be high.
-

6.2 Engagement

Te Whakatuutakitaki

Highest level of engagement	Inform	Consult	Involve	Collaborate	Empower
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>The staff recommendation is that the DC Policy review will be consulted on in conjunction with the Long Term Plan Consultation.</p> <p>A specific Communications and Engagement Plan will be prepared for the DC Policy review which may include pre-engagement on the two additional items identified in the recommended Option 2 scope.</p>					

State below which external stakeholders have been or will be engaged with:

Planned	In Progress	Complete	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Internal
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Community Boards/Community Committees
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Waikato-Tainui/Local iwi and hapuu
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Affected Communities
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Affected Businesses
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other (Development Community)

7. Next steps

Ahu whakamua

Staff will progress the review of the DC Policy in line with the scope determined by the Committee.

So long as there is no need for staff to seek further policy direction, staff will report back to the Committee following the review work to seek approval for the revised draft DC Policy to be consulted on.

A Communications and Engagement Plan on the proposed DC Policy review will be developed, as part of the overall LTP project.

8. Confirmation of statutory compliance Te Whakatuuturutanga aa-ture

As required by the Local Government Act 2002, staff confirm the following:

The report fits with Council's role and the Policy and Regulatory Committee's Terms of Reference and Delegations.	Confirmed
The report contains sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages (<i>Section 5.2</i>).	Confirmed
Staff assessment of the level of significance of the issues in the report after consideration of the Council's Significance and Engagement Policy (<i>Section 6.1</i>).	Low
The report contains adequate consideration of the views and preferences of affected and interested persons taking account of any proposed or previous community engagement and assessed level of significance (<i>Section 0</i>).	Confirmed
The report considers impact on Maaori (<i>Section 5.6</i>)	Confirmed
The report and recommendations are consistent with Council's plans and policies (<i>Section 5.5</i>).	Confirmed
The report and recommendations comply with Council's legal duties and responsibilities (<i>Section 5.4</i>).	Confirmed

9. Attachments Ngaa taapirihanga

Attachment 1 – Summary of Councillor feedback from workshops on possible scope of DC Policy review

Attachment 1: Summary of Councillor feedback from workshops on possible scope of DC Policy review

Introduction

Staff held a workshop with the Development Agreement Committee on 12 June 2023 and with the whole of Council on 26 June 2023. The purpose of those workshops was to refresh Councillors on the purpose of the DC Policy and to discuss potential scope options for the review of the DC Policy.

Based on Councillor feedback during the workshop recently held on the Development Contribution policy, staff sent out a survey to give elected members more of an opportunity to consider the options and provide feedback.

The purpose of this survey was to gather insights and opinions from elected members regarding the proposed "blue sky" options and the staff-recommended Option 2 for the development contribution policy review.

Survey Methodology

The survey consisted of a combination of closed- and open-ended questions. It was divided into two sections: one focusing on rank the "blue sky" policy topics and other on staff recommended Option 2.

The survey findings have been compiled into this summary report, highlighting the key insights, trends and suggestions provided by the councillor. The survey results contribute valuable input to the ongoing DC Policy review process.

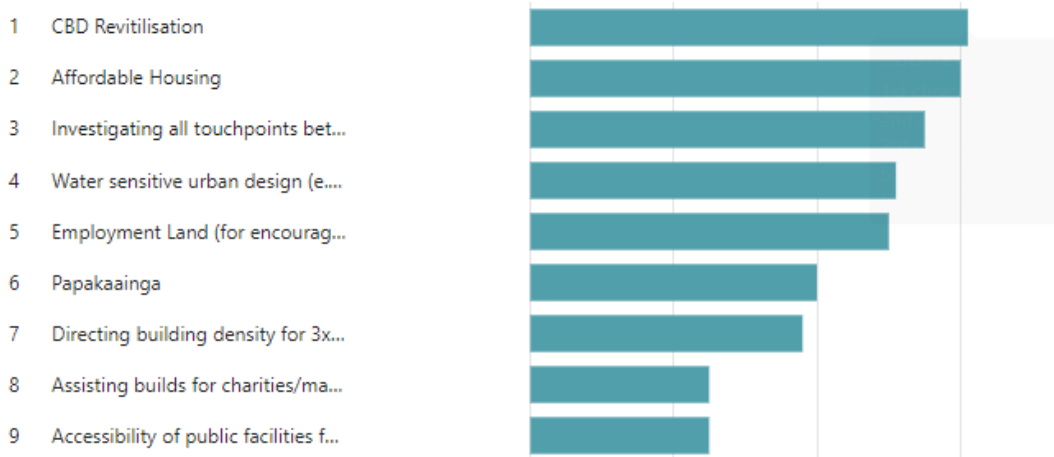
Key Findings

1. How would you rank the following "Blue Sky" policy topics against the Community Outcomes and Strategic Priorities?

Top 2 ranked "Blue Sky" policy topics.

