

Agenda for a meeting of the Policy & Regulatory Committee to be held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **TUESDAY 15 MAY 2018** commencing at **9.00am**.

Information and recommendations are included in the reports to assist the Board in the decision making process and may not constitute Council's decision or policy until considered by the Board.

1. **APOLOGIES AND LEAVE OF ABSENCE**
2. **CONFIRMATION OF STATUS OF AGENDA**
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GJ Ion
CHIEF EXECUTIVE

Open Meeting

To	Policy & Regulatory Committee
From	Gavin Ion Chief Executive
Date	20 March 2018
Prepared by	Wanda Wright Committee Secretary
Chief Executive Approved	Y
Reference #	Gov1318
Report Title	Confirmation of Minutes

1. EXECUTIVE SUMMARY

To confirm the minutes of a meeting of the Policy & Regulatory Committee held on Tuesday 20 March 2018.

2. RECOMMENDATION

THAT the minutes of a meeting of the Policy & Regulatory Committee held on Tuesday 20 March 2018 be confirmed as a true and correct record of that meeting.

3. ATTACHMENTS

P&R Minutes

MINUTES of a meeting of the Policy & Regulatory Committee of the Waikato District Council held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **TUESDAY 20 MARCH 2018** commencing at **9.00am**.

Present:

Cr JD Sedgwick (Chairperson)
His Worship the Mayor, Mr AM Sanson *[from 9.07am]*
Cr AD Bech
Cr JA Church
Cr SL Henderson
Cr SD Lynch
Cr RC McGuire
Cr FM McNally
Cr BL Main
Cr EM Patterson
Cr NMD Smith
Cr LR Thomson

Attending:

Mr R MacCulloch (Acting General Manager Customer Support)
Mr T Whittaker (General Manager Strategy & Support)
Mrs W Wright (Committee Secretary)
Ms K Thomson (Consents Team Leader – West)
3 Members of Staff

APOLOGIES AND LEAVE OF ABSENCE

Resolved: (Crs Church/Main)

THAT an apology be received from Cr Fulton and Cr Gibb.

CARRIED on the voices

P&R1803/01

CONFIRMATION OF STATUS OF AGENDA ITEMS

Resolved: (Crs McNally/Thomson)

THAT the agenda for a meeting of the Policy & Regulatory Committee held on Tuesday 20 March 2018 be confirmed and all items therein be considered in open meeting;

AND THAT all reports be received.

CARRIED on the voices

P&R1803/02

DISCLOSURES OF INTEREST

There were no disclosures of interest.

CONFIRMATION OF MINUTES

Resolved: (Crs Bech/Patterson)

THAT the minutes of a meeting of the Policy & Regulatory Committee held on Tuesday 21 November 2017 be confirmed as a true and correct record of that meeting.

CARRIED on the voices

P&R1803/03

RECEIPT OF HEARING MINUTES AND DECISIONS

Resolved: (Crs McGuire/Main)

THAT the minutes of the Regulatory Subcommittee hearing held on Wednesday 18 October 2017 for Josephine Poland be received.

CARRIED on the voices

P&R1803/04

Resolved: (Crs McGuire/Henderson)

THAT the minutes of the Independent Commissioner hearing held on Friday 27 October 2017 for Lakeside Developments (2017) Ltd be received.

CARRIED on the voices

P&R1803/05

Resolved: (Crs Patterson/Lynch)

THAT the minutes of a hearing for Proposed Waikato District Council Speed Limit Bylaw 2011 held on 27 November 2017 be received.

CARRIED on the voices

P&R1803/06

Resolved: (Crs Main/Lynch)

THAT the minutes of the Independent Commissioner hearing held on Tuesday 12 December 2017 for Grattan Investments Limited be received.

CARRIED on the voices

P&R1803/07

Open Meeting

To	Policy & Regulatory Committee
From	Gavin Ion Chief Executive
Date	6 April 2018
Prepared by	Lynette Wainwright Committee Secretary
Chief Executive Approved	Y
Reference #	GOV1318
Report Title	Receipt of Hearing Minutes – Te Kauwhata Land Limited

1. EXECUTIVE SUMMARY

To receive the minutes and decision of a hearing for Te Kawhata Land Limited held on Wednesday 21 February 2018.

2. RECOMMENDATION

THAT the minutes and decision of a hearing for Te Kauwhata Land Limited held on Wednesday 21 February 2018 be received.

3. ATTACHMENTS

Hearing minutes and decision

MINUTES of a hearing by an Independent Commissioner of the Waikato District Council held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **WEDNESDAY 21 FEBRUARY 2018** commencing at **9.00am**.

These minutes should be read in conjunction with notes and evidence placed on the Consent file.

Present:

Commissioner I Munro

Attending:

Mrs LM Wainwright (Committee Secretary)
 Mrs W Wright (Committee Secretary)
 Ms S Salmon (Senior Planner)
 Ms E Makin (Consents Team Leader – East)
 Mr P Henderson (Senior Land Development Engineer)
 Mrs B Parham (Legal Counsel, Tompkins Wake)
 Ms L White (Harrison Grierson)
 Ms L Jack (Landscape Architect, Harrison Grierson)
 Mr B Jones (Submitter)
 Mr N Patterson (Submitter)
 Mr K Peach (Submitter)
 Dr J Forret (Legal Counsel, Harkness Henry)
 Mr I McAlley (Applicant)
 Mr A Gray (Transportation Engineer, Gray Matter Ltd)
 Mr D Mansergh (Mansergh Graham Landscape Architects Ltd)
 Mr M Graham (Mansergh Graham Landscape Architects Ltd)
 Mr C Dawson (Planning Project Manager, Bloxom Burnett & Olliver)
 Mr D Hardwick (Member of the Public)
 Members of staff

HEARING – TE KAUWHATA LAND LIMITED

File No. SUB0009/17

Application by Te Kauwhata Land Limited to undertake a seven-staged subdivision to create 163 residential lots, nine lots to vest as road, 16 access lots, two lots for local purpose reserves for drainage and one lot for recreation reserve; and concurrent land use consent to undertake earthworks and construct four show homes (commercial activities) within consented lots and blanket consent to enable different building coverage and impervious surfaces within consented lots.

INTRODUCTION

Commissioner Munro welcomed all parties and gave a brief outline of the hearing process.

HEARING OF SUBMISSIONS

Mr Jones presented written (Doc 1) and verbal evidence and answered questions of the Commissioner.

Mr Patterson presented verbal evidence and answered questions of the Commissioner.

Mr Peach presented verbal evidence and answered questions of the Commissioner.

The Commissioner accepted the late submission from Nga Muka Development Trust.

HEARING OF THE APPLICATION

Legal Counsel for the applicant presented written (Doc 2) and verbal evidence and answered questions of the Commissioner.

The meeting adjourned at 10.31am and resumed at 10.47am.

Mr McAlley presented verbal evidence and answered questions of the Commissioner.

Mr Gray presented verbal evidence and answered questions of the Commissioner.

Mr Mansergh presented verbal evidence and answered questions of the Commissioner.

Mr Graham presented verbal evidence and answered questions of the Commissioner.

The meeting adjourned at 12.32pm and resumed at 1.50pm.

Mr Dawson presented verbal evidence and answered questions of the Commissioner.

Mr McAlley answered further questions of the Commissioner.

STAFF REPORT

Ms Parham presented written (Doc 3) and verbal evidence and answered questions of the Commissioner.

The meeting adjourned at 2.59pm and resumed at 3.12pm.

The senior planner gave written (Doc 4) and verbal evidence in response to the applicant's evidence and answered questions of the Commissioner.

Ms White gave verbal evidence and answered questions of the Commissioner.

The senior planner gave further verbal evidence in response to the applicant's evidence.

Ms Jack gave written (Doc 5) and verbal evidence and answered questions of the Commissioner.

The senior planner gave further verbal evidence in response to the applicant's evidence.

RIGHT OF REPLY

The applicant's right of reply will be presented in writing to the Commissioner and the Waikato District Council team.

The hearing adjourned at 4.00pm and the decision reserved.

The hearing was declared closed at 9.53am on Wednesday 14 March 2018.

DELIBERATIONS

The Commissioner undertook deliberations on all evidence presented.

DECISION

THAT the Independent Commissioner confirmed the application of Te Kauwhata Land Limited be declined as outlined in the decision dated 5 April 2018.

HE1802/02

IN THE MATTER of the Resource Management Act
1991

AND

IN THE MATTER of a resource consent application to
Waikato District Council for
subdivision and land use consents
for residential development at 24
Wayside Road, Te Kauwhata.
(SUB0009/17)

AND of an application under the National
Environmental Standard for
IN THE MATTER Assessing and Managing
Contaminants in Soil to Protect
Human Health 2011

SECTION 113 RESOURCE MANAGEMENT ACT 1991

DECISION ON APPLICATION

1. For the reasons outlined in this decision notice and pursuant to section 104D of the Resource Management Act 1991 ("**RMA**"), consent is refused.

Introduction

2. This decision notice records a summary of the public hearing held on the application in Ngaruawahia, 21 February 2018, the decision made, and the principal reasons for this.
3. A site visit was undertaken to the site and surrounds on Saturday 17 February 2018.
4. As the application had been subject to the RMA's pre-circulation requirements, the application material, written submissions Council's s.42A report, and expert evidence on behalf of the applicant had been read before the hearing.

5. On behalf of the Council in its capacity as a Consent Authority the following were in attendance:
 - a. Ms. E. Makin (Consents Team Leader – East)
 - b. Ms. S. Salmon (senior planner)
 - c. Mr. P. Henderson (senior land development engineer)
 - d. Mrs. B. Parham (legal counsel)
 - e. Ms. L. White (urban design consultant)
 - f. Ms. L. Jack (landscape architecture consultant)
 - g. Mrs. L. M. Wainwright (Committee Secretary)
 - h. Ms. W. Wright (Committee Secretary)

6. On behalf of the applicant the following were in attendance:
 - a. Dr. J. Forret (legal counsel)
 - b. Mr. I. McAlley (for the applicant)
 - c. Mr. A. Gray (traffic engineer)
 - d. Mr. D. Mansergh (landscape architect)
 - e. Mr. M. Graham (landscape architect)
 - f. Mr. C. Dawson (planner)

7. On behalf of the submitters the following were in attendance:
 - a. Mr. B. Jones
 - b. Mr. N. Patterson
 - c. Mr. K. Peach

8. At the conclusion of the hearing, it was adjourned on the basis that I asked Ms. Salmon and Mr. Dawson to further collaborate regarding potential conditions of consent (should consent be granted). Dr. Forret also agreed that given the technical nature of the differences of opinion between the Council's staff and the applicant's team, and a legal question regarding the existing environment, a written statement of reply would be appropriate. On receipt of this information, and then having determined that I had sufficient information to progress to a decision on the application, I closed the hearing on 14 March 2018.

Background

9. I have been appointed by the Waikato District Council under s.34A of the RMA to hear the evidence and submissions, and to make a decision on the application.
10. The application, site and its environment have been comprehensively explained in the application documents and Council's s.42A report prepared by senior planner Ms. Salmon, and also in the evidence of Mr. Dawson. There was no disagreement regarding the site context and description. Based on my site visit I also agree with the descriptions provided to me. The following is a brief summary:
 - a. The site is approximately 16.25ha, of an irregular shape, and at 24 Wayside Road, west of the Te Kauwhata town centre.
 - b. The site sits at the interface between the "Country Living" zone and the "Living" zone, and is near the SH1 exit to Te Kauwhata.
 - c. The site undulates and is sloped.
 - d. The proposal is a new subdivision of 163 residential lots within 7 stages. The lots will vary in size from 569m² to 962m².
 - e. A recreation reserve and 2 drainage reserves to vest are also proposed, as well as roads to vest.
11. For more detail on the proposal I refer to the application documents and the description provided by Ms. Salmon in her s.42A report at section 1. I adopt this in full given that it was accepted by Mr. Dawson.
12. A key factor of context is an approved subdivision for 129 lots on the site, granted by the Council in September 2015 (SUB0163/14). This was varied under s.127 of the RMA in November 2016, to authorise a number of changes to the subdivision (SUB0163/14.01). This previous subdivision was referred to by the Council's staff and the applicant's team as the "Silverspur" subdivision. Its relevance to the current proposal was a key aspect of the hearing.
13. I also refer to the history of planning for the area, culminating in the Te Kauwhata Structure Plan and its implementation through the District Plan by way of Chapter 15A in the District Plan and land use zones enabling development. This process commenced via Variation 13 to the Proposed

District Plan, for the Te Kauwhata West Living Zone. This zone was supported by a Te Kauwhata West Living Zone Urban Design Guide. After a decision was released by the Council (supporting the Variation), it was appealed to the Environment Court. The Court resolved to support the Variation via an interim decision (1 May 2012). A subsequent consent order finalised the provisions to apply (7 September 2012).

Consents required

14. Mr. Dawson and Ms. Salmon have each identified the consents required. There was broad agreement between the two planners as to the consents required (Mr. Dawson identified additional contraventions in his evidence at Appendix 3 for completeness), including that the activity falls as a **non complying** activity. As such any relevant environmental effect or RMA Plan policy matter can be considered. Given that there was no disagreement between the applicant and the Council's staff as to what consent status applied, I have accepted this.
15. I accept and adopt the consent requirements set out in Mr. Dawson's statement of evidence at his Appendix 3. Consent is in summary required under District Plan rules 21.10; 21.13; 21.16; 21.17; 21.38; 21.41; 21.43; 21.46A, 21.65, 21.66; 21.73; 21B.4; 21B.6; 21B.8; 21B.9; 21B.11; 21B.12; 21B.19; 21B.20; 21B.21; 21B.22; 21B.23; 21B.28; 28.22; A14; A21; A21.A; A22; A23; and A24.
16. For completeness and to avoid any doubt, I also accept that consent is required under the National Environmental Standard for Managing Contaminants in Soil to Protect Human Health ("**NES**"). Consent under the NES was granted as part of the previous Silverspur subdivision consent. This required preparation of a Detailed Site Investigation, which has occurred, and various remediation works, which have occurred in part.
17. In her s.42A report Ms Salmon identified that not all of the requirements relating to the Silverspur (NES) conditions of consent have been implemented, and that some would be transferred to this current proposal were it granted consent.

Statutory and planning considerations

18. Section 113 RMA outlines requirements for decisions on applications that were notified and this decision has been prepared in accordance with these requirements.
19. In making this decision, the following provisions of the RMA have been particularly considered:
 - a. Sections 113, 104, 104B, 104D, 106, and 108.
 - b. Part 2 in its entirety, but only to the extent that it has guided my consideration of the District Plan's objectives and policies rather than as a separate filter of analysis separate to my consideration of the Plan. Although both Mr. Dawson and Ms. Salmon provided a separate Part 2 analysis over and above consideration of the specified s.104 RMA matters, I do not consider that there is any material obvious defect or inconsistency in the planning provisions that warrants this.
20. In making this decision, the following provisions of RMA planning instruments have been particularly considered:
 - a. Waikato District Plan (Waikato Section): chapters 1A, 3, 6, 8, 9, 11, 13, 15, 15A, 21, 21A, and 21B.
21. Both Ms. Salmon and Mr. Dawson provided an analysis of the proposal against the Waikato Regional Policy Statement ("**WRPS**"). I find that the WRPS provisions do not materially aid me in determining the key matters in contention between the Council staff, submitters, and the applicant. The WRPS provisions are in my view tailored towards District Planning responses, such as the Te Kauwhata Structure Plan process that has been undertaken by the Council and which led to the operative zoning of the land subject to the proposal. Overall, I find that the WRPS is not particularly relevant to the proposal and I have not placed considerable weighting on it.
22. In her s.42A report, Ms Salmon also identified as relevant the National Policy Statement on Urban Development Capacity 2016 ("**NPS**"), and the Waikato Regional Plan ("**WRP**"). Having reviewed these in light of the matters raised in contention, I find that as with the WRPS they do not provide me with any

particularly determinative direction, and I have not placed considerable weighting on them.

23. I find that all planning matters relating to the proposed subdivision and the matters that are in contention are comprehensively addressed within the District Plan, especially Chapter 15A.
24. I have therefore given predominant weighting to the specific Te Kauwhata Structure Plan objectives and policies within the District Plan; then secondary weighting to the balance of the relevant District Plan objectives and policies; and lastly the WRPS, WRP, and NPS provisions.

Notification, submissions and late submissions

25. Ms Salmon identified in her s.42A report, section 4, that thirteen submissions were received on the application within the submission period of 2 October 2017 to 30 October 2017. By her count, nine were in opposition, one was neutral, and three were in support. The written submissions were included as Appendix G to Ms Salmon's s.42A report and she summarised the key issues raised by them in section 4 of the s.42A report.
26. My review of the written submissions is that there were twelve, with eleven in opposition and one in support.
27. The submissions were from:
 - a. Mr. I. & Mrs. J. Sunde, 126 Travers Road, Te Kauwhata (opposed).
 - b. Mr. I. Hartley, 17 Green Acres Drive, Te Kauwhata (opposed).
 - c. Ms. B. L. Cox, 78 Travers Road, Te Kauwhata (opposed).
 - d. Ms. K. J. Poloa-Weir (Wayside Trust), 52 Wayside Road, Te Kauwhata (opposed).
 - e. Mr. B Jones¹, 62D Wayside Road, Te Kauwhata (support, but with concerns).
 - f. New Zealand Transport Agency (opposed subject to concerns being addressed).
 - g. Mr. N J Patterson, 62A Wayside Road, Te Kauwhata (opposed).

¹ This submitter filed two submission forms, each one recording a different concern. However, for the purpose of my consideration of submitters, I consider that this party is one submitter, and the submission addresses multiple points.

- h. Mr. K. & Mrs. W. Peach, 62B Wayside Road, Te Kauwhata (opposed).
 - i. Ms. J. L. Kelly, physical address undeclared (opposed).
 - j. Mr. T. J. Hinton, 129 Travers Road, Te Kauwhata (opposed).
 - k. Mr. P. J. Castles, 50 Travers Road, Te Kauwhata (opposed).
 - l. Mrs. N. J. Patterson, 62B Wayside Road, Te Kauwhata (opposed).
28. One late submission was also received, one day after the close of submissions. This was from Nga Muka Development Trust, and the submission was in support of the proposal.
29. The late submission was recommended to be accepted by Ms Salmon and also the applicant, and under s.37 and s.37A RMA I have resolved to accept the late submission for the reasons that:
- a. The one-day lateness did not prejudice any party;
 - b. I consider that receiving information regarding cultural effects and the inclusion of Tangata Whenua is helpful to my decision making and relevant under Part 2 of the Act (s.8 RMA); and
 - c. The applicant supported acceptance of the late submission.

Summary of evidence given at the hearing

30. The following is a brief summary of the evidence presented at the hearing. For full accounts, I refer to the s.42A report, pre-circulated evidence, written submissions, information given at the Hearing, and the minutes of the Hearing kept by the Council.
31. At the commencement of the Hearing I asked participants of their time constraints and amount of time they wished to spend before me.
32. As a result of this exercise, it transpired that the three submitters that were in attendance had read the papers and pre-circulated evidence, and each only sought between 2-5 minutes of time to reiterate their key thoughts to me. They confirmed to me that they would be pleased at the opportunity to present at the commencement of the hearing rather than after the applicant's presentation had concluded (the applicant indicated that it required approximately 5 hours).

33. After discussing this with Dr. Forret, who indicated no opposition to the relatively unusual circumstances of submitters proceeding ahead of the applicant, I agreed that there would be no disadvantage to any party and invited the submitters to present first. I note for completeness that in the absence of pre-circulation of evidence for the submitters to review ahead of their presentation, I would have been less inclined to proceed with their presentations ahead of the applicant's.

