

**Notice of Meeting:**

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

**Date:** Tuesday 6 August 2024  
**Time:** 1.00 pm (or at the conclusion of the previous meeting, whichever is later)  
**Venue:** Council Chamber, Dunedin Public Art Gallery, The Octagon, Dunedin

Sandy Graham  
Chief Executive Officer

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## **Customer & Regulatory Committee**

### **PUBLIC AGENDA**

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**MEMBERSHIP**

<b>Chairperson</b>	Cr Carmen Houlahan	
<b>Deputy Chairperson</b>	Cr Andrew Whiley	
<b>Members</b>	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** Jeanette Wikaira, General Manager Arts, Culture and Recreation

**Governance Support Officer** Jennifer Lapham

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Jennifer Lapham  
Governance Support Officer

Telephone: 03 477 4000  
governance.support@dcc.govt.nz  
[www.dunedin.govt.nz](http://www.dunedin.govt.nz)

**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 OPENING**

The meeting will be opened with a karakia timatanga

**2 PUBLIC FORUM**

At the close of the agenda no requests for public forum had been received.

**3 APOLOGIES**

An apology has been received from Cr Steve Walker.

That the Committee:

**Accepts** the apology from Cr Steve Walker.

**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

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### 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

	<b>Title</b>	<b>Page</b>
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Customer and Regulatory Committee Register of Interest as at 31 July 2024				
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
Mayor Jules Radich (cont)	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.
	Casual Employee	Insulmax	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.

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
Cr Sophie Barker (cont)	Deputy Chair	Dunedin Food and Drink Tourism Story Group	No conflict Identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	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.
Cr Christine Garey	Member	Otago Museum Trust Board (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	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.
	Trustee	Ashburn Hall Charitable Trust Board	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.
Cr Kevin Gilbert	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.
	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.

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
Cr Kevin Gilbert (cont)	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.
	Trustee	Kevin Gilbert and Esther Gilbert Partnership - Residential Rental Property	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee	Biddies Trust	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Advisors	Ronald McDonald House Supper Club Committee	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Fair Trading Committee (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.
	Member (alternate)	Otago Regional Transport 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.
	Member	Keep Dunedin Beautiful (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Otago Settlers Association (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Saddle Hill Community Board (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Chair	Food Equity and Education Dunedin (FEED) Charitable Trust	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	National Industry Advisors Group Food and Beverage (Workforce Development Council)	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 Carmen Houlahan	Owner	Residential Property - Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Owner	Rental Property - North Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Part Owner	Adobe Group Ltd, Wanaka	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Rotary Club	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Institute of Directors	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Otago Property Investors Association	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Public Art Gallery Society (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	Creative Dunedin Partnership (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
Cr Carmen Houlahan (cont)	Trustee	KBCLR Family Trust	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Otago Theatre Trust (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Cr Marie Laufiso	Property Owner	Residential Property	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee	Moray Place Community Building Trust - Trust Owner of Property 111 Moray Place	Duty to Trust may conflict with duties of Council Office	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Chair	Otago Mental Health Support Trust	Potential grants applicant which would result in pecuniary interest. Duty to Trust may conflict with duties of Council Office	Do not participate in consideration of grants applications. If the meeting is in public excluded, to leave the room.
	Member	Women of Ōtepoti Recognition Initiative	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Family Member	Staff member a relative	Potential conflict depending on level of staff member involvement	Managed by staff at officer level if a perceived conflict of interest arises.
	<del>Secretary</del>	<del>Brockville Improvements and Amenities Society (BIAS)</del>	<del>No conflict identified.</del>	<del>Seek advice prior to the meeting if actual or perceived conflict of interest arises.</del>
	Trustee	Corso Ōtepoti Dunedin Trust	Potential grants recipient	Withdraw from discussion and leave the table. If in public excluded leave the room. Seek advice prior to the meeting.
	Member	Dunedin Manufacturing Holdings Inc	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Secretary	BIAS Charitable Trust	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Dunedin Branch Treasurer	P.A.C.I.F.I.C.A Inc	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	<del>Member</del>	<del>Green Party of Aotearoa New Zealand</del>	<del>No conflict identified</del>	<del>Seek advice prior to the meeting if actual or perceived conflict of interest arises.</del>
	<del>Secretary</del>	<del>Dunedin Abrahamic Interfaith Group (Council Appointment)</del>	<del>No conflict identified</del>	<del>Seek advice prior to the meeting if actual or perceived conflict of interest arises.</del>
	<del>Trustee and Secretary</del>	<del>Refugee Support Group</del>	<del>No conflict identified</del>	<del>Seek advice prior to the meeting if actual or perceived conflict of interest arises.</del>
	<del>Chairperson</del>	<del>Dunedin Former Refugee Steering Committee (Council Appointment)</del>	<del>No conflict identified</del>	<del>Seek advice prior to the meeting if actual or perceived conflict of interest arises.</del>
	<del>Chairperson</del>	<del>Social Wellbeing Advisory Group (Council Appointment)</del>	<del>No conflict identified</del>	<del>Seek advice prior to the meeting if actual or perceived conflict of interest arises.</del>
Cr Cherry Lucas	Member	District Licensing Committee (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Chairperson	Grants Subcommittee (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee	Otago Farmers Market	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Otago A & P Society	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee	Henderson Lucas Family Trust - Residential Dunedin Property	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	NZ Institute of Chartered Accountants	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
Cr Cherry Lucas (cont)	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	Dunedin Chinese Garden Advisory Board (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.
	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.
	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	Taieri Airport Trust (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Mosgiel Taieri Community Board (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Te Poāri a Pukekura Partnership (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Cr Mandy Mayhem	Chairperson	Waitati Hall Society Inc	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Chairperson	Blueskin News Committee	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Co-ordinator	Waitati Market	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Co-ordinator	Emergency response group, Blueskin area	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	FENZ Local Advisory Committee for Otago	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Waitati Music Festival Committee	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Blueskin Bay Amenities Society	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Blueskin A & P Society	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Chairperson	Keep Dunedin Beautiful (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Zone Representative and Board Member	Keep New Zealand Beautiful	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Coastal Community Cycleway Network	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	West Harbour Community Board (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Disability Issues Advisory Group (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Property Owner	Residential Property	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Social Wellbeing Advisory Group (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Cr Jim O'Malley	Owner	Biocentrix Ltd	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
Cr Jim O'Malley (cont)	Owner	Residential Property Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Owner	Ayrmed Limited	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Northern AFC	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	<b>Director</b>	<b>Ocho Newco Limited</b>	<b>No conflict identified</b>	<b>Seek advice prior to the meeting if actual or perceived conflict of interest arises.</b>
	Member	Ice Sports Dunedin Incorporated (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.
	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	Otago Regional Transport Committee (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Okia Reserve Management Committee (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	Waikouaiti Coast Community Board (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Cr Lee Vandervis	Director	Lee Vandervis, Antonie Alm-Lequeux and Cook Allan Gibson Trustee Company Ltd - Residential Property Ownership - Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director	Bunchy Properties Ltd - Residential Property Ownership - Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Owner	Vandervision Audio and Lighting - Hire, Sales and Service Business	May contract and provide service to DCC	Withdraw from discussion and leave the table. If the meeting is in public excluded leave the room. Seek advice prior to the meeting.
	Member	District Licensing Committee (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Okia Reserve Management Committee (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Cr Steve Walker	Trustee	Dunedin Wildlife Hospital Trust	Potential grants recipient	Withdraw from discussion and leave the table. If the meeting is in public excluded leave the room. Seek advice prior to the meeting.
	Member	Orokouai Ecosanctuary	Potential grants recipient	Withdraw from discussion and leave the table. If the meeting is in public excluded leave the room. Seek advice prior to the meeting.
	Member	Society of Beer Advocates	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	Port Chalmers Historical Society	Potential grants recipient	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Owner	Residential Property - Dunedin	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.



Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
Cr Steve Walker (cont)	Member	NZ Sea Lion Trust	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Edinburgh Sister City Society (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Justice of the Peace		No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee	Predator Free Dunedin	No conflict	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Predator Free Dunedin (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Cr Brent Weatherall	Member	Urban Access	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Owner	Residential Property	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Owner	Business George Street, Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee	Brent Weatherall Jeweller Limited	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee	Weatherall Trustee Company	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee	Residential Rental Properties	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	Dunedin Public Art Gallery Society (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Cr Andrew Whiley	Owner/Operator	Whiley Golf Inc and New Zealand Golf Travel Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director/Shareholder 22 May 2017	Estate of Grace Limited	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee	Japek (Family Trust) - Property Ownership - Dunedin	Duties to Trust may conflict with duties of Council Office.	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Otago Golf Club	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin South Rotary Club	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Institute of Directors	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	National Party	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Board Chair	Volunteer South	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	New Zealand PGA (Professional Golf Association)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Chair	Dunedin Community House Executive Committee	Potential grants recipient	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Otago Property Investors Association	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.

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
Cr Andrew Whiley (cont)	Member	Otago Peninsula Community Board (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Shanghai Association (Sister City Society) (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Grow Dunedin Partnership (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	NZ Masters Games Trust Board (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Puketai Residential Centre Liaison Committee (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Board Member	Dunedin Christmas Charitable Trust	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.

## **CONFIRMATION OF MINUTES**

### **CUSTOMER & REGULATORY COMMITTEE MEETING - 21 MAY 2024**

---

#### **RECOMMENDATIONS**

That the Committee:

- a) **Confirms** the public part of the minutes of the Customer & Regulatory Committee meeting held on 21 May 2024 as a correct record.

#### **Attachments**

	<b>Title</b>	<b>Page</b>
<a href="#">A↓</a>	Minutes of Customer & Regulatory Committee meeting held on 21 May 2024	16

## **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 21 May 2024, commencing at 11.00 am.

#### **PRESENT**

<b>Chairperson</b>	Cr Carmen Houlahan	
<b>Deputy Chairperson</b>	Cr Andrew Whiley	
<b>Members</b>	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), Jeanette Wikaira (General Manager Arts, Culture and Recreation), Paul Henderson (Building Services Manager), Ros MacGill (Manager Compliance Solutions), Anne Gray (Policy Analyst) and Clare Sullivan (Manager Governance)

**Governance Support Officer** Jennifer Lapham

#### **1 OPENING**

Cr Carmen Houlahan opened the meeting with a karakia timatanga.

#### **2 PUBLIC FORUM**

There was no Public Forum.

#### **3 APOLOGIES**

Apologies were received from Mayor Radich and Cr Laufiso

Moved (Cr Carmen Houlahan/Cr Cherry Lucas):

That the Committee:

**Accepts** the apologies from Mayor Radich and Cr Laufiso

**Motion carried (CRC/2024/003)**

#### **4 CONFIRMATION OF AGENDA**

Moved (Cr Carmen Houlahan/Cr Bill Acklin):

That the Committee:

**Confirms** the agenda without addition or alteration.

**Motion carried (CRC/2024/004)**

#### **5 DECLARATIONS OF INTEREST**

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

Moved (Cr Carmen Houlahan/Cr Cherry Lucas):

That the Committee:

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

**Motion carried (CRC/2024/005)**

#### **6 CONFIRMATION OF MINUTES**

##### **6.1 CUSTOMER & REGULATORY COMMITTEE MEETING - 12 SEPTEMBER 2023**

Moved (Cr Carmen Houlahan/Cr Andrew Whiley):

That the Committee:

- a) **Confirms** the minutes of the Customer & Regulatory Committee meeting held on 12 September 2023 as a correct record.

**Motion carried (CRC/2024/006)**

**PART A REPORTS****7 CUSTOMER AND REGULATORY COMMITTEE FORWARD WORK PROGRAMME**

A report from Civic provided an update of the Customer and Regulatory Committee forward work programme showing areas of activity, progress and expected timeframes for decision making across a range of work.

The Building Services Manager, Mr Paul Henderson spoke to the report responded to questions.

Moved (Cr Carmen Houlahan/Cr Jim O'Malley):

That the Committee:

- a) **Notes** the Customer and Regulatory Committee forward work programme.  
**Motion carried (CRC/2024/007)**

**8 UPDATE ON ANIMAL SERVICES EDUCATION SESSIONS**

In a report from Customer and Regulatory an update was provided on the Animal services' free dog education sessions being provided to Dunedin primary schools.

The Building Services Manager, Mr Paul Henderson, the Manager Compliance Solutions, Ms Ros MacGill and Policy Analyst, Ms Anne Gray spoke to the report and responded to questions.

Moved (Cr Carmen Houlahan/Cr Bill Acklin):

That the Committee:

- Notes** the update on Animal Services education sessions.

**Motion carried (CRC/2024/008)**

**9 REVIEW OF DOG CONTROL BYLAW AND DOG CONTROL POLICY**

A report from Customer and Regulatory advised that August 2023, the Council resolved to commence review of the Dog Control Bylaw (the Bylaw) and Dog Control Policy (the Policy). This review must be carried out under requirements of the Dog Control Act 1996 (the Act) and the Local Government Act 2002 (LGA).

