

Notice of Meeting:

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

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

Sandy Graham
Chief Executive Officer

Customer & Regulatory Committee

PUBLIC AGENDA

MEMBERSHIP

Chairperson Cr Carmen Houlahan
Deputy Chairperson Cr Andrew Whiley

Members

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

Senior Officer Paul Henderson, Acting General Manager Customer and
Regulatory

Governance Support Officer Jennifer Lapham

Jennifer Lapham
Governance Support Officer

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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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12	Karakia Whakamutunga	
	The meeting will close with a Karakia Whakamutunga.	

1 KARAKIA TIMATANGA

The meeting will be opened with a Karakia Timatanga.

2 PUBLIC FORUM

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

3 APOLOGIES

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

4 CONFIRMATION OF AGENDA

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

DECLARATION OF INTEREST

EXECUTIVE SUMMARY

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

RECOMMENDATIONS

That the Committee:

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

Attachments

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

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

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

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	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.
	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.
	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.

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	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.
	Secretary	Brockville Improvements and Amenities Society (BIAS)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	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.
	Member	Green Party of Aotearoa New Zealand	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Abrahamic Interfaith Group (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Refugee Steering Committee (Council Appointment)	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.
	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.
Cr Cherry Lucas	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.
	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 (alternate)	Grow Dunedin Partnership (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.

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	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.
	Deputy Chairperson	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.
	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.
	Member	Mosgiel Association Football Club	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director	Ocho Newco Limited	No conflict identified	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.
	Owner	Ayrmed Limited	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	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.

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	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.
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.
Steve Walker	Board Member	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.
	Chairperson	West Harbour Beautification Trust	Potential conflict WHBT work with Parks and Reserves to co-ordinate volunteer activities	Withdrawal from all West Harbour Beautification Trust/ DCC discussions involving this relationship.
	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	Port Chalmers Golf Club	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	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.
	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.
	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.

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	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.
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.
	Chairman	Volunteer South	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	President	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	Chisholm Links Golf Club	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Hereweka Harbour Cone Trust (Council Appointment)	No conflict Identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	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	Puketāi Residential Centre Liaison Committee (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.

MINUTES OF COMMITTEES


CUSTOMER & REGULATORY COMMITTEE - 7 MARCH 2023

RECOMMENDATIONS

That the Committee

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

Attachments

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

Customer & Regulatory Committee

MINUTES

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

PRESENT

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

IN ATTENDANCE

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

Governance Support Officer Jennifer Lapham

1 OPENING

The meeting was opened with a karakia timatanga.

2 PUBLIC FORUM

There was no public forum.

3 APOLOGIES

There were no apologies.

4 DECLARATIONS OF INTEREST

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

Moved (Cr Carmen Houlahan/Cr Mandy Mayhem):

That the Committee:

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

Motion carried (CSCCC/2023/001)

PART A REPORTS**5 CUSTOMER AND REGULATORY COMMITTEE FORWARD WORK PROGRAMME - MARCH 2023**

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

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

Moved (Cr Andrew Whiley/Cr Marie Laufiso):

That the Committee:

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

Motion carried (CSCCC/2023/002)

6 PROPOSED ROAD STOPPING: NAPIER STREET

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

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

Moved (Cr Lee Vandervis/Cr Steve Walker):

That the Committee:

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

Motion carried (CSCCC/2023/003)

7 PROPOSED ROAD STOPPING: WHITES ROAD, SEACLIFF

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

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

Moved (Cr Steve Walker/Cr Christine Garey):

That the Committee:

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

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

Motion carried (CSCCC/2023/004)

8 KARAKIA WHAKAMUTUNGA

The meeting closed with a Karakia Whakamuntunga.

The meeting concluded at 2.40 pm .

.....
CHAIRPERSON

PART A REPORTS

ACTIONS FROM RESOLUTIONS OF CUSTOMER AND REGULATORY COMMITTEE MEETINGS

Department: Civic

EXECUTIVE SUMMARY

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

RECOMMENDATIONS

That the Committee:

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

DISCUSSION

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

Signatories

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

Attachments

	Title	Page
↓A	Action List	21

PUBLIC OPEN ACTIONS - CUSTOMER AND REGULATORY COMMITTEE RESOLUTIONS 2022-2025						
Meeting Date	Resolution	Report	Resolution or Action to be Taken	Group	Due Date	Status
	ISC/2021/006	Proposed Road Stopping - Grey Street, Allanton	Approves public notification of the Council's intention to stop a portion of legal road adjacent to 4 Peel Street, Allanton.	Property		June 2022: Plans are being finalised with the surveyor. May 2023: The public process has been completed and settlement is pending.
	ISC/2021/017	Proposed Road Stopping: Part of Scobie Road, Waverley	a) Approves the public notification of the Council's intention to stop a portion of legal road adjacent to 97 Doon Street, 103 Doon Street, 198 Portobello Road, '99 Portobello Road, 203 Portobello Road and 203A Portobello Road Waverley,, subject to the applicants agreeing to: i) Pay the road stopping process fee. ii) Pay the Council the actual costs involved in the stopping, regardless of whether or not the stopping reaches a conclusion, and the emarket value of the stopped road, assessed by the Council's valuer. iii) Amalgamate the stopped portion of road with the titles of the adjacent land that is owned by the applicants respectively, being the land contained within Records of Title OT18A/144, OT14D/180, OT14A/526, OT8A/1327 and OT14A/522. iv) Accept the application of the standards contained within the Dunedin City Council Code of Subdivision and Development to the stopped road. v) Register easements over the stopped portion of road in favour of utility companies. vi) Register easements over the stopped portion of road in favour of private property owners where rights of way and/or rights for private services are required over the stopped road.	Property		June 2022: The matter is ongoing and staff continue to work with the applicant. May 2023: Delayed while agreements are confirmed with all the parties to the application.

PUBLIC OPEN ACTIONS - CUSTOMER AND REGULATORY COMMITTEE RESOLUTIONS 2022-2025						
Meeting Date	Resolution	Report	Resolution or Action to be Taken	Group	Due Date	Status
07-Mar-23	CSCCC/2023/003	Proposed Road Stopping: Napier Street	<p>a) Approves public notification of the Council's intention to stop a portion of legal road adjacent to 5 Napier Street Dunedin subject to the applicant agreeing to:</p> <p>i) Paying the Council the non refundable fee for processing the road stopping.</p> <p>ii) Paying the Council the actual costs incurred for the road stopping, regardless of whether or not the stopping reaches a conclusion, and the market value of the stopped road, assessed by the Council's valuer.</p> <p>iii) Amalgamating the stopped portion of road with the titles of the adjacent land that is owned by the applicant, being the land contained within Records of Title OT285/227.</p> <p>iv) Accepting the application of the standards contained within the Dunedin City Council Code for Subdivision and Development to the stopped road.</p> <p>v) Registering any easements over the stopped portion of road in favour of utility companies.</p>	Transport		Valuation and agreement are being arranged.
	CSCCC/2023/004	Proposed Road Stopping: Whites Road, Seacliff	<p>a) Approves public notification of the Council's intention to stop a portion of legal road at 61 Whites Road, Seacliff, subject to the applicant agreeing to:</p> <p>i) Paying the Council the non refundable fee for processing the road stopping.</p> <p>ii) Paying the Council the actual costs incurred for the stopping, regardless of whether or not the stopping reaches a conclusion, and the market value of the stopped road, assessed by the Council's valuer.</p> <p>iii) Amalgamating the stopped portion of road with the titles of the adjacent land that is owned by the applicant, being the land contained within Record of Title OT263/276.</p> <p>iv) Accepting the application of the standards contained within the Dunedin City Council Code for Subdivision and Development to the stopped road.</p> <p>v) Registering any easements over the stopped portion of road in favour of utility companies (if required by the utility company).</p>	Transport		Valuation report and agreement are being arranged.

CUSTOMER AND REGULATORY COMMITTEE FORWARD WORK PROGRAMME - MARCH 2023

Department: Civic

EXECUTIVE SUMMARY

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

RECOMMENDATIONS

That the Committee:

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

DISCUSSION

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

Signatories

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

Attachments

Title	Page
A Forward Work Programme - May 2023	25

Key	
New item	
Changes to timeframes	
Completed; progress to date update	Bold
No meeting month	

Customer & Regulatory Committee Forward Work Programme - May 2023															
Area of Work	Reason for Work	Council role (decision and/or direction)	Expected timeframes												
			May	June	July	August	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
Addressing "Demolition by Neglect" -	Issue of concern raised by Council members	Consider and decide the issues, current instruments, issues, risks and opportunities - (make recommendations to Council)	Report												
Reforms	Central government proposals and impact upon customer and regulatory services	Consider, make recommendations to Council as necessary	As required												
Bylaws review programme	Bylaw review calendar is provided for Committee Member's consideration	Noting dates for review, consider and decide (any change to priorities)	Report												
Food Grading	Bylaw review	Noting the commencement date of the bylaw review				Report									
Traffic and Parking	Bylaw review	Noting the commencement date of the bylaw review				Report				Report					
Trading in Public Places	Bylaw review	Noting the commencement date of the bylaw review										Report			
Beauticians, Tattoosists & Skin-iercers	Bylaw review	Noting the commencement date of the bylaw review										Report			
Dog control bylaw review	Bylaw Review	Commence review, consider and make recommendations to Council				Report									Report

BYLAW REVIEW UPDATE

Department: Customer and Regulatory

EXECUTIVE SUMMARY

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

RECOMMENDATIONS

That the Committee:

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

BACKGROUND

What is a bylaw?

