

Notice of Meeting:

I hereby give notice that an ordinary meeting of the Customer & Regulatory Services Committee will be held on:

Date: Monday 15 May 2023
Time: 1:00pm
Venue: Council Chamber, Dunedin Public Art Gallery, The Octagon,
Dunedin

Sandy Graham
Chief Executive Officer

Customer & Regulatory Committee
PUBLIC AGENDA

MEMBERSHIP

Chairperson	Cr Carmen Houlahan	
Deputy Chairperson	Cr Andrew Whiley	
Members	Cr Bill Acklin	Cr Sophie Barker
	Cr David Benson-Pope	Cr Christine Garey
	Cr Kevin Gilbert	Cr Marie Laufiso
	Cr Cherry Lucas	Cr Mandy Mayhem
	Cr Jim O'Malley	Mayor Jules Radich
	Cr Lee Vandervis	Cr Steve Walker
	Cr Brent Weatherall	
Senior Officer	Paul Henderson, Acting General Manager Customer and Regulatory	
Governance Support Officer	Jennifer Lapham	

Jennifer Lapham
Governance Support Officer

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Note: Reports and recommendations contained in this agenda are not to be considered as Council policy until adopted.

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	The meeting will close with a Karakia Whakamutunga.	

1 KARAKIA TIMATANGA

The meeting will be opened with a Karakia Timatanga.

2 PUBLIC FORUM

At the close of the agenda public forum registrations were still being taken. The speakers will be confirmed following closure of registrations, 24 hours before the meeting.

3 APOLOGIES

At the close of the agenda no apologies had been received.

4 CONFIRMATION OF AGENDA

Note: Any additions must be approved by resolution with an explanation as to why they cannot be delayed until a future meeting.

DECLARATION OF INTEREST

EXECUTIVE SUMMARY

1. Members are reminded of the need to stand aside from decision-making when a conflict arises between their role as an elected representative and any private or other external interest they might have.
2. Elected members are reminded to update their register of interests as soon as practicable, including amending the register at this meeting if necessary.

RECOMMENDATIONS

That the Committee:

- a) **Notes/Amends** if necessary the Elected Members' Interest Register attached as Attachment A; and
- b) **Confirms/Amends** the proposed management plan for Elected Members' Interests.

Attachments

	Title	Page
↓A	Register of Interest	6

Councillor Register of Interest - Current as at 8 May 2023				
Councillors are members of all committees				
Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
Mayor Jules Radich	Shareholder	Izon Science Limited	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Shareholder	Taurikura Drive Investments Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Shareholder	Golden Block Developments Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director	Cambridge Terrace Properties Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director/Shareholder	Southern Properties (2007) Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director	Arrenway Drive Investments Limited	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director	Golden Centre Holdings Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director/Shareholder	IBMS Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director/Shareholder	Raft Holdings Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director/Shareholder	Otago Business Coaching Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director	Effectivise Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director	Athol Street Investments Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director/Shareholder	Allandale Trustee Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Shareholder	Aberdeen St No2 Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Road Safety Action Plan	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	100% Shareholder/Director	Panorama Developments Limited	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Hospital Local Advisory Group (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Council of Social Services (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Tertiary Precinct Planning Group (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Tertiary Sector Steering Group (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Member	Dunedin Club	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.	
Member	Local Government New Zealand (Zone 6 Committee) (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.	