Submitters

34. Mr. Bryan Jones lives at 62D Wayside Road, adjoining the application site. He confirmed that although he ticked the "support" box on the submission form, he meant to tick the "oppose" box. This raises a potential jurisdictional constraint inasmuch as a submitter may not take a submission at a Hearing further than the confines of what was stated in the written submission. However, in this instance Mr. Jones outlined specific concerns in his original written submission, despite also indicating support for the proposal, and he spoke only to those at the Hearing. I find I am able to consider those matters.
35. Mr. Jones outlined his concerns with site works and storm water flow, and shared his experience with water nuisance on his site as a result of previous developments and earthworks. He also identified that sites should be a minimum of 900m² and that proposed Lots 147 and 148 should be combined together to achieve this.
36. Mr. Nigel Patterson lives at 62A Wayside Road, adjoining the application site. Mr. Patterson identified that he had been involved in the previous process that led to involvement of the Environment Court and establishment of the Te Kauwhata Structure Plan zones in the District Plan. Mr. Patterson's principal concern was that, having participated in what was by his account a draining exercise to establish the relevant District Plan rules for the area, he saw no justification for those rules to not be complied with. He indicated specific concern with minimum lot sizes, especially those smaller than 900m², and the frequency of retaining walls proposed.
37. However, Mr. Patterson also candidly agreed that the proposed subdivision, as it related to his own property, would be less objectionable than the existing Silverspur subdivision consent would be.
38. Mr. Kevin Peach lives at 62B Wayside Road, adjoining the application site. Mr. Peach echoed and agreed with the concerns identified by Mr. Patterson,

and also expressed concerns with drainage. He discussed with me concerns regarding whether and whom would maintain storm water ponds within the applicant's site such that storm water would not become a nuisance on his property.

39. I record my appreciation to Mr. Jones, Mr. Patterson and Mr. Peach for the time and care they took in preparing their submissions and in their attendance at the Hearing.

Applicant

40. The applicant's presentation commenced with legal submissions from Dr. Joan Forret. Dr. Forret outlined reasons why in her view the Council staff conclusions outlined in the s.42A report were flawed and why the evidence presented on behalf of the applicant and in support of the granting of consent should be preferred. Key topics touched on by Dr. Forret included that the applicant was willing to promote two public reserve options (to be resolved through a condition of consent) as a means of addressing concerns of Council staff and consultants; the question of the existing environment and the Silverspur subdivision consent; and various comments regarding the Environment Court process that led to the operative zoning.
41. Of note and relevant to the matters in contention before me, in Dr. Forret's opinion the existing Silverspur consent should form part of the existing environment in my analysis and decision making.
42. Mr. Ian McAlley, the applicant's representative, discussed with me the history of the proposal, and why in his view the current TKL proposal would lead to a superior outcome than the Silverspur consent. He also outlined to me specific steps taken to protect an existing minor residential unit on Mr. Bryan Jones' property, which was historically built on land now identified as being within a flood plain. He also confirmed to me that of the two reserve options being put forward by the applicant, an "engineered" one and a "hilltop" one (elaborated more, later in this decision), the "engineered" one was the applicant's preference.
43. Mr. Alasdair Gray, a traffic engineering consultant, outlined reasons why in his view the application should be granted consent. He concluded that the road network could accommodate the proposal's traffic generation, and that the design of the subdivision was slightly more positive than the Silverspur

subdivision, largely because the road gradients were overall slightly flatter than in the Silverspur consent, and this would be easier for pedestrians and cyclists to use.

44. Mr. David Mansergh, a landscape architecture consultant, provided background evidence relating to the Te Kauwhata West Living Zone (Variation 13) process, specifically as it relates to the location of a future reserve notation on an existing knoll / hilltop on the Structure Plan map. Mr. Mansergh acted as a witness for the Council in that process. In Mr. Mansergh's view, the existing knoll / hilltop is not as significant a feature as was being interpreted by the Council's staff and consultants, and that the earthworks and alternative "engineered" reserve location preferred by the applicant was not problematic in terms of the outcomes intended by Variation 13 being achieved. Critically, to Mr. Mansergh, the District Plan provisions did not explicitly state that the existing knoll must be retained (presumably such as by way of a rule or an explicit policy).
45. Mr. Mansergh also drew my attention to a separate subdivision application in Pokeno, referred to as "Hitchen Stage 2", on the basis that in his view the Council's urban design and landscape consultant Harrison Grierson may not be offering consistent advice for the purposes of this current TKL application. He conceded that the Hitchen Stage 2 proposal was on a different site and that different District Plan provisions applied to it.
46. Overall, Mr. Mansergh considered that the original outcomes sought by Variation 13 would be better served by the "engineered" reserve solution preferred by the applicant, and that retaining the existing hilltop as a reserve would be inferior.
47. Mr. Michael Graham, a landscape architecture consultant, provided evidence relating to landscape and also urban design effects. His analysis was that the TKL proposal was superior to the existing Silverspur consent and that consent should be granted to the application.
48. Mr. Graham explained the urban design and landscape characteristics of the proposal, and this also touched on the numerous problematic defects, in Mr. Graham's opinion, of the Silverspur consent. These included road gradients, retaining wall heights, and the way that development may interact or relate with front boundaries to streets.

49. In Mr. Graham's opinion, that the TKL proposal will be more accessible to users, especially those with mobility restrictions, than the Silverspur consent was a very relevant benefit of the proposal, to the extent that it outweighed the lack of permeability (i.e. the larger block perimeters) that were proposed in the TKL proposal vs. the Silverspur consent, and which were of concern to the Council's urban design consultant Ms. White.
50. Mr. Christopher Dawson, resource management planning consultant, outlined his analysis and reasons in support of his conclusions. Like Mr. Mansergh, Mr. Dawson was previously involved in Variation 13 (as a witness supporting the Council). Mr. Dawson was therefore able to discuss with me the background to many aspects of the Operative provisions. Mr. Dawson also provided me with a detailed chronology of the application including the frequent requests for information or analysis issued by the Council.
51. In Mr. Dawson's view, the proposal was appropriate with respect to the issues raised by submitters in opposition to the proposal, and appropriate in terms of both environmental effects and the relevant planning framework. I note that a substantial proportion of Mr. Dawson's evidence was devoted to comparing the TKL proposal to the Silverspur consent, and establishing in his view which was the more desirable.
52. In terms of the s.104D RMA gateway tests that apply to non complying activities (no more than minor adverse environmental effects, and being not contrary to the objectives and policies of the District Plan), Mr. Dawson concluded that the proposal passed both. Following on from that, in terms of s.104 RMA and s.104B RMA, Mr. Dawson concluded that on overall merit the consent should be granted subject to conditions.

Council officers

53. The Council's staff sought to respond to the applicant's evidence in writing, and to that end had prepared brief response statements. Dr. Forret, while not objecting, expressed disappointment that the information had not been made available at the commencement of the Hearing.
54. For completeness, the RMA pre-circulation process and timeframes are silent on the matter of rebuttal evidence, further or response information, or whether Council officers should provide responses to the applicant's evidence, when and if invited to do so, in writing or verbally. No request was made to me by

any participant to provide for such, which I would have been able to consider prior to or at the Hearing.

55. I find that information helping narrow points of disagreement or to focus on where disagreement exists is helpful to me, and that the presentation of written response statements by the Council's staff and consultants – which were worked on as the applicant presented its evidence through the Hearing – was appropriate in this instance.
56. Ms. Bridget Parham, legal counsel for the Council, provided me with commentary regarding legal issues raised by the applicant's evidence and written legal submissions. In summary these were the Silverspur consent's place in the existing environment, and the relevance of Part 2 to my decision making.
57. In Ms. Parham's view, the Silverspur consent should not form part of the existing environment, because it was not "likely" that the consent would be implemented. However, Ms. Parham agreed with Dr. Forret's interpretation of relevant case law to the effect that, were I to find that it was likely that the Silverspur consent would be implemented, I would necessarily have to include it in my consideration of the existing environment.
58. Secondly, Ms. Parham recommended that it would be prudent for me to consider Part 2 in my decision making, for the purposes of any s.104 consideration I undertook, in the absence of definitive clarity from the Courts on when it should be referred back to.
59. Ms. Summer Salmon provided a brief response to the applicant's evidence. She remained of the view that the Silverspur consent should not be included in the existing environment. However, Ms Salmon confirmed that were I to find that the Silverspur consent did form part of the existing environment, the difference in adverse effects between that and the current TKL proposal was sufficient for her to continue recommending refusal of consent.
60. Ms. Lisa Jack, consultant landscape architect, responded to the issues raised in the evidence of Mr. Graham for the applicant. While she identified some matters where clarification had led to a change in her view of specific matters, she remained overall opposed to the proposal and maintained the recommendations outlined in her report to Ms. Salmon (Appendix C to the s.42A report).

61. Ms. Lauren White, consultant urban designer, responded to issues raised in the evidence of Mr. Graham for the applicant. Ms White conceded that the proposal did have some urban design benefits when compared to the Silverspur proposal, in terms of reduced road gradients and some less visually prominent retaining walls. However these did not outweigh what were in Ms. White's view inappropriate block width, layout, and density effects, and visual effects of some TKL retaining walls in relation to Road C. Ms. White was particularly critical of the number and layout of rear lots proposed, which in her view would not provide for the on-site and neighbour-to-neighbour privacy and amenity expected by the District Plan, and otherwise reflected an approach to subdivision contrary to what was sought within the zone.

Hearing adjourned

62. At this point, I adjourned the hearing to allow Mr. Dawson and Ms. Salmon to confer and further consider the question of what conditions of consent should be imposed, were I to ultimately grant consent to the proposal. I identified to Dr. Forret that three matters that were of particular interest to me based on the information and evidence given to me thus far. These were the proposed rear lots, the proposed earthworks / reserve location, and conditions of consent. I asked that, whatever else the applicant may wish to present in its reply, these three matters be included.
63. It was to also allow Dr. Forret to prepare a written right of reply to me addressing the key concerns identified by the Council's staff and submitters.
64. This information was received on 6 March 2018, and I formally closed the Hearing on 14 March 2018.

Applicant's right of reply

65. Dr. Forret provided the right of reply and in it she reiterated, with reference to case law, why in her view it would be correct of me to include the Silverspur consent in the existing environment. She also reminded me that two submitters that were immediate neighbours, Mr. Patterson and Mr. Peach, both considered that the TKL subdivision would provide a more desirable outcome for them than the approved Silverspur subdivision.
66. In terms of the proposed rear lots, Dr. Forret identified that the applicant would accept 6m building height restrictions on rear lots to minimise the

opportunity for privacy intrusions between neighbours. This had been translated into new proposed conditions of consent.

67. Dr. Forret also provided me with a detailed analysis of the proposed conditions of consent, and the remaining differences between Mr. Dawson and Ms. Salmon.

Principal issues in contention

68. The information and evidence before me raised the following principal issues in contention:
- a. The existing environment.
 - b. Urban design effects including road network design.
 - c. Hilltop reserve location and landform modification.
 - d. Consistency with the District Plan.
69. In respect of all other matters, including other adverse environmental effects than those listed here, the requirement for consent under the NES, and concerns identified by submitters, I find that there are no pathways that would lead to the refusal of consent, and that conditions of consent such as were proposed by the applicant and Council staff could appropriately avoid, remedy or mitigate adverse environmental effects. This specifically includes the matters of drainage and storm water raised at the hearing by Mr. Jones and Mr. Peach.

Findings on principal issues in contention

The existing environment

70. While the Silverspur and TKL subdivisions have some face-value similarities, I consider that they are very different outcomes with very different environmental effects. Indeed, were the TKL proposal materially commensurate with the Silverspur proposal, a s.127 RMA variation rather than a new consent could well have been pursued with the advantage of a de facto discretionary activity status rather than the non complying activity status that applies here. I also note that the question of whether an existing consent should form part of the existing environment appears to me to be different in the context of a s.127 variation *to the conditions of that very consent*, and

what is proposed here, a fundamentally new consent to supersede a previous consent and replace it with a different outcome.

71. Ms. Salmon and Mr. Dawson, interpreting plans provided by Mr. Graham, identified several retaining walls that in Mr. Graham's opinion would be needed to implement the Silverspur subdivision. These do not in all instances appear to have resource consent and it is likely that at least some of them would need resource consent. This is one key reason why Ms. Salmon considered that the Silverspur consent should not form part of the existing environment; it was also a key point on which Mr. Graham identified that the TKL proposal was superior to the Silverspur consent. Mr. Dawson considered that these unconsented walls could be simply excluded from the rest of the Silverspur consent, which could be otherwise included in the existing environment.
72. I find that the position taken by Mr. Dawson and Ms. Salmon (and Mr. Graham) towards the additional Silverspur retaining walls is not factually correct and is as such not relevant to the question of the existing environment. Having reviewed the material before me, I am satisfied that the Silverspur consent (taking into account its s.127 variations approved to date) has been granted on the basis of relying on sloping or contoured lots and relatively few retaining walls as one key means of balancing the site's sloped characteristics with the zone's provisions for subdivision. The additional / new retaining walls identified by Mr. Graham do not reflect what was actually applied for or consented as part of the subdivision for Silverspur; it reflects the augmentations that would be required of the Silverspur consent to provide the flat lot outcomes preferred by TKL. In this respect, the retaining solution identified for Silverspur by Mr. Graham could be better described as "retaining walls required to achieve TKL's preferred version of the Silverspur subdivision", rather than "retaining walls required to implement the Silverspur subdivision". While TKL does not prefer sloped lots, this is not a sufficient basis to demonstrate that the consented subdivision cannot be implemented without augmentation such as has been identified by Mr. Graham.
73. As such I find that my consideration of whether or not the Silverspur consent forms part of the existing environment is strictly limited to the consented subdivision, not the augmented version relied on by Mr. Graham for most of his analysis and including the potential additional retaining walls discussed by Ms. Salmon and Mr. Dawson. Related to this, I also record my related finding

that the evidence in support of the need for flat lots put forward by the applicant was not convincing; while the applicant identified outcomes for sloped sites and hills where flat lots have been developed, I was given no substantiation that it was the only way to viably subdivide the subject site in terms of the District Plan provisions that applied (a key point made by Ms. White, and which I agree with).

74. Both Dr. Forret and Ms. Parham were in agreement that unimplemented resource consents should be included in the existing environment, where it is likely that the resource consent(s) in question will be implemented. A number of Court of Appeal, High Court and Environment Court cases were referred to me², and for details of these I refer in turn back to Dr. Forret's legal submissions and right of reply statement, and Ms. Parham's response submissions of the Council. For simplicity, I have not sought to provide an analysis of these cases because between Dr. Forret and Ms. Parham there was no pivotal difference of interpretation or relevance to be addressed.
75. However, between Dr. Forret and Ms. Parham, the question of how I might determine what was or was not likely to be implemented remained one that was largely open to me to resolve.
76. In Ms Parham's view, my investigation in this regard could be so broad as to consider the applicant's character and credibility as a developer given the public statements made in evidence by it and its consultants criticising the approved consent in question. Dr. Forret did not suggest that such breadth would be misplaced or inappropriate. I have not pursued this particular avenue of potential inquiry simply because I received no evidence to suggest that the applicant was not a credible developer. As such I accept the face value submissions of Dr. Forret and Mr. McAlley that the applicant, if it is not successful at obtaining the current TKL proposal, intends at this time to revert to the Silverspur consent.
77. This finding is however not sufficient to convince me that it is likely that the Silverspur consent will be implemented; it merely establishes that there is no clear evidence that it is unlikely to be implemented.

² These were *Queenstown Lakes DC v Hawthorn Estate Ltd* (2006) 12 ELRNZ 299; *Bay of Plenty RC v Fonterra Cooperative Group Ltd* [2011] NZEnvC 73, (2011) 16 ELRNZ 338; *Te Runanga-a-iwi O Ngati Kahu v Far North DC* [2013] NZCA 221; *Te Runanga-a-iwi O Ngati Kahu v Far North DC* (2011) 16 ELRNZ 708; *Calveley v Kaipara DC* [2014] NZEnvC 182; and *Nash v Queenstown Lakes DC* [2015] NZHC 1041.

78. It was very clear that the applicant, and its experts, are not enthusiastic about the Silverspur consent. It has already obtained variations to the original Silverspur consent via changes to conditions of consent under s.127 of the RMA to help bring the subdivision closer to what it prefers. It remains unclear what other or further changes under s.127 RMA might be sought to help bridge what appears a clear gap between what the applicant seeks and what it has consent for (such as flatter lots and additional retaining walls identified by Mr. Graham), in the event that this new application were refused consent. This is a material uncertainty in my mind, that would not exist if the applicant were not so strongly critical of the resource consent in question.
79. But while this introduces doubt in my mind as to whether the Silverspur consent as it currently stands is likely to be implemented, it is also not of itself sufficient to establish that it is not likely to be implemented.
80. And although the applicant's experts were rather unsparing in their criticism of the many shortcomings of the Silverspur consent, at least as they saw them, none went so far as to allege that the consent should not have been granted or that it was otherwise fatally defective (although Mr. Graham came in my view very close when describing it as having "compromised" road gradients³). Rather, the view expressed to me, in the round, was that the TKL subdivision proposal was simply much better than the low-quality and poorly planned Silverspur one. Similarly, none of the Council's staff or consultants expressed the view that the Silverspur consent was defective or could not be implemented.
81. On this basis, and in consideration of my previous finding relating to whether sloped lots are viable or whether new lots must be flat, there is no environmental or planning impediment to the Silverspur consent being implemented. However, this speaks more to establishing that the consent apparently *could* be implemented rather than that it is *likely* to be.
82. In overall consideration of the facts and evidence before me, and based on what seems to be a clear view of the applicant that it would seek further changes to the Silverspur consent such as have been identified by Mr. Graham, I am not comfortably satisfied that it is likely to be implemented.

³ Mr. Graham evidence, paragraph 171.

83. Over and above this I have turned my mind directly to the practicality of considering a previous resource consent “A” as part of the existing environment on the basis that it is likely to be implemented, when granting a current and wholly replacement application “B” would of itself render the previous consent “A” irrelevant and not implemented at all.
84. In this scenario, the likelihood of consent “A” being implemented rests entirely as a contingent response to the question of whether application “B” is first granted or refused.
85. This proposition, which I consider fairly represents the situation before me from the applicant, complicates the matter of “likelihood”. The applicant is not submitting to me that it *is* likely to implement the Silverspur consent; the applicant’s submission is that it *would* be likely to implement the Silverspur consent, subject to additional authorisation for further changes such as have been identified by Mr. Graham, but only as something of a “Plan B” if the current TKL proposal is refused consent (and presumably an option to appeal such a decision was not taken or was not successful).
86. This does not in my mind sit comfortably within the framework of understanding the existing environment and the environmental effects likely to result within that environment, as a matter of fact, against which the effects and merit of the new proposal can be understood and considered. There is no scenario where the Silverspur consent and the TKL consent could co-exist together; the TKL subdivision would plainly supersede the Silverspur one and in so doing lead to the Silverspur consent not being implemented. This would be exacerbated as a contradictory resource management outcome if subsequent consent being granted to the TKL proposal happened to be materially connected to an initial decision to accept the Silverspur consent it would replace as part of the existing environment to start with (this is itself merely an observation of decision making possibility, not a statement that this would necessarily occur).
87. Overall, there is in my view an artificiality to considering the Silverspur consent as part of the existing environment when, as hoped by the applicant, it would be superseded and set aside by the grant of consent to the TKL subdivision.
88. I prefer a more reliable, real-world approach being taken. In conclusion, I find that the Silverspur consent cannot at this time be regarded as being likely to

be implemented. At best, it may in some potentially augmented form be likely to be implemented if the current TKL proposal were refused consent and the RMA appeals process did not change that. I consider that this is a bridge too far for comfort in establishing a direct and factual “likelihood”, more so in conjunction with the applicant’s and its experts’ antipathy towards the Silverspur consent.