In order to meet requirements of the Act and the LGA, and for consultation purposes, the report asked the Committee to:

- a) Approve a draft Dog Control Bylaw
- b) Approve a draft Dog Control Policy
- c) Adopt a statement of proposal (SOP)

The Building Services Manager, Mr Paul Henderson, the Manager Compliance Solutions, Ms Ros MacGill and Policy Analyst, Ms Anne Gray spoke to the report and responded to questions.

Moved (Cr Carmen Houlahan/Cr Jim O'Malley):

That the Committee:

- a) **Notes** the review's early engagement results.
- b) **Approves** the draft Dog Control Bylaw and draft Dog Control Policy for consultation purposes, subject to any amendment.
- c) **Adopts** the Statement of Proposal, for consultation purposes, subject to any amendment.
- d) **Resolves** that the proposed draft Dog Control Bylaw meets the requirements of section 155 of the Local Government Act, in that:
  - i) the proposed Bylaw is the most appropriate form of Bylaw
  - ii) the proposed Bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990.

**Motion carried (CRC/2024/009)**

Moved (Cr Carmen Houlahan/Cr Jim O'Malley):

That the Committee:

**Adjourn** the meeting.

**Motion carried**

The meeting adjourned at 12.03 pm and reconvened at 12.06 pm

## **10 TRADING IN PUBLIC PLACES BYLAW REVIEW**

A report from Customer and Regulatory the Committee advised The Trading in Public Places Bylaw (The Bylaw) was made on 27 October 2020 and came into effect on 1 January 2021. The Local Government Act 2002 (The Act) requires that a bylaw must be reviewed within five years after being made.

The report recommended that the Customer and Regulatory Committee (the Committee) determines that a bylaw continues to be the most appropriate way to address public trading issues in Dunedin.

The Building Services Manager, Mr Paul Henderson, the Manager Compliance Solutions, Ms Ros MacGill and Policy Analyst, Ms Anne Gray spoke to the report and responded to questions.

Cr Whiley entered the meeting at 12.07 pm

Moved (Cr Carmen Houlahan/Cr Jim O'Malley):

That the Committee:

- a) **Determines** that a bylaw is the most appropriate way to address public trading issues in Dunedin.
- b) **Approves** commencement of the review of the Trading in Public Places Bylaw.

**Motion carried (CRC/2024/010)**

## **11 CUSTOMER AND REGULATORY ISSUES AND TRENDS REPORT**

In a report from Customer and Regulatory an update was provided on the Issues and Trends report for the six months to 31 March 2024.

The Building Services Manager, Mr Paul Henderson, the Manager Compliance Solutions, Ms Ros MacGill, the Customer Services Manager, Hayley Brown and the Resource Consents Manager, Alan Worthington spoke to the report and responded to questions.

Moved (Cr Carmen Houlahan/Cr Cherry Lucas):

That the Committee:

- a) **Notes** the Customer and Regulatory Issues and Trends report.

**Motion carried (CRC/2024/011)**

## **12 ITEMS FOR CONSIDERATION BY THE CHAIR**

There were no items for consideration.

## **13 KARAKIA WHAKAMUTUNGA**

Cr Carmen Houlahan closed the meeting with a Karakia Whakamutunga.

The meeting concluded at 12.22pm.

.....  
CHAIRPERSON



## PART A REPORTS

### CUSTOMER AND REGULATORY COMMITTEE FORWARD WORK PROGRAMME

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. This shows 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 is 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:	Jennifer Lapham - Governance Support Officer
Authoriser:	Jeanette Wikaira - General Manager Arts, Culture and Recreation

#### Attachments

	Title	Page
<a href="#">A</a>	Forward Work Programme	22

Key	
New item	
Changes to timeframes	
Completed; progress to date update	<b>Bold</b>
No meeting month	

Customer & Regulatory Committee Forward Work Programme 2024/2025 - August 2024																
Area of Work	Reason for Work	Council role (decision and/or direction)	August	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	July	August	Sept
			August	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	July	August	Sept
Customer and Regulatory Issues and Trends Report	Provide an overview of activities of the Customer and Regulatory area.	<b>Progress to date:</b> Report is on the agenda.	Report													
Reforms																
Reforms	Central government proposals and impact upon customer and regulatory services	Consider, make recommendations to Council as necessary														
Bylaws																
Traffic and Parking	Bylaw review	Commence review, consider and make recommendations to Council.  <b>Progress to date:</b> A report to commence the bylaw review will be presented in September 2024.		Report												
Trading in Public Places	Bylaw review	Noting the commencement date of the bylaw review  <b>Progress to date:</b> The Committee approved the commencement of the Trading in Public Places Bylaw Review at its meeting on 21 May 2024.				Report draft bylaw				Consultation	Hearings			Report to Council		
Beauticians, Tattooists & Skin-piercers	Bylaw review	Noting the commencement date of the bylaw review.  <b>Progress to date:</b> A report to commence the bylaw review will be presented in September 2024.		Commencement Report	ongoing work	Early engagement	Analysis - draft SOP/Bylaw/Legal Review									
Dog control bylaw review	Bylaw Review	Commence review, consider and make recommendations to Council.  <b>Progress to Date:</b> Submissions have closed and hearings are being held late September. A report will be presented to Council in November.		Hearings/Deliberations		Report to Council										

Customer & Regulatory Committee Forward Work Programme 2024/2025 - August 2024																
Area of Work	Reason for Work	Council role (decision and/or direction)														
			August	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	July	August	Sept
Policies																
Dunedin Local Alcohol Policy (LAP)	Policy Review	Consider Statement of Proposal  Progress to Date: A report with the Statement of Proposal will be presented to the September meeting of Customer and Regulatory Committee.		Report												

Other Bylaws		
	Review By	Planned review
Alcohol (Control of Alcohol in Public Places)	12 December 2026	To be determined
Camping Control	1 November 2030	To be determined
Keeping of Animals Bylaw	22 February 2027	To be determined
Reserves and Beaches	30 April 2028	To be determined
Roading Bylaw	1 August 2030	2025
Water Bylaw	To be determined	To be determined
Stormwater Quality Bylaw	To be determined	To be determined
Tradewaste	1 February 2031	To be determined

Completed work from last schedule:		
Area of Work	Reason for Work	

## **CUSTOMER AND REGULATORY ISSUES AND TRENDS REPORT**

Department: Customer and Regulatory and Customer Services Agency

### **EXECUTIVE SUMMARY**

- 1 Please see the attached Customer and Regulatory Issues and Trends report for the three months to 30 June 2024.
- 2 As this report is an administrative report only, there are no options or Summary of Considerations.

### **RECOMMENDATIONS**


That the Committee:

- a) **Notes** the Customer and Regulatory Issues and Trends report.

### **Signatories**

Author:	Paul Henderson - Building Services Manager Ros MacGill - Manager Compliance Solutions Hayley Browne - Manager Customer Services
Authoriser:	Alan Worthington - Resource Consents Manager

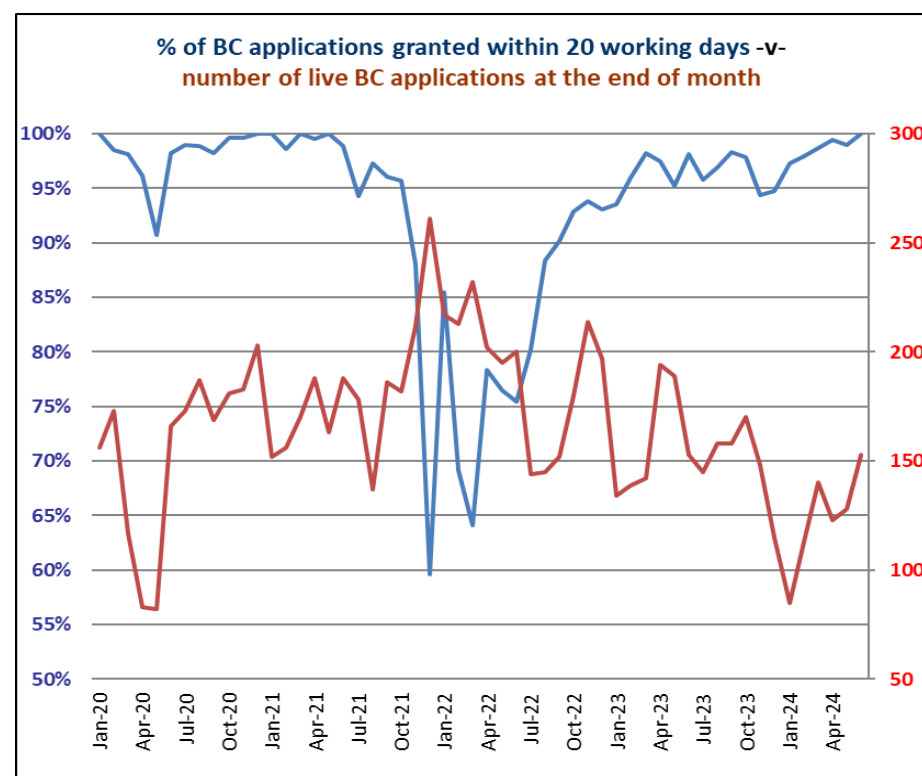
### **Attachments**

	<b>Title</b>	<b>Page</b>
<a href="#">A</a>	Customer and Regulatory Trends and Issues Report to 30 June 2024	26



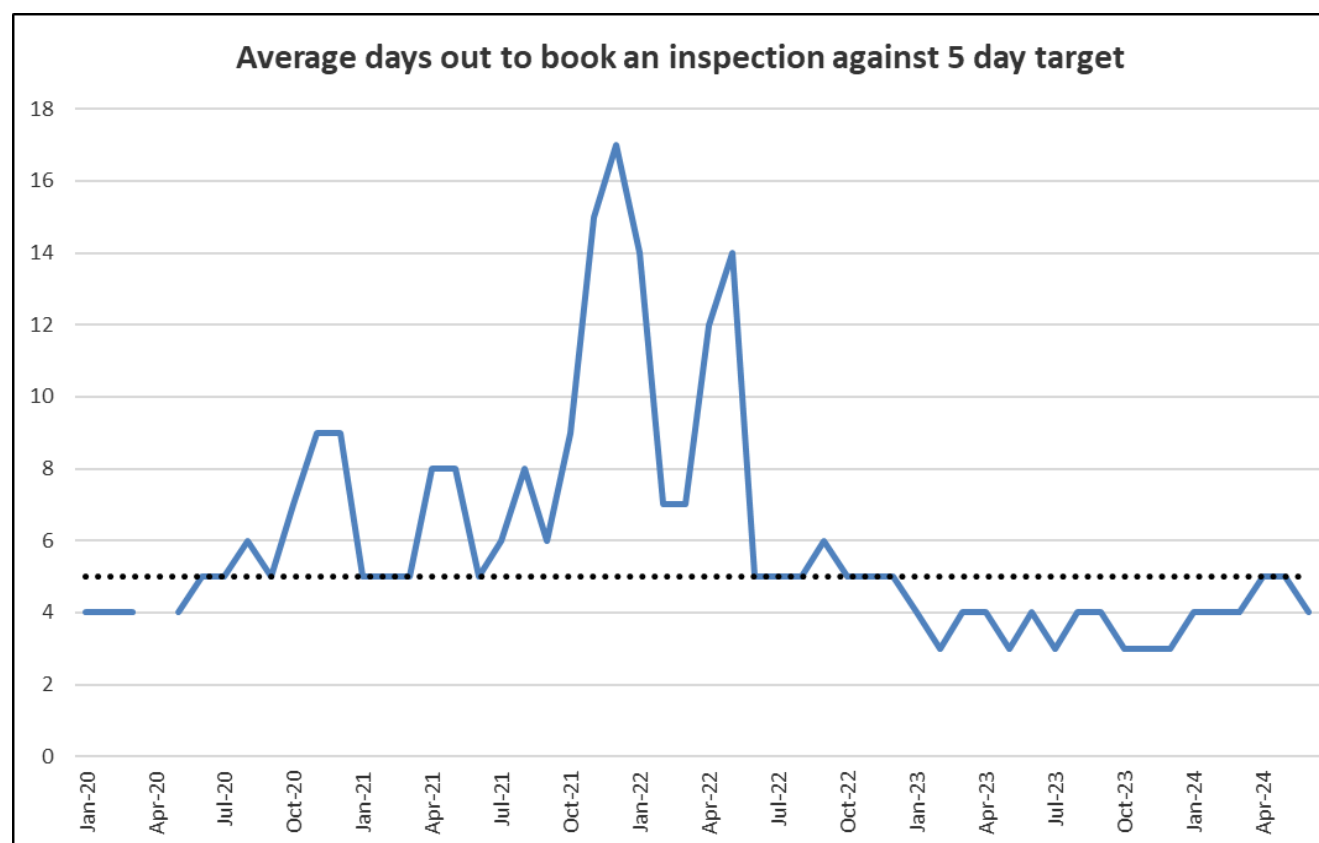
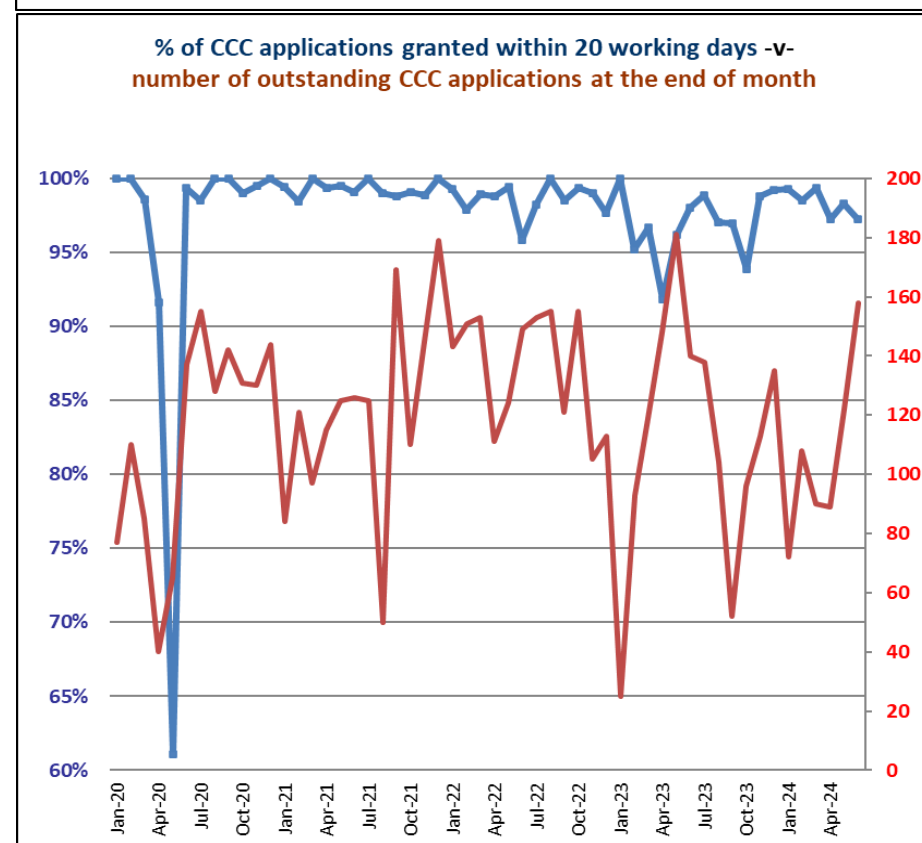
## Customer & Regulatory - Issues and Trends to 30 June 2024