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	Member	Connecting Dunedin (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Cr Bill Acklin	Shareholder/Director	Dunedin Brokers Limited	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	APRA - AMCOS	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Entertainer	Various functions	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Strath Taieri Community Board (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Craigieburn Reserve Committee (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Toitū Otago Settlers Museum Board (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Cr Sophie Barker	Director	Ayrmed Limited	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Shareholder	Various publicly listed companies	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Property Owner	Residential Property Owner - Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Beneficiary	Sans Peur Trust (Larnach Castle)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Mentor	Business Mentors NZ	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Southern Heritage Trust	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Friends Otago Museum	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Otago Peninsula Trust	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Orokonui Ecosanctuary	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Volunteer	Blue Penguins Pukekura	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Vegetable Growers Club	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Committee Member	Otago Anniversary Day Dinner	No conflict Identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Chairperson	Dunedin Heritage Fund (Council Appointment)	No conflict Identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Gasworks Museum Trust (Council Appointment)	No conflict Identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Otaru Sister City Society (Council Appointment)	No conflict Identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Hereweka Harbour Cone Trust (Council Appointment)	No conflict Identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Local Government New Zealand (Zone 6 Committee) (Council Appointment)	No conflict Identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	Member	Te Ao Tūroa Partnership (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Connecting Dunedin (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Cr David Benson-Pope	Owner	Residential Property Ownership in Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee and Beneficiary	Blind Investment Trusts	Duty to Trust may conflict with duties of Council Office	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Yellow-eyed Penguin Trust	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	New Zealand Labour Party	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Heritage Fund (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Public Art Gallery Acquisitions Committee (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Otago Museum Trust Board (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Cr Christine Garey	Trustee	Garey Family Trust - Property Ownership - Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Women of Ōtepoti	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member (alternate)	Grow Dunedin Partnership (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Otago Museum Trust Board (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Sophia Charter (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Chairperson	Study Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	St Paul's Cathedral Foundation (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Member	Theomin Gallery Management Committee (Olveston) (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.	
Cr Kevin Gilbert	Owner	Gipfel Limited - Bakery	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee	Schlubert Trust - Residential Property	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee	Schlup Family Trust	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	BNI	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Business South	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Shareholder	Air New Zealand	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.

MINUTES OF COMMITTEES

CUSTOMER & REGULATORY COMMITTEE - 7 MARCH 2023

RECOMMENDATIONS

That the Committee

Notes the minutes of the Customer & Regulatory Committee meeting held on 07 March 2023.

Attachments

	Title	Page
A↓	Minutes of Customer & Regulatory Committee held on 7 March 2023	15

Customer & Regulatory Committee

MINUTES

Minutes of an ordinary meeting of the Customer & Regulatory Services Committee held in the Council Chamber, Dunedin Public Art Gallery, The Octagon, Dunedin on Tuesday 07 March 2023, commencing at 2.30 pm

PRESENT

Chairperson	Cr Carmen Houlahan	
Deputy Chairperson	Cr Andrew Whiley	
Members	Cr Bill Acklin	Cr Sophie Barker
	Cr David Benson-Pope	Cr Christine Garey
	Cr Kevin Gilbert	Cr Marie Laufiso
	Cr Cherry Lucas	Cr Mandy Mayhem
	Cr Jim O'Malley	Mayor Jules Radich
	Cr Lee Vandervis	Cr Steve Walker
	Cr Brent Weatherall	

IN ATTENDANCE

Sandy Graham (Chief Executive Officer), Claire Austin, (General Manager Customer and Regulatory); John Christie (Manager Enterprise Dunedin), Simon Drew (General Manager Infrastructure and Development) and Michael Tannock, (Transport Network Team Leader) and Clare Sullivan (Principal Committee Advisor)

Governance Support Officer Jennifer Lapham

1 OPENING

The meeting was opened with a karakia timatanga.

2 PUBLIC FORUM

There was no public forum.

3 APOLOGIES

There were no apologies.

4 DECLARATIONS OF INTEREST

Members were reminded of the need to stand aside from decision-making when a conflict arises between their role as an elected representative and any private or other external interest they might have.

Moved (Cr Carmen Houlahan/Cr Mandy Mayhem):

That the Committee:

- a) **Notes** the Interest Register; and
- b) **Confirms** the proposed management plan for Elected Members' Interests.

Motion carried (CSCCC/2023/001)

PART A REPORTS

5 CUSTOMER AND REGULATORY COMMITTEE FORWARD WORK PROGRAMME - MARCH 2023

A report from Civic provided an update on the Customer and Regulatory Committee forward work programme for March 2023.

The General Manager Customer and Regulatory (Claire Austin) spoke to the report and responded to questions.

Moved (Cr Andrew Whiley/Cr Marie Laufiso):

That the Committee:

- a) **Notes** the Customer and Regulatory Committee forward work programme.

Motion carried (CSCCC/2023/002)

6 PROPOSED ROAD STOPPING: NAPIER STREET

A report from Transport advised that the owners of 5 Napier Street Dunedin had applied to have a section of legal road adjoining their property stopped and amalgamated with their adjoining property.

The General Manager Infrastructure and Development, Simon Drew and Transport Network Team Leader Michael Tannock responded to questions.