CBD Revitalisation – Whether and how DCs could be used to enable and incentivise revitalisation in our town centres.

Affordable Housing - Whether and how DCs could be used to enable and incentivise the provision of affordable housing.



2. Please let us know of any other issues/ideas you would like considered

There are 2 respondents answered **Option 3** and 1 respondents answered **Option 2 & 3**



3. Would you like to progress/investigate the "Blue Sky" options purely against the DC Policy, or would rather see a more holistic approach to them?

There were 5 respondents (50%) who chose **"apply a more holistic approach (note: this would be unlikely to fully achieved by 2024)"**



4. Staff have recommended Option 2 for the 2024-27 DC Policy. Would you support this approach to the review?

There were 5 respondents (50%) in support of **Option 2 for the 2024-27 DC Policy**

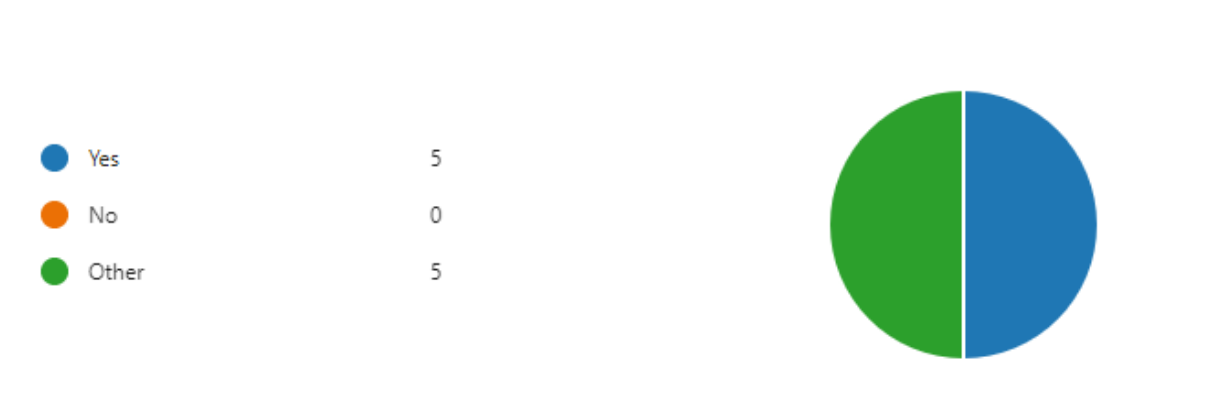
There were 5 respondents (50%) who answered **Other**, with feedback as below:

"B nice to have a wee sea- change plan as well"

"Although at the same time we need to streamlining our consenting processes"

"Not sure - because I like blue sky option, but this has cost and what is cost - benefit and also do we have resources to work on this. So suspect lead to No due to these thoughts."

"with option 3"



5. Do you have anything else you would like us to consider?

There were 4 respondents (40%) answered **NO**.

Those who answered YES included the following key words



Summary of Findings:

The survey report usefully informs the recommended scope for the forthcoming 2024 DC Policy review. With more than 50% of respondents expressing agreement for Option 2 (and some of the “Other” responses also indicating a level of support), it shows that this approach resonates with a majority and is the preferred approach for the upcoming policy review.

Furthermore, the survey’s “blue sky” policy topic preferences shed light on potential areas of focus to enhance the policy in the future. Notably, 33% of respondents identified CBD Revitalisation as their primary choice and Affordable Housing garnered substantial support, with 22% of respondents emphasizing its importance. In light of these findings, staff will be proposing to seek funding in the LTP to investigate the above “Blue Sky” options, in preparation for subsequent DC Policy reviews.

To	Policy and Regulatory Committee
Report title	District Plan Forward Works Programme
Date:	1 August 2023
Report Author:	Keri Davis-Miller, Resource Management Policy Team Manager
Authorised by:	Clive Morgan, General Manager Community Growth

1. Purpose of the report

Te Take moo te puurongo

The purpose of this report is to seek Council endorsement of the District Plan Forward Works Programme (FWP) as of 23 June 2023.