### BUILDING SERVICES



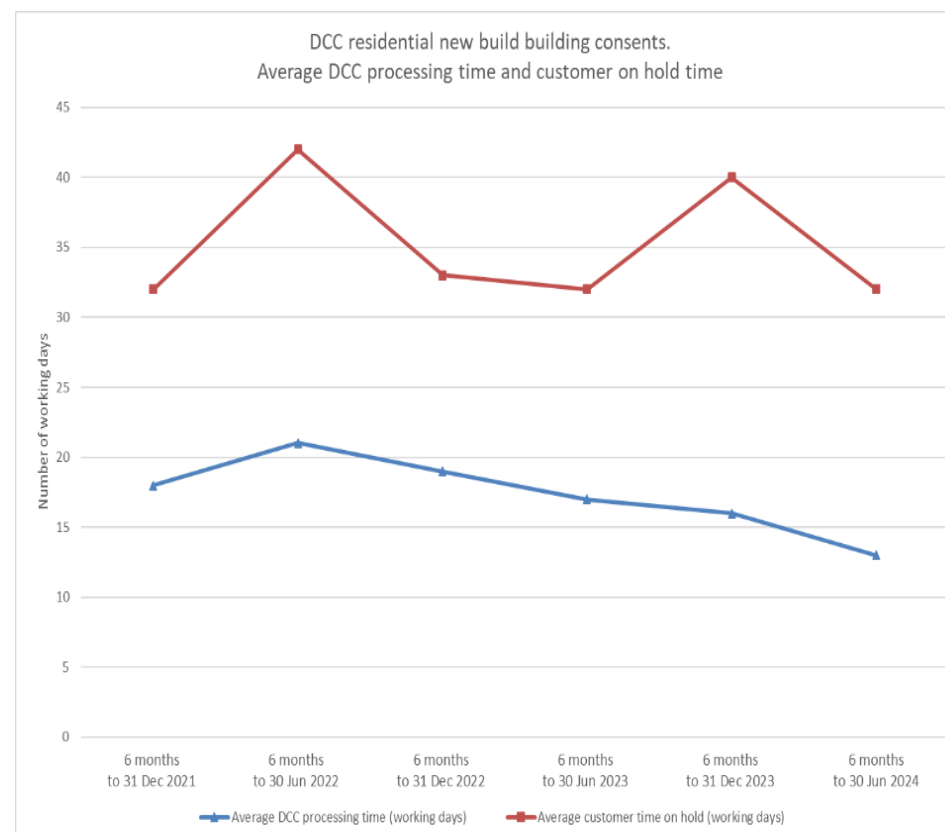
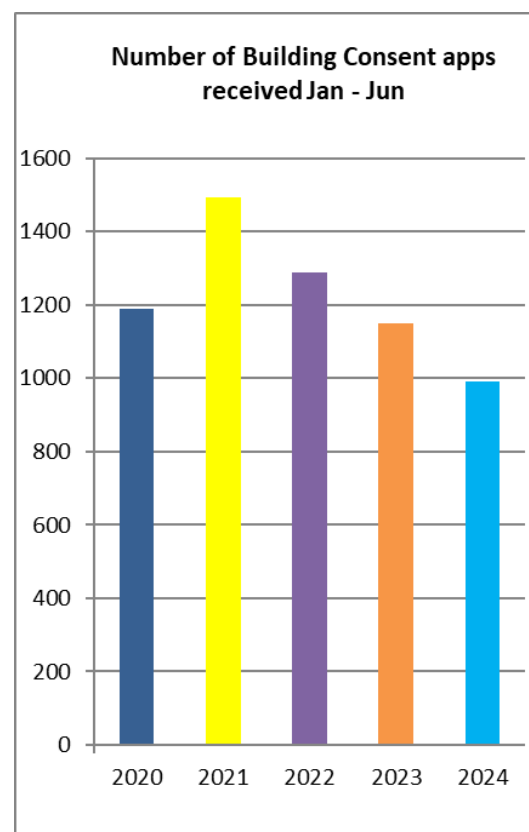
#### Key Trends and Issues:

- In the six months ending 30 June 2024, Building Services staff provided 23 training sessions on various topics to 352 attendees from multiple organisations including Independently Qualified Persons (IQP's), Property Managers, 3rd year carpentry students.
- Government announcements include:
  - Building and Construction Minister Chris Penk has announced that the review into better managing the risks of earthquake-prone buildings has commenced.
  - The Government is progressing a requirement for building consent authorities to use remote inspections as the default approach so building a home is easier and cheaper. A discussion document will be issued in quarter three of 2024 with an opportunity for councils and the sector to provide feedback.
  - Consultation is open on amending the Building Act and the resource consent system to make it easier to build granny flats or other small structures up to 60m<sup>2</sup>.
- The 30 June 2024 quarterly data reporting processing timeframes has been provided to MBIE.



## Customer & Regulatory - Issues and Trends to 30 June 2024

### BUILDING SERVICES

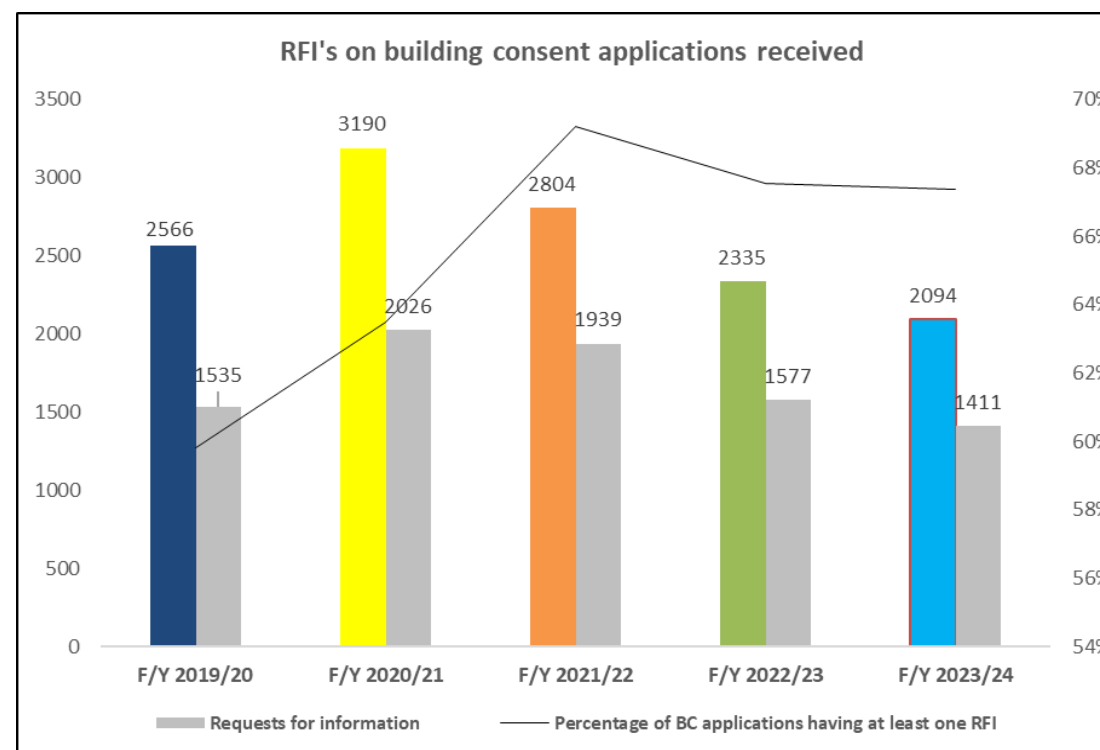
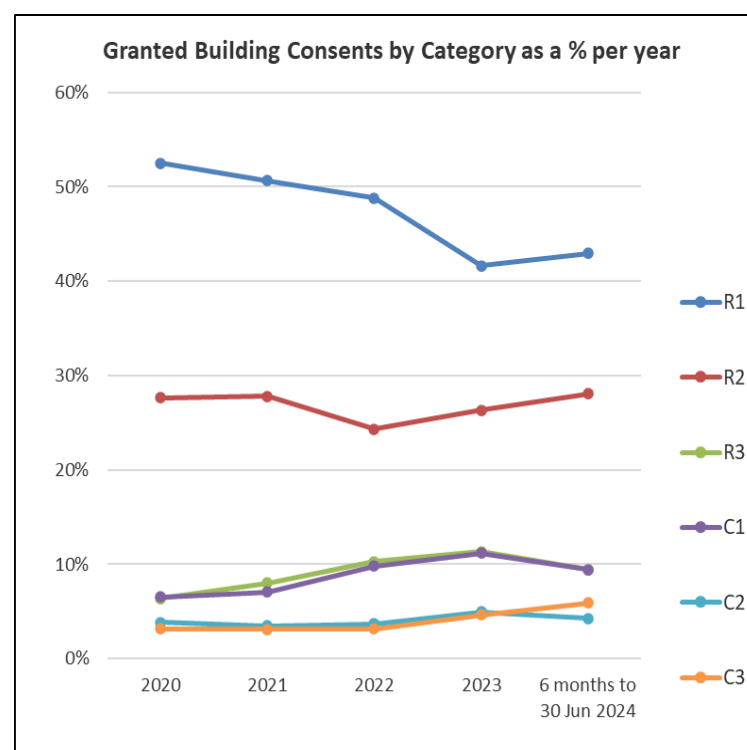


**Earthquake Prone Building Register**

Total records	Buildings not yet assessed	Buildings not EPB	Buildings EPB	Engineers report requested	Further information requested
6282	4515	1258	208	280	21

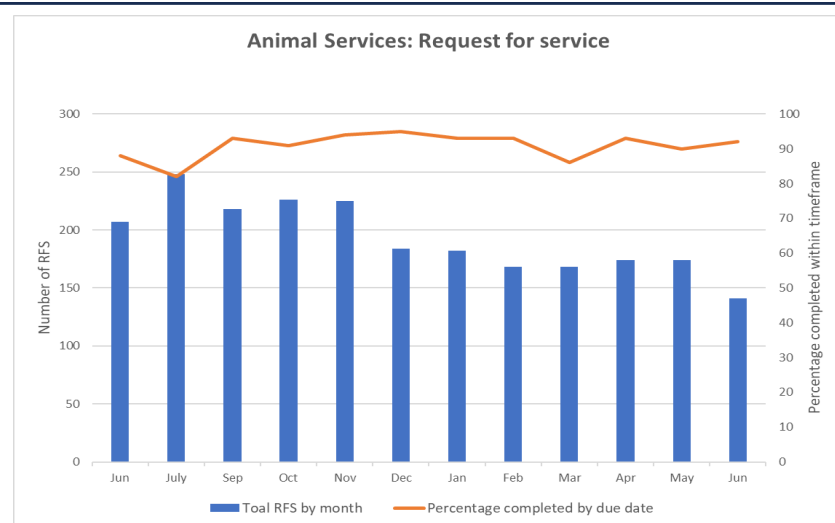
**Building Warrant of Fitness Audits**

	Month actual	Target
Number of buildings with a BWOFF	1676	N/a
% of buildings BWOFF audited within past 12 months	27.3%	Min 20%