Moved (Cr Lee Vandervis/Cr Steve Walker):

That the Committee:

- a) **Approves** public notification of the Council's intention to stop a portion of legal road adjacent to 5 Napier Street Dunedin subject to the applicant agreeing to:
 - i) Paying the Council the non refundable fee for processing the road stopping.
 - ii) Paying the Council the actual costs incurred for the road stopping, regardless of whether or not the stopping reaches a conclusion, and the market value of the stopped road, assessed by the Council's valuer.
 - iii) Amalgamating the stopped portion of road with the titles of the adjacent land that is owned by the applicant, being the land contained within Records of Title OT285/227.
 - iv) Accepting the application of the standards contained within the Dunedin City Council Code for Subdivision and Development to the stopped road.
 - v) Registering any easements over the stopped portion of road in favour of utility companies.

Motion carried (CSCCC/2023/003)

7 PROPOSED ROAD STOPPING: WHITES ROAD, SEACLIFF

A report from Transport advised that the owner of 61 Whites Road, Seacliff, had applied to have a section of unformed legal road within their property, stopped.

The General Manager Infrastructure and Development, Simon Drew and Transport Network Team Leader, Michael Tannock responded to questions.

Moved (Cr Steve Walker/Cr Christine Garey):

That the Committee:

- a) **Approves** public notification of the Council's intention to stop a portion of legal road at 61 Whites Road, Seacliff, subject to the applicant agreeing to:
 - i) Paying the Council the non refundable fee for processing the road stopping.
 - ii) Paying the Council the actual costs incurred for the stopping, regardless of whether or not the stopping reaches a conclusion, and the market value of the stopped road, assessed by the Council's valuer.

- iii) Amalgamating the stopped portion of road with the titles of the adjacent land that is owned by the applicant, being the land contained within Record of Title OT263/276.
- iv) Accepting the application of the standards contained within the Dunedin City Council Code for Subdivision and Development to the stopped road.
- v) Registering any easements over the stopped portion of road in favour of utility companies (if required by the utility company).

Motion carried (CSCCC/2023/004)

8 KARAKIA WHAKAMUTUNGA

The meeting closed with a Karakia Whakamuntunga.

The meeting concluded at 2.40 pm .

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CHAIRPERSON

PART A REPORTS

ACTIONS FROM RESOLUTIONS OF CUSTOMER AND REGULATORY COMMITTEE MEETINGS

Department: Civic

EXECUTIVE SUMMARY

- 1 The purpose of this report is to detail the open actions from resolutions of Customer and Regulatory Committee meetings from the start of the triennium in October 2022. (Attachment A)
- 2 As this report is an administrative report only, there are no options or Summary of Considerations.

RECOMMENDATIONS

That the Committee:

- a) **Notes** the Open Actions from resolutions of Customer and Regulatory Committee meetings as shown in Attachment A.

DISCUSSION

- 3 This report provides an update on resolutions that are being actioned and completed since the last Customer and Regulatory Committee meeting.

Signatories

Author:	Jenny Lapham - Governance Support Officer
Authoriser:	Sharon Bodeker - Manager Governance

Attachments

	Title	Page
↓A	Action List	21

CUSTOMER AND REGULATORY COMMITTEE FORWARD WORK PROGRAMME - MARCH 2023

Department: Civic

EXECUTIVE SUMMARY

- 1 The purpose of this report is to provide a regular update of the Customer and Regulatory Committee forward work programme to show areas of activity, progress and expected timeframes for decision making across a range of areas of work. (Attachment A).
- 2 As this is an administrative report only, there are no options or Summary of Considerations.

RECOMMENDATIONS

That the Committee:

- a) **Notes** the Customer and Regulatory Committee forward work programme as shown in Attachment A.

DISCUSSION

- 3 The forward work programme will be a regular agenda item which shows areas of activity, progress and expected timeframes for decision making across a range of areas of work.
- 4 As an update report, purple highlights show changes to timeframes. New Items added to the schedule will be highlighted in yellow. Items that have been completed or updated are shown as bold.