89. However, and as a follow on from this finding, I do consider that the existing Silverspur consent does not then ‘disappear’ simply because it does not form a part of the existing environment. It remains a relevant matter to be kept in mind, and I find that s.104(1)(c) provides the means by which the Silverspur consent can be appropriately considered, including that an urban subdivision for 129 lots and including substantial earthworks and other environmental modifications has been demonstrated as being possible on the site under the applicable planning framework.

Urban design effects and road network design

90. Much of the analysis that follows involves comparisons between the Silverspur subdivision and the TKL proposal. I do not consider that there is any relevant RMA test that requires such a comparison, or that to grant consent to the TKL proposal it must be shown to be “better than” or even just “as good as” the Silverspur consent; it merely has to be demonstrated as being able to “stand on its own two feet”. However, the urban design evidence from both Mr. Graham and Ms. White frequently revolved around the two designs and as such my findings reflect the content of their evidence.
91. Mr. Graham, and primarily Mr. Gray, provided evidence to the effect that principal design benefits of the TKL proposal included gentler road gradients than Silverspur, which would in turn promote more walking and cycling in general. In summary, and with reference to Figure 5 in Mr. Gray’s evidence, the Silverspur and TKL subdivisions have an effectively equivalent provision of road gradients between 0% and 4%; the TKL subdivision has more roads in the 5% - 8% range than Silverspur; and Silverspur has more roads in the 9% - 12% range than TKL. In any event, the maximum desirable gradient of a road for accessible use (wheelchair access) is 5% (Mr. Gray, paragraph 36), and in each scenario most roads exceed this. Conversely, all roads comply with a gradient of at most 12% (1:8), which according to Ms. White (paragraph 6.28), is in any event in line with NZS:4404. It is therefore appropriate to record, overall, that:

- a. Both subdivisions achieve adequate road gradients.
 - b. Neither subdivision, due to the subject site being a (sometimes steeply) sloping hill, is able to achieve truly flat or near-flat gradients suitable for 1:20, wheelchair-friendly or accessible navigation.
 - c. Most roads in each subdivision will be sloped between 5% (1:20) and 10% (1:10), and almost all roads will be at or less than a 10% gradient (1:10).
 - d. The TKL subdivision has more roads within an 8% (1:12) range than Silverspur, and as such can be fairly said to be slightly flatter.
 - e. However, the Silverspur subdivision includes more linear metres of road on account of its finer block structure.
92. In Mr. Graham's opinion, the benefits of making walking more appealing to a wider demographic outweighed what were in Ms. White's view dis-benefits of a less permeable urban block structure, which amongst other things may result in longer and less direct walking routes. In Ms. White's view, a combination of factors influenced walking, including route directness, safety, visual interest and overall amenity. However, Ms. White accepted that gentler road gradients and improved walkability would be benefits of the TKL proposal. However, she noted she was not an expert on the matter of road gradients and the inclination for people to walk more frequently or further; she accepted the benefits identified by TKL at face value.
93. I find that this plank of the applicant's approach to be speculative and unproven. No evidence was given to me to substantiate, even in general terms, what quantity of additional pedestrian activity would be predicted to result from the slightly gentler road gradients proposed by TKL and on that basis what urban design benefit it might result in. As noted above, most roads would still exceed the maximum 5% / 1:20 limit identified by Mr. Gray as being suitable for accessible use. When asked questions to this end from me, neither Mr. Gray or Mr. Graham could direct me to any study, metric or basis for supporting the assertion that more walking would result in the TKL subdivision than in Silverspur as a result of shifting a number of road gradients from closer to 10% down to closer to 8%, other than a general principle of common sense that it is easier and hence more desirable to walk on flatter ground. Mr. Gray indeed softened his view of the likely pedestrian benefits from "positive" to "slightly positive" after my questioning of him.

94. Similarly, concerns regarding the likelihood of retaining walls separating sites from the street in the Silverspur subdivision such as illustrated in Figure 6 of Mr. Gray's evidence also appear speculative and overstated. It seems that the Silverspur subdivision was not premised on flat sites being achieved, and it is only TKL's expert's assumptions that purchasers will wish to incur the cost of lifting site frontages with street-boundary retaining walls that would in most instances appear to create the issue of concern to them. My understanding of the Silverspur subdivision is that in many cases the use of batters and slopes were intended to manage gradient transitions, and I have not been convinced that the subsequent front yard retaining structures presumed by Mr. Gray and Mr Graham are probable.
95. I remain unconvinced that there would be any measurable increase in pedestrian activity as a result of the TKL layout and gradients compared to the Silverspur layout, and as a result I do not agree that there is a relevant positive effect to consider in this respect. At best, based on the evidence I have been given, it could be fairly said that the TKL layout and road gradients may make walking trips slightly gentler for those wishing to walk than in the Silverspur scenario, but not to the extent that would make a material difference to the overall amenity offered to pedestrians, and not in my view to the extent that would negate the shortcomings of less direct and longer routes identified by Ms. White.
96. Turning to the key adverse effects of concern to Ms. White, the TKL proposal includes over 25% of the lots as rear lots, and as a result, the blocks are larger in perimeter than might otherwise be the case. In Ms. White's view, these resulted in a number of inappropriate and more than minor amenity and urban design effects relating to pedestrian amenity, residential amenity (including privacy between properties), and the visual effects of density.
97. Mr. Graham explained that the rear lots proposed were not only justified from the point of view of positive pedestrian effects arising from flatter road gradients (discussed above), but in terms of managing the site's gradient and achieving more frequent but lower retaining walls and building platform 'steps' across the slope. In Mr. Graham's view, the TKL proposal was superior in every respect than the Silverspur subdivision (to the extent that when I asked him if there was any urban design point on which the Silverspur subdivision was superior he answered "no").

98. In response to the issues discussed through the Hearing, the applicant volunteered building height restrictions of 6m on rear lots in its right of reply, to address potential privacy concerns raised by Ms. White. I find that this would mitigate some of the effects of the proposed rear lots and is a helpful inclusion by the applicant.
99. I find that there are no clear facts before me to definitively differentiate between the surprisingly wide differences of views between Mr. Graham and Ms. White. Although I have found the potential pedestrian benefits of TKL's gentler gradients to be unproven and overstated, this does not of itself mean that the concerns raised by Ms. White remain as concerning as she has concluded.
100. In considering the disagreement between Mr. Graham and Ms. White, I have turned my mind to the qualifications and experience of each expert. I have also considered the content of their evidence and responses to my questions. This is an unremarkable investigation that a decision maker may undertake when testing evidence.
101. For Ms. White, I noted that she has an urban design qualification and in her evidence described herself as an urban designer. When asked to provide comments to me on the merits of the Silverspur and TKL subdivisions, Ms White was able to readily identify positive and negative attributes of each. For Mr. Graham, I noted that he did not have an urban design qualification and in his evidence he described himself only as a landscape architect rather than an urban designer. I was surprised that he was unable to identify a single instance where the Silverspur subdivision was superior to the TKL proposal, or where Ms. White's concerns may be correct or even have merit. Mr. Graham did briefly confirm to me that he has worked on a number of urban design projects, and sits on the Hamilton Urban Design Panel, which I recognise. But he did little to help explain to me what of his work experience had been as a landscape architect and what as an urban designer, and specifically what it was that made him an expert in urban design. I do not accept that urban design expertise is an inherent sub-set of landscape architecture, architecture, or other built environment expertise.
102. I am mindful of Dr. Forret's comments in reply that (reply paragraph 30):
- "For completeness, I note that Mr Graham gave evidence as to his experience in Urban Design since completing his university qualification. In*

my submission, his evidence is not to be given less weight merely because his length of expertise and practise extends beyond the time when urban design first became recognised as a specialised component of landscape architecture (and of architecture) in its own right.”

103. While I accept the thrust of this submission and that experience is a critical plank of expertise, Dr. Forret’s statement warrants a short response. I have never previously heard that urban design has become a specialist component of landscape architecture (neither Mr. Graham or Ms. White described their expertise as such, and Ms. White appears to have no landscape architecture qualification or expertise), and I am also aware that urban design qualifications have been available as a distinct speciality for considerably longer than the 15 years of work experience that Mr. Graham has identified in his evidence. As such, I have not found Dr. Forret’s commentary helpful in addressing the matter.
104. Overall, and including the more rounded and open-minded responses that Ms. White offered, I find that Ms. White is the more reliable witness on urban design matters and I prefer her evidence over Mr. Graham’s. As such, I prefer and accept her conclusions that the urban design effects arising from a relative lack of permeability, the number of rear lots proposed, retaining walls up to 3m tall along street frontages, will be more than minor.
105. In reaching this conclusion, I do not consider that the Silverspur consent, as a relevant s.104(1)(c) matter but not part of the existing environment, would result in adverse urban design effects as problematic as the TKL proposal, and certainly not worse as was contended by Mr. Graham. As such I do not consider that the Silverspur consent is relevant to my finding on this matter. A key defect in the approach taken by Mr. Graham is that he did not in my view consider the Silverspur subdivision as it was granted and as it was envisaged, being to include sloping sites and various batters; instead and based on work assisting TKL to look to adapt the subdivision to its own preferred development model, Mr. Graham appears to have modified the Silverspur subdivision to make sites flat, thus identifying a variety of retaining walls that were hitherto unbeknownst to the Council as being “part” of the Silverspur consent. They are in my view not; they are a ‘hybrid’ of the Silverspur subdivision layout and earthworks levels adapted to suit the development approach preferred by TKL. I find that this was not a helpful

basis to evaluate the TKL subdivision proposal before me, and it weakened my confidence in Mr Graham's conclusions.

106. In terms of Ms. White's concerns relating to landform modification and the issue of the hilltop reserve, these will be addressed in the next section, along with Mr. Graham's evidence on those matters.

Hilltop reserve location and landform modification

107. The TKL proposal is to undertake approximately 379,000m³ of earthworks including cuts up to 6m and fills up to 6.8m. By contrast, and as was explained to me in Mr. Dawson's evidence, the Silverspur consent was for 291,875m³ including cuts up to 5m and fills up to 6m. In Mr. Dawson's view, the Silverspur subdivision included retaining walls up to 8m high adjacent to the reserve whereas the TKL proposal was for walls up to 3m maximum (Mr. Dawson, paragraph 86). This was however a matter in dispute; Ms. Salmon included in her s.42A report plans from the Silverspur subdivision application showing retaining walls only up to 3m tall adjacent to the reserve (Image 4, s.42A report). The plans showing retaining walls up to 8m tall in the Silverspur subdivision were prepared by Mr. Graham (for example Pg. 28, attachments to Graham evidence). As noted previously, these do not appear to reflect what was consented for Silverspur based on sloping lots and earth batters, and appear to be Mr. Graham's adaptation of the subdivision to meet a different design brief delivering flat site platforms and retaining walls.
108. The applicant's preference is for what Mr. Dawson described as an "engineered contour reserve", or a new hilltop and new slope in a slightly different location than the natural knoll is and at a lower level (4.5m lower than the existing contour level in Ms. Salmon's view, but only 2m lower in Mr. Dawson's). In response to concerns from Council officers, the applicant also identified and prepared plans for an "existing high point reserve". This alternative reserve retained the existing knoll, integrating it into the TKL scheme by way of steeper gradients around the reserve perimeter. At the Hearing it was proposed by the applicant to volunteer a condition of consent giving discretion to the Council to choose which of the two reserves it preferred once further and more detailed analysis was undertaken.
109. I agree with Mr. Dawson (his paragraphs 97 and 98) that the preferred TKL reserve proposal has a number of benefits, including a size and design more

in keeping with the Council's operational preferences, compared to the Silverspur reserve.

110. Mr. Graham considered that TKL's "engineered contour reserve" was appropriate. In his view it would retain a sufficient sense of naturalness given the reconstruction of a slope and hill proposed as part of the subdivision. He considered that because the Structure Plan did not include any specific provisions requiring retention of the existing knoll, that it was therefore not a matter of critical importance, or at least not of the importance that Ms Jack considered. At paragraph 125 of his evidence Mr. Graham stated:
- "Again the TKL subdivision utilises the local high point for a reserve and integrates the landform into its stormwater management. Note this criterion does not ask if the original landform is retained. That is neither expected nor required unless the landform itself has been identified as being worthy of protection. Irrespective, this does not mean that this landform is ignored. Rather, re-contouring of a landform to fit the intended land use, while responding to and integrating with the general topography is an accepted and appropriate practice."*
111. In reaching his conclusion Mr. Graham confirmed that he sought information from Mr. Dawson and Mr. Mansergh, both of whom had acted as Council witnesses in the Variation 13 process. Mr. Dawson, in his evidence, expressed similar views as to the purpose of the knoll reserve in the Structure Plan and the specific wording, in particular, of the Te Kauwhata Urban Design Guide.
112. Ms. White (urban design) and Ms. Jack (landscape architecture) considered that the proposal was not appropriate, and would result in more than minor adverse effects relating to landform character and urban design outcomes. Ms. Jack did not support either of the TKL reserve designs, considering that neither achieved a satisfactory minimisation of landform modification or retention of landform / landscape characteristics. Ms. White was concerned that the creation of stepped platform sites and loss of the natural knoll feature, even if retained in some manner by the TKL alternative reserve solution, was not in accordance with accepted urban design practice.
113. I find that the proposed condition of consent of allowing a final decision on the reserve to be made later and based on more detailed work to be inappropriate. Each reserve would have different characteristics and raise

different questions in terms of the District Plan framework. I am also concerned that the principal question of whether one or both locations are appropriate need to be determined in this decision rather than put off later. I do however acknowledge the applicant's willingness to incorporate the Council's concerns and preferences by identifying a solution that could accommodate a hilltop reserve at the location identified on the Structure Plan.

114. I am not convinced that the perceived demand for flat sites, even on sites as sloped and constrained as this subject site, is as much of a resource management imperative as has been assumed by Mr. Graham and Mr. Dawson. Similarly, I have not found the replacement "engineered naturalness" proposed by Mr. Graham to be a convincing substitute for a more concerted effort to balance the limitations of the site with a workable subdivision solution. In this respect, the Silverspur consent works as much against the TKL argument as it does for it, given that it demonstrates many of the outcomes considered important by Ms. White and Ms. Jack in a way that seems achievable, albeit without the total number and degree of flat sites sought by TKL for the site or total degree of landform modification.
115. Overall, I have come to prefer the evidence of Ms. Jack, that it is not appropriate to undertake such substantial landform modification as has been proposed. This is because the commentary relating to the reserve in the Structure Plan refers to the reserve as being primarily about retaining the natural character values of the landform, not as a flat play space. To that end, I have not found Mr. Graham's arguments in support of a flatter and more recreationally usable reserve, while noteworthy and including some positive attributes, as relevant as he has.
116. In terms of the District Plan and the Te Kauwhata Urban Design Guide, I find that the proposal is not appropriate. On the evidence before me, the Structure Plan was premised on the natural landform of the knoll being retained, or at least substantially so, and despite the evidence of Mr. Graham and also that of Mr. Mansergh I am not persuaded to the contrary.
117. Overall and for the reasons outlined above, I consider the landform modifications proposed including the preferred TKL reserve solution to be inappropriate and very likely to result in more than minor adverse effects, based on the analysis and conclusions of Ms. Jack and Ms. White.

Consistency with District Plan

118. Based on the analysis of the expert evidence they each preferred, Mr. Dawson and Ms. Salmon undertook an analysis of the relevant planning matters.
119. Neither of the two planners saw issue with the provisions of the WRPS, WRP, or NPS. However, they reached different conclusions regarding the District Plan. I have previously identified that I consider that Chapter 15A to be the most relevant to the proposal, and where I consider most weighting should be placed ahead of the more general remainder of the Plan's objectives and policies.
120. I find that the proposal is consistent with the WRPS, WRP and NPS, although I reiterate my finding that these documents are not particularly relevant to the proposal and enjoy limited weighting in my view. I also reiterate for completeness that there is no issue in terms of the NES.
121. In terms of Chapter 15A, Mr. Dawson considered the proposal was consistent with all of the District Plan's objectives and policies. Ms. Salmon considered that based on the environmental effects of the proposal, the outcomes sought by the Plan would not be met.
122. I find that the proposal is problematic in terms of 15A.2.2(d), (e), (k) and (m), because:
- a. The proposal does not "retain" views to the natural knoll landform; it is proposed to remove this feature and the replacement contour will not appropriately mitigate this (in either of the TKL reserve proposals).
 - b. The extent of landform modification proposed and the substantial loss of natural character, in conjunction with the density and configuration of lots proposed (including the frequency of rear lots) conveys an unmistakably urban character which does not create a strong association with rural amenity values.
 - c. I do not consider the proposal integrates buildings, open spaces and public open spaces together, for the reasons outlined in Ms. White's evidence.
 - d. For the reasons outlined in Ms. White's evidence, I consider that the proposal frequently fails to achieve the outcomes sought in the Urban Design Guideline. I consider Mr. Graham's evidence less convincing

largely because he has conflated an “engineered naturalness” as being substitutable for “naturalness” in the Urban Design Guide.

123. I find that the proposal is particularly problematic in terms of 15A.2.7 and 15A.2.8 because the proposal is not in my view sympathetic to natural features and landscapes, and it does little to retain natural land contours or minimise earthworks. It seems quite clear that where a site in the Structure Plan area is constrained by hills and contours, a solution that works with these rather than seeks to considerably change them, is being promoted.
124. I find that the proposal is problematic in terms of 15A.2.7 and 15A.2.9(a), (d) and (f) because:
- a. The proposal does not seek to “retain” the visually prominent knoll feature, which I am satisfied does contribute significantly to the character of the site and immediate area, based on the evidence of Ms. Jack and Ms. White.
 - b. I do not consider the arrangement of lot sizes, shapes and orientations address site specific issues of topography and the importance of retaining the hilltop knoll landform or the natural landform generally.
 - c. The proposed open space configuration preferred by TKL does not enjoy “substantial” road frontage, although I am inclined to agree that in this instance the topography is a considerably mitigating factor.
125. I find that the proposal is problematic in terms of 15A.2.32(a) and (c) because based on the evidence of Ms. White, which I prefer, the proposal does not provide “convenient and high amenity” walking and cycling routes through the development to beyond the site, and proposes an inefficiently coarse road network.
126. I find that the proposal is problematic in terms of 15A.2.33(b) and (e) because on the evidence before me I have not seen any evidence that the provision of rear lots has been sought to be minimised, and as noted previously I have not accepted the evidence of Mr. Graham that the proposed extent of rear lots is necessary to manage the site’s gradient. In addition, I do not consider the design of roads has been based on minimising earthworks and landform modification; it has been driven by facilitating flatter gradients and the

efficiency of flat lots and this has resulted in more landform modification and earthworks than may be necessary.