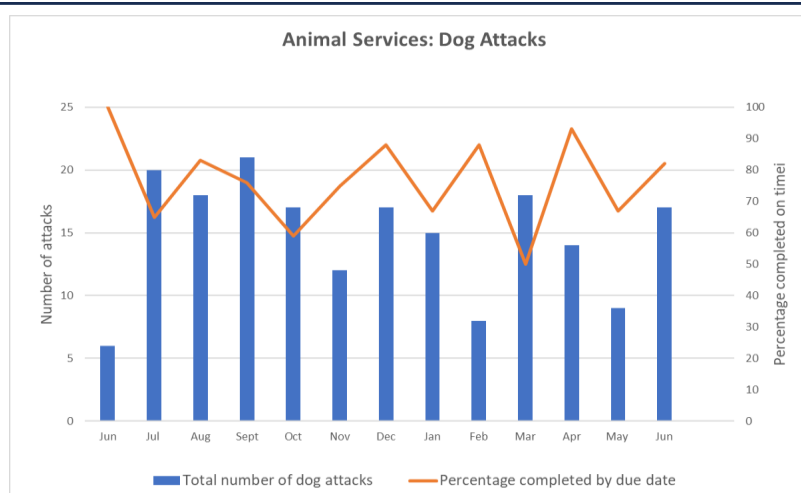


## Customer & Regulatory - Issues and Trends to 30 June 2024

### COMPLIANCE SOLUTIONS



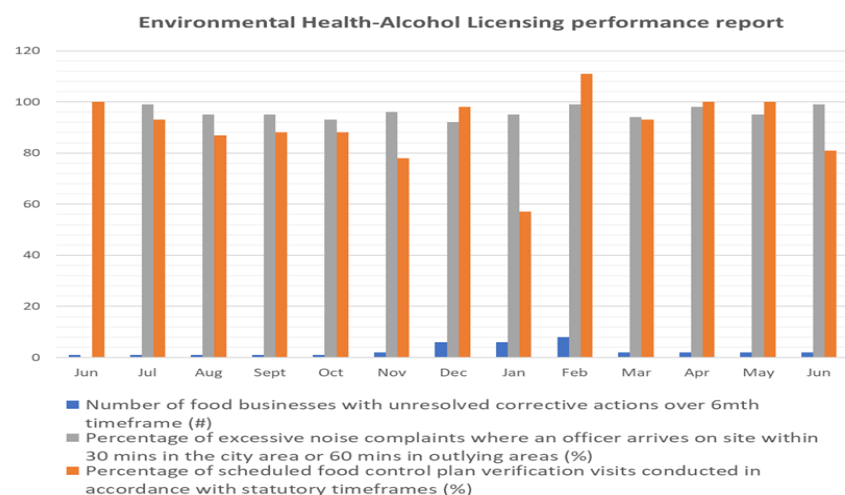
Explanatory note: The completion date for requests for service is two weeks from the date the request is received.



Explanatory note: Dog attacks include attacks on people and 'other', for example other dogs. The completion due date is two weeks. Jobs should be dispatched to the Animal Control Officer within one hour.

#### Key Trends and Issues:

- Review of the Dog Control Bylaw and Policy continues with consultation on proposals open from 10 June – 21 July.
- Staff worked with Octagon bars, Police, Public Health and the DCC Events team to plan for the All Blacks test.
- The overall number of Animal Services requests for service continues downward (although there was an increase in dog attack numbers in June).



Explanatory note: The percentage of scheduled food control plan verification visits conducted in accordance with statutory timeframes sometimes exceeds 100%. This is because some months more visits are carried out than are scheduled; sometimes it is not possible to carry out the visit in the scheduled month e.g. due to illness or circumstances beyond the business's control.



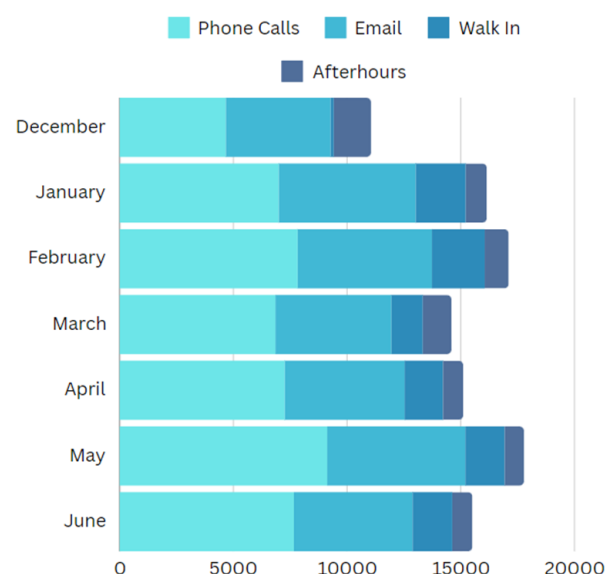
Explanatory note: Priority 1 complaints relate to unsafe parking e.g. blocked driveways and parking on yellow lines.



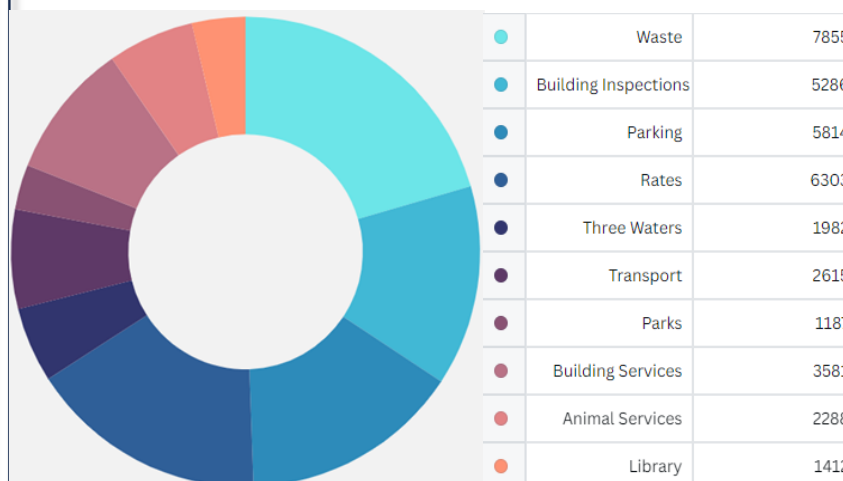
## Customer & Regulatory - Issues and Trends to 30 June 2024

### CUSTOMER SERVICES

Number of customer requests by month



Customer requests by topic 1 April – 30 June



#### Key Trends and Issues:

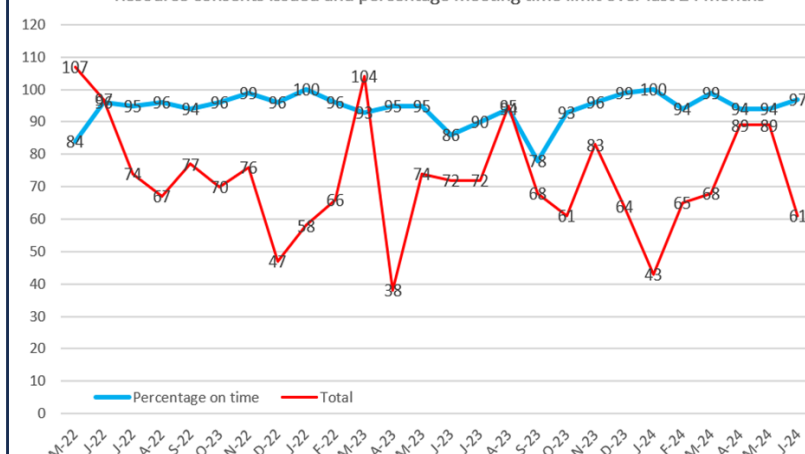
- We are seeing improvements in response times with the new Genesys Customer Connection platform being able to measure data more accurately:
  - Average email response time** is held at one day (our measure is two days)
  - Average Speed to Answer (ASA)** phone call response time has reduced to 3m34s.

The Solicitors Portal pilot began on 28 May with eight law firms. Solicitors can now immediately access the information they need which is positive for our customers as well as reducing internal workloads. Each solicitor request used to take 10-15 minutes for Customer Services to process. There have been 254 self service requests through the portal since it started. This initiative should result in improved ASA as it moves out of the pilot phase.

## Customer & Regulatory - Issues and Trends to 30 June 2024

### RESOURCE CONSENTS

Resource consents issued and percentage meeting time limit over last 24 months



Explanatory note: Statutory timeframes for processing resource consent applications are set by the Resource Management Act and range from 10 working days (controlled or deemed permitted activity) to 130 working days (publicly notified application).

HAIL searches issued in last 24 months



Explanatory note: The purpose of a HAIL (Hazard Activities and Industries List) search is to identify records of an activity that could have resulted in hazardous substances being discharged into the soil. They are required as part of the subdivision process, intention to change the use of a property, or earthworks.

#### Key Trends and Issues:

- Applications received to the end of June were 12% down on the average of the last ten years, 5% up on 2023, and 7% down on 2022.
- The modified process for implementing the regulations for lead in soil was provided to people in the RMA and building professions.

## **SUBMISSION ON MAKING IT EASIER TO BUILD GRANNY FLATS**

Department: City Development and Corporate Policy

### **EXECUTIVE SUMMARY**

- 1 This report seeks approval of a draft Dunedin City Council (DCC) submission to the Ministry of Business Innovation and Employment (MBIE) and Ministry for the Environment (MfE)'s consultation on making it easier to build granny flats (the consultation). The draft DCC submission is attached as Attachment A.

### **RECOMMENDATIONS**

That the Committee:

- a) **Approves** the DCC submission, with any amendments, on "Making it Easier to Build Granny Flats".
- b) **Authorises** the Chief Executive to make any minor editorial amendments to the submission.

### **BACKGROUND**

- 2 The Making it Easier to Build Granny Flats consultation (the consultation) proposes options to make it easier to build small, self-contained and detached houses, commonly known as 'granny flats', on property with an existing home on it.
- 3 The consultation looks at two key pieces of legislation that set out the rules for residential building, the Building Act (2004) and the Resource Management Act 1991 (RMA).

#### **Building System Proposals**

- 4 The Building Act sets out the rules for the construction, alteration and demolition of buildings. Regardless of whether building work is exempt from a building consent or not, all building work must comply with the New Zealand Building Code.
- 5 The building system proposal in the consultation establishes a new schedule in the Building Act providing a building consent exemption for simple standalone houses up to 60 square metres in size.
- 6 The consultation proposes that all work is conducted or supervised by competent professionals under current occupational licensing requirements to ensure all building work will meet the Building Code.

## **Resource Consents and District Plans**

- 7 The consultation notes that many district plans already allow granny flats without resource consent, but there's a lack of consistency and different standards across the country.
- 8 The consultation notes that while the proposed changes would make it easier to build granny flats, changes must be balanced against existing issues, including managing flood risks, and that certain district plan rules will still need to apply.

## **National Environmental Standard (NES)**

- 9 A national environmental standard (NES) is a regulation under the RMA that can be used to set rules and standards for national consistency. It requires a local authority to amend its district plan where a rule duplicates or is in conflict with a provision in a NES. The plan change will have immediate effect and will not require public consultation or a hearing and cannot be appealed. Once a NES comes into force, resource consent may be required under the NES if a proposal does not meet the rules or standards of the NES.
- 10 A national environmental standard (NES) would need to be created to permit a single granny flat per site with an existing principal residential unit in the rural and residential zones without resource consent.
- 11 A set of permitted activity standards are proposed to cover aspects such as the size, how much of a property can be covered by buildings and how close a granny flat can be to a neighbouring property boundary.
- 12 The consultation seeks feedback on whether the NES should apply to other areas too, such as mixed-use zones where there is a mixture of residential, commercial and light industrial buildings.

## **DISCUSSION**

### **The Ōtepoti Dunedin Context**

- 13 A report from CoreLogic on housing affordability for the fourth quarter of 2023 notes that housing in Ōtepoti Dunedin is relatively affordable compared to the other main centres in Aotearoa New Zealand.
- 14 The CoreLogic report shows that the house value to income ratio is 6.0 in Ōtepoti Dunedin and that Ōtepoti Dunedin is the most affordable of all the main centres in Aotearoa New Zealand, where the average house value to income ratio is 7.0.
- 15 The results of a 2019 survey on housing preferences, *Dunedin City Council Housing Framework Predictions: The Housing We'd Choose* (conducted by Research First), show that there is an unmet demand for smaller homes in the city.
- 16 The DCC is an approved Building Consent Authority (BCA) under the New Zealand Building Act 2004, with the role including the functions of issuing building consents, inspecting building work for which it has granted a building consent, and issuing: notices to fix; compliance certificates; and compliance schedules.