Signatories

Author:	Jenny Lapham - Governance Support Officer
Authoriser:	Paul Henderson - Building Services Manager

Attachments

Title	Page
📄 Forward Work Programme - May 2023	25

BYLAW REVIEW UPDATE

Department: Customer and Regulatory

EXECUTIVE SUMMARY

- 1 This report provides information for the Customer and Regulatory Committee's (the Committee's) consideration on Dunedin City Council (DCC) bylaws, noting that the Committee is new and that bylaws come within its delegation. The report will help to inform a forward work programme by setting out:
 - Key stages of the bylaw review process and
 - Upcoming bylaw reviews (indicative).
- 2 The DCC currently has 15 bylaws. Most have legislative requirements relating to their review periods and review processes.
- 3 Several bylaws are due to be reviewed over the next two-three years and relevant reports will come to the Committee for consideration.

RECOMMENDATIONS

That the Committee:

- a) **Notes** the Bylaw Review Update report.

BACKGROUND

What is a bylaw?

- 4 A bylaw is any rule or regulation made by a local authority under a current Act. Key legislation under which DCC bylaws are made include:
 - Local Government Act 2002 (LGA)
 - Land Transport Act 1998
 - Freedom Camping Act 2011
 - Dog Control Act 1996
 - Food Act 2014
 - Reserves Act 1977
 - Health Act 1956.

- 5 A bylaw is invalid if it conflicts with an existing Act. Where an issue can be dealt with by using current legislation (Acts, Regulations made by Parliament), no bylaw should be made.
- 6 It is an offence to breach a bylaw and an offence is punishable on conviction in the District Court.

Purpose of bylaws

- 7 Under the LGA, local authorities can make bylaws for one or more of the following general purposes:
 - Protecting the public from nuisance
 - Protecting, promoting, and maintaining public health and safety
 - Minimising the potential for offensive behaviour in public places.
- 8 Bylaws made under the LGA (or requiring to be made in accordance with the processes set out in that Act) must be reviewed within five years after adoption and thereafter every 10 years.
- 9 Bylaws made under other Acts can be made for different purposes than those under the LGA and may have different rules relating to review.

DISCUSSION

Bylaws – general

- 10 Bylaws are a key part of Dunedin’s regulatory framework, providing rules for things such as where dogs are allowed (including sensitive restricted areas), how freedom camping is managed, how e-scooter share schemes are managed, and requirements for beauty therapists and tattooists. Bylaws help protect the public’s health and safety and protect the public from nuisance.
- 11 Bylaws can provide a local solution for a local issue and can address gaps where national legislation does not adequately cover an issue. They are used in conjunction with other methods such as education, collaboration, information and incentives and are useful when these methods are not enough to manage an issue. For example, following a recent review, the Trading in Public Places Bylaw now requires rental scheme operators such as e-scooter companies to have a permit and comply with conditions to operate in Dunedin. There is no national legislation in place for this and the bylaw allows for e-scooter conditions such as safety, and recycling requirements.

Enforcing bylaws

- 12 In many cases, bylaws are not easy to enforce. For example, it is not currently possible to issue an infringement for breaching a bylaw made under the Local Government Act 2022. If the Council wanted to enforce that breach, then it would need to bring a prosecution, but the costs of a prosecution must always be considered in association with the gravity of the breach. This could result in a fine of up to \$20,000 (or up to \$200,000 in a particular instance involving trade wastes).
- 13 Bylaws made under other Acts have different rules as some acts (such as the Reserves Act 1977, Dog Control Act 1996 and the Freedom Camping Act 2011) make it an infringement offence to breach a bylaw.

- 14 Bylaws can provide the ability to issue notices, for example to remedy a nuisance issue. They can also provide the ability to seize property though this happens rarely as education, information and collaboration addresses the issue in most instances.

DCC bylaws

- 15 The DCC currently has 15 bylaws. These are listed along with their review periods as well as indicative timeframes for upcoming reviews, noting that timeframes may change. Reasons for some reviews to be planned earlier than required include spreading the workload and aiming to complete reviews within a Council term. Indicative dates are also included on the Committee's forward work programme.