2. Executive summary

Whakaraapopototanga matua

This report seeks endorsement from the Committee of the current FWP, 23 June 2023.

Project prioritisation in the FWP was initially confirmed through a Council workshop in November 2021, and has been amended as required.

The priorities identified in the FWP are regularly reassessed and amended in relation to risk, urgency, and capacity.

The changes required have different drivers which include addressing central government direction, structure plan implementation, or to assess effectiveness of provisions.

The FWP 2023 was taken to a Council workshop on 24 July 2023.

Prior to workshopping the 2023 FWP with Council, it was presented to the Executive Leadership Team, District Plan Steering Group, and to Waikato-Tainui at the Joint Management Agreement Forum (JMA).

3. Staff recommendations

Tuutohu-aa-kaimahi

That the Policy and Regulatory Committee:

- a. endorses the District Plan Forward Works Programme; and
- b. notes the Resource Management Policy Team will commence work when applicable.

4. Background

Koorero whaimaarama

The District Plan Forward Work Programme.

The FWP is attached to this report. The FWP is a prioritised list of intended changes to the District Plan (DP). Initially these changes will be implemented through the preparation of 'Variations' (changes to Proposed District Plan) while the Proposed District Plan (PDP) is under appeal; followed by 'Plan Changes' (changes to Operative District Plan once appeals are resolved). Additionally, the FWP may identify related, non-regulatory work that should be undertaken to support changes to the DP.

The priority ratings identified for items in the FWP were determined based on a planning roadmap prepared in 2021, which mapped strategic work, national directives, Future Proof, Blueprints and other activities that had not been captured in the PDP. These priorities were then revised, based on the January 2022 decisions on the PDP and recent policy movement.

An earlier iteration of the FWP was provided to the Council through a workshop in 2021. This FWP was presented to Council through a workshop in July 2023 and includes some changes to the earlier versions. These changes include new priorities, and projects, as identified below:

- New priority - Indicative Road Layer, walking and cycling. Variation required to address growth cells. Priority changed from 3 to 2.
- New project - Sight lines from marae. Issue raised previously and commenced with V3;
- New project - Mapping of the Telecommunication, Water and Waste – reticulation and treatment;
- New project - Ohinewai Variation, changes required to move policy into new format.
- New priority - Inclusive zoning / Affordable housing. Priority changed from 3 to 1.

The dates in the FWP are indicative of when the Resource Management Policy Team will commence work on the projects.

Feedback on the FWP has been sought from the Council during a workshop in July 2023, and the DP Steering Group, and Council Executive Leadership Team in February this year, and from Waikato-Tainui and Waikato District Council Joint Management Agreement Forum (JMA) in April. No changes were recommended during this time.

5. Discussion and analysis

Taataritanga me ngaa tohutohu

Waikato District Council has an obligation under the Local Government Act 2002 to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.

The DP provides guidance and rules for the development of land, and the management of subdivision, and protects our cultural heritage and environment.

DP reviews ensure that the guidance and rules within the DP are consistent with national legislative changes and are relevant and responsive to our communities by protecting our cultural heritage and environment.

The FWP provides a list of future work that will amend the DP.

A FWP items are prioritised according to urgency, and relevance, while also ensuring that linkages to other programmes of work are managed.

As it is a 'live' document the FWP projects and prioritisation may be amended at any point. Some changes may be required due to legislation – such as the implementation of NPSs, others may be new council priorities, or operational considerations such as providing for the resource consenting team activities. As an example, if the district plan needs to be amended to implement central government direction, then this work may take priority, and the FWP will be amended to reflect this.

In the attached table, some projects with a slightly lower priority ranking (e.g. 2 instead of 1) are shown as commencing earlier, due to legislative deadlines, or connections with existing projects / processes (e.g. Variation 3).

Maintaining a 'live' FWP ensures that the work we undertake is relevant, and planned. It also informs good management to provide for appropriate staffing levels, and forecasting spend.

The FWP is work that has yet to commence. The Resource Management Policy Team have a current work programme keeping them busy, including working on resolving the appeals to the PDP, and delivering the Enabling Housing Supply – Variation 3. This impacts on the timeframes for delivering projects on the FWP and is why the prioritisation of projects is important.

5.1 Options

Ngaa koowhiringa

Options for the Committee are:

1. Endorse the FWP, or:
2. Endorse FWP with amendments.

However, it should be noted that:

- Legislative priorities with deadlines are not negotiable.
- There is a limit to what the team can achieve in any given year.
- The delivery of some work may be constrained due to budget allocation.