127. When I consider these matters together, I find that the proposal is for a scale, type and form of subdivision that is considerably different to what the Plan provisions seek in Chapter 15A, and that the Silverspur consent, relevant as a matter under s.104(1)(c), exhibits a considerably more appropriate and better suited response. The arguments put forward to justify the TKL proposal from the applicant's experts, that the result will be more walkable, look more natural, and be more in-line with market expectations, have not been convincing other than perhaps in terms of policy 15A.2.9(f). Overall, I consider that the proposal is not reconcilable with the pattern, scale and form of subdivision anticipated on the site by Chapter 15A and is inappropriate to the extent that is repugnant to the outcomes sought.
128. In terms of the balance of the Plan's objectives and policies, I find that the proposal is problematic in terms of:
- a. Objective 1A.4.1 and policies 1A.4.2 and 1A.4.3, because based on Ms. White's analysis the proposal will not achieve high amenity values; will not be sympathetic to the site's existing character; and is not in accordance with the outcomes sought by the Te Kauwhata Structure Plan.
 - b. Objective 3.4.1 and policies 3.4.2(a), and (d), because based on Ms. Jack's evidence the landscape and visual amenity values of the knoll feature, as viewed from public places including new public roads proposed in the subdivision and adjacent subdivisions in the future, will not be retained; adverse effects on the landform's removal will not be avoided or mitigated; and the design of the subdivision is not sympathetic with the landform or landscape.
 - c. Objective 13.4.1 and policy 13.4.2(a), because based on Ms. White's and Ms. Jack's evidence the proposal will not be sympathetic to the natural and physical qualities and characteristics of the area.
129. For completeness, I note that for all other District Plan objectives and policies identified by Mr. Dawson in Appendix 5 of his evidence, I find that the proposal is either consistent with them or not so inconsistent that it could lead to a refusal of the application.

130. Overall and for the above reasons, I find that the proposal will be antagonistic to key outcomes sought by the provisions of Chapter 15A of the District Plan, as well as a number of other discrete objectives and policies across Chapters 1A, 3 and 13. This repugnance to the amenity, form, and landscape responsiveness expected of development within the zone is of a magnitude that I conclude, in agreement with Ms. Salmon, that the proposal is contrary to the objectives and policies of the District Plan.

Section 104D analysis

131. Section 104D RMA only provides for applications to be considered under section 104 and 104B RMA where at least one of its two gateway tests are passed. These are, at s.104D(1)(a), that the adverse environmental effects of the proposal will not be more than minor, and at s.104D(1)(b), that the proposal will not be contrary to the objectives and policies of the District Plan.
132. For the reasons outlined above, I have come to the conclusion that the proposal will have more than minor adverse environmental effects, and be sufficiently opposed to the District Plan's objectives and policies that it could be fairly and reasonably said to be contrary to them. Because of this, I am precluded from any further consideration of the proposal's merit.
133. The proposal must be refused consent.

Decision

- (1) Under section 37 of the Resource Management Act 1991, the late submission by Nga Muka Development Trust has been accepted, because:
- a. The one-day lateness did not prejudice any party;
 - b. I consider that receiving information regarding cultural effects and the inclusion of Tangata Whenua is helpful to my decision making and relevant under Part 2 of the Act (s.8 RMA); and
 - c. The applicant supported acceptance of the late submission.
- (2) In terms of the existing environment:
- a. In making my decision and for the reasons outlined in this decision notice, the previous Silverspur subdivision consent referenced SUB0163/14 by the Council, and subsequently varied under s.127 RMA (Council reference SUB0163/14.01), does not form part of the existing environment.

- b. In consideration of the uncertainty surrounding the issue of the existing environment, and in the event that my finding above proves incorrect, I have also considered my decisions that follow from the point of view of including the Silverspur consent in the existing environment. I confirm that doing so would not have led me to different overall conclusions in terms of s.104D RMA. The environmental effects of the TKL proposal are materially different and more adverse, and the form of the subdivision is materially less compatible with the outcomes sought by the District Plan in Chapter 15A, than would result in the environment as a result of implementing the Silverspur consent.
- (3) Under section 104D of the Resource Management Act 1991, the application for subdivision and land use consent by Te Kauwhata Land Ltd at 24 Wayside Road, Te Kauwhata, is refused, because:
- a. Pursuant to s.104D(1)(a) RMA, the proposal will have adverse environmental effects that are more than minor in terms of landscape and landform, and urban design.
 - b. Pursuant to s.104D(1)(b) RMA, the proposal will be contrary to the objectives and policies of the Waikato District Plan, particularly in terms of Chapter 15A.
 - c. Because the application does not pass either of the s.104D RMA gateway tests, consideration of merit cannot be undertaken and consent must be refused.



Ian Munro
Independent Commissioner

5 April 2018

Open Meeting

To	Policy & Regulatory Committee
From	Sue O’Gorman General Manager Customer Support
Date	3 May 2018
Prepared by	Beryl McCauley Consents Administrator
Chief Executive Approved	Y
Reference #	GOV1301
Report Title	Delegated Resource Consents Approved for the months of March and April 2018

1. EXECUTIVE SUMMARY

This report gives information relating to all delegated Resource Consents processed for the months of March and April 2018 excluding hearings.

2. RECOMMENDATION

THAT the report of the General Manager Customer Support be received.

3. APPOINTMENT OF COMMISSIONERS

David Hill Appointed for the hearing of the application by Anthony Fels for subdivision consent (SUB0104/18) to subdivide one residential lot into two (one additional) where the new allotments breach the minimum allotment size, other boundary setbacks, right of way width, carparking, separation distances between accesses and manoeuvring standards at 55 Wainui Road, Raglan

4. ATTACHMENTS

Delegated Authority Reports - attached

- March 2018
- April 2018

Delegated Authority Report

Period from 1 March 2018 to 31 March 2018

Awaroa ki Tuakau

Ward Total: 16

Applicant	ID No	Address	Details	Decision
M Wu	LUC0085/18	95B McIntosh Drive POKENO	Earthworks which exceed the maximum volume, height and area which also exceeds the maximum area and volume within 10m of a wetland. Dwelling and retaining wall within a flood area and within the setback from a wetland in Village Zone. Variation to a consent notice (10470133.4) registered on CFR 741195 to provide for an alternatives clause on the water tank requirement.	Granted
Top End Properties Limited	SUB0093/18	7A High Street POKENO	Undertake a two lot subdivision in the Residential 2 Zone.	Granted
Top End Properties Limited	LUC0154/18	7A High Street POKENO	To establish two residential dwellings in the Residential 2 Zone that fail various District Plan provisions including the delineated area, internal setback, coverage and earthworks and on a site that has been identified as a 'piece of land' and therefore requires consent under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES).	Granted
L Barker, D A Barker	LUC0235/18	450 Bothwell Park Road WAIUKU	Construct a shed within the permitted road setback within the rural zone.	Granted
M H Khan	LUC0283/18	26 Johnson Street TUAKAU	To undertake earthworks that exceeds the permitted volume and cut depth in connection with the construction of a dwelling in the Rural Residential Zone. The proposed dwelling will not provide a specified outdoor living area in a required position.	Granted
P T Cooper, L J Cooper	LUC0342/18	78A McIntosh Drive POKENO	To establish a residential dwelling with an attached second dwelling and earthwork excavations that exceeds the maximum volume requirements in the Village Zone.	Granted
R H F Phillips	LUC0356/18	13 Gibboney Place POKENO	To undertake earthworks that exceed the permitted volume for the purposes of creating a building platform in the Residential 2 Zone	Granted
Greig & Bovill Developments No 2 Limited	LUC0366/18	2 Rees Way PVT TUAKAU	To establish a residential dwelling and attached garage that encroaches the front road boundary setback within the Residential Zone	Granted
Synlait Milk Limited	LUC0375/18	45 McDonald Road POKENO	Undertake bulk earthworks on a site in the Industrial 2 Zone which exceeds the maximum cut/fill height, area, volume and the deposition of cleanfill that exceeds the maximum volume. NES: Provision of a DSI (detailed site investigation) which found asbestos levels that exceed the applicable standard.	Granted

Delegated Authority Report

Period from 1 March 2018 to 31 March 2018

S J Miller, E R Miller	LUC0397/18	5 Bellenden Crescent POKENO	To establish a residential dwelling that fails the earthwork provisions in relation to building platform preparation of the District Plan	Granted
M J P Bezuidenhout, E Bezuidenhout	LUC0400/18	18 Thomason Crescent POKENO	Construct a dwelling which does not comply with the shape factors for an outdoor living court and incorporates a deck which constitutes a 'building'.	Granted
P S Briggs, S F Briggs	SUB0031/18.01	86 George Street TUAKAU	S127 to change condition 11 of subdivision consent SUB0031/18 to amend the existing wastewater line.	Granted
K G Davey, Kathy Haigh Trust	SUB0197/18	250 Dominion Road TUAKAU	To undertake a single lot Transferable Rural Lot Right subdivision outside of the EEOA in the Rural Zone of the Franklin Section of the Waikato District Plan.	Granted
C S Reddish	SUB0212/18	29A Arrowville Road WAIUKU	Undertake a boundary adjustment between three contiguous titles where the change in title size is greater than 20%	Granted
C Baker, S J Baker	SUB0227/18	216 Parker Lane PUKEKOHE	To undertake a Transferrable Rural Lot Right subdivision by transferring one rural lot right to a receiver site located in the Rural Zone and outside of the EEOA, and on a site that has been identified as a 'piece of land' and therefore requires consent under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES).	Granted
P Walter	SUB0229/18	120 Harris Road WAIUKU	Cancellation of an amalgamation condition following subdivision consent (SUB0266/17) to allow the balance parcels of the farm to be held together in the one title.	Granted

Eureka

Ward Total: 5

Applicant	ID No	Address	Details	Decision
K S Dhillon	LUC0074/18	11 Davison Road RUAKURA	Establish and operate a café (commercial activity) within the Rural Zone failing building setback, building coverage, non-residential building size, parking and signage requirements of the District Plan.	Granted
A G Hawes, J M Hawes	LUC0349/18	112 Hiwi Road TAUWHARE	To construct a garage within the permitted building setbacks in the Rural Zone for an allotment 1.6 ha or more and resource consent for earthworks within the Hauraki Gulf Catchment Area.	Granted
D B Smith, K V Smith	LUC0370/18	584A State Highway 26 NEWSTEAD	To relocate a dwelling and to change the use of the existing cottage to a dependent person's dwelling.	Granted

Delegated Authority Report

Period from 1 March 2018 to 31 March 2018

C M Robinson, A M Robinson	LUC0372/18	1034 Tauwhare Road TAUWHARE	To construct a covered outdoor area within the permitted building setbacks in the Rural Zone for an allotment 1.6 ha or more and for earthworks within the Hauraki Gulf Catchment Area.	Granted
Burton Trust, RBA Trustees Limited, Professional Trustee Services 2016 Limited	SUB0223/18	285A Greenhill Road HAMILTON	Undertake a subdivision on a site with a Certificate of Title dated earlier than 06 December 1997 to create one additional allotment with a vehicle entrance that does not comply with separation distances in the Rural Zone of the Waikato District Plan.	Granted

Hukanui - Waerenga

Ward Total: 4

Applicant	ID No	Address	Details	Decision
NZ Transport Agency (Waikato)	DES0013/18		Outline plan for the construction of the Resolution Drive Extension of the Hamilton section of the Waikato Expressway	AcceptPlan
I M Sunde, J M Sunde, N S Sunde	LUC0344/18	167 Waikare Road WAITERIMU	Construct and use a building which exceeds the District Plan maximum height requirement, and encroaches into the minimum building setback and daylight admission requirements and for retrospective landuse resource consent for earthworks, in the Rural Zone.	Granted
R W H Crampton, L M Crampton	SUB0057/13.01	Graham Road ROTOTUNA	S127 to change/cancel conditions of subdivision consent (SUB0057/13) to remove conditions to identify an overland flow path and amend conditions to allow them to be fulfilled prior to s224 instead of s223 approval.	Granted
Te Hoe Dairies Limited	SUB0199/18	2003 Tahuna Road TE HOE	To undertake a subdivision to create one additional lot via general subdivision provisions, one additional lot via conservation house allotment provisions and to undertake a boundary relocation, in the Rural Zone.	Granted

Huntly

Ward Total: 7

Applicant	ID No	Address	Details	Decision
WEL Networks Limited	DES0017/18	Weavers Crossing Road HUNTLY	Outline Plan of works related to increasing resistivity of the site and for storage of electricity poles	AcceptPlan
NZ Transport Agency (Waikato)	DES0031/15.01	State Highway 1 TAUPIRI	Change of Conditions to Condition 7.2 - to allow for material to be taken from the designation corridor in the immediate area & deposited immediately outside the designation.	Granted
Stevenson Resources Limited	LUC0035/11.02	Riverview Road HUNTLY	S127 to change conditions PC14 (tonnage) and PC16 (heavy impact fees) of resource consent LUC0035/11	Granted
Fulton Hogan HEB Joint Venture	LUC0294/18	State Highway 1 TAUPIRI	Deposition of clean fill associated with construction of the Huntly Section of the expressway, at a site within the Rural Zone.	Granted

Delegated Authority Report

Period from 1 March 2018 to 31 March 2018

Fulton Hogan HEB Joint Venture	LUC0341/18	419 Kimihia Road HUNTLY	Deposition of up to 15,000m ³ of clean fill material over 10,000m ² from the creation of a wetland associated with the Waikato Expressway Construction	Granted
R V Prasad	LUC0353/18	211 Kimihia Road HUNTLY	To undertake earthworks for a building platform and drive on a property with a gradient steeper than 1:8	Granted
WEL Networks Limited	LUC0382/18	Weavers Crossing Road HUNTLY	For soil disturbance on a piece of land which contains activities included on the Hazardous Activities and Industrial List (HAIL).	Granted

Newcastle

Ward Total: 4

Applicant	ID No	Address	Details	Decision
T Lightbourne, A M Gallagher	LUC0374/18	6 Diane Place PVT TE KOWHAI	Construct a shed that exceeds the permitted accessory building size within the Country Living Zone.	Granted
S R D Veitch	SUB0072/17.02	2289B Kakaramea Road WHATAWHATA	S127 to change/cancel conditions of consent (SUB0072/17) to allow for the approved subdivision to be undertaken in two separate stages with Lot 1 to be created under Stage 1 and Lot 2 to be created under Stage 2.	Granted
G L McBride, D P McBride	SUB0191/18	246 Collie Road TE KOWHAI	To undertake a boundary relocation between two Certificates of Title in the Rural Zone in which the Certificates of Title were issued after 6 December 1997 and the proposed access legs to Lots 1 and 2 do not comply with the required width or separation distances.	Granted
B J Robinson, J S Robinson	SUB1037/11.02	308 Crawford Road TE KOWHAI	S127 to change conditions of subdivision consent SUB1037/11 to allow for either physical or wireless telecommunications connections to be provided to Lots 1 and 2.	Granted

Ngaruawahia

Ward Total: 15

Applicant	ID No	Address	Details	Decision
P C Bull, G B Bull	LUC0200/18	3 Princess Street NGARUAWAHIA	Establish and operate a veterinary clinic (with associated showroom) with landscaping and vehicle access and entrance District Plan rule failures within the Light Industrial Zone in Ngaruawahia.	Granted
Ultimate Holdings Limited	LUC0337/18	75 River Road NGARUAWAHIA	Land use to grant dispensation for a future dwelling on Lot 33, to be setback 1.5 metres from a paper road	Granted
L J Dunn, J D Dunn	LUC0361/18	13 Piriti Lane HOROTIU	To undertake earthworks that exceed the permitted volume for the purpose of forming a driveway for a dwelling which exceeds the permitted building coverage in the Country Living Zone.	Granted

Delegated Authority Report

Period from 1 March 2018 to 31 March 2018

Northgate Industrial Park Limited	SUB0064/18.01	15 Evolution Drive HOROTIU	S127 to change conditions of subdivision consent SUB0064/18 in relation to easements	Granted
Ohawini Trustees Limited	SUB0155/18	8 King Street NGARUAWAHIA	To undertake a subdivision creating one additional lot in the Living Zone, where there are non-compliances with Appendix A and the existing garage is non-compliant with the building setback requirements.	Granted
Egnever Developments Limited	SUB0171/18	10 Waingaro Road NGARUAWAHIA	To undertake a two lot subdivision in the Living Zone and seek departure in regards to the number of allotments that are permitted to utilise a right of way commonly known as Vi Taha Lane.	Granted
River Road North Limited	SUB0178/16.02	75 River Road NGARUAWAHIA	S127 to change conditions of subdivision consent to change the numbering of the proposed lots, remove one road linkage to the paper road and vary the size of various lots.	Granted
Cockroach Limited	SUB0195/18	21A River Road NGARUAWAHIA	Update a cross lease Flats Plan to show one dwelling in each exclusive area A & B	Granted
T M E Duffull, M K Duffull	SUB0219/18	13 Whitby Close NGARUAWAHIA	Undertake a subdivision in the Living Zone which involves moving land from one title to another, with no additional lots created	Granted
C L Ormsby	SUB1108/11.01	83 Ormsby Road NGARUAWAHIA	S127 to change/cancel conditions of consent SUB1108/11 to allow for amendments to the layout of the lots, access arrangement and the option to install wireless telecommunications to service the lots	Granted

Onewhero-Te Akau

Ward Total: 8

Applicant	ID No	Address	Details	Decision
J H Hart, S G Hart	SUB0033/18.01	3660 Highway 22 HUNTLY	S127 to change conditions of consent SUB0033/18 to reflect an approved TRLR subdivision(SUB0081/18)	Granted
Pukekawa Land Company Ltd	SUB0157/18	Morrison Road TUAKAU	Undertake a 2 lot Transferable Rural Lot Right Subdivision in the Rural Zone where the donor and receiver lots are outside of EEOA, proposed Lot 1 exceeds the maximum 1.0ha lot size and establish a Right of Way easement over Lot 2 DP 460662 in favour of Proposed Lot 2	Granted
K R McKay	SUB0190/18	273 Kauri Road TUAKAU	Undertake a transferable rural lot right subdivision to create one new lot at a receiver property, where the new lot exceeds the maximum allowed lot size in the Rural Zone.	Granted
Clover Farms Limited	SUB0193/18	51 Hull Road TUAKAU	Undertake a three lot boundary relocation in the Rural Zone of the Franklin Section of the Waikato District Plan.	Granted

Delegated Authority Report

Period from 1 March 2018 to 31 March 2018

J C Harlick	SUB0201/18	691 Highway 22 TUAKAU	To undertake a 1 lot transferable rural lot subdivision by transferring a consented lot with both donor and receiver lot outside the EEOA in the Rural Zone.	Granted
Clover Farms Limited	SUB0211/18	Tuakau Bridge-Port Waikato Road TUAKAU	Undertake a boundary relocation, revoke an existing access easement and the creation of a new right-of-way to serve the remaining lots of the revoked right-of-way access.	Granted
The Kelliher Charitable Trust, H White	SUB0228/18	899 Ponganui Road TUAKAU	To undertake an environmental lot subdivision that results in the creation of four additional lots from the protection of 9.60ha & 8.20ha of Qualifying Natural Features (QNF) outside the EEOA in the Rural Zone.	Granted
D Jamieson, C K Jamieson	SUB0302/17	1475 Churchill Road TUAKAU	To undertake subdivision on the basis of the provisions for existing intensive rural activities (commercial orchard), where the proposal does not meet the minimum lot size provisions.	Declined

Raglan

Ward Total: 5

Applicant	ID No	Address	Details	Decision
M J Pearson, O T J Pearson	LUC0352/18	215A Benseman Road TE HUTEWAI	To establish a residential dwelling and detached travellers accommodation within the Coastal Zone that fails setback, building platform and earthwork provisions of the District Plan.	Granted
M J Tait	LUC0355/18	459C Te Hutewai Road TE HUTEWAI	To establish a primary dwelling and detached dependant persons dwelling in the Rural Zone	Granted
Kauroa Farms Limited	LUC0359/18	141 Te Mata Road TE MATA	To construct a covered stand-off pad shelter for cattle which exceeds the permitted non-residential building size for rural productive activities and retrospective consent for earthworks that exceeds the permitted volume and area	Granted
S B Spry, A A J Spry	LUC0373/18	10 Three Streams Road OKETE	Construction of a dwelling in the Coastal Zone of the Waikato District Plan, and a building platform with earthworks exceeding the maximum permitted area.	Granted
East to West Trading Limited	LUC0392/18	2 Wallis Street RAGLAN	Sale of Liquor Planning Certificate for an on and off licence in accordance with s100(f) of the Sale and Supply of Alcohol Act 2012	Approved