17 The DCC's District Plan (2GP) already permits the equivalent of minor residential units (MRUs) up to 60 square metres gross floor area in residential, rural, and rural residential zones, subject to performance standards.

18 DCC records indicate 47 MRUs have been developed in Ōtepoti Dunedin in the last two years.

### **The DCC Submission**

The DCC's submission to the consultation makes the following points regarding the proposals:

- 19 Overall, the DCC agrees with policies and actions that increase the supply of small houses and create more affordable options and choice.
- 20 However, the DCC's view is that the policy response to making it easier to build MRUs should be based on a more accurate problem definition than what is included in the consultation document.
- 21 The DCC disagrees with the view that there are building and RMA regulatory barriers that increase the time and cost to build new MRUs in the Ōtepoti Dunedin context.
- 22 The DCC recommends that the costs of the proposals need more consideration, including costs that may fall to property owners if MRUs are not built with oversight from BCAs.
- 23 The DCC suggests that additional risks be considered in the proposals: building quality; infrastructure planning/funding; and infrastructure quality.

### **Building System Proposal**

- 24 In regard to Building System proposals, the DCC disagrees with establishing a new schedule for exempt work in the Building Act, as this will require several amendments to the Act itself.
- 25 The DCC suggests several additional criteria for an exemption be added to the proposals, including:
  - Owners must obtain a Project Information Memorandum (PIM) before starting work.
  - Designers, builders, and other contractors must hold a minimum level of insurance.
  - Councils must hold the property records, including as-built drainage plans.
  - Councils must hold the Certificates of Design Work and Work from the Licensed Building Practitioners (LBPs).
- 26 Based on experience, the DCC disagrees with the view that current licensing regimes for LBPs and Authorised Plumbers will be sufficient to ensure work meets the building code, as they may not fully understand the legislation in order to be compliant.

### **Resource Management System Proposal**

- 27 Regarding the policy focus under the RMA, the DCC identifies the following points which require clarification:

- the definition should be made specific to the purposes of the proposed NES, to avoid MRU provisions in district plans applying at the same time.
  - the wording of the NES should not preclude MRUs from being attached to the primary residential unit.
  - whether the proposal applies to buildings on wheels (i.e. tiny homes).
- 28 Regarding enabling MRUs in residential, rural residential and rural zones, the 2GP already enables the equivalent to MRUs in these zones. Therefore, the DCC does not see the benefit of making additional provisions in an NES. However, if an NES is progressed, DCC supports enabling MRUs in residential, rural, and rural residential zones, subject to appropriate performance standards.
- 29 The DCC suggests that the proposal not be applied where MRUs are already enabled, such as in Ōtepoti Dunedin, for simplicity and to avoid unintended consequences.
- 30 Regarding how any new NES works alongside district plans, the DCC is of the view that the NES should override the relevant district plan provisions addressed by the NES, if all permitted standards are met.
- 31 If any NES permitted standards are not met, the DCC's view is that the district plan should override the NES.
- 32 The DCC disagrees with the recommended permitted activity standards in the proposal, noting that:
- clarification is needed on whether garages and carports are to be counted in the internal floor area.
  - additional requirements are needed to determine the relationship between the MRU and the primary residential unit on properties where granny flats will be built.
  - that the single storey for MRUs needs to be specified in the standard.
- 33 The DCC recommends that the permitted activity standards should give consideration to the following rules, which are in the 2GP: earthworks provisions; acoustic insulation; outdoor living space; setbacks (e.g. from scheduled trees); and firefighting.
- 34 The DCC is of the view that, prior to work commencing on MRU construction, a PIM/Permitted Activity Notice application should be required, checked by the relevant council for compliance with the NES planning rules, and payment of an administration fee and development contributions invoice made.

## **OPTIONS**

**Option One – Recommended Option Approve the draft Dunedin City Council submission to the Ministry for Business Innovation and Employment and Ministry for the Environment on the Making it Easier to Build Granny Flats consultation**

- 35 Approve the draft Dunedin City Council submission.

### *Advantages*

- Opportunity to contribute to changes in building and resource management legislation which may impact on Ōtepoti Dunedin.
- Opportunity to address residential housing issues in Ōtepoti Dunedin.

### *Disadvantages*

- There are no identified disadvantages.

## **Option Two – Do not approve the draft Dunedin City Council submission to the Ministry for Business Innovation and Employment and Ministry for the Environment on the Making it Easier to Build Granny Flats consultation**

36 Do not approve the draft Dunedin City Council submission:

### *Advantages*

- There are no identified advantages.

### *Disadvantages*

- Missed opportunity to contribute to changes in building and resource management legislation which may impact on Ōtepoti Dunedin.
- Missed opportunity to address residential housing issues in Ōtepoti Dunedin.

## **NEXT STEPS**

37 If the submission is approved staff will submit it, with any amendments, to the Ministry for Business Innovation and Employment by 12 August 2024.

## **Signatories**

Author:	Paul Freeland - Principal Policy Advisor Emily McEwan - Senior Planner City Development Danielle Tolson - Policy Analyst
Authoriser:	Dr Anna Johnson - City Development Manager David Ward - General Manager, 3 Waters and Transition

## **Attachments**

	<b>Title</b>	<b>Page</b>
<a href="#">A</a>	Cover Letter: Making it Easier to Build Granny Flats	37
<a href="#">B</a>	Draft Submission: Making it Easier to Build Granny Flats	39

**SUMMARY OF CONSIDERATIONS**
***Fit with purpose of Local Government***

This decision promotes the environmental, economic, and social well-being of communities in the present and for the future.

***Fit with strategic framework***

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

There is also a strategic fit with the Dunedin City Council's District Plan (2GP), Zero Carbon Policy, and Te Taki Haruru – Māori Strategic Framework.

***Māori Impact Statement***

Te Taki Haruru, the DCC's Māori Strategic Framework, includes the principle of Autaketake and the values of tapu and noa, which provide an element of safety over an activity or resource. provisions to the underlying zone, including residential and rural zones.

***Sustainability***

Proposals in the consultation have potential implications for sustainability, and the DCC's commitment to its Zero Carbon Policy.

***LTP/Annual Plan / Financial Strategy /Infrastructure Strategy***

There are no implications for current levels of service and/or performance measures.

***Financial considerations***

There are no financial implications.

***Significance***

This decision is considered low in terms of the Council's Significance and Engagement Policy.

***Engagement – external***

There has been no external engagement in the preparation of this submission.

***Engagement - internal***

The submission has been prepared by staff from the City Development, Corporate Policy, Building Services, Māori Partnerships, and 3 Waters teams.

## SUMMARY OF CONSIDERATIONS

### ***Risks: Legal / Health and Safety etc.***

The potential liability to Council for issues regarding substandard or inappropriately sited MRUs that have not been through a building consent or resource consent process have been considered. The cover letter and draft submission seek assurances that Council will not be liable if the current proposal for MRUs proceeds without appropriate safeguards being put in place.

### ***Conflict of Interest***

There is no conflict of interest.

### ***Community Boards***



XX August 2024

Building System Performance  
Building, Resources and Markets  
Ministry of Business, Innovation and Employment  
Wellington

Via email: GrannyFlats@mbie.govt.nz

Tēna koe,

**SUBMISSION ON MAKING IT EASIER TO BUILD GRANNY FLATS**

1. The Dunedin City Council (DCC) welcomes the opportunity to submit on the proposal for making it easier to build granny flats (referred to in our submission as minor residential units, or MRUs). The DCC acknowledges the intention of the proposal to make housing more affordable and increase the supply of small houses, and broadly supports this outcome.
2. However, DCC has concerns regarding the issues as identified in the consultation document, the policy response, and implications for DCC functions and for property owners. These concerns are outlined in detail in the submission form attached, in response to the consultation questions.
3. In summary, DCC wishes to highlight the following points:
  - a. Time delays and costs for processing building consents and resource consents for MRUs are unlikely to be significantly impacting the development of MRUs in Dunedin. This is due to the relatively low processing time and cost for building consents compared to the overall time and cost of construction, and Dunedin's district plan already permitting MRUs in many situations.
  - b. Removing supervision of building work by the DCC as a Building Consent Authority removes essential quality assurance mechanisms and exposes property owners to potential costs arising from incomplete or faulty building work, inability to obtain insurance, and impacts on property value.
  - c. A National Environmental Standard that duplicates or conflicts with existing district plan provisions that enable MRUs in Dunedin could result in a system that is overly complex and confusing, detracting from the time and cost savings sought.
  - d. The proposal presents significant risks to the DCC, such as DCC potentially being liable for faulty building work that it has no role in inspecting, DCC not being notified of building work so that development contributions can be avoided, unauthorised building over DCC infrastructure, unauthorised connections to DCC infrastructure, and unanticipated levels of development impacting 3 waters infrastructure.

1

4. DCC's preference is for Government to focus on other measures that would more directly reduce the time and cost of developing MRUs, such as encouraging the mass production of ready-built MRUs with pre-approved building plans.
5. However, should the proposal be pursued, DCC requests that changes are made to ensure the following outcomes (amongst others outlined in the attached submission form):
  - a. Local authorities will not be liable in any way for faulty building work.
  - b. There are significant deterrents to non-notification of building work to councils and to non-payment of development contributions (i.e., a \$1000 fine is not enough).
  - c. Licensed Building Practitioners (LBPs) must carry a minimum level of insurance to cover incomplete or faulty building work, and the licensing scheme is reviewed to significantly reduce the risk of faulty building work by LBPs.
  - d. Councils that already enable MRUs in their district plans (like Dunedin) are exempt from any National Environmental Standard.
  - e. Any MRU that meets all the permitted standards of the National Environmental Standard does not require consideration of any similar district plan provisions, to avoid confusion.
  - f. The permitted standards in any National Environmental Standard should be amended and expanded to better manage environmental effects and avoid unintended consequences, as detailed in the submission form.
6. Thank you for taking the time to consider DCC's submission.

Ngā mihi

Carmen Houlahan  
**CHAIR**  
**CUSTOMER & REGULATORY COMMITTEE**

Jules Radich  
**MAYOR**  
**DUNEDIN CITY COUNCIL**



**Te Kāwanatanga o Aotearoa**  
New Zealand Government

## How to make a submission

The Ministry of Business, Innovation and Employment (MBIE) and the Ministry for the Environment (MfE) would like your feedback on the *Making it easier to build granny flats* discussion document.

Please provide your feedback by **5pm Monday 12 August 2024**

When completing this submission form, please provide comments and supporting explanations where relevant. Your feedback provides valuable information and informs decisions about the proposals. We appreciate your time and effort taken to respond to this consultation.

## Instructions

**To make a submission you will need to:**

1. Fill out your name, email address and organisation. If you are representing an organisation, please provide a brief description of your organisation and its aims, and ensure you have the authority to represent its views.
2. Fill out your responses to the discussion document questions. You can answer any or all of these questions in the [discussion document](#). Where possible, please provide us with evidence to support your views. Examples can include references to independent research or facts and figures.
3. If your submission has any confidential information:
  - i. Please state this in the email accompanying your submission, and set out clearly which parts you consider should be withheld and the grounds under the Official Information Act 1982 (Official Information Act) that you believe apply. MBIE will take such declarations into account and will consult with submitters when responding to requests under the Official Information Act.
  - ii. Indicate this on the front of your submission (e.g. the first page header may state "In Confidence"). Any confidential information should be clearly marked within the text of your submission (preferably as Microsoft Word comments).
  - iii. Note that submissions are subject to the Official Information Act and may, therefore, be released in part or full. The Privacy Act 1993 also applies.
4. Submit your feedback:
  - i. As a Microsoft Word document by email to [GrannyFlats@mbie.govt.nz](mailto:GrannyFlats@mbie.govt.nz)  
**OR**
  - ii. By mailing your submission to:  
Consultation: Making it easier to build Granny Flats  
Building System Performance  
Building, Resources and Markets  
Ministry of Business, Innovation and Employment  
PO Box 1473, Wellington 6140, New Zealand

Please direct any questions that you have in relation to the submission process to:  
[GrannyFlats@mbie.govt.nz](mailto:GrannyFlats@mbie.govt.nz)

## Submitter information

MBIE and MfE would appreciate if you would provide some information about yourself. If you choose to provide information in the section below, it will be used to help MBIE and MfE understand how different sectors and communities view the proposals and options for granny flats. Any information you provide will be stored securely.