Staff recommend that the Committee endorse the FWP as relevant and accurate for this point in time.

5.2 Financial considerations

Whaiwhakaaro puutea

There are no financial implications to endorsing the preferred option. As this is a document listing projects, with a priority order and indicative time frames, the delivery of identified projects will rely on team capacity and available budget. The existing budget includes monies available for the Implementation of NPS Highly Productive Land, and for District Plan Maintenance – non-legislative updates. As part of the Long-Term Plan review, funding will be sought for residual / prioritised projects.

A more detailed assessment and breakdown of project costs will be undertaken for priority one projects as required.

5.3 Legal considerations

Whaiwhakaaro-aa-ture

Staff confirm that the preferred option complies with Council's legal and policy requirements. The eventual changes to the DP, through preparation of Plan Changes or Variations, will be delivered through the RMA schedule 1 process.

5.4 Strategy and policy considerations

Whaiwhakaaro whakamaaherehere kaupapa here

The FWP has been drawn up in consultation with the Strategic Planning Manager and District Plan Programme Manager, and is consistent with the current expectations for strategic deliverables.

Projects identified in the FWP will be implementing changes to the DP identified, and required in response to national direction, Waikato 2070, progressing Council's vision and Community Blueprints, supporting the provision of Medium Density Housing within the district, and finalising changes that have come about through the PDP Appeals process.

5.5 Maaori and cultural considerations

Whaiwhakaaro Maaori me oona tikanga

The FWP was provided to the JMA for consideration in April 2023. The purpose was to seek a response, and questions about priorities in the FWP. No questions were raised at the time. The Waikato Tainui Environment Manager provided a reference document for the team to consider in relation to alignment of priorities. An assessment by the DP Policy Team has been undertaken and the following Waikato Tainui priorities are considered relevant to the FWP:

- Tai Tumu, Tai Pari, Tai Ao – Waikato Tainui Environmental Plan
 - **FWP item Priority 1** - Respond to JMA Priorities – emphasises the need and direction to build relationships to better address priorities through the District Plan process. The Resource Management Policy Team are supported by a Kaiwhakamahere who will continue to engage with and work with Waikato Tainui to deliver Waikato Tainui aspirations in relation to environmental effects and how these can be addressed in the District Plan, and through other non-statutory initiatives.
- Te Ture Whaimana o Te Awa o Waikato – Vision and Strategy of the Waikato River.
 - **FWP item priority 4** – Sub regional 3 Waters Work, working with partner councils, Future Proof participants, to ensure a co-ordinated response in relation to 3 Waters Matters. Provisions within the District Plan manage the effects of development that may impact the health of the river. Such provisions include setbacks from the river for development, and max impervious surfaces. Variation 3, to go to hearing in July 26 this year, includes an assessment of infrastructure and the impact on the river of an increase in density in the four towns of Tuakau, Pookeno, Raahui Pookeka, and Ngaaruawaahia. Other non-statutory mechanisms are also being led by the Resource Management Policy Team to ensure Te Ture Whaimana o Te Awa o Waikato obligations are addressed.

5.6 Climate response and resilience considerations

Whaiwhakaaro-aa-taiao

The projects in the FWP prioritise future changes to the District Plan. These changes provide a response to climate change or resilience. A commentary is included below in relation to the FWP and BAU relevant to these matters:

- **Review Urban Design controls.** FWP item priority 2. This work includes implementing rules within the District Plan, and other mechanisms, to address urban design consideration such as placement, orientation, materials, that will encourage structures appropriate for the environment that will support resilience in our communities.
 - **Implement NPS (National Policy Statements) Highly Productive Land.** FWP item priority 2. Implementing changes to ensure highly productive land is maintained to support our communities.
-

- **Review Walking and Cycling.** FWP item priority 3. Implement walking and cycling routes within our district as identified through the Structure Plan, and Town Centre plans in our district, will reduce the reliance on cars and support mobility, which supports resilience in our communities.
- **Structure Plan for Ngaaruawaahia, Hopuhopu and Taupiri.** FWP item priority 3. The Strategic Planning Team have commenced work on the Structure Plan. These plans incorporate measures to address and manage our response to climate change and resilience. Implementation of these plans, through changes to the District Plan, and other mechanisms, will support resilience in our communities.