Delegated Authority Report

Period from 1 March 2018 to 31 March 2018

Tamahere

Ward Total: 7

Applicant	ID No	Address	Details	Decision
M B Patel	LUC0334/18	3 Figgmartin Lane PVT TAMAHERE	Construct and use a new dwelling in the Country Living Zone, which fails to comply with the total impervious surfaces and maximum building coverage, permitted under the Waikato District Plan.	Granted
A B Hodgson, R J Hodgson	LUC0346/18	254E Tauwhare Road TAMAHERE	Construct a dependent persons dwelling in the Rural Zone which does not share an outdoor living court with the main dwelling	Granted
Stevenson Designer Building Limited	LUC0364/18	39A Annebrook Road TAMAHERE	Construct a dwelling in a gully on Lots 5 & 6 of subdivision consent SUB0176/18 to create an 11 lot subdivision including road to vest and creation of an esplanade strip in the Country Living Zone.	Granted
L A Koppens	SUB0210/18	39 Koppens Road TAMAHERE	To undertake subdivision to create 3 residential lots within the Country Living Zone where proposed access to Lot 2 cannot comply with the District Plan standard, and new boundaries will result in building setback infringement. A gully planting plan is not provided with the application, and transmission lines run over the gully area.	Granted
L A Koppens	LUC0391/18	39 Koppens Road TAMAHERE	Landuse consent for impervious surfaces and setback infringements as a result of a subdivision (SUB0210/18) to create 3 residential lots within the Country Living Zone	Granted
Stevenson Designer Building Limited	SUB0176/18	39A Annebrook Road TAMAHERE	Undertake an eleven lot subdivision including road to vest and creation of an esplanade strip, at a site within the Country Living Zone.	Granted
A G Gray	SUB0188/18	97 Mills Road TAMAHERE	Undertake a subdivision in the Rural Zone resulting in no additional titles	Granted

Whangamarino

Ward Total:8

Applicant	ID No	Address	Details	Decision
Foodstuffs (North Island) Limited	LUC0170/18	4 Main Road TE KAUPWHATA	Construction and operation of a new supermarket with associated parking and loading areas, vehicle accesses and signage rule failures.	Granted
DNB Homes LTD	LUC0302/18	632B Churchill East Road TE KAUPWHATA	Construct a third dwelling for use as a farmworker's accommodation	Granted
Lakeside Developments 2017 Limited	LUC0315/18	65 Scott Road TE KAUPWHATA	Construction of a road by a private individual that has not been authorised by resource consent and fails earthworks in the Rural Zone.	Granted

Delegated Authority Report

Period from 1 March 2018 to 31 March 2018

I R K Udy, P H Lunjevich	LUC0350/18	3 Totara Place TE KAUWHATA	To construct an oversized shed that exceeds yard setbacks in the Living Zone	Granted
L G Forge Limited, G W Hunt, L J Stenbert	LUC0362/18	131 Wattle Road TE KAUWHATA	To construct a farm implement shed that will exceed 2% site coverage and encroach the side boundary.	Granted
M L Shuker, V Shuker	SUB0198/18	1496C Kaiua Road MANGATANGI	To undertake an environmental lot subdivision that results in the creation of two additional lots from the protection of 8.6ha of Qualifying Natural Features (QNF) outside the EEOA in the Rural Zone. Creation of ROW	Granted
Waikare Estate Limited	SUB0275/17	26 Travers Road TE KAUWHATA	To undertake a subdivision creating three additional lots from one existing CFR in the Country Living Zone and a subdivision in accordance with Regulation 9(3) of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.	Granted
David Dean Limited	SUB0300/17.01	63 Mckenzie Road MANGATAWHIRI	S127 to change/cancel conditions of consent (SUB0300/17) to amend, remove and add conditions relating to the donor lots of this consent.	Granted

Delegated Authority Report

Period from 1 April 2018 to 30 April 2018

Awaroa ki Tuakau		Ward Total: 20		
Applicant	ID No	Address	Details	Decision
Van Den Brink Poultry Limited	LUC0208/13.01	24 Ryders Road TUAKAU	S125 extension of time in order to give effect to LUC0208/13 that was granted resource consent on the 14th June 2013 to establish a metalled car parking area in connection with the adjoining poultry business	Granted
Watercare Services Ltd	LUC0264/18	Parker Lane PUKEKOHE	To undertake earthworks in excess of permitted area and volume to create a laydown area required for Pukekohe wastewater treatment plant upgrade works. The laydown area will remain for up to 3 and half years.	Granted
BW Costar Limited	SUB0147/18	287 Parker Lane PUKEKOHE	Transfer two rural lot rights outside of the Environmental Enhancement Overlay Area (EEOA), to a lot located in the Rural Zone, also outside the EEOA, creating two new rural-residential lots.	Granted
BW Costar Limited	LUC0284/18	287 Parker Lane PUKEKOHE	To undertake earthworks in excess of the permitted volume and cut height in the Rural Zone associated with the formation of a new building platform for proposed Lot 1.	Granted
MJB Construction Limited	LUC0398/18	3 Lippiatt Crescent POKENO	To undertake earthworks that exceed the permitted volume for the purpose of creating a building platform for a dwelling that exceeds the permitted building coverage within the Residential 2 Zone.	Granted
V M Morrison, Pukekohe Trustee Services Limited, S Toth	LUC0411/18	46 Munro Road POKENO	Earthworks which exceed the permitted volume and depth, in association with the construction of a new dwelling and an attached minor dwelling in the Residential 2 Zone	Granted
S E Hays, A J Hays	LUC0417/18	1 Gibboney Place POKENO	To construct a retaining wall and fence which will encroach into the required side yard and exceed the permitted height for a fence on a side yard adjoining a reserve and construct a dwelling with an outdoor living court that does not comply with the minimum dimensions and incorporates a retaining wall and fence which constitute a 'building'.	Granted
Exurbia Limited	LUC0419/18	17 Bellenden Crescent POKENO	To construct a dwelling that exceeds the permitted building coverage with a garage that encroaches into the required front yard within the Residential 2 Zone.	Granted
S Mupnar, D Mupnar	LUC0425/18	15 Bellenden Crescent POKENO	To undertake earthworks in the Residential 2 Zone that exceed the permitted volume for the purpose of creating a building platform.	Granted
P K Mwelwa, A A Kimaro	LUC0426/18	38 Harriet Johnston Drive POKENO	Construction of a single level 3 bedroom dwelling of 207m ² , with an attached minor dwelling of 30m ² on the subject site where the house fails the side yard requirement of 3m in relation to the eastern side boundary	Granted

Delegated Authority Report

Period from 1 April 2018 to 30 April 2018

Chandra Family Trust Limited, A Chandra	LUC0427/18	58 Te Ara Aukati Terrace POKENO	Construction of a building platform with earthworks exceeding the maximum permitted volume of 100 m ³ by 183 m ³ , and construction of a dwelling exceeding the 10 m yards by 0.234 m on the northern (side) boundary.	Granted
P G Pendergrast Limited	SUB0012/18.01	49 Pendergrast Road MANGATAWHIRI	Variation of consent conditions to SUB0012/18 to remove all references of Lot 6 from Conditions 1, 9, 10, 11, 12, 13 and 27	Granted
W R Fulton	SUB0129/15.01	89B Bald Hill Road PUKEKOHE	Partially cancel Consent Notice C934437.4 in so far as it applies to Lots 1, 3 and 4 DP 485634 in accordance with S221(3)(a). Partially cancel Bond C934437.9 in so far as it applies to Lots 1,3 and 4 DP 485634 in accordance with S108A(2)(g).	Granted
P M Noad	SUB0169/18	30 Ryders Road TUAKAU	Undertake a subdivision in the Rural Residential Zone to create two additional allotments.	Granted
P S Phillips, C Phillips	SUB0207/18	105 Ewing Road TUAKAU	To transfer two rural lot rights outside of the Environmental Enhancement Overlay Area (EEOA) to a lot located in the Rural Zone, also outside of the EEOA, creating two new lots and one balance lot.	Granted
G E Klingenberg	SUB0232/18	44 Kotuku Road WAIUKU	To transfer one rural lot right outside of the Environmental Enhancement Overlay Area (EEOA) to a lot located in the Rural Zone, also outside the EEOA.	Granted
A D Volz	SUB0256/18	209 Bothwell Park Road WAIUKU	To undertake a transferable subdivision of a consented lot where both the receiver and donors sites are outside the Environmental Enhancement Overlay Area (EEOA).	Granted
Polderland Farms Limited	SUB0259/18	701 Aka Aka Road FRANKLIN	Undertake a subdivision for a boundary relocation between two existing titles in the Rural Zone	Granted
Middlemiss Farm Holdings Limited	SUB0262/18	95 Jericho Road PUKEKOHE	Environmental Lot subdivision within the EEOA to create two additional allotments that are not contiguous where one is greater than the maximum allowed size by 0.86 ha.	Granted
D E Tucker, N A Heald	SUB0265/18	195 Cameron Town Road PUKEKOHE	Cancellation of existing easement pursuant to Section 243(e) of the Resource Management Act 1991.	Granted

Eureka

Ward Total: 2

Applicant	ID No	Address	Details	Decision
Wattle Downs Limited	SUB0035/11.01	Powells Road HAMILTON	S127 to change conditions of consent in relation to telecommunications and provision for wireless connection.	Granted
Marshmeadow Farm Limited	SUB0059/11.02	51 Craig Road NEWSTEAD	Section 127 to change Conditions of consent SUB0059/11 to allow for wireless telecommunications.	Granted

Delegated Authority Report

Period from 1 April 2018 to 30 April 2018

Hukanui - Waerenga		Ward Total: 7		
Applicant	ID No	Address	Details	Decision
J L McLaggan	LUC0383/18	383 Henry Road ORINI	Construct a dependant person's dwelling in the Rural Zone	Granted
Transpower New Zealand Limited - Auckland	LUC0384/18	663 Lake Road HORSHAM DOWNS	To replace ten existing electricity poles along the HAM-MER transmission line, where five of the new poles will exceed the 15% maximum permitted height increase, one pole will move within 12m of an occupied building, and five poles will have earthworks occurring on contaminated land or potentially contaminated land under the Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulation 2009 (NESETA).	Granted
Haicenda Farms Limited	LUC0396/18	1112A Orini Road ORINI	To construct a stand-off shelter, which exceeds the maximum GFA of buildings for productive rural activities in the rural zone	Granted
K A Lissington, P D Lissington	LUC0435/18	469 Puketaha Road PUKETAHA	Construction of a dependent person's dwelling in the Rural Zone that fails the requirement for a shared outdoor living court with the main dwelling.	Granted
Wattle Downs Limited	SUB0041/11.01	200 Woodlands Road GORDONTON	S127 to change conditions of consent in relation to telecommunications and provision for wireless connection.	Granted
C P Howells, M Howells	SUB0243/18	57 Bruce Road WAERENGA	To undertake a boundary relocation between two Certificates of Title in the Rural Zone which were issued after 6 December 1997.	Granted
L T J Giles, J B T Giles	SUB0273/18	654 Gordonton Road GORDONTON	Cancel the existing Right to Convey Water on Lot 2 DP 394442 (CFR 377684) as created by Transfer Easement Instruction 7554584.3	Granted
Huntly		Ward Total: 4		
Applicant	ID No	Address	Details	Decision
J J Welch	LUC0118/17	95 Fisher Road HUNTLY	To operate a transport depot in the Rural Zone until 2028	Granted
Housing New Zealand Limited - Auckland	LUC0251/18	19 Rosser Street HUNTLY	For relocation of a used building (dwelling) onto a site, for use of the dwelling for a residential activity, for construction of three buildings (dwelling, garden shed and stormwater detention tank) in the Huntly East Mine Subsidence Area, to undertake earthworks in the Huntly Mine Subsidence Area and for vehicle crossing separation distance rule failure, in the Living Zone.	Granted
Porter Properties Limited	LUC0316/18	Rotowaro Road HUNTLY	Establishment of a dismantling and machine storage yard to be used for industrial and transport depot activities.	Granted
I R Barrett	LUC0408/18	65 Paetai Road OHINEWAI	Resite a second-hand dwelling onto a vacant site with earthworks non-compliances	Granted

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Period from 1 April 2018 to 30 April 2018

Newcastle		Ward Total: 8		
Applicant	ID No	Address	Details	Decision
P Armstrong	FST0008/18	533 Karakariki Road KARAKARIKI	Resite a dwelling to a property within the Rural Zone	Granted
P Armstrong	FST0009/18	541 Karakariki Road KARAKARIKI	Resite a dwelling to a property within the Rural Zone	Granted
T R Fensom, M A Cooper	LUC0379/18	106 Howden Road WHATAWHATA	Construction of a dwelling and shed with a combined coverage exceeding the maximum permitted building coverage by 42 m ² , and earthworks for a building platform exceeding the maximum permitted building volume by 500 m ³ , area by 2,072 m ² , and cut by 0.8 m and fill by 0.2 m.	Granted
C Epps	LUC0388/18	77 Limmer Road TE KOWHAI	To construct a temporary second dwelling where total building coverage exceeds the permitted standard in the Rural Zone	Granted
M J Hewat	LUC0404/18	136 Bowman Road WHATAWHATA	To construct a Dependent Person's Dwelling within the Rural Zone that does not share an outdoor living court with the main dwelling on the site.	Granted
P J Owens, D Owens	LUC0428/18	37A Maori Point Road WHATAWHATA	To construct a shed that exceeds the maximum gross floor area in the Rural Zone.	Granted
G J Brown, H A Brown	SUB0142/16.02	622 Ngaruawahia Road TE KOWHAI	S127 to change/cancel conditions of resource consent SUB0142/16.01 and alter an allotment created by way of boundary relocation in the Rural Zone.	Granted
Highview Properties Limited	SUB0172/18	2119A Te Pahu Road WHATAWHATA	Undertake a subdivision for the creation of 17 residential lots, 1 lot to vest as a local purpose reserve, 1 lot to vest as road and 2 access allotments.	Granted
Ngaruawahia		Ward Total: 14		
Applicant	ID No	Address	Details	Decision
J K Gurmel, J R A Kuiti	SUB0214/18	97A Clark Road NGARUAWAHIA	To vary existing consent notice conditions 2 and 3 and removing condition 1 and 4 under Section 221(3) of the RMA.	Granted
J K Gurmel, J R A Kuiti	LUC0354/18	97A Clark Road NGARUAWAHIA	To undertake earthworks in excess of the permitted volume and construct a dwelling and carport that infringes into setback of the southern (side) boundary in the Country Living Zone.	Granted
Black Tiki Limited	LUC0367/18	3 Te Putu Street TAUPIRI	Construct two dwellings on a property in the Living Zone that cannot comply with entrance widths and manoeuvring space.	Granted
V M Savage	LUC0376/18	551 Waingaro Road NGARUAWAHIA	Construction of a new dwelling, where the site does not meet the minimum site area for on-site wastewater disposal, where no council reticulation is available within the Rural Zone.	Granted
M Khan,	LUC0385/18	636 Hakarimata Road	To construct a farm implement shed which will	Granted

Delegated Authority Report

Period from 1 April 2018 to 30 April 2018

S Ishak		NGARUAWAHIA	result in the subject site exceeding the maximum permitted gross floor area of 80m ² for all accessory buildings in the Country Living Zone.	
W J Laird, T Laird	SUB0238/18	58 Horotiu Road HOROTIU	A two lot subdivision and a land use consent to relocate a dwelling and a garage whilst not meeting access, daylighting and setback requirements and to establish two dwellings on one title prior to completion of the subdivision	Granted
W J Laird, T Laird	LUC0402/18	58 Horotiu Road HOROTIU	A two lot subdivision and a land use consent to relocate a dwelling and a garage whilst not meeting access, daylighting and setback requirements and to establish two dwellings on one title prior to completion of the subdivision	Granted
M I De Lautour	LUC0479/16.02	109 Havelock Road NGARUAWAHIA	Section 127 to change conditions of Resource consent (LUC0479/16) to reflect the construction of a new entrance off Great South Road	Granted
Wattle Downs Limited	SUB0029/11.01	39A Osborne Road HORSHAM DOWNS	S127 to change conditions of consent SUB0029/11 to enable proposed boundary encroachment for a shed and to enable wireless communications.	Granted
Wattle Downs Limited	SUB0060/11.02	27 Paterson Road HOROTIU	S127 to change conditions of consent in relation to telecommunications and provision for wireless connection.	Granted
Lake Kainui Farm Ltd	SUB0079/11.01	479 Lake Road HORSHAM DOWNS	S127 to change conditions of consent in relation to telecommunications and provision for wireless connection.	Granted
R K Whittaker Spicers Trustees Hamilton Limited,	SUB0164/18	1 Thickpenny Lane NGARUAWAHIA	Undertake a subdivision in the country living zone which creates one additional lot in a flood hazard area	Granted
Agriterra Limited	SUB0213/18	128 Horotiu Road HOROTIU	Undertake a boundary relocation and subdivision to create three CFRs from three existing CFRs	Granted
Areare Property Trust, J A Stewart, J W Stewart	SUB0981/11.01	57 Ormsby Road NGARUAWAHIA	S127 to change conditions of subdivision consent SUB0981/11 to allow for wireless telecommunications and a boundary encroachment of a newly constructed honey shed on Proposed Lot 4.	Granted

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Onewhero-Te Akau		Ward Total: 11		
Applicant	ID No	Address	Details	Decision
K J Pitts, A J Pitts	LUC0377/18	369 Matira Road MATIRA	To construct a second dwelling to be used for farm workers accommodation on a Certificate of Title under 40ha in the Rural Zone.	Processing
D M O'Connor, K L O'Connor	LUC0434/18	143A Kohanga Road TUAKAU	Conversion of an existing sleepout to a subsidiary dwelling for a dependent relative that exceeds the maximum required distance from the main dwelling of 6 m by 31 m.	Granted
S D Foote	SUB0186/18	3 Otuiti Road TUAKAU	To transfer one rural lot right outside of the Environmental Enhancement Overlay Area (EEOA) to a lot located in the Rural Zone, also outside of the EEOA, with a resultant lot of 5,808m ² and balance lot of 2.8244ha.	Granted
K J Chitty	SUB0217/18	1547 Churchill Road TUAKAU	To transfer one rural lot right outside of the Environmental Enhancement Overlay Area (EEOA) to a lot located in the Rural Zone, also outside of the EEOA, creating one new lot and one balance lot.	Granted
G S Dhnoya	SUB0220/18	596 Mercer Ferry Road TUAKAU	To undertake a transferable rural lot subdivision by transferring two rural lots with both donor and receiver sites located outside the EEOA in the Rural Zone.	Granted
Bothwell Pecos Limited, J Leigh, J M Leigh, B J Leigh	SUB0230/18	260 Bothwell Road TUAKAU	To undertake an environmental lot subdivision that results in four additional lots on two CFRs and to undertake a boundary relocation in the Rural Zone	Granted
Pukekawa Land Company Ltd	SUB0236/18	98 Mile Bush Road TUAKAU	Undertake a boundary relocation between seven titles held in common ownership and the creation of an additional network utility allotment in the Rural Zone of the Franklin Section of the Waikato District Plan.	Granted
Glenullen Holdings Limited	SUB0241/18	2443 Highway 22 TUAKAU	To undertake Environmental Lot Subdivision outside EEOA to create one additional lot.	Granted
Karnali Downs Trust, E Saxton, S C Saxton, S R Magkill	SUB0242/18	134 Insoll Road NAIKE	To undertake a boundary relocation subdivision between three viable Computer Freehold Registers.	Granted
Fauvic Downs Limited	SUB0252/18	754 Tuakau Bridge-Port Waikato Road TUAKAU	To undertake boundary adjustment between two CFRs within the Rural Zone	Granted
D C Watson, S L Watson	SUB0255/18	150 Waikaretu Valley Road TUAKAU	To create one environmental lot through protecting 3.1ha of bush being a Qualifying natural Feature.	Granted