### Your name, email address, phone number and organisation

Name:	<input type="text" value="Dunedin City Council"/>
Email address:	<input type="text"/>
Organisation (if applicable):	<input type="text" value="Dunedin City Council"/>

#### The best way to describe you or your organisation is:

- |   |   |
|---|---|
| <input type="checkbox"/> Designer/ Architect                              | <input type="checkbox"/> Builder                                  |
| <input type="checkbox"/> Sub-contractor (please specify below)            | <input type="checkbox"/> Engineer                                 |
| <input type="checkbox"/> Building Consent Officer/Authority               | <input type="checkbox"/> Developer                                |
| <input type="checkbox"/> Homeowner  | <input type="checkbox"/> Business (please specify industry below) |
| <input type="checkbox"/> Local government policy                          | <input type="checkbox"/> Local government planner                 |
| <input type="checkbox"/> Local government development contributions staff |   |
| <input type="checkbox"/> Planner  | <input type="checkbox"/> Surveyor                                 |
| <input type="checkbox"/> Mortgage lender                                  | <input type="checkbox"/> Insurance provider                       |
| <input type="checkbox"/> Iwi, hapū or Māori group or organisation         |   |
| <input type="checkbox"/> Industry organisation (please specify below)     |   |
| <input checked="" type="checkbox"/> Other (please specify below)          |   |

- ☐ The Privacy Act 1993 applies to submissions. Please tick the box if you do **not** wish your name or other personal information to be included in any information about submissions that MBIE may publish.
- ☐ MBIE may upload submissions and potentially a summary of submissions to its website, [www.mbie.govt.nz](http://www.mbie.govt.nz). If you do **not** want your submission or a summary of your submission to be placed on either of these websites, please tick the box and type an explanation below:

**Please check if your submission contains confidential information**

☐

I would like my submission (or identifiable parts of my submission) to be kept confidential, and **have stated** my reasons and ground under section 9 of the Official Information Act that I believe apply, for consideration by MBIE.

## General

Housing has become more difficult and expensive to build in New Zealand. The cost of building a house increased by 41% since 2019. This has an impact on the number of small houses being built. If costs and processes were less, more smaller houses would likely be built. If more are built, unmet demand would reduce, and the cost of housing would likely decrease.

The intended outcome of the proposed policy is to increase the supply of small houses for all New Zealanders, creating more affordable housing options and choice.

*Refer to pages 4 – 7 of the discussion document to answer the questions in this section.*

### 1. Have we correctly defined the problem?

☐ Yes ☒ **No** ☐ Not sure/No preference

Are there other problems that make it hard to build a granny flat? Please explain your views.

DCC agrees that improvement in housing affordability in New Zealand is desirable. However, it notes that housing in Dunedin is relatively affordable compared to the other main centres. A recent report<sup>1</sup> shows the house value to income ratio is 6.0 in Dunedin, significantly lower than the average of 7.0 across all major centres, and the most affordable of all major centres. The report also notes that housing affordability has improved in Dunedin over the past couple of years.

DCC also agrees that there is an unmet demand for smaller homes, based on the outcome of a Dunedin housing preferences survey conducted in 2019<sup>2</sup>.

However, DCC disagrees that there are building and RMA regulatory barriers that increase the time and cost to build new minor residential units (MRUs) to an extent that impacts the number of MRUs being built in Dunedin. This is because:

- DCC's building consent fees would typically equate to less than 2% of the overall cost of developing an MRU, so are not a significant contributor to costs. DCC's average time for processing building consents is 12 working days and delays to processing are typically a result of insufficient detail being provided by applicants.
- DCC's district plan permits the equivalent of MRUs up to 60m<sup>2</sup> gross floor area in residential, rural, and rural lifestyle zones, subject to performance standards. As permitted MRUs do not require resource consents, the status quo is enabling the establishment of MRUs without additional delays or costs.
- Substantive delays and cost constraints are far more likely to arise from the capacity of the construction labour force, the cost of building materials, and finance costs.

Different solutions to the proposal are needed to substantially reduce the cost of building MRUs, such as encouraging mass production of MRUs so people can purchase a high quality, affordable, ready-built MRU 'off the shelf'. This could be supported by the existing MultiProof/BuiltReady schemes for building consents.

### 2. Do you agree with the proposed outcome and principles?

☐ Yes, I agree ☒ **I agree in part** ☐ No, I don't agree ☐ Not sure/no preference

Are there other outcomes this policy should achieve? Please explain your views.

<sup>1</sup> CoreLogic (Feb 2024), Housing Affordability Report, New Zealand, Q4 2023.

<sup>2</sup> Research First (Dec 2019), Dunedin City Council Housing Framework Predictions: The Housing We'd Choose.

DCC agrees that it is desirable to increase the supply of small houses for all New Zealanders and create more affordable housing options and choice. However, the policy response to achieve this outcome should:

- Be based on a more accurate problem definition to deliver more effective solutions (see answer to Q1 above).
- Fully consider the costs of the response, including:
  - The health and safety and remediation costs that could fall to property owners if MRUs are built without oversight by building consent authorities (BCAs), resulting in building work that may not comply with the Building Act 2004.
  - Unnecessary complication or duplication of resource management processes, especially for jurisdictions that already enable MRUs, and the potential for plan changes being needed to resolve unintended consequences.

3. Do you agree with the risks identified?

☐ Yes, I agree ☒ **I agree in part** ☐ No, I don't agree ☐ Not sure/no preference

Are there other risks that need to be considered? Please explain your views.

The following additional risks should be considered:

- **Building quality** – If building work is not overseen by a BCA, property owners may bear the cost of failures by their designer or licenced building practitioner.
- **Infrastructure planning/funding** – Council planning and funding for infrastructure is coordinated through the long term plan process. Enabling MRUs beyond what is already provided for may mean planning and funding for the additional infrastructure required is out of step with the long term plan process and the timelines for delivery of upgrades.
- **Infrastructure quality** – Councils need to ensure that new connections to infrastructure meet their quality standards, and existing approval processes (e.g., those set through bylaws) are at risk of being ignored without the building consent process.

### Building system proposal

Options have been identified to achieve the objective of enabling granny flats, with related benefits, costs and risks. They include regulatory and non-regulatory options, options that do not require a building consent and fast-tracked building consents.

*Refer to pages 8 – 11 of the discussion document AND Appendix 1 to answer the questions in this section.*

4. Do you agree with the proposed option (option 2: establish a new schedule in the Building Act to provide an exemption for simple, standalone dwellings up to 60 square metres) to address the problem?

☐ Yes, I agree ☐ I agree in part ☒ **No, I don't agree** ☐ Not sure/no preference

Please explain your views.

DCC cannot see the advantage of creating a second schedule of exempt building work. The rules and provisions will be complex, potentially requiring several amendments to the Building Act (even if a second schedule was added).

DCC suggest that, should the proposal be pursued, it may be better to either:

- Place the proposal in the body of the Building Act, like the MultiProof scheme; or
- Amend Schedule 1 exemptions to include the proposal.

5. What other options should the government consider to achieve the same outcomes (see Appendix 1)?

Please explain your views.

- The existing BuiltReady scheme – while it is only in its infancy it can achieve the required outcomes and would better manage the risks due to the scheme’s certification and auditing provisions.
- An updated version of the Simple House acceptable solution.

6. Do you agree with MBIE’s assessment of the benefits, costs and risks associated with the proposed option in the short and long term?

☐ Yes, I agree    ☒ **I agree in part**    ☐ No, I don’t agree    ☐ Not sure/no preference

Please explain your views.

The additional risks outlined in response to the following question should also be considered.

7. Are there any other benefits, costs or risks of this policy that we haven’t identified?

Please explain your views.

The following risks should also be considered:

- The policy response should ensure there is no liability risk to councils/BCAs regarding faulty building work, as they will not be involved in a building consent process with a quality assurance role. It is unclear what is meant by “...enabling monitoring of quality issues” in the Discussion Document, p.8. The policy response should ensure Central Government has final liability for faulty building work.
- The risk that councils will need to create new approval processes for connecting to council infrastructure due to current systems relying on the building consent process.
- The risk that projects will result in incomplete records on council property files. The proposal is for the owner to notify the council of work, but it is unclear how this will be managed and enforced (including who by). Purchasers obtaining a Land Information Memorandum (LIM) may be left to figure out what documents are missing.
- The risk of the property owner receiving a partly built or faulty building, and the potential for them to bear the cost of remediation when liable parties will not or cannot fix the problem or pay compensation.
- The difference in risk between enabling a building up to 60m<sup>2</sup> without a building consent and enabling a building over this size, or enabling modifications once it is established (i.e., what is the rationale for the proposed size limit and exclusion of modifications?).
- The risk that existing council infrastructure or easements may be built over, impeding future access.
- The risk that, without a building inspection, insurers will not offer insurance or will impose another requirement in order to offer insurance.
- Assuming options 1, 2 & 3 apply to off-site manufacture, the risk that the exemption will reduce uptake of the BuiltReady scheme because un-registered manufacturers will be able to produce transportable < 60m<sup>2</sup> dwellings without building consent or the costs associated with BuiltReady registration.



8. Are there additional conditions or criteria you consider should be required for a small standalone house to be exempted from a building consent?

Please explain your views.

DCC suggests the following additional criteria for an exemption:

- The owner must obtain a Project Information Memorandum (PIM) before starting work. Without a PIM, there is no mechanism for council to determine how and where the building connects to council services or to check requirements for driveways and vehicle crossings. Under the Building Act the owner currently does not have to apply for a PIM, but the proposal talks about owners requesting information about features of the land (like a PIM). It would be better to mandate use of the existing PIM system than invent a new system.
- Designers, builders, and other contractors must hold a minimum level of insurance. This is vital, as under the joint and several liability regime the BCA currently acts as a 'last man standing' insurer to the building industry. If the BCA is not involved, this avenue for recompense will not be available to the property owner.
- Confirmation of wind zone. Calculating wind zone is difficult and the NZS3604 system has its limitations. Different users can come up with different results and could easily underestimate the requirements, possibly resulting in a building being built in an excluded area.
- The council must hold the property records including as-built drainage plans. This is because someone wanting to alter the building or associated drainage at a later stage will need access to the plans.
- The council must hold the Certificates of Design Work and Certificates of Work from the Licensed Building Practitioners so that future owners know who is responsible if issues arise with the building.

DCC suggests changes to the following proposed criterion:

- **Height to boundary** – This criterion should be stipulated by the Government without enabling councils to vary the requirement. If enabling variation is preferred, the existing building consent system should be retained.

9. Do you agree that current occupational licensing regimes for Licensed Building Practitioners and Authorised Plumbers will be sufficient to ensure work meets the building code, and regulators can respond to any breaches?

☐ Yes, I agree    ☐ I agree in part    ☒ **No, I don't agree**    ☐ Not sure/no preference

Please explain your views.

- Based on DCC experience, there are many Licensed Building Practitioners (LBPs) that do not understand the Building Act or New Zealand Building Code (NZBC). DCC is not confident that relying on LBPs will result in a building that is fully compliant with legislation.
- Complaints against LBPs can currently be made to the Building Practitioners Board, but DCC's consenting and inspection records confirm that this still does not ensure NZBC compliance.
- Council will not be on site unless there is a complaint of non-compliant building work, or a dangerous or insanitary building. Often breaches will not come to the attention of council until after the work is complete. Once building work is complete the Building Act requires council to take action against the owner. Once the property has been sold, the options reduce even further. See Building Act s163.
- MBIE determinations can be used to determine if building work complies with the NZBC, but do not apportion liability or impose a remedy. The MBIE determination service is currently non-compliant with s184 of the Building Act and not meeting statutory requirements to make determination decisions within 60 working days. Considering applicants are waiting many

months for determinations, it's not clear how useful the service would be in terms of dealing with large volumes of compliance breaches.

- DCC would like to see LBPs made accountable for their work and suggest that the LBP must hold adequate insurance cover.
- DCC would like the LBP scheme strengthened to reduce the risk of LBPs producing faulty building work.
- DCC would also like to confirm that electrical work will need to be undertaken in accordance with relevant regulations.

**10. What barriers do you see to people making use of this exemption, including those related to contracting, liability, finance, insurance, and site availability?**

Please explain your views.

The risks from the proposed system may prevent people from using the exemption, including:

- Uncertainty over how lenders, insurers, and potential purchasers will view buildings that do not have either Building Consent or a Code Compliance Certificate.

The benefits of existing systems may prevent people from using the exemption, including:

- If owners increase the overall project cost by < 2% by applying for a building consent, they will have the assurance that council is jointly and severally liable (potentially liable) for compliance issues with the design and build.
- If owners use a building manufactured under the BuiltReady scheme they can still have it manufactured without building consent (except for foundations and services) and with far lower risk.

**11. What time and money savings could a person expect when building a small, standalone dwelling without a building consent compared to the status quo?**

Please explain your views.