5.7 Risks

Tuuraru

The FWP identifies work relating to amendments to the District Plan, as identified now. It is a live, and therefore responsive document that can change if our priorities change during any one year.

However, there is a potential political risk that we are not seen to be addressing the right things at the right time.

This risk has been considered and the DP Policy team believe we have identified future work and priorities that are appropriate at this time.

6. Significance and engagement assessment

Aromatawai paahekoheko

6.1 Significance

Te Hiranga

The decisions and matters of this report are assessed as of low significance, in accordance with the Council's [Significance and Engagement Policy](#).

Matters identified in the FWP have been identified through the need to implement strategic work that has preceded and already undergone public engagement, and / or will legally require the council to seek further community engagement in line with the LGA (Local Government Act) and RMA (Resource Management Act). Past and future engagement seeks to understand:

- The impact on present and future interests of the community, recognising Maaori Tikanga (culture values) and their relationship to land and water.
 - The level of service of a significant activity.
 - The community views, including the community's preferences.
-

6.2 Engagement

Te Whakatuutakitaki

Engagement with Waikato Tainui

Commentary on engagement with Waikato Tainui is provided above.

Highest level of engagement	Inform ✓	Consult <input type="checkbox"/>	Involve ✓	Collaborate <input type="checkbox"/>	Empower <input type="checkbox"/>
<p><i>The FWP has been provided to Waikato Tainui to seek a response in relation to alignment of priorities. An assessment of this alignment in relation to the documents provided, is included above.</i></p>					

State below which external stakeholders have been or will be engaged with:

Planned	In Progress	Complete	
<input type="checkbox"/>	<input type="checkbox"/>	✓	Internal
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Community Boards/Community Committees
<input type="checkbox"/>	✓	<input type="checkbox"/>	Waikato-Tainui/Local iwi and hapuu
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Affected Communities
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Affected Businesses
<input type="checkbox"/>	<input type="checkbox"/>	✓	DP Steering Group, WDC (Waikato District Council) ELT (Executive Leadership Team)

7. Next steps Ahu whakamua

After endorsement of the FWP from Policy and Regulatory Committee:

- The FWP will be amended if required to add/remove items, and to confirm the prioritisation.
- The top priority items will undergo a more detailed assessment of the work required to better understand the cost and programme of works required to implement changes to DP.
- The cost assessment will inform application for budget in the 2024-2034 LTP.

- A resource management policy planner will be assigned to an individual project and is responsible for leading the work going forward. This planner will itemise activities and commence project management, working with the DP Programme Manager to understand and plan for linkages with other work programmes across the Council.
- The Planner will identify stakeholders, and commence engagement with internal and external partners, and a Communication Plan will be prepared dependant on the size/scale, risk, and sensitivity of the project.
- In order to ensure good steerage, the projects will become standing items at the DP Steering Group meetings where issues and risks can be assessed.
- Updates to the P&R Committee will be made as appropriate to inform, proposed changes.
- If a Variation or Plan Change is required then the activities and processes required under the RMA will be completed for engagement, preparation, and notification.

8. Confirmation of statutory compliance Te Whakatuuturutanga aa ture

As required by the Local Government Act 2002, staff confirm the following:

The report fits with Council's role and Committee's Terms of Reference and Delegations.	Confirmed
The report contains sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages (<i>Section 5.1</i>).	Not applicable
Staff assessment of the level of significance of the issues in the report after consideration of the Council's Significance and Engagement Policy (<i>Section 6.1</i>).	Low
The report contains adequate consideration of the views and preferences of affected and interested persons taking account of any proposed or previous community engagement and assessed level of significance (<i>Section 6.2</i>).	Confirmed
The report considers impact on Maaori (<i>Section 5.5</i>)	Confirmed
The report and recommendations are consistent with Council's plans and policies (<i>Section 5.4</i>).	Confirmed
The report and recommendations comply with Council's legal duties and responsibilities (<i>Section 5.3</i>).	Confirmed