Delegated Authority Report

Period from 1 April 2018 to 30 April 2018

Raglan		Ward Total: 6		
Applicant	ID No	Address	Details	Decision
Meridian Energy Limited	DES0018/18	Van Houtte Road TE UKU	Outline Plan of Works pursuant to Section 176A of the Resource Management Act 1991 to allow for a transportable building addition at the Te Uku Wind Park Switching Station	AcceptPlan
Rangitahi Limited	SUB0173/18	30 Oporuru Road RAGLAN	Two undertake a staged subdivision to develop Precincts B and D in the Rangitahi Peninsula Structure Plan. Precinct B: to create 56 residential lots, 1 recreation reserve, roads to vest and access lots Precinct D: to create 119 residential lots (including 5 comprehensive development lots), 4 recreation reserves, roads to vest and access lots	Granted
Rangitahi Limited	LUC0309/18	30 Oporuru Road RAGLAN	To establish the land use activities within Precincts B and D on the Rangitahi Peninsula, in accordance with Rules 21C.10.1 and 21C.10.2. NES - To undertake subdivision, change the land use and disturb soil on a 'piece of land'.	Granted
J Newby, E B Cole	LUC0393/18	712A Te Hutewai Road TE HUTEWAI	Undertake Earthworks to establish a building platform for a residential dwelling and vehicle access in the Rural Zone.	Granted
G S E M Gignoux, T S Wrigley	LUC0421/18	380 Whaanga Road RAGLAN	Retrospective consent for 3 detached travellers accommodation units within the Coastal Zone	Granted
J Song	SUB0101/17.01	25B Violet Street RAGLAN	S127 to change conditions of Stage 3 of subdivision consent SUB0101/17 to change the tenure of PU21 to 'Common Property'	Granted
Tamahere		Ward Total: 8		
Applicant	ID No	Address	Details	Decision
NZ Transport Agency (Waikato)	DES0022/17		Outline Plan for Construction Works for the Tamahere East-West Link (Chainage 000 - 600) as part of the Hamilton Section of the Waikato Expressway.	#APPROVED
Davren Trustees Limited	LUC0332/18	2 Davren Way PVT TAMAHERE	To construct a new dwelling which breaches the maximum building height stipulated in the Country Living Zone	Granted
Stevenson Designer Building Limited	LUC0378/18	9 Birchwood Lane TAMAHERE	Construct a new dwelling in the Country Living Zone which fails the building coverage and impervious surfaces rules.	Granted
PAUA Architects Ltd	LUC0386/18	531 Pencarrow Road TAMAHERE	Undertake earthworks exceeding 1000m3 for a building platform with a minor Infringement of building setback approved by a Permitted Boundary Activity	Granted

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R Cattley, J Cattley	LUC0390/18	12 Camdon Place TAMAHERE	To construct a dwelling and driveway which exceeds impervious surfaces and earthwork requirements in the Country Living Zone	Granted
M Sims	LUC0443/18	96 Webster Road MATANGI	To construct a Dependent Person's Dwelling in the Rural Zone.	Granted
Riverdale Group Ltd	SUB0034/18	102 Hooker Road TAMAHERE	Undertake a subdivision to create two additional rural lifestyle lots from two existing rural titles using Rule 25.73B which provides for additional subdivision lots from the creation of esplanade reserves/strips.	Granted
B Williams, G E Williams	SUB0226/18	106 Windmill Road TAMAHERE	Undertake a subdivision to create one additional lot in the Country Living Zone, with non complinances where an existing shed will encroach into the required 12m setback, access to Lot 2 will not meet the required separation or sight distances and the total impervious surfaces within Lot 1 also exceeds the maximum permitted.	Granted

Whangamarino

Ward Total: 9

Applicant	ID No	Address	Details	Decision
NZ Transport Agency (Waikato)	DES0015/18		To upgrade an approximately 6.5km section of State Highway 2 from east of the Mangatawhiri River crossing to the Maramarua Golf Course – being Section B of the wider Pokeno to Mangatarata upgrade.	AcceptPlan
J S Woods	FST0010/18	9 Travers Road TE KAUPWHATA	Relocate a second hand dwelling in the Country Living Zone	Granted
Transpower New Zealand Limited - Auckland	LUC0394/18	556 Springhill Road MEREMERE	To replace one existing electricity pole along the HAM-MER transmission line (HAM-MER-A0428), where the new pole will exceed the 15% maximum permitted height increase in accordance with the Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulation 2009 (NESETA).	Granted
Two Degrees Networks Limited	LUC0399/18	471 Springhill Road MEREMERE	Certificate of Compliance to confirm the permitted activity status of the proposed establishment, operation and maintenance of a 2degrees telecommunication facility, involving a new 25m pole and attached antennas and microwave dish, equipment cabinets, underground power connections and associated earthworks	Granted
Turtle Nut Farm Limited	SUB0130/18	27 Travers Road TE KAUPWHATA	Undertake a subdivision to create 6 residential lots and 2 access allotments in the Country Living Zone; over 2 stages and an access allotment which does not fully comply with the District Plan requirements.	Granted

Delegated Authority Report

Period from 1 April 2018 to 30 April 2018

J A R Bedford-Pope, T S Pope	SUB0183/18	173 Mangatawhiri Road MANGATAWHIRI	To undertake a Transferable Rural Lot Right Subdivision to transfer one consented lot (Lot 2) created from SUB0294/17 to a receiver property in the Rural Zone, where both properties are outside the EEOA.	Granted
H S V Browne	SUB0192/18	1672 Miranda Road MIRANDA	To undertake a transferrable rural lot right subdivision to transfer two rural lots to a receiver property outside the EEOA.	Granted
B Thomas, A Connolley, C D Thomas	SUB0224/18	230 Lyons Road MANGATAWHIRI	To undertake a TRLR subdivision to transfer consented Lot 2 from SUB0178/18 to a receiver site that is located in the Rural Zone and is outside of the EEOA.	Granted
Enton Farms Limited	SUB0233/18	1781 Miranda Road MIRANDA	Undertake a boundary relocation involving 2 existing certificates of title to create 1 large title and 1 rural-residential lot in the Rural Zone	Granted

Open Meeting

To	Waikato District Council
From	S O’Gorman General Manager Customer Support
Date	27 April 2018
Prepared by	Christine Cunningham
Chief Executive Approved	Y
DWS Document Set #	GOV1301
Report Title	Summary of Applications Determined by the District Licensing Committee January – March 2018

1. EXECUTIVE SUMMARY

This report provides a summary of applications determined by the District Licensing Committee between January and March 2018.

2. RECOMMENDATION

THAT the report from the **General Manager Customer Support** be received.

3. ATTACHMENTS

Schedule of Applications

LICENCES

Applicants Name	Application Type	Premises	Decision	Date Issued	Licence No.
Cattogs Holdings Limited	Temporary Authority (On)	The Pantry, Raglan	Granted	18/1/18	14/TA/03/17.01
Sleeping Lady Lodging Limited	Renewal On	Wahine Moe, Raglan	Granted	23/1/18	14/ON/01/2018
East to West Trading Limited	Temporary Authority On	Orca Bar & Restaurant Raglan	Granted	30/1/18	14/TA/01/18
East to West Trading Limited	Temporary Authority Off	Orca Bar & Restaurant Raglan	Granted	30/1/18	14/TA/02/18
Palms On George Limited	Renewal On	Dome Café, Mercer	Granted	7/2/18	14/ON/02/2018
G & J Sandhu Limited	Renewal Off	Fred's Four Square, Huntly	Granted	7/2/18	14/OFF/01/2018
D A & A L Jones Limited	Temporary Authority Off	New World Ngaruawahia	Granted	20/2/18	14/TA/06/17.01
Red Fox Empire Limited	Temporary Authority Off	Red Fox Tavern Maramarua	Granted	27/2/18	14/TA/08/17.01
Red Fox Empire Limited	Temporary Authority On	Red Fox Tavern Maramarua	Granted	27/2/18	14/TA/07/17.01
Waiterimu Golf Club Incorporated	Renewal Club	Waiterimu Golf Club	Granted	6/3/18	14/CL/01/2018
NZ MS & Co Limited	Temporary Authority	The Red Indian, Raglan	Granted	13/3/18	14/TA/03/18
Chadha Hospitality Limited	New On	Essex Arms, Huntly	Granted	6/3/18	14/ON/03/2018

SRP Holdings 2015 Limited	Renewal On Licence	Elsie's Restaurant and Bar Tuakau	Granted	20/3/18	14/ON/04/2018
Daniel Roarke Hodgson (Waingaro-Te Akau Sheep Dog Trial)	Special	5254 Highway 22 Te Akau	Granted	30/1/18	14/SP/001/2018
Pilot Brewery Limited	Special	Te Kowhai Aerodrome	Granted	1/2/18	14/SP/080/2017
Pilot Brewery Limited	Special	Te Kowhai Aerodrome	Granted	7/2/18	14/SP/084/2017
Villa Italia Limited	Special	Tamahere Country Markets	Granted	7/2/18	14/SP/083/2017
Ngaruawahia Golf Club Incorporated	Special	Ngaruawahia Golf Club	Granted	13/2/18	14/SP/002/2018
Philip John Shea	Special	143 Pond Road Te Mata	Granted	20/2/18	14/SP/086/2017
Molly Valarie Rippey	Special	Raglan Town Hall	Granted	20/2/18	14/SP/003/2018
Te Kauwhata And District Lions Club	Special	Lions Club/RSA Hall Te Kauwhata	Granted	20/2/18	14/SP/085/2017
Raglan Club Incorporated	Special	Raglan Club	Granted	13/3/18	14/SP/006/2018
Raglan Club Incorporated	Special	Raglan Club	Granted	20/3/18	14/SP/010/2018
Onewhero Society of Performing Arts	Special	Onewhero Society of Performing Arts Theatre, Tuakau	Granted	20/3/18	14/SP/009/2018
Michael John Barker	Special	Horsham Downs School	Granted	27/3/18	14/SP/012/2018
Aimee Whyte	Special	Mangatawhiri Hall	Granted	27/3/18	14/SP/007/2018

MANAGER'S CERTIFICATES

Applicant's Name	Application Type	Premises	Decision	Date Issued	Certificate No.
Larissa Lee Hunia	Renewal	Ngaruawahia Rugby League Club	Granted	9/1/18	14/Cert/148/2016
Sarah Jane Wright	New	Huntly Thistle AFC	Granted	9/1/18	14/Cert/003/2018
Sean Brian Thomas O'Connor	New	Countdown Huntly	Granted	9/1/18	14/Cert/002/2018
Charmaine Arerina King	New	Ngaruawahia RSA	Granted	9/1/18	14/Cert/001/2018
Samara Jade Povey	Renewal	Wharf Kitchen and Bar, Raglan	Granted	9/1/18	14/Cert/005/2017
Deepinder Singh	Renewal	Bottle O Huntly	Granted	16/1/18	23/Cert/4349/2015
German Dario Tirado Cano	New	Zealong Tea Gordonton	Granted	16/1/18	14/Cert/004/2018
Andrea Maty Nadaud	New	Harbour View Hotel Raglan	Granted	30/1/18	14/Cert/005/2018
Diego Nicholson	Renewal	Harbour View Hotel Raglan	Granted	30/1/18	14/Cert/155/2016
Kristen Marie Price	New	The Backyard Bar and Eatery, Whatawhata	Granted	7/2/18	14/Cert/006/2018
Lesley Ormsby	Renewal	Hukanui Golf Club	Granted	7/2/18	14/Cert/006/2017
Michelle Marie Jones	Renewal	Waikato Clay Target Club, Newstead	Granted	7/2/18	14/Cert/004/2017
Katherine Dawn Taitoko	Renewal	Te Mata Social Club Incorporated	Granted	13/2/18	14/Cert/011/2014
James Thomas Revell	Renewal	Supervalu Raglan	Granted	13/2/18	14/Cert/011/2017

Ciara McLean	Renewal	The Wharf Kitchen and Bar Raglan	Granted	13/2/18	14/Cert/002/2017
Tayla Ann Newman-Whittaker	Renewal	Supervalue Raglan	Granted	13/2/18	14/Cert/009/2017
Nelly Conway	New	The Wharf Kitchen and Bar, Raglan	Granted	13/2/18	14/Cert/008/2018
Neil Roderick McLean	Renewal	Hukanui Golf Club	Granted	13/2/18	14/Cert/014/2014
Reena Sharma	Renewal	Fred's Four Square Huntly	Granted	13/2/18	14/Cert/3971/2014
Sheryl Joy Cleaver	Renewal	Te Kauwhata Rugby Sports Club	Granted	20/2/18	14/Cert/016/2017
Jareth Mathew Mackay Thompson	New	Yot Club Raglan	Granted	20/2/18	14/Cert/012/2018
Flora Caroline Marie Straub	New	Orca Bar & Restaurant Raglan	Granted	20/2/18	14/Cert/011/2018
Himanshu Parmar	Renewal	Bottle O Huntly	Granted	20/2/18	14/Cert/017/2015
Donna Lee Cleghorn	New	Rangiriri Hotel	Granted	20/2/18	14/Cert/010/2018
Bernadette Marie Jackson	Renewal	LaValla, Tuakau	Granted	20/2/18	14/Cert/016/2014
Thangavadivel Gnanasundaram	New	Thirsty Liquor Raglan	Granted	20/2/18	14/Cert/009/2018
Kia Manawanui Rhind	Renewal	Turangawaewae Rugby League Sports & Cultural Club Ngaruawahia	Granted	27/2/18	14/Cert/013/2017
Joshua Tumai Cowan	Renewal	Turangawaewae Rugby League Sports & Cultural Club Ngaruawahia	Granted	27/2/18	14Cert/014/2017

Kataraina Kaimahi Ranga	Renewal	Orca Bar & Restaurant	Granted	27/2/18	14/Cert/013/2014
Larissa Deane	Renewal	New World Ngaruawahia	Granted	27/2/18	14/Cert/008/2017
Lance Scott McLaggan	Renewal	Taupiri Rugby Club	Granted	27/2/18	14/Cert/018/2014
Michael John Garrick	New	Huntly Squash Racquets Club	Granted	27/2/18	14/Cert/013/2018
Elton Joseph Goonan	New	Hampton Downs Motor Sports Park	Granted	27/2/18	14/Cert/014/2018
John Anthony Hodge	Renewal	Te Mata Social Club	Granted	13/3/18	14/Cert/023/2014
Satnam Bains	Renewal	Raglan Four Square	Granted	13/3/18	07/Cert/3067/2015
Liane Maree Oliver	Renewal	Muddy Waters Irish Pub Mercer	Granted	13/3/18	14/Cert/024/2015
Amanda Kathleen Laura Mawhinney	Renewal	Punnet Café, Tamahere	Granted	13/3/18	15/Cert/3466/2015
Tania Carol Henley	New	Orca Bar & Restaurant, Raglan	Granted	13/3/18	14/Cert/015/2018
Donna Leanne Marshall	New	New World Ngaruawahia	Granted	20/3/18	14/Cert/016/2018
Warwick John Cleave	Renewal	Te Mata Social Club	Granted	20/3/18	14/Cert/025/2014
Rebecca Kaye Mary Wilson	New	Prof's @ Woodlands Café	Granted	27/3/18	14/Cert/017/2018
Michelle Claudine McKenzie	New	LaValla , Tuakau	Granted	27/3/18	14/Cert/018/2018
Shaun Ivan Lockie	Renewal	Waingaro Hotel	Granted	27/3/18	14/Cert/022/2015

Applications Determined at a District Licensing Committee HEARING**LICENCES**

Applicant's Name	Application Type	Premises	Decision	Date Of Hearing	Licence No.
NZ Nutricycle Limited	Special	4 Lyons Road, Mangatawhiri	Granted	15/3/18	14/SP/005/2018
The Ngaruawahia R.S.A Memorial Club Incorporated	Special	Ngaruawahia RSA	Granted	29/3/18	14/SP/011/2018

MANAGER'S CERTIFICATES

Applicant's Name	Application Type	Premises	Decision	Date of Hearing	Certificate No.
Bhupinder Singh	New	Four Square, Raglan	Granted	7/2/18	14/Cert/007/2018

Open Meeting

To	Waikato District Council
From	General Manager, Customer Support
Date	7 May 2018
Prepared by	Mervyn Balloch, Building Quality Manager Amy Murphy, Corporate Planner
Chief Executive Approved	Y
Reference/Doc Set #	GOV1301
Report Title	Proposed Dangerous, Affected and Insanitary Buildings Policy 2018

I. EXECUTIVE SUMMARY

Waikato District Council is required under the Building Act 2004 (“the Act”) to adopt a policy on dangerous and insanitary buildings. In 2013 the Act was amended to require councils to also consider ‘affected buildings’ in their policies. The Act defines an affected building as a building that is adjacent to, adjoining, or nearby a dangerous building.

The proposed policy would replace the current Earthquake Prone, Dangerous and Insanitary Buildings Policy 2006.

Staff are seeking approval from Council to consult with the community on the proposed Dangerous, Affected and Insanitary Buildings Policy following the Special Consultative Procedure. Proposed consultation will be between 18 June 2018 and 18 July 2018; with a Hearing date scheduled for 1 August 2018.

2. RECOMMENDATION

THAT the report from the General Manager Customer Support be received;

AND THAT Council approve the proposed Dangerous, Affected and Insanitary buildings Policy and Statement of Proposal for consultation between 18 June 2018 and 18 July 2018; with a Hearing date scheduled for 1 August 2018.

3. BACKGROUND

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

Reasons for the proposal

The Act requires Councils to have a policy for dangerous, affected and insanitary buildings. Councils are required to consult with their communities on this policy.

Summary of Key Changes

Key proposed changes in the proposed Bylaw are outlined below:

The removal of the Earthquake-prone portion from the policy, this is now covered under the Building Act 2004.

The inclusion of “affected” to the heading of the policy as required by the Building Act 2004.

Purpose of the Policy

Is to manage Dangerous, Affected and Insanitary Buildings.

4. DISCUSSION AND ANALYSIS OF OPTIONS

4.1 DISCUSSION

Implications of adopting the updated policy is minimal. Council only employs this policy on rare occasions when an incident is reported or a complaint received. With the adoption of the 2018 policy, authorised officers will give consideration to the effect of a dangerous building on buildings that adjacent to it, adjoining or nearby, which are now recognised as “affected buildings” in the Act.

4.2 OPTION

Sections 131 and 132 of the Buildings Act 2004 require the Council to adopt Dangerous, Affected and Insanitary Buildings Policy and undertake the Special Consultative Procedure.

Council has no option other than to comply with the legislation.

5. CONSIDERATION

5.1 FINANCIAL

This financial impact of consulting on this policy is within budget allocations.

5.2 LEGAL

Waikato District Council is required by section 131 of the Buildings Act 2004 to adopt a policy on dangerous and insanitary buildings. Section 132 of the Buildings At 2004 states that this policy must be adopted using the special consultative procedure in section 83 of the Local Government Act 2002, and that it must be reviewed at least every five years.