Bylaw name	Review by	Planned review
Food Grading Bylaw (and Policy)	28 October 2025	Mid-late 2023
Traffic and Parking Bylaw	No review requirement (Land Transport Act)	Mid-late 2023 until 2024/2025
Dog Control Bylaw (and Policy)	1 July 2026	Mid-late 2023 until mid-2025
Trading in Public Places Bylaw	1 January 2026	Early 2024 until mid-2025
Beauty Therapists, Tattooists and Skin-Piercers Bylaw	27 June 2026	Early 2024 until early 2025
Stormwater Quality Bylaw (will need to be formally revoked on transfer to new water entity)	No date yet	
Water Bylaw (will need to be formally revoked on transfer to new water entity)	No date yet	
Alcohol (Control of Alcohol in Public Places) Bylaw	12 December 2026	
Keeping of Animals Bylaw	22 February 2027	
Reserves and Beaches Bylaw	30 April 2028	
Roading Bylaw	1 August 2030	
Camping Control Bylaw	1 November 2030	
Trade Waste Bylaw	1 February 2031	
Restriction of Traffic Bylaw	No review requirement (Land Transport Act)	

Restriction of Traffic on Part of Halfway Bush Road and Friends Hill Road Bylaw	No review requirement (Land Transport Act)	
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Key steps to develop and review bylaws

16 New bylaws are rare so most bylaw work is related to the review of existing bylaws. It can take 12-18 months to develop or review a bylaw. Key steps are set out in the following flowchart:



Step 1 – First report

17 The first bylaw report to the Committee may identify any issues that are likely to come up during the review.

Step 2 – Second report

- 18 After the bylaw development or review begins, staff look at evidence of issues, for example complaints and data. They investigate options, look at what is working well and what might be improved. There may be initial consultation to inform feasible options and a preferred option, for example engaging with other councils and working with key stakeholders. Staff develop a consultation document (statement of proposal) that provides options, a proposed way forward and reasons for it. A draft bylaw is prepared.

Consultation

- 19 After the consultation document and draft bylaw is approved, consultation is carried out using the special consultative procedure which is a consultation process set out in the LGA. It requires at least one month for feedback, an opportunity for people to present their views, and that information is available, accessible, and easy to understand for those who may be affected or have an interest in the matter.
- 20 A summary of the consultation results is prepared for the Hearings Committee before the Hearings Committee hears submitters (hearings) and considers the issues and options (deliberations). Refer to the DCC Committee Structure and Delegations Manual for more information on the Hearings Committee.
- 21 After the Hearings Committee has heard submitters and considered all submissions, staff prepare a report on behalf of the Hearings Committee with recommendations to the Council.

Implementing the bylaw

- 22 After the bylaw is adopted by the Council, the Council seal must be applied. Then it is published on the DCC website, key stakeholders are advised, and appropriate delegations are made for staff.

OPTIONS

- 23 As this report is for noting, there are no options.

NEXT STEPS

- 24 Next steps are for staff and the Committee to work through the bylaw review process for upcoming bylaws.

Signatories

Author:	Anne Gray - Policy Analyst
Authoriser:	Paul Henderson , Acting General Manager Customer and Regulatory

Attachments

There are no attachments for this report.

SUMMARY OF CONSIDERATIONS

Fit with purpose of Local Government

This report relates to democratic local decision making and action by, and on behalf of communities. This report relates to the social well-being of communities in the present and for the future.

Fit with strategic framework

	Contributes	Detracts	Not applicable
Social Wellbeing Strategy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Economic Development Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Environment Strategy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Arts and Culture Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3 Waters Strategy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Spatial Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Integrated Transport Strategy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parks and Recreation Strategy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other strategic projects/policies/plans	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

This report is for noting only. However, DCC bylaws contribute to several of our strategies, and some have related policies (e.g. Dog Control Bylaw and Food Grading Bylaw)

Māori Impact Statement

This report for noting has no specific impacts for Maori.

Sustainability

This report for noting has no implications for sustainability.

LTP/Annual Plan / Financial Strategy /Infrastructure Strategy

This report has no implications for these documents.

Financial considerations

There are no financial implications.

Significance

This report for noting is considered low in terms of the Significance and Engagement Policy. Most bylaw reviews will require use of the special consultative procedure.

Engagement – external

There has been no external engagement to this report.

Engagement - internal

There has been internal engagement with Parks and Recreation, Transport and In-House Legal Counsel.

Risks: Legal / Health and Safety etc.

There are no identified risks.

Conflict of Interest

There is no conflict of interest.

SUMMARY OF CONSIDERATIONS

Community Boards

This report for noting has no specific implications for Community Boards. Community Boards are identified as stakeholders for relevant bylaw reviews.