Overall, the costs of the proposal may outweigh the initial time and money savings of avoiding a building consent, including because:

- Not requiring building consent could only save up to 20 working days (noting DCC's average time to grant building consent is 12 working days), assuming the design documentation would have been fit for purpose and compliant.
- For a one-off build, consent fees savings would likely be less than 2% of the total project cost. However, not obtaining a building consent risks costs arising if the work is non-compliant, if insurance is not granted, or from impacts on resale value.
- If an owner uses a registered design and build manufacturer under MBIE's current BuiltReady scheme, they will only need building consent for the foundations and services, so consent fees would likely be less than 1% of the total project cost. This approach does not have the same risks as the option above, with BCA oversight and a CCC issued at the completion of the work.

To make a meaningful difference to time and cost (and to achieve waste reduction) there should be greater focus on encouraging mass production of MRUs.

**12. Is there anything else you would like to comment on regarding the Building Act aspects of this proposal?**

Please explain your views.

The proposal talks about creation of new forms that include additional information. An alternative system could be a new application type using the following process:

1. The new application type gets lodged with the council.
2. The council issues a PIM, carries out a non-technical documentation check and confirms that documentation is complete and meets the requirements of the exemption.
3. At the end of the project the council issues a confirmation when the post construction documents have been filed and the project can be considered complete.

This would give prospective owners some assurance that process has been followed and the council holds the required records.

Part 4A of the Building Act provides the rights and remedies in relation to residential building work. This will be more important when the BCA holds no liability. Therefore, it is important to consider the following questions:

- How easy is it for owners to enforce their rights under the Building Act?
- Does 4A provide protection if the unit is purchased from a non-BuiltReady manufacturer?

There needs to be a process for council to approve new connections to its wastewater network, as this currently occurs through the building consent process.

### Resource management system proposal

The focus of the proposed policy is to enable small, detached, self-contained, single storey houses for residential use. Under the Resource Management Act (RMA), the term 'minor residential unit' (MRU) is defined in the National Planning Standards as "a self-contained residential unit that is ancillary to the principal residential unit and is held in common ownership with the principal residential unit on the same site". The proposal is to focus the policy in the RMA on enabling MRUs.

It is proposed that this policy applies across New Zealand and is not limited to certain territorial authorities. The proposed focus of the policy is on enabling MRUs in rural and residential zones.

*Refer to pages 12 – 15 of the discussion document AND Appendix 2 to answer the questions in this section.*

- 13.** Do you agree that enabling minor residential units (as defined in the National Planning Standards) should be the focus of this policy under the RMA?

☐ Yes, I agree    ☒ **I agree in part**    ☐ No, I don't agree    ☐ Not sure/no preference

Please explain your views.

The following points of clarification should be made:

- The MRU definition should be made specific to the purposes of the proposed National Environmental Standard (NES) to avoid MRU provisions in both the NES and existing district plans from applying at the same time (for efficiency and clarity in implementation). For example:  
*For the purposes of this NES, a minor residential unit is as defined in the NPStds, provided it meets the permitted activity standards in this NES.*  
*For the sake of clarity, a minor residential unit that does not meet this definition is not subject to this NES.*
- The National Planning Standards (NPStds) definition wording does not preclude MRUs from being attached to the principal residential unit. If the decision is to exclude attached MRUs, this would need to be written into the new provisions (e.g., as a permitted activity standard).
- Whether the proposal applies to buildings on wheels (i.e., tiny homes).

**14.** Should this policy apply to accessory buildings, extensions and attached granny flats under the RMA?

☐ Yes, I agree    ☒ **I agree in part**    ☐ No, I don't agree    ☒ Not sure/no preference

Please explain your views.

Extensions and attached MRUs can provide more small houses and housing choice in a similar way to new detached MRUs, so should be included in the proposal. In addition, attached MRUs are likely to be more achievable on sites with limited space or other constraints.

However, the proposal should not apply to accessory buildings, which include sleepouts. Sleepouts are even more likely to already be enabled by district plans than MRUs.

**15.** Do you agree that the focus of this policy should be on enabling minor residential units in residential and rural zones?

☒ **Yes, I agree**    ☐ I agree in part    ☐ No, I don't agree    ☐ Not sure/no preference

Please explain your views.

DCC's district plan already enables the equivalent of MRUs up to 60m<sup>2</sup> gross floor area in residential, rural, and rural lifestyle zones (except medium density residential zones where the rules already enable more than one primary residential unit (PRU) per site).

DCC would prefer that the proposal does not apply in jurisdictions that already enable MRUs in their district plans, such as in Dunedin, for simplicity and to avoid unintended consequences. However, the following requests are made should the proposal be applied everywhere.

In applying the provisions to residential and rural zones:

- Clarify the proposal's application to specific zone types, such as rural lifestyle zones and settlement zone, as it is not immediately clear which NPStds zones are 'residential' or 'rural'.
- Clarify the application of the NPStds zones in jurisdictions that do not yet use the NPStds zones, like in Dunedin.
- Consider not applying the proposal in medium density and high density residential zones, as enabling standalone MRUs in these zones could detract from achieving anticipated density. This could undermine achievement of NPS-UD objectives 3 and 6 and result in the inefficient use of land and planned and funded infrastructure.

**16.** Should this policy apply to other zones? If yes which other zones should be captured and how should minor residential units be managed in these areas?

☐ Yes    ☒ **No**    ☐ Not sure/No preference

Please explain your views.

Issues may arise if the proposal applies in additional zones, including:

- **Commercial, centres, and mixed use zones:** Although residential activity may be permitted in these zones, they are not suited to standalone MRUs, which may detract from achieving anticipated urban form (i.e., multi-level buildings with little to no setbacks from boundaries, and commercial activity on the ground floor).
- **Industrial zones:** Residential activity is not provided for in these zones due to potential reverse sensitivity effects and to preserve industrial land for industrial uses. The proposal should not apply to any lawfully established residential activity in these zones.
- **Open space and special purpose zones:** These zones are typically provided for specific non-residential activities and should be reserved for these (noting that DCC's district plan does not

include the equivalent of a Māori purpose zone but uses a ‘mapped area’ method to apply papakāika provisions over the underlying zone instead).

**17. Do you agree that subdivision, matters of national importance (RMA section 6), the use of minor residential units and regional plan rules are not managed through this policy?**

☐ Yes, I agree ☒ **I agree in part** ☐ No, I don't agree ☐ Not sure/no preference

Please explain your views.

DCC agrees, except in relation to the use of MRUs, and again noting its preference to not apply the proposal to jurisdictions that already enable MRUs in their district plans, like in Dunedin.

The proposal should explicitly apply to the use of MRUs for residential activity only (excluding supported living facilities and visitor accommodation). If the use is not addressed, it will default back to the provisions in the district plan and lead to an undesirable mixing of rules.

‘Rule mixing’ is undesirable in DCC’s situation as the district plan separates the management of land use and development. Permitted standards addressed in the proposal include those that attach to land use in DCC’s district plan (floor area, number of MRU, and relationship to principal residential unit) and to development in DCC’s district plan (building coverage, permeable surface, setbacks, and height). Therefore, if the use is to be managed through the district plan, the associated land use permitted standards from the district plan would apply but would conflict with the proposal’s versions.

A permitted use standard should be included in the proposal that:

- Applies the proposal to the use of MRUs for residential activity only, and only where that use would have been a permitted activity in that zone under the district plan (not counting permitted standards in the district plan, except for those managing matters of national importance – but see also answer to Q22 below), and where the existing PRU and site comply with the density and minimum site size standards in the district plan.
- Requires that the use or development of the MRU would not otherwise require resource consent under district plan rules managing matters of national importance.
- Specifies what rules managing matters of national importance are, rather than referring to s6 RMA, to avoid interpretation issues. For example, s6(f) refers to “the protection of historic heritage from inappropriate subdivision, use, and development”. Does this mean any rule in a district plan for a heritage precinct will apply, or just rules managing significant heritage values (i.e., protected buildings)? Furthermore, s6(h) RMA refers to “the management of significant risks from natural hazards.” Does this mean any rule in a district plan regarding natural hazards will apply, or just rules managing “significant risks”?

**18. Are there other matters that need to be specifically out of scope?**

Please explain your views.

The proposal should not affect the application of the following items:

- Conditions of previous resource consents applying to the site
- Consent notices or covenants
- Body corporate or cross lease limits on additional units
- Management of hazards outside of the district plan
- Contaminated land regulations (i.e., be clear of the interaction with NES contaminated soil)
- Highly productive land regulations (i.e., NPS-HPL)
- Bylaws and any approvals needed for new connections to council 3 waters infrastructure or for establishment of driveway crossings

19. Do you agree that a national environmental standard for minor residential units with consistent permitted activity standards (option 4) is the best way to enable minor residential units in the resource management system?

☐ Yes, I agree ☐ I agree in part ☒ **No, I don't agree** ☐ Not sure/no preference

Please explain your views.

DCC would prefer that the proposal does not apply in jurisdictions that already enable MRUs in their district plans, such as in Dunedin, for simplicity and to avoid unintended consequences. This could be achieved by:

- Keeping the status quo; or
- Exempting jurisdictions that already enable MRUs from any NES; or
- Progressing an NPS instead of an NES so that jurisdictions that already enable MRUs will not need to undertake a plan change where they already give effect to its direction.

Reasons include:

- Confusion for the public and planners regarding the interaction between conflicting provisions in an NES and district plan.
- Permitted standards in an NES may inadvertently set a new permitted baseline for all other types of development that is hard to ignore, potentially undermining district plan objectives.
- An NES may still require plan changes to district plans to resolve unintended consequences.
- It is unclear why consistency in MRU provisions across the country is promoted as a key benefit of an NES. It is usual for different residential rules to apply in different districts in response to local issues and community aspirations. In most cases, MRU development by an individual will be one-off.

20. Do you agree district plan provisions should be able to be more enabling than this proposed national environmental standard?

☐ Yes, I agree ☐ I agree in part ☒ **No, I don't agree** ☐ Not sure/no preference

Please explain your views.

Generally, DCC supports district plan provisions for MRUs being able to be tailored to local issues and community aspirations, whether they are more restrictive or more enabling.

However, if it is decided to proceed with an NES, the NES should override the relevant district plan provisions that are addressed by the NES, if all NES permitted standards are met. If any NES permitted standards are not met, the district plan should override the NES.

'Rule mixing' between the NES and district plan (including allowing district plan rules to apply where they are more enabling) is undesirable because it makes implementation difficult, reduces certainty, and ultimately will result in delays and additional costs due to interpretation issues, which runs counter to the objective of the proposal (see also comments under Q17 above on the 'rule mixing' issues specific to the DCC situation).

21. Do you agree or disagree with the recommended permitted activity standards? Please specify if there are any standards you have specific feedback on.

☐ Yes, I agree ☐ I agree in part ☒ **No, I don't agree** ☐ Not sure/no preference

Please explain your views.

**Internal floor area** – Needs to clarify whether garages and carports are to be counted. Otherwise, this is like DCC's existing approach for MRUs.

**Number of MRUs per PRU** - Agree with one per PRU, but additional requirements should be that the PRU and site must comply with the density and minimum site size standards in the district plan, and that the PRU must be established before the MRU can be - potential effects on 3 waters infrastructure and neighbourhood/rural amenity.

**Relationship to PRU** - Agree that MRUs should remain in common ownership with the PRU, unless the district plan's minimum site size standard for two PRUs is met. Additional requirements are also needed for:

- Maximum separation distance from the PRU in rural and rural lifestyle zones (DCC's district plan requires a maximum of 30m).
- Use by residential activity only.
- Not resulting in the PRU contravening any district plan permitted standards (e.g., by locating over the PRU's required outdoor living space), otherwise the PRU will require resource consent.

**Building coverage** - All options are more lenient than the equivalent in DCC's district plan (which also vary within the residential zone types - 30% in large lot zones, 35% in low density zones, 40% in standard density zones). It should also count all buildings and structures on the site over a certain size (e.g., 10m<sup>2</sup> footprint), not just the PRU and MRU – potential effects on amenity and from establishing a new permitted baseline.

**Permeable surfaces** - All options are more lenient than the equivalent in DCC's district plan (which also vary within the residential zone types - 50% in large lot zones, 35% in low density zones, 30% in standard density zones). 'Permeable' should be clearly defined, and a requirement for a stormwater detention tank should be included to manage effects from the lower permeable surface coverage – potential effects on amenity and 3 waters infrastructure, and from establishing a new permitted baseline. Note that DCC would need to model, plan, and fund additional stormwater infrastructure upgrades to accommodate the increase in permitted impermeable surface (unless the MRU is required to mitigate all additional stormwater runoff by installing a stormwater detention tank).

**Setbacks** - All options are more lenient than the equivalent in DCC's district plan (4.5m front boundary (FB)/4m side and rear boundaries (SRBs) in large lot zones; 4.5m FB/2m SRBs in standard and low density zones; 20m FB/20m SRBs in rural zones etc.). Setbacks should be larger in rural zones to address potential for reverse sensitivity – potential effects on amenity, neighbourhood/rural character, and reverse sensitivity in rural and rural lifestyle zones.