5.3 ASSESSMENT OF SIGNIFICANCE AND ENGAGEMENT POLICY AND OF EXTERNAL STAKEHOLDERS

The development of the Dangerous, Affected and Insanitary Buildings Policy triggers the Significance and Engagement Policy through the community interest threshold.

The consultation is at the involvement level on the engagement spectrum. This round of consultation fits into the consultation level of the engagement spectrum, as is normal for a Special Consultative Procedure.

Highest levels of engagement	Inform	Consult	Involve	Collaborate	Empower
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Tick the appropriate box/boxes and specify what it involves by providing a brief explanation of the tools which will be used to engage (refer to the project engagement plan if applicable).</i>	Consultation details will be publically notified and available at Waikato District Council offices and Waikato District Council Libraries. An online tool will be available and information on our website. Key stakeholders will be sent information also.				

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

NZ Fire Service (FENZ)

NZ Police

Child, Youth and Family (confirm details)

District Health Board

Planned	In Progress	Complete	
	Y		Internal
			Community Boards/Community Committees
			Waikato-Tainui/Local iwi
	Y (mention in the Link – tbc)		Households
			Business
	Y		Other (Stakeholders)

6. CONCLUSION

Staff are seeking approval from Council to undertake community engagement on the proposed policy.

7. ATTACHMENTS

- A. Earthquake Prone Dangerous and Insanitary Buildings 2006
- B. Proposed Dangerous, Affected and Insanitary Building policy 2018
- C. Statement of Proposal for Dangerous, Affected and Insanitary Buildings Policy 2018
- D. Submission Form

EARTHQUAKE PRONE, DANGEROUS AND INSANITARY BUILDINGS

WDC06/11/1/10

APPENDIX A – Earthquake - Prone Building Policy 2006

Introduction and Background

Under Section 131 of the Building Act 2004 (the Act) all territorial authorities are required to adopt a policy on earthquake-prone buildings by 31 May 2006.

The definition of an earthquake prone building is set out in Section 122 of the Act as follows:

“Having regard to its conditions and to the ground on which it is built, and because of its construction, the building:

- will have its ultimate capacity exceeded in a moderate earthquake (as defined in the regulations); and
- would be likely to collapse causing:

injury or death to persons in the buildings or to persons on any other property; or damage to any other property.”

The Act also notes that this definition does not apply to buildings used wholly or mainly for residential purposes unless that building comprises 2 or more stories and contains 3 or more household units.

The building regulations define a moderate earthquake as:

“In relation to a building, an earthquake that would generate shaking at the site of the building that is of the same durations as, but that is one-third as strong as, the earthquake shaking (determined by normal measures of acceleration, velocity and displacement) that would be used to design a new building at the site.”

This document sets out Waikato District Council’s response to the policy requirements of the Act in relation to Earthquake prone buildings.

The policy includes:

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

1.0 Waikato District Council's Policy Approach

1.1 Policy Principles

The provisions of the Building Act in regard to earthquake prone buildings reflect the government’s concern with the life safety of the public in buildings and more particularly, the need to address life safety in the event of an earthquake. The Act requires Council to develop and adopt a policy for the management of earthquake

prone buildings but provides discretion in the approach to be adopted and implementation of the policy. This policy document is Waikato District Council's response to the requirements of the Act.

1.2 Policy Approach

In the past Waikato District Council has adopted a passive approach to the management of earthquake prone buildings (EPB's). Council has actively engaged in the identification of potential EPB's but further investigation of the these buildings structural integrity has been at the discretion of building owners, or until such time as Council receives an application for building consent. At this stage Council has then actively pursued assessment of the identified building and structural improvements, where warranted.

Under the new requirements of the 2004 Building Act Council will continue to implement a similar approach with the exception of buildings constructed prior to 1935.

These buildings will be labeled as priority buildings and identification, assessment and improvements of them will be actively pursued.

In adopting this approach Waikato District Council will:

- Review its whole building stock to identify buildings that are potentially earthquake prone under the Building Act 2004;
- Compile and maintain a register of identified potentially EPB's, including identifying priority buildings for full assessment;
- Advise and actively work with owners of identified potentially EPB's;
- Encourage owners to obtain an assessment of the buildings' structural integrity from a suitably qualified structural engineer;
- Work with and encourage owners of priority buildings to have structural assessments undertaken and upgrade these buildings where necessary; and
- Manage the necessity for assessment and upgrading of other potentially EPB's at the time an application for a building consent is received.

2.0 Identifying Earthquake Prone Buildings

Process for Identification

Waikato District Council will:

- Identify from its records, as far as practicable, buildings which are potentially earthquake prone. Where necessary and/or appropriate the building will also be visually inspected. When making its assessment Council will take into account the condition and construction of the building and the ground upon which the building is constructed;
- Compile a list of potentially earthquake prone buildings;
- Categorise potentially EPB's as follows:
 - i. **Priority Buildings** - being those constructed prior to 1935;
 - ii. **Other buildings** - all other buildings.
- Inform and consult with owners of buildings identified as being potential earthquake prone;

- Work with and encourage owners of priority buildings to have assessments carried out on their building.

2.2 Assessment Criteria

Assessments of potentially earthquake prone buildings should be undertaken by an appropriately qualified professional and use the New Zealand Society of Earthquake Engineers document “Recommendations For the Assessment and Improvement of the Structural Performance of Buildings in Earthquakes.”

2.3 Taking Action on Earthquake-Prone Buildings

Council will be satisfied a building is earthquake-prone following:

- Receiving a detailed assessment of the building by a suitably qualified and experienced Chartered Engineer and;
- Review of the report and consideration of Sections (4) and (122) of the Act by an authorised Council Officer
- A record of the decision will be placed on the property file and the building owner will be advised of the decision in writing

Once a building is confirmed as being earthquake prone Council will:

- Liaise and work with the owners of the building;
- Update Council’s register to confirm that the building is earthquake prone and identify the building’s status on its respective property file.
- Identify the building as being earthquake prone on any Land Information Memorandum (LIM) prepared for that property.
- Invoke its powers in accordance with Section 124 and/or 126 of the Building Act 2004, or any other section which may be appropriate in the circumstances.

2.4 Interacting with Building Owners

Council acknowledges that implementation of this policy will require early and on-going communication with owners of potentially earthquake prone buildings. This includes:

- Writing to and actively engaging with owners of buildings identified as being potentially earthquake prone;
- Informing these owners of the policy; its interpretation and implications; and the options available to them with its implementation;
- Working with owners to achieve mutually acceptable outcomes.

3.0 Interaction Between Earthquake Prone Building Policy and Related Sections of Building Act 2004

In exercising its powers under the Act in relation to earthquake-prone 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
- special cultural, traditional or heritage aspects of a building
- protecting other property from physical damage resulting from use of a building
- preservation of buildings of significant cultural, historical or heritage value.

Section 112 – Alterations to existing buildings

When a building consent application is received under Section 112 for a building that is identified as being potentially earthquake prone Council will not issue a building consent unless it is satisfied that the building is not earthquake prone and that the building work will not detrimentally affect the building's compliance with the Building Code. This will require the owner of the building to engage an appropriate expert to investigate and assess the structural integrity of the building.

Were the assessment confirms that the building is earthquake prone, and Council is satisfied with this assessment, Council will invoke its powers under Section 124 of the Building Act, as appropriate, in relation to the particular circumstances of the building in question.

3.2 Sections 115 – Change of use of buildings

When an application is received for a building consent to change the use of a building that is identified as being potentially earthquake prone it will be a requirement of the building consent that the owner make a detailed assessment of the earthquake performance of the building to determine whether or not it is an earthquake prone building in its existing condition.

If the building is shown to be earthquake prone then the Council will require the building to be strengthened to comply as near as is reasonably practicable with every provision of the Building Code that relates to structural performance as required by Section 115(b)(i)(A).

When issuing building consents under Sections 112 to 116A of Act for an alteration, change of use, extension of life or subdivision Council will also consider the requirements of the Act relating to dangerous and insanitary buildings. Council will require that any action necessary to reduce or remove the dangerous or insanitary situation to be undertaken at the same time as (or before if appropriate) the building work set out in the consent application.

4.0 Impact of the Policy

The approach adopted in this policy is a passive approach in terms of general building stock and active in terms of priority buildings.

Implementation of the policy will come at a low cost to the community. While Council will actively encourage building owners, detailed assessments will be at the discretion of building owners, unless an application is received for building consent. At this time the applicant will be required undertake a structural assessment, at their cost, in order for Council to determine, and be satisfied that the building is not earthquake prone.

It is not anticipated that the policy will generate any adverse social or cultural effects within the community. Where buildings are identified that have social, cultural or

historic significance Council will work with the building owners and other statutory/interest parties to address and resolve any concerns.

The approach within this policy is based on the environmental conditions particular to the Waikato District. Council will monitor the effectiveness and appropriateness of the policy and review it within 5 years after its adoption date.

5.0 Application of Policy to Heritage Buildings

Waikato District Council believes it is particularly important that its heritage buildings have a good chance of surviving a major earthquake. However, Council does not wish to see the intrinsic value of these buildings adversely affected by structural improvement measures. Heritage buildings will be assessed in the same way as other potentially EPB's. Council will actively work with owners of these buildings, and the Historic Places Trust where appropriate, to identify mutually acceptable ways of managing the risk associated with these buildings.

Reference Material attached

Appendix A(i) Earthquake Hazard Zones: NZS 4203

Appendix A(ii) Overview of Buildings Not Complying with Current Standards

Appendix A(i)

GENERAL STRUCTURAL DESIGN AND
DESIGN LOADINGS FOR BUILDINGS

NZS 4203:1992

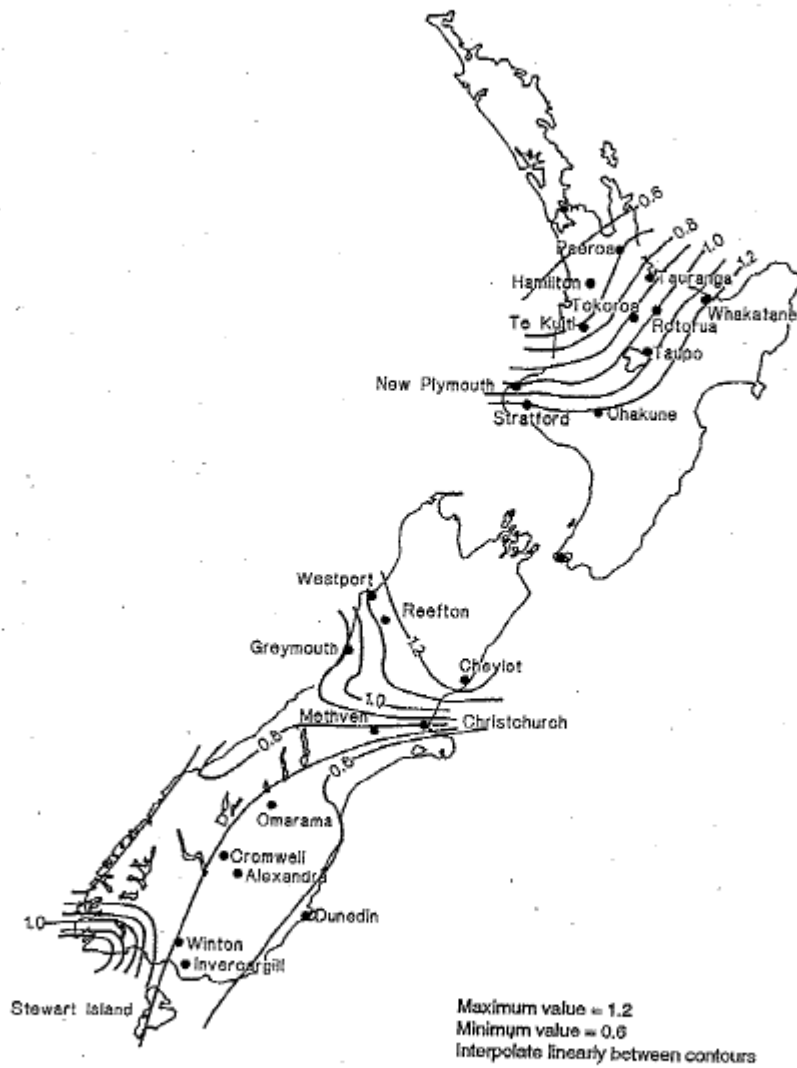


Figure 4.5.2 – Zone factor, Z

APPENDIX A (ii) – Overview of Buildings not Complying with Current Standards

History

The relevant history of the development of the form of commercial buildings and design standards for earthquake in New Zealand is summarized as follows:

Before 1935:

- Commercial buildings were generally constructed of unreinforced masonry
- Little or no consideration of earthquake effects.

From 1935 until 1965:

- Buildings became increasingly larger (higher)
- Lateral strength provided to a uniform load level
- Inadequate detailing to enable ductile response.

From 1965 until 1976

- Buildings were designed for variable lateral load according to seismic zone
- Design lateral load did not vary with building type and ductility
- No mandatory detailing to enable ductile response
- Only general requirements in the terms of the regularity of structural configuration.

Since 1976

- Buildings have been designed for variable lateral load according to seismic zone
- Design lateral load varied according to building type and ductility
- Appropriate detailing required to achieve assumed ductility
- Guidance as to acceptable structural configurations.

The loadings standard published in 1976 therefore represented a significant improvement in seismic design standards. There were similar advances in seismic codes in California in the mid-1970's. There have been only minor refinements of the fundamental concepts since, and so 1976 is referred to as the onset of “modern” or “current” standards for earthquake design.

It must be acknowledged that the principles behind the development of these current standards were applied to a number of buildings designed from the late 1960's, and these are likely to perform appreciably better than others of this era.

The other relevant aspect of history, is that New Zealand has not experienced a damaging earthquake in any of its metropolitan or provincial centres since the 1931 Napier disaster. The seismicity models that have recently been developed for New Zealand suggest that this absence of significant urban earthquake activity is unusual.

APPENDIX B – Dangerous and Insanitary Building Policy 2006

Introduction and 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 by 31 May 2006.

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:
 - i) injury or death (whether by collapse or otherwise) to any persons in it or to persons on other property; or
 - ii) damage to other property; or
- in the event of fire, injury or death to any persons in the building or to persons on other property is likely because of fire hazard or the occupancy of the building.”

In making this determination Council may seek advice from notified members of the New Zealand Fire Service.

Section 123 of the Act defines a building as insanitary if it:

- 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
- has insufficient or defective provisions against moisture penetration so as so cause dampness in the building or in any adjoining building; or
- does not have a supply of potable water that is adequate for its intended use; or
- does not have sanitary facilities that are adequate for its intended use.”

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

The policy includes:

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

1.0 Waikato District Council's Policy Approach

1.1 Policy Principles

The provisions of the Building Act 2004 reflect the government’s broad concern with public safety in buildings and the need 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 document is Waikato District Council's response to the requirements of the Act.

1.2 Policy Approach

In the past Waikato District Council has adopted a reactive approach to the management of dangerous 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 has been reliant upon external sources such as building occupants, neighbors, police, fire service and other agencies to inform them of dangerous and insanitary buildings. Once a building has been brought to Council's attention, Council has then actively engaged in inspection and assessment of the buildings condition in terms of the Act. Following confirmation of a buildings status as being dangerous or insanitary Council has actively worked with building owners to find a mutually acceptable solution before exercising its powers under the Act.

Under the 2004 Building Act Council will continue to implement a similar approach to these types of buildings. 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 negotiated 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 and insanitary buildings.

2.0 Responding to Complaints about potentially Dangerous or Insanitary Buildings

Once Waikato District Council has received information regarding a potentially dangerous 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 the New Zealand Fire Service, or any other professional deemed appropriate by Council
- Prepare an inspection record.

2.1 Assessment Criteria

All inspections of potentially dangerous or insanitary buildings will involve assessment of the building's condition in terms of the definitions in Section 121 and 123 of the Act and the current building code requirements. Inspection records will be prepared in all cases.

2.2 Taking Action on Dangerous or Insanitary Buildings

Council will be satisfied a building is dangerous or insanitary following:

- Review of the inspection record and any information received from the New Zealand Fire Service and consideration of Sections (4) and (122) of the Act by an authorised Council Officer
- A record of the decision will be placed on the property file and the building owner will be advised of the decision in writing

Once Council is satisfied that a building is dangerous or insanitary it will:

- 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 Section 124, 126 or 129 of the Act.

2.3 Interacting with Building Owners & Complainants

Council will endeavor 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 or insanitary, unless the building is a household unit. In these circumstances Council must either; obtain consent of the occupier of the household unit or an order of a District Court.

Once Council has determined that a building is dangerous or insanitary it will, in the first instance, consult with the owners of the affected 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 Councils intended course of action to deal with the situation.

2.4 Recording Information about Dangerous and Insanitary Buildings

All information relating to dangerous 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.

3.0 Interaction with Related Sections of Building Act 2004

In exercising its powers under the Act in relation to dangerous 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;
- special cultural, traditional or heritage aspects of a building;
- protecting 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 the requirements relating to dangerous and insanitary buildings.

4.0 Impact 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 these situations and empower people to raise concerns about buildings and have these concerns investigated.

Application of the options available to Council in the Act to deal with dangerous and insanitary buildings will be applied with discretion. The situation of each building will

be different and Council will weigh up these 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.

5.0 Application of 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 the Historic Places Trust, in addition to consulting with affected owners Council will consider seeking advice from the Historic Places Trust.

Removal of the entire Earthquake-prone section as this is now covered under the Building Act

Dangerous, Affected and Insanitary Building Policy 2018

Introduction and 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. Council adopted such a policy in 2006. In 2013 the Act was amended to require councils to also consider 'affected buildings' in their policies.

This policy replaces Councils Dangerous and Insanitary Building Policy 2006.

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:
 - i) injury or death (whether by collapse or otherwise) to any persons in it or to persons on other property; or
 - ii) damage to other property; or
- in the event of fire, injury or death to any persons in the building or to persons on other property is likely because of fire hazard or the occupancy of the building."

Legislative Provisions

Section 121A of the Act defines a building(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.

Section 123 of the Act defines a building as insanitary if it:

- 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
- has insufficient or defective provisions against moisture penetration so as to cause dampness in the building or in any adjoining building; or
- does not have a supply of potable water that is adequate for its intended use; or
- does not have sanitary facilities that are adequate for its intended use."

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

The policy includes:

- The approach that Waikato District Council will take in performing its functions under the Building Act 2004

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

1.0 Waikato District Council's Policy Approach

1.1 Policy Principles

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 the 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 Waikato District Council's response to the requirements of the Act.

1.2 Policy Approach

It is intended that Waikato District 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 the Council will continue to be reliant upon external sources such as building occupants, neighbors, police, fire service and other agencies to inform them of dangerous, affected and insanitary buildings. 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.

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.

2.0 Responding to Complaints about potentially Dangerous, Affected or Insanitary Buildings

Once Waikato District 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 the New Zealand Fire Service, or any other professional deemed appropriate by the Council
- Prepare an inspection record.

2.1 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.

2.2 Taking Action on Dangerous, Affected or Insanitary Buildings

Review the inspection record and any information received from the New Zealand Fire Service and consider Sections 4 and 122 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.

2.3 Interacting with Building Owners and () Complainants

Council will endeavor 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 Councils intended course of action to deal with the situation.

2.4 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.

3.0 Interaction with Related Sections of Building Act 2004

In exercising its powers under the Act in relation to dangerous, affected and insanitary buildings the 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;
- special cultural, traditional or heritage aspects of a building;
- 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.

4.0 Impact 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.

5.0 Application of 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 the Historic Places Trust, in addition to consulting with affected owners Council will consider seeking advice from the Historic Places Trust.