9. Attachments Ngaa taapirihanga

Attachment 1 – Forward Works Programme 23 June 2023

KEY

	Item in earlier FWP, priorities changed for June 2023
	New item

District Plan Forward Work Programme - 23 June 2023

Priority	Item	Why	Indicative Timeframe
1	Respond to Waikato Tainui Priorities	JMA - Build relationships to understand key direction and aspirations, and how these can be implemented through the DP, and through other non-statutory initiatives.	Ongoing work.
1	Technical 'mop-up' post PDP decision	Variation required to resolve consistency, 'gaps', (such as min housing targets included in ODP) and unintended consequences arising from PDP Hearings decisions. Variation for rules/obs/policies not eligible for clause 16 amendments.	June 2023 - June 2024. Ongoing work.
1	Pokeno Town Centre expansion - Variation to DP	To ensure DP provisions are effective and deliver on the Pokeno Public Realm Concept Plan. This could include new provisions to address the Catchment Management Plan work, NoR for the heavy vehicle bypass, walkway/cycleway loop, change in land use zoning or change in rules.	2023 - 2025
1	Re-zone DP land identified for development in Waikato 2070	Plan Change/Variation - Land that has been identified as a growth cell in Waikato 2070 - beyond ten years, namely rural zoned land, needs to be incorporated into the plan for residential/employment or future urban zone. Includes places like north Ohinewai, northeast Pokeno, Maramarua employment cell, Horotiu west. First action is to undertake ground truthing.	2024 - 2026
1	Inclusionary zoning / Affordable Housing	Waikato Housing Initiative, Investigate requirement, linkages with UD, and Papakainga housing.	Not programmed.
2	Review Urban Design controls	To deliver on the policies in the NPS-Urban Development Incorporation of the design controls into the DP, to support MDRS provided in V3.	July 2023 - 2024
2	Amendments to business and industrial zones spatial extents	Ensure adequate employment land supply is located in proximity to residential land. This is dependent on Future Proof work for industrial land and the NPS-UD Housing and Business assessment update. Requires initial analysis and then potential PC/Variation.	Two years' work.
2	Implement the new NPS Highly Productive Land	A P C / Variation to implement the new NPS-HPL.	Reliant on regional mapping.
2	Indicative road layer - district wide	PC / V to identify indicative road layout for each of the growth cells and undeveloped urban land. This will commence once the Roding Team complete initial planning work.	PC/V will take two years.

3	Ohinewai Variation	Variation The Ohinewai provisions are not in the NPS format. This needs to be completed by 2024	July 2023 - three months' work.
3	Telecommunication and Water/Wastewater reticulation connection and treatment	PC / Variation assessment of requirement to be undertaken.	2024 - 2028
3	Mapping of sight lines for Marae	PC / Variation. Issue potentially addressed by V3.	2023 - 2025
3	Update various zones	PC / Variation. Update Business Town Centre, Commercial, and Local Services Zone provisions to manage desired employment outcomes.	Not programmed
3	Ngaruawahia, Hopuhopu and Taupiri Structure Plan	Required to implement the structure plan once it is adopted.	2024
3	Review walking and cycling (micro mobility)	PC / Variation. Walking and cycling layer in DP requires review.	Not programmed
4	Open spaces and Reserves zoning to be reviewed	PC/Variation to map Council reserves.	2024 - six months work
4	Overland Flow paths, ponding areas	Work undertaken by V3 identified new areas. rules that fall out of catchment management plans for each of our towns.	2023 - 2024
4	RMA reform analysis	Implementation of any required changes. Known requirements but work currently unprogrammed. Included here for future programme awareness.	Not programmed.
4	Climate response - Variation to DP	Climate strategy required changes to DP.	Not programmed.
4	Solid Waste - Variation	PC /Variation investigation relation to waste/recycling bin locations for ROW or Private Ways dwellings.	Not programmed.
4	Sub regional 3 Waters Work	Sub regional work, feeding into Future Proof assessments of 3 waters infrastructure.	Not programmed.
4	Amend signage rules in relation to election signs, currently inconsistency between bylaw and DP	Variation to DP to include rules in relation to signs.	Not programmed

To	Policy and Regulatory Committee
Report title	Summary of Regulatory Activities for 2022/23
Date:	22 August 2023
Report Author:	Sue O’Gorman, General Manager Customer Support
Authorised by:	Sue O’Gorman, General Manager Customer Support

1. Purpose of the report

Te Take moo te puurongo

To inform the Policy and Regulatory Committee on the trends, quantum and type of regulatory activities for the 2022/23 financial year.

2. Executive summary

Whakaraapopototanga matua

As requested, a presentation will be provided at the meeting, to inform the committee of the regulatory activities for the 2022/23 financial year. We will endeavour to have the presentation material uploaded to the web and your teams channel the day before the meeting.

3. Staff recommendations

Tuutohu-aa-kaimahi

That the Policy and Regulatory Committee:

- a. receives the report.

4. Attachments

Ngaa taapirihanga

There are no attachments for this report.