**Height and height in relation to boundary (HiRB)** - Agree with single storey for standalone MRUs (as required in DCC's district plan), but this should be specified in the standard. Note that because setbacks are proposed to be prescribed in the NES that are much more lenient than the DCC's district plan rules, the HiRBs from the district plan may end up meaning that the reduced NES setbacks can't be achieved. A HiRB should either be included in the NES that overrides the district plan one, or the district plan HiRB should not apply.

**22. Are there any additional matters that should be managed by a permitted activity standard?**

Please explain your views.

See comments in the answer to the previous question. Consideration should also be given to including the following rules that apply to MRUs in DCC's district plan (excluding for matters of national importance), or clarifying the relationship of the proposal with these rules:

- Earthworks provisions
- Acoustic insulation (land use standard)
- Outdoor living space (land use standard)
- Setbacks from scheduled trees, national grid, critical electricity distribution infrastructure, coast and water bodies, and designated rail corridors (land use and development standards)

- Firefighting (development standard)

Consideration should also be given to:

- Not permitting MRUs on highly productive land under the NPS-HPL.
- Not permitting MRUs on sites subject to the NES on contaminated soil.
- How/if neighbours will be informed that an MRU is being developed as a permitted activity under the proposal.

- 23.** For developments that do not meet one or more of the permitted activity standards, should a restricted discretionary resource consent be required, or should the existing district plan provisions apply? Are there other ways to manage developments that do not meet the permitted standards?

Please explain your views.

The existing district plan provisions should apply.

This is the simplest approach to implement, as applicants simply need to follow these steps:

1. Does the MRU comply with the proposed NES? If yes, it is permitted under the NES and the district plan does not need to be considered (except for rules managing matters of national importance). If no, go to step two.
2. Does the MRU comply with the district plan? If yes, it is permitted under the district plan and the NES does not apply. If no, it requires a resource consent in accordance with the relevant district plan provisions.

If resource consent requirements are set in an NES, they should be set on the following basis:

- Contravention of built-form standards (e.g., setbacks, and MRUs up to 80m<sup>2</sup> floor area) – restricted discretionary.
- Contravention of other standards (i.e., MRUs over 80m<sup>2</sup> floor area, contravention of number of MRU per PRU, or relationship to PRU) – non-complying, as the MRU is effectively a second PRU in these cases. This is the approach taken in DCC's district plan.

- 24.** Do you have any other comments on the resource management system aspects of this proposal?

Please explain your views.

Any potential NES needs to:

- Be clearly drafted with all key terms defined and not open to interpretation.
- Specifically identify when provisions in the district plan apply or do not.
- Avoid similar rules in the NES and district plan applying at the same time.
- Be accompanied by requirements and guidance material for applicants to navigate the process themselves, including:
  - A requirement to submit a PIM/PAN application demonstrating compliance with the NES (including to assist if complaints are made about unlawful development), prior to work commencing. This should include demonstrating that the proposal complies with the conditions of any previous resource consents issued for the site, any consent notices or covenants, and that existing activity is not relying on existing use rights.
  - Details of whether the council needs to check the PIM/PAN application prior to work commencing, and what happens if insufficient information is provided, or the council disagrees that the work complies with the NES.
  - A template form to be filled in for the PIM/PAN application.
  - Exemplar plans detailing what applicants need to show on their PIM/PAN site plan, elevations, and floor plans. Note that site plans will need to show all existing



buildings and permeable surfaces and should demonstrate that the PRU will comply with the district plan after the MRU is established.

### Local Government Infrastructure Funding

The proposals in this document would enable a granny flat to be built without needing resource or building consent. Notification of a granny flat is important for local and central government to:

- Provide trusted information for buyers, financiers and insurers
- Track new home construction data and trends
- Value properties for rating purposes
- Plan for infrastructure
- Provide information to support post-occupancy compliance, where required
- Undertake council functions under the Building Act including managing dangerous or insanitary buildings.

*Refer to pages 15 – 16 of the discussion document and Appendix 3 to answer the questions in this section.*

- 25.** What mechanism should trigger a new granny flat to be notified to the relevant council, if resource and building consents are not required?

Please explain your views.

Prior to work commencing on MRU construction, a PIM/PAN application should be required, checked by council for compliance with the NES planning rules (but not the NES building rules due to the risk of triggering council liability), payment of an administration fee made, and development contributions calculated.

There need to be effective enforcement measures for when people do not comply with this requirement to act as a deterrent. For example, a fine that is comparable to the development contributions amount that is likely to be payable (i.e., much higher than a \$1000 fine).

- 26.** Do you have a preference for either of the options in the table in Appendix 3 and if so, why?

Please explain your views.

A hybrid PIM/PAN application process would assist in calculating development contributions. The process should enable calculation of development contributions at the first opportunity, with invoicing and payment occurring when the MRU is completed.

There should be a timeframe within which a MRU must be established after the PIM/PAN is lodged (e.g., 2 years). If works commence but exceed the required timeframe, development contributions should be able to be recalculated.

- 27.** Should new granny flats contribute to the cost of council infrastructure like other new houses do?

☒ **Yes**

☐ No

☐ Not sure/No preference

Please explain your views.

DCC strongly agrees with the principle that growth should pay for growth, and MRUs represent growth. Development contributions should be able to be charged for MRUs, enabled by an amendment to the Local Government Act (s198) to ensure they are chargeable at the PIM/PAN stage.

### **Māori land, papakāinga and kaumātua housing**

A key issue for Māori wanting to develop housing is the cost and time to consent small, simple houses and other buildings. The proposals in the building and resource management systems may go some way to addressing the regulatory and consenting challenges for developing on Māori land, and for papakāinga and kaumātua housing, where the circumstances of these proposals apply.

*Refer to page 16 of the discussion document to answer the questions in this section.*

**28.** Do you consider that these proposals support Māori housing outcomes?

☐ Yes, I agree    ☒ **I agree in part**    ☐ No, I don't agree    ☐ Not sure/no preference

Please explain your views.

DCC agrees that the proposal is intended to support the provision of MRUs for all ethnicities, including Māori. However, given MRUs are already enabled in Dunedin's district plan in residential, rural, and rural lifestyle zones, the proposal may not make much difference to the rates of MRU development.

DCC notes that although the proposal is not intended to apply to Māori purpose zones as described in the NPStds, DCC's district plan does not include an equivalent zone (as it uses a 'mapped area' method to apply separate papakāiika provisions over the underlying zone instead, including in residential and rural zones).

To better understand Māori housing issues and the impact of regulation, DCC recommends that Manawhenua are consulted.

**29.** Are there additional regulatory and consenting barriers to Māori housing outcomes that should be addressed in the proposals?

Please explain your views.

DCC has not identified any additional barriers in terms of MRUs and recommends that Manawhenua are consulted.

## **PROPOSED ROAD STOPPING: 42 GLENGYLE STREET, VAUXHALL**

Department: Property

### **EXECUTIVE SUMMARY**

- 1 The owners of 42 Glengyle Street, Vauxhall have applied to have a small area of unformed legal road adjoining their property stopped.
- 2 This report seeks a resolution of the Committee to publicly notify the Council's intention to stop the road, under section 342 and Schedule 10 of the Local Government Act 1974.

### **RECOMMENDATIONS**

That the Committee:

- a) **Approves** public notification of the Council's intention to stop a portion of legal road at 42 Glengyle Street, Vauxhall, subject to the applicant agreeing to:
  - i) Pay the Council the non refundable fee for processing the road stopping.
  - ii) Pay 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) Amalgamate the stopped portion of road with the title of the adjacent land that is owned by the applicant, being the land contained within Record of Title OT376/109
  - iv) Accept the application of the standards contained within the Dunedin City Council Code for Subdivision and Development to the stopped road.
  - v) Register any easements over the stopped portion of road in favour of utility companies (if required by the utility company).

### **BACKGROUND**

- 3 The owners of 42 Glengyle Street, Vauxhall, have identified 158m<sup>2</sup> of unformed legal road which they wish to purchase in order to better utilise their adjoining land.

### **DISCUSSION**

- 4 The area of unformed legal road proposed to be stopped is shown on the aerial photograph below:



- 5 Glengyle Street is a winding local road featuring a nominal legal width of 20 metres. However, the portion between Cornwall Street and Challis Street to the east of the site features a legal width varying between 10 and 12 metres. To the west of the subject site, the nominal legal width reduces to just under 8 metres.
- 6 The formed carriageway adjacent to 42 Glengyle Street has a width of 6 metres, with a single crossfall to the kerb and channel along its southern side.
- 7 Glengyle Street is identified as a Local Road within the Council's Roading Hierarchy. Such roads tend to be lower speed and lower volume, and as such are not anticipated to act as main through routes for traffic, primarily providing access to local residential properties. Glengyle Street is not identified as a bus route.
- 8 It is expected that vehicle manoeuvring to the subject and neighbouring properties will not be impacted by the proposed road stopping.
- 9 The portion of legal road proposed to be stopped is unformed, is approximately 158m² and is already largely fenced into the adjoining property by a retaining wall.
- 10 The proposal:
  - The legal road maintains a minimum 14 metre corridor as required by the Council's Transport Network Team.
  - Does not adversely impact upon the adjoining property owner's ability to access their driveways and garages.

- It is not known to encompass any private or public infrastructure, pending full survey work.
  - Aligns well with the existing top of bank at the roadside at this location.
  - Provides the owners of 42 Glengyle Street with ownership and maintenance responsibility of their driveway and the associated retaining wall.
- 11 For these reasons staff are satisfied the road is not required for current or future transportation needs.
- 12 If the recommendation in this report is approved:
- The applicant will be invoiced the non-refundable road stopping fee and will be required to sign a conditional sale and purchase agreement.
  - In accordance with Schedule 10 of the Local Government Act 1974 staff will:
    - i) procure a survey and valuation of the land; and
    - ii) publicly notify the proposed road stopping for a period of 40 days.
  - A further report will be prepared for the Committee advising on the outcome of the public notification process and recommending whether the road stopping should proceed.
  - If the road stopping is concluded successfully, the land will be transferred to, and amalgamated with, the applicant's adjoining land. Applicable adjustments to the applicant's rates account will be made from the start of the financial year following the issue of the new amalgamated title.
  - The applicant will be required to pay the Council the actual costs incurred for the stopping, regardless of whether or not the stopping reaches a conclusion, and if a road stopping is concluded then the applicant will also be required to pay the market value of the stopped road, assessed by the Council's valuer.

## **OPTIONS**

### **Option One – Proceed with road stopping process**

- 13 As there appears to be no impediments to the proposal, Council may proceed to publicly notify the proposed road stopping.

#### *Advantages*

- The proposal enables the applicant to own the adjoining area of unformed legal road which improves land utilisation and increases the area of rateable land.
- The extent of public interest in the land will be considered during the public notification process.

#### *Disadvantages*

- The land would be unavailable for any potential future public use or as a utility corridor, other than for those utilities whose existing assets will be protected by easements or by landowner permission.

### **Option Two – Status Quo**

14 Council resolves not to proceed to publicly notify the intention to stop the road.

#### *Advantages*

- The land would retain its legal road status and remain available for potential future public or utility use if required.

#### *Disadvantages*

- The land would retain its legal road status but would remain unformed unless required for a road purpose. Land utilisation would be restricted, and the land would remain non-rateable.

### **NEXT STEPS**

15 If the recommendation is approved, the applicant will be required to pay the road stopping processing fee and enter into a conditional sale and purchase agreement. Staff will manage valuation and survey work and will publicly notify the proposal before reporting back to the Committee.

### **Signatories**

Author:	Paula Dickel - Property Officer Advisory
Authoriser:	Anna Nilsen - Group Manager, Property Services Karilyn Canton - Chief In-House Legal Counsel Robert West - General Manager Corporate Services

### **Attachments**

There are no attachments for this report.

**SUMMARY OF CONSIDERATIONS**
***Fit with purpose of Local Government***

This proposal relates to providing a regulatory function and it is considered good-quality and cost-effective.

***Fit with strategic framework***

	Contributes	Detracts	Not applicable
Social Wellbeing Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Economic Development Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>

There is no contribution specifically relating to the strategic framework.

***Māori Impact Statement***

There are no known impacts for tangata whenua.

***Sustainability***

Proactive management of the transportation network supports social and economic sustainability.

***LTP/Annual Plan / Financial Strategy /Infrastructure Strategy***

There are no implications.

***Financial considerations***

There are no financial impacts as the process is cost neutral and proceeds of sale are expected to be reasonably modest in this case.

***Significance***

This decision is considered of low significance under Council's Significance and Engagement Policy.

***Engagement – external***

Preliminary consultation has been undertaken with utility providers and neighbouring landowners. Formal notification and consultation will take place when the survey plan has been prepared.

***Engagement - internal***

Transport, Parks, Regulatory Services, City Development, 3 Waters and Legal Services have reviewed the proposal.

***Risks: Legal / Health and Safety etc.***

No known significant risks.

***Conflict of Interest***

There are no identified conflicts of interest.

**SUMMARY OF CONSIDERATIONS**

***Community Boards***

There are no Community Board implications.



## **ITEMS FOR CONSIDERATION BY THE CHAIR**

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Any items for consideration by the Chair