STATEMENT OF PROPOSAL

THE PROPOSED WAIKATO DISTRICT COUNCIL DANGEROUS, AFFECTED and INSANITARY BUILDINGS POLICY 2018

Waikato District Council (the Council) has updated its existing Dangerous and Insanitary Buildings Policy, as per sections 131 and 132A of the Building Act 2004 (the Act) and is seeking your views.

This Statement of Proposal has been prepared in accordance with section 83 of the Local Government Act 2002 and relates to section 132 of the Building Act 2004.

This is a proposal to adopt the Waikato District Council Dangerous, Affected and Insanitary Buildings Policy 2018 and revoke the Earthquake Prone Dangerous and Insanitary Buildings 2006.

Reasons for the proposal

The Act requires Councils to have a policy for dangerous, affected and insanitary buildings. Councils are required to consult with their communities on this policy. The Policy and Regulatory Committee has approved a draft policy for consultation. This is now an opportunity for the community to have their say on how dangerous, affected and insanitary buildings are handled in the Waikato district.

Summary of Key Changes

Key proposed changes in the proposed Bylaw are outlined below:

The removal of the Earthquake-prone portion from the policy, this is now covered under the Building Act 2004.

The inclusion of “affected” to the heading of the policy as required by the Building Act 2004.

Purpose of the Policy

The Dangerous, Affected and Insanitary Buildings Policy has three main purposes:

- (1) To reduce the potential risk posed to residents in the district by dangerous, affected or insanitary buildings;
- (2) To improve the control of, and encourage better practice in design and construction; and
- (3) To provide a clear framework on how Council will manage unsatisfactory building conditions.

Consultation and submissions

Anyone can make a submission about the proposed Waikato District Council Dangerous, Affected and Insanitary Buildings Policy 2018 and we encourage you to let us know your views.

What is a submission?

Submissions are a record of your views/preferences on a particular issue. By making a submission you can ensure that your voice is heard by councillors to assist them in their decision making. Submissions may be sent or given to the Council from any organisation or any member of the public during a time period specified by Council. In most cases submission forms are available at Council offices and libraries and on the ‘Say it’ page of Council’s website.

The submission period for the proposed Waikato District Council Dangerous and Insanitary Buildings Policy opens on 18 June 2018 and closes at 5pm on 18 July 2018.

How can I make a submission?

Any person may make a submission on the content of this proposed Policy.

Written submissions should follow the format shown in the submission form following this page. This form is intended as a guide only, but is suitable for brief submissions. Please attach additional pages as necessary.

In addition, if you wish to present your comments in person, Council will hear verbal submissions on 1 August 2018 (or as early thereafter as possible). Submitters wishing to be heard in support of their submission must clearly state this in their submission. All submitters wishing to be heard will be contacted to arrange an appropriate time on the date specified.

Please note that written submissions are to be received by Waikato District Council by 5pm on 18 July 2018.

Privacy Act Information - The Local Government Act 2002 requires submissions to be made available to the public.

Your contact details are collected:

- So the Council can write and inform you of the decision(s) on your submission(s).
- To arrange a hearing date and time for you to speak (if you choose to).

Your name and address will be publicly available. If you would like your address and phone details (including email address) kept confidential you need to inform us when you send in your submission.

You have the right to correct any errors in personal details contained in your submission. If you do not supply your name and address the Council will formally receive your submission, but will not be able to inform you of the outcome.

Written feedback**Postal Address**

Waikato District Council, Private Bag 544,
Ngaruawahia 3742 • Telephone 0800 492 452

Online feedback

- www.waikatodistrict.govt.nz/sayit
- consult@waidc.govt.nz

Submissions are public information. Your feedback will be used for purposes such as reports to Councillors, which are made available to the public, media and on our website. If you would like your personal information concealed, please tell us in your submission.

Submissions can be:

Online: www.waikatodistrict.govt.nz/sayit

Posted to: Waikato District Council
Private Bag 544
Ngaruawahia 3742

Delivered to: Waikato District Council
Attn: Corporate Planner
15 Galileo Street
Ngaruawahia 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 to: 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 18 July 2018, all submissions will be reviewed by Elected Members. Verbal submissions will be heard and all submissions formally considered at a Council meeting on 1 August 2018 (or as soon thereafter as possible). This meeting is open to both submitters and the public to attend.

Important Dates to Remember:

Submissions open – 18 June 2018
Submissions close – 18 July 2018
Hearing of submissions – 1 August 2018

If you have any further queries or would like further copies of the proposed Policy, please contact the Building Quality Manager on 0800 492 452.

Written feedback

Postal Address

Waikato District Council, Private Bag 544,
Ngaruawahia 3742 • Telephone 0800 492 452

Online feedback

- www.waikatodistrict.govt.nz/sayit
- consult@waidc.govt.nz

Submissions are public information. Your feedback will be used for purposes such as reports to Councillors, which are made available to the public, media and on our website. If you would like your personal information concealed, please tell us in your submission.



For internal use only

ECM Project #... **Enter ECM/IPM #**

ECM #

Submission #

Customer #

Dangerous, Affected and Insanitary Buildings Policy Are the rules right for me?

Submission form *Please provide your feedback by 18 July 2018*

Name/organisation

Postal address Postcode.....

Email Phone.....

A hearing will be held on 1 August 2018

Do you want to speak about your submission at this hearing? Yes No

Preferred method of contact Email Post

Age (optional) 16-24 25-35 36-50 51-65 66+

Ethnicity (optional)

This information will be used for statistical purposes only, to help us understand who is engaging with council.

Do you support the proposed Dangerous, Affected and Insanitary Buildings Policy Yes No

Please tell us why:

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Thank you for making a submission.

You'll receive an email or letter to confirm we've received your submission.

If you've indicated you would like to present your submission in person, we'll be in touch to arrange a time.

Written feedback

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Online feedback

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Open Meeting

To	Policy & Regulatory Committee
From	Gavin Ion Chief Executive
Date	2 May 2018
Chief Executive Approved	Y
Reference #	GOV1318
Report Title	Chief Executive's Business Plan

1. EXECUTIVE SUMMARY

The Chief Executive's Business Plan is a summary of progress on the Chief Executive's Performance Agreement. This report covers 2017/2018 items.

2. RECOMMENDATION

THAT the report from the Chief Executive be received.

3. BACKGROUND

The Chief Executive's Business Plan is a summary of progress on a number of issues targeted by Councillors.

4. DISCUSSION AND ANALYSIS OF OPTIONS

4.1 DISCUSSION

The Plan is a summary of progress on specific issues. It enables staff and Councillors to focus on the big issues and ensures that attention is given to those things that really matter. The Plan is in line with the Chief Executive's Performance Agreement for 2017/2018.

4.2 OPTIONS

The list of projects has been agreed by Council.

The Plan is consistent with the Chief Executive's Performance Agreement approved by Council.

5. CONSIDERATION

5.1 FINANCIAL

There will be a cost of up to \$5,000 for the survey of key stakeholders.

5.2 LEGAL

As part of undertaking the work detailed in this plan, Council needs to ensure that the approach taken is consistent with the Purpose of Local Government.

In other words, to meet the current and future needs of communities for good quality local infrastructure, local public services and performance of regulatory functions in a way that is most cost-effective for households and businesses.

5.3 STRATEGY, PLANS, POLICY AND PARTNERSHIP ALIGNMENT

This report contains the strategic issues that Council is focused on. The Chief Executive's Business Plan has been updated to align to the Chief Executive's Performance Agreement.

Iwi and Tangata Whenua have been, or will be consulted on at least some of the key projects or initiatives referred to in the report. Iwi will be involved as part of the survey of key stakeholders.

Iwi have also been engaging in the waters management project and with Council and government on the Hamilton to Auckland Corridor.

The projects in the list link to at least one community outcome or wellbeing. They also link to at least one LTP key goal.

The list has been updated in line with the Chief Executive's Performance Agreement for 2017/2018.

5.4 ASSESSMENT OF SIGNIFICANCE AND ENGAGEMENT POLICY AND OF EXTERNAL STAKEHOLDERS

The report does not trigger any concerns about significance of the projects being discussed.

Highest levels of engagement	Inform	Consult	Involve	Collaborate	Empower
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	The report provides a summary of what progress is being made on the various issues. It is for information at this stage of the year.				

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

Planned	In Progress	Complete	
		✓	Internal
	✓		Community Boards/Community Committees
	✓		Waikato-Tainui/Local iwi

	✓		Households
	✓		Business
			Other Please Specify

The assessment depends on the issues involved.

6. CONCLUSION

The schedule summarises progress on the key issues agreed with Council.

7. ATTACHMENTS

Chief Executive's KPI worksheet.

Chief Executive's KPIs

Key project/priority	Key deliverables/KPIs		Progress	Final Achievement Met/Not Met
1. Delivery and achievement of Annual Plan (covers normal business activities and linked to the current LTP key goals of affordability, economic development and community engagement)	1.1	Annual Plan work programmes are completed on time, cancelled, agreed for deferral or carried forward.	Work programmes are planned with a number of projects underway. Some projects such as the Huntly Wastewater Treatment upgrade are delayed to enable a decision to be made on the Housing Infrastructure Fund proposal.	
	1.2	The Annual Plan is completed within agreed budget and variations approved by Council.	Work is progressing satisfactorily. Some delays in work programmes are being experienced due to resourcing challenges.	
	1.3	80% of the LTP/Annual Plan KPIs are achieved.	Quarterly reports are provided to the Strategy & Finance Committee on progress. At this stage the overall KPIs are behind the target.	
	1.4	<ul style="list-style-type: none"> ▪ Refresh economic development implementation plan by 30 September. ▪ The agreed projects in the Implementation Plan are delivered by 30 June 2018. 	The plan was reviewed and an update provided in September. A verbal update was provided to the November Strategy & Finance Committee. On track.	
	1.5	Provide evidence that delivery of services is providing value for money.	Work has been undertaken with the Waikato District Alliance to confirm the value for money of the arrangement. On track.	
2. Continued improvements in customer service (Linked to the current LTP goal of community engagement).	2.1	Completion of more than 90% of service requests within set timeframes for the year.	89.7% of service requests were completed on time for the first ten months of the year. Slightly behind target.	

Key project/priority	Key deliverables/KPIs		Progress	Final Achievement Met/Not Met
	2.2	Overdue service requests are less than 110 on average for the year.	<p>The average number of overdue service requests outstanding for the first ten months of the year were 107.</p> <p>On track.</p> <p>The total overdue service requests (against completion target) has averaged 110 over the last 12 months to the end of April 2018.</p>	
	2.3	Develop a customer strategy by 30 June 2018.	<p>An internal project on Simplifying the Customer Experience provides the backdrop for this strategy.</p> <p>The work is underway and is one of the work streams operating in preparing our 100 day plan to implement the Council vision (Liveable, Thriving and Connected Communities).</p> <p>On track.</p>	
3. Partnerships, relationships, regional initiatives and engagement with external stakeholders (linked to current LTP key goals of economic development and community engagement)	3.1	<ul style="list-style-type: none"> ▪ Undertake a survey of key stakeholders including developers, community organisations, Community Boards/Committees, Iwi, key regional contacts and other council contacts. ▪ Develop an action plan by 30 April 2018 in relation to improvements identified by the feedback. 	<p>Agreement reached with the Chief Executive's Performance Review subcommittee around the respondents to the survey.</p> <p>The survey has been undertaken but there has been difficulty in respondents completing the documentation.</p> <p>On track.</p>	
	3.2	Provide evidence of collaboration with NZTA to deliver key outcomes.	<p>The Chief Executive has met on a number of occasions with NZTA to reinforce the relationship.</p> <p>Several meetings were held in February.</p> <p>There is mutual respect and a desire to find collective outcomes.</p> <p>On track.</p>	

Key project/priority	Key deliverables/KPIs		Progress	Final Achievement Met/Not Met
	3.3	Strategic Plan for the Waikato Building Cluster Group is developed and on-track by 30 June 2018.	<p>The plan was signed off by the Waikato Building Cluster Advisory Group on 28 July.</p> <p>The implementation plan is progressing. Customer research is the first component. The second component is a procurement process for an online building consent system, which is underway.</p> <p>Determining the skills and training needs of our building quality staff throughout the cluster is at a tender stage.</p> <p>On track.</p>	
	3.4	Subject to the agreement of the Governance Group and associated parties, the proposal regarding waters management is submitted to Council for consideration by 30 September.	<p>Council is consulting with the public on a Waters Governance Board model.</p> <p>Feedback will be considered through the LTP hearings.</p> <p>On track.</p>	
	3.5	Provide evidence of community engagement on key initiatives.	<p>The Community Boards and Community Committees were fully engaged in the LTP process.</p> <p>Waikato-Tainui were fully engaged in the Waters Management process.</p> <p>The District Plan review process featured extensive engagement, including 18 community drop in and feedback sessions.</p> <p>The Ngaruawahia Community Board, Council, Kiwi Rail, School Principals and community leaders are working together around safety on the Ngaruawahia rail bridge.</p>	
4. Staff and Culture (including leadership, engagement, retention, zero harm and linked to the Long Term Plan key	4.1	Leadership – The Staff Survey indicates a positive movement of 2% or more in relation to the leadership provided by senior management. (I have	The independent survey company is no longer undertaking the survey. Staff are reconsidering how to deliver the results. This may be through an internal survey utilising similar questions.	

Key project/priority	Key deliverables/KPIs		Progress	Final Achievement Met/Not Met
goals of economic development and community engagement).		confidence in the senior leadership of this organisation).		
	4.2	The Engagement Index shows a positive movement of 2% or more in the Annual Staff Survey.	The independent survey company is no longer undertaking the survey. Staff are reconsidering how to deliver the results. This may be through an internal survey utilising similar questions.	
	4.3	Performance on key HR measures is as follows: <ul style="list-style-type: none"> ▪ Staff movement due to general turnover is less than 16%. ▪ Leave balances reduce by 5% or more by 30 June. ▪ Sick leave taken reduces by 5% or more by 30 June. ▪ The score on the survey question “This organisation cares about the well-being of its people” increases by 2% or more. 	The measures are annual measures that will be determined later in the year. Some indicators are: <ul style="list-style-type: none"> ▪ Staff turnover for the 12 months to 28 February was 14.0%. ▪ We have reduced the number of staff with high levels of annual leave. ▪ Sick leave over the past nine months has averaged 1667 hours per month (previous year 1704.34). It is unclear without further analysis whether this is a concern or not. ▪ Sick leave also covers domestic leave and we are actively encouraging staff (from a zero harm perspective), not to bring sickness to work. ▪ Survey to be completed in the next couple of months. On track.	
	4.4	An updated Strategic Plan for Zero Harm is prepared and approved by Council by 31 August 2017.	The Strategic Plan has been updated and reported to Council in August. A further refinement was prepared in early 2018 and presented to Council. There is a focus on contract management. On track.	
	4.5	The Zero Harm Strategic Plan actions for 2017/18 are completed by 30 June.	The actions are progressing. New regulations and several events have required a rethink of priorities. Extra resourcing is	

Key project/priority	Key deliverables/KPIs	Progress	Final Achievement Met/Not Met
		necessary due to immediate challenges. On track.	

Open Meeting

To	Policy & Regulatory Committee
From	Gavin Ion Chief Executive
Date	2 May 2017
Chief Executive Approved	Y
Reference #	GOV1318
Report Title	2018 Meeting Calendar

1. EXECUTIVE SUMMARY

A monthly report is provided on the meeting calendar. Recent changes are incorporated so that Councillors are kept up to date.

2. RECOMMENDATION

THAT the report from the Chief Executive be received.

3. BACKGROUND

Council has already approved a meeting timetable for 2018. It was agreed that I would provide a monthly update on the meeting calendar including as much relevant information as possible.

4. DISCUSSION AND ANALYSIS OF OPTIONS

4.1 DISCUSSION

As discussed, Councillors should rely on the latest calendar and dispense with previous copies.

The workshop schedule for the next two months is as follows:

Wednesday 9 May	Monday 14 May
<ul style="list-style-type: none"> ▪ 4.30pm – 5.30pm: Citizenship Ceremony 	<ul style="list-style-type: none"> ▪ 9am – 11am: Discretionary & Funding Committee ▪ 11.30am – 12.00pm: Update for Councillors – Passenger Rail Business Case

	<ul style="list-style-type: none"> ▪ 12.00pm – 1.15pm: Councillor only time (including lunch) ▪ 1.15pm – 3.15pm: Council Meeting
Tuesday 15 May	Wednesday 16 May
<ul style="list-style-type: none"> ▪ 9am – 11.00am: Policy & Regulatory Committee ▪ 11.30am – 1.00pm: Presentation for Councillors – Papahua Block, Raglan ▪ 1.30pm – 4pm: Councillor Workshop – Representation Review (TBC) 	<ul style="list-style-type: none"> ▪ 9am – 11am: Informal hearing of DC submissions ▪ 11am – 4pm: LTP Hearings
Thursday 17 May	Friday 18 May
<ul style="list-style-type: none"> ▪ 9am – 4pm: LTP Hearings 	<ul style="list-style-type: none"> ▪ 9am – 4pm: LTP Hearings
Tuesday 22 May	Wednesday 23 May
<ul style="list-style-type: none"> ▪ 9am – 12.30pm – Infrastructure Committee ▪ 1pm – 2.30pm: Extraordinary Council Meeting 	<ul style="list-style-type: none"> ▪ 9am – 12.30pm: Strategy & Finance Committee ▪ 1pm – 2pm: Councillor Workshop - Gambling Venues ▪ 2pm – 4pm: Councillor Workshop – Representation Review (TBC)

JUNE 2018

Friday 1 June	Monday 11 June
<ul style="list-style-type: none"> ▪ OFFSITE 9am – 3pm: Zone 2 (one day meeting) – venue Mt Maunganui 	<ul style="list-style-type: none"> ▪ 12.00pm – 1.15pm: Councillor only time (including lunch) ▪ 1.15pm – 3.15pm: Council Meeting
Tuesday 12 June	Wednesday 13 June
<ul style="list-style-type: none"> ▪ 9am – 11.30am: Audit & Risk Committee 	<ul style="list-style-type: none"> ▪ 4.30pm – 5.30pm: Citizenship Ceremony
Tuesday 19 June	Tuesday 26 June
<ul style="list-style-type: none"> ▪ 9am – 12.30pm: Policy & Regulatory Committee 	<ul style="list-style-type: none"> ▪ 9am – 12.30pm – Infrastructure Committee

JULY 2018

Monday 9 July	
<ul style="list-style-type: none"> ▪ 12.00pm – 1.15pm: Councillor only time (including lunch) ▪ 1.15pm – 3.15pm: Council Meeting 	

Council could choose to approve the calendar or not. The idea of providing a monthly update is beneficial because there are a number of changes that arise on a regular basis. The calendars provide the most up to date information that we have but will not take account of short notice events.

5. CONSIDERATION

5.1 FINANCIAL

Nil.

5.2 LEGAL

Nil.

5.3 STRATEGY, PLANS, POLICY AND PARTNERSHIP ALIGNMENT

The report is about keeping Councillors informed and up to date with regards to forthcoming meetings and workshops. Items discussed will cover a range of community outcomes and one or more of the four well beings.

5.4 ASSESSMENT OF SIGNIFICANCE AND ENGAGEMENT POLICY AND OF EXTERNAL STAKEHOLDERS

Highest levels of engagement	Inform	Consult	Involve	Collaborate	Empower
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
This report is for information only and to keep Council informed.					

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

Planned	In Progress	Complete	
		✓	Internal
			Community Boards/Community Committees
			Waikato-Tainui/Local iwi
			Households
			Business
			Other Please Specify

6. CONCLUSION

Council is being asked to receive and review a monthly update on the meeting calendar for the remainder of 2018.

7. ATTACHMENTS

Nil.