DEMOLITION BY NEGLECT UPDATE

Department: Customer and Regulatory

EXECUTIVE SUMMARY

- 1 This report updates the Customer and Regulatory Committee (the Committee) on considerations relating to demolition by neglect.
- 2 Demolition by neglect is an issue in Dunedin and cities across New Zealand. In Dunedin, heritage and central city buildings have been the subject of media interest although there are examples outside of this. Examples in the heritage precinct include some Princes Street buildings; in the central city the former Arkwright Traders building (corner of Manse Street and High Street) and outside of the city is the former Glamis Hospital (although this building was originally impacted by fire).
- 3 While there is a lack of legislation to address demolition by neglect, incentives can help to motivate some building owners to maintain buildings to some extent.
- 4 The report covers:
 - Current legislation (lack of) for local authorities and attempts to advocate for change
 - Previous work in this area
 - Incentives to encourage owners to maintain their heritage buildings.

RECOMMENDATIONS

That the Committee:

- a) **Notes** the update on demolition by neglect.

BACKGROUND

What is demolition by neglect?

- 5 Demolition by neglect is when a building is allowed to deteriorate to the point that demolition becomes necessary, or restoration becomes economically unreasonable. In some cases, building owners may allow this to happen to bypass heritage protections.
- 6 Demolition by neglect can be an issue for historic and heritage buildings that require substantial financial investment to enable ongoing use, typically arising from compliance requirements, earthquake strengthening, amenity upgrades, or repair and deferred maintenance.

Lack of legislation

- 7 Demolition by neglect is not regulated nor specifically referred to in either the Resource Management Act 1991, the Building Act 2004 or the Local Government Act 2002. There may be a potential avenue through the Resource Management Act 1991, but that avenue would only be available in very limited circumstances and would carry risks.

Previous Council reports

2014 report

- 8 On 3 June 2014, the Planning and Regulatory Committee (P&R Committee) considered a detailed report on 'Options to address Demolition by Neglect and Degradation of the Dunedin Streetscape' (See Attachment A). This report discussed the lack of legislation to address this type of neglect and also analysed options such as constructive engagement and incentives.
- 9 The P&R Committee approved further investigation into costs and benefits of the proactive use of the Building Act and development of a 'buildings at risk' register.

2017 report

- 10 Following this, in 2017, the Planning and Environment Committee considered an update on Heritage Buildings at Risk Register (see Attachment B) and approved development of the Dunedin Heritage Monitoring Programme.
- 11 The key purpose of the monitoring programme is to monitor progress in preserving and enhancing city's heritage by recording investment in and use of heritage buildings. It also highlights buildings and areas of risk that may need targeting of resources or other actions.
- 12 During 2017/18, approximately 789 heritage buildings scheduled in the 2GP were visually assessed and rated. Of these, 3% were assessed as 'at risk', 8% as 'vulnerable' and 88% as 'not at risk'. Twenty-four buildings were listed on the 'At Risk Scheduled Heritage Buildings list. Non-protected historic buildings (as opposed to protected heritage buildings), such as the Glamis Hospital, were not included on this list.
- 13 Since then, five of these buildings have been restored or redeveloped (or substantially commenced) and one has been demolished because of fire. In May 2023, a resource consent application was approved for the demolition of a further three buildings.
- 14 It is intended to pick up the Heritage Monitoring Programme again as part of the Heritage Action Plan work.

DISCUSSION

No legislative change

- 15 Since the 2014 Council report, there has been no change to legislation to regulate demolition by neglect. The Building Act does contain provision to deal with Dangerous, Insanitary and Affected Buildings. The provisions would require Council to take enforcement steps should an owner fail or refuse to comply. This could include prosecution for breach of a Dangerous Building Notice and/or an application to Court to allow Council to undertake works to remove the danger. Once the dangerous or insanitary elements have been removed then the powers within the Building Act stop.

Local government advocacy for legislation

Local Government New Zealand (LGNZ) advocacy on demolition by neglect

- 16 In 2014, LGNZ wrote to the Minister of Building and Construction asking that the Government provide councils with greater powers to deal with problems created by derelict buildings, specifically:

“That a definition for derelict sites and homes be developed and included in the Building Act. This would enable Territorial Authorities to include such properties in their Dangerous and Insanitary Buildings Policy and update their procedures to respond in a timely and cost effective manner to the needs of their community”.

- 17 This followed discussion with a number of councils including discussion at a LGNZ Rural and Provincial Sector meeting. LGNZ had ongoing discussions with MBIE officials, but the response was this was not a priority at that time. In May 2022, another attempt by LGNZ to meet the Minister of Building and Construction was unsuccessful.

DCC submission to Government on demolition by neglect

- 18 In February 2023, the DCC submitted on demolition by neglect as part of its submission to the Environment Select Committee on the Natural and Built Environment Bill and Spatial Planning Bill (the Bill).

- 19 The DCC requested that:

“the Natural and Built Environment Act (NBEA) include provisions which enable the management of ‘demolition by neglect’ of protected heritage assets”.

- 20 It also encouraged the Select Committee:

“to include provisions in the NBEA to explicitly enable the management of neglected heritage buildings where a lack of maintenance is having an adverse effect on the structural stability, weathertightness, or long-term retention of a scheduled heritage building (aka demolition by neglect). This is urgently necessary for DCC (and other territorial authorities) to take actions to save heritage buildings where neglect has not yet progressed to a point of no return”.

- 21 The Environment Select Committee is considering submissions and plans to report to the House of Representatives on the Natural and Built Environment Bill on 27 June 2023. This report will include any recommended changes to the Bill. If the changes are made, staff will review what management options may be possible under the new legislation.

Bylaws

- 22 In the absence of any overarching legislation (Act) a bylaw to address demolition by neglect is unable to be made. While the LGA provides a mechanism to make general bylaws, a bylaw cannot be made unless a council concludes that the proposed bylaw is the most appropriate way of addressing the problem. In the case of demolition by neglect, there are other more appropriate legislative mechanisms available to deal with the problem, such as use of options in the Resource Management Act 1981. As such, the ‘most appropriate’ threshold in the LGA cannot be met.

Incentives for heritage buildings

- 23 In the absence of legislation, the DCC has a range of incentives to support investment for heritage buildings. For example, the DCC invests in a heritage fund (with membership from Heritage New Zealand and the Southern Heritage Trust) which provides grants for heritage building owners for restoration, earthquake strengthening and other projects.
- 24 The DCC also invests in commercial heritage precincts to make these areas more attractive places for investment. Staff work proactively with motivated building owners to support investment, for example providing professional advice.
- 25 Revitalisation projects such as the Warehouse Precinct demonstrate the potential for historic parts of the city to become attractive residential, hospitality and business destinations using these investment tools.
- 26 In February 2023, the Council directed staff to develop a Heritage Action Plan in time for the ten year plan in January 2024. Demolition by neglect is a key issue for the Heritage Action Plan and staff will explore incentive and supportive methods of addressing this and report back to the Council, as directed.

OPTIONS

- 27 As this is a report for noting, there are no options.

NEXT STEPS

- 28 Staff will monitor the progress of the Bill to see if the Select Committee process makes changes that would enable management of the issue.

Signatories

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Attachments

	Title	Page
↓A	2014 Demolition by Neglect Report	40
↓B	2017 Heritage Buildings at Risk Register Update	52

SUMMARY OF CONSIDERATIONS

Fit with purpose of Local Government

This report relates to the social and economic well-being of communities in the present and for the future.

Fit with strategic framework

	Contributes	Detracts	Not applicable
Social Wellbeing Strategy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Economic Development Strategy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Environment Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Arts and Culture Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3 Waters Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Spatial Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Integrated Transport Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks and Recreation Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other strategic projects/policies/plans	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

This report is for noting only. However, issues relate to priorities of Better Homes in the Social Wellbeing Strategy, Compelling Destination in the Economic Wellbeing Strategy, and Memorable and Distinctive City in the Spatial Plan.

Māori Impact Statement

There are no specific impacts for Māori.

Sustainability

This report for noting has no implications for sustainability.

LTP/Annual Plan / Financial Strategy /Infrastructure Strategy

There are no implications for these documents.

Financial considerations

There are no financial implications.

Significance

This report for noting is considered low in terms of the Council’s Significance and Engagement Policy.

Engagement – external

There has been no external engagement.

Engagement - internal

There has been internal engagement with City Development, In-House Legal Counsel and Transportation.

Risks: Legal / Health and Safety etc.

There are no identified risks.

Conflict of Interest

There is no conflict of interest.

SUMMARY OF CONSIDERATIONS

Community Boards

There are no specific implications for Community Boards.

ITEMS FOR CONSIDERATION BY THE CHAIR

Any items for consideration by the Chair.