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

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

Purpose of bylaws

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

DISCUSSION**Bylaws – general**

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

Enforcing bylaws

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

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

DCC bylaws

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

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

Restriction of Traffic on Part of Halfway Bush Road and Friends Hill Road Bylaw	No review requirement (Land Transport Act)	
---	--	--

Key steps to develop and review bylaws

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



Step 1 – First report

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

Step 2 – Second report

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

Consultation

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

Implementing the bylaw

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

OPTIONS

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

NEXT STEPS

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

Signatories

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

Attachments

There are no attachments for this report.

SUMMARY OF CONSIDERATIONS
Fit with purpose of Local Government

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

Fit with strategic framework

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

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

Māori Impact Statement

This report for noting has no specific impacts for Maori.

Sustainability

This report for noting has no implications for sustainability.

LTP/Annual Plan / Financial Strategy /Infrastructure Strategy

This report has no implications for these documents.

Financial considerations

There are no financial implications.

Significance

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

Engagement – external

There has been no external engagement to this report.

Engagement - internal

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

Risks: Legal / Health and Safety etc.

There are no identified risks.

Conflict of Interest

There is no conflict of interest.

SUMMARY OF CONSIDERATIONS

Community Boards

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

DEMOLITION BY NEGLECT UPDATE

Department: Customer and Regulatory

EXECUTIVE SUMMARY

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

RECOMMENDATIONS

That the Committee:

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

BACKGROUND

What is demolition by neglect?

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

Lack of legislation

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

Previous Council reports

2014 report

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

2017 report

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

DISCUSSION

No legislative change

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

Local government advocacy for legislation*Local Government New Zealand (LGNZ) advocacy on demolition by neglect*

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

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

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

DCC submission to Government on demolition by neglect

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

- 19 The DCC requested that:

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

- 20 It also encouraged the Select Committee:

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

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

Bylaws

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

Incentives for heritage buildings

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

OPTIONS

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

NEXT STEPS

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

Signatories

Author:	Paul Henderson - Building Services Manager
Authoriser:	Paul Henderson – Acting General Manager Customer and Regulatory

Attachments

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

SUMMARY OF CONSIDERATIONS
Fit with purpose of Local Government

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

Fit with strategic framework

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

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

Māori Impact Statement

There are no specific impacts for Māori.

Sustainability

This report for noting has no implications for sustainability.

LTP/Annual Plan / Financial Strategy /Infrastructure Strategy

There are no implications for these documents.

Financial considerations

There are no financial implications.

Significance

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

Engagement – external

There has been no external engagement.

Engagement - internal

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

Risks: Legal / Health and Safety etc.

There are no identified risks.

Conflict of Interest

There is no conflict of interest.

SUMMARY OF CONSIDERATIONS

Community Boards

There are no specific implications for Community Boards.



Report

TO: Planning and Regulatory Committee

FROM: Acting Urban Design Team Leader

MEETING DATE: 3 June 2014

SUBJECT: **OPTIONS TO ADDRESS DEMOLITION BY NEGLECT AND DEGRADATION OF THE DUNEDIN STREETScape**

SUMMARY

While the Council has made progress over the last few years promoting heritage re-use and working collaboratively with owners of heritage and character buildings to improve amenity in the city, it still faces the challenge of uncooperative owners whose dereliction of their buildings affects protection and the amenity of the city. This report discusses a range of potential measures to address demolition by neglect and the impact of a lack of building maintenance on the city's heritage streetscapes, amenity and vibrancy.

IMPLICATIONS FOR:

(i) Policy:	No – not at this stage
(ii) Approved Annual Budget:	No – not at this stage
(iii) LTP/Funding Policy:	No – not at this stage
(iv) Activity Management Plans:	No – not at this stage
(v) Community Boards:	No – information only
(vi) Sustainability:	Yes – retention and reuse of heritage buildings has positive sustainability outcomes in the reduction of demolition waste and re-use of embodied energy

RECOMMENDATIONS

1. That the Planning and Regulatory Committee note the potential methods for addressing demolition by neglect and degradation of the Dunedin streetscape.
2. That the Planning and Regulatory Committee approve further investigation into costs and benefits of the proactive use of the Building Act and development of a 'buildings at-risk' register.

INTRODUCTION

This report discusses the challenge of demolition by neglect and the insufficient maintenance of heritage and townscape buildings around the city. It briefly backgrounds some of the effects of this wilful neglect on heritage protection and on city amenity before discussing some of the potential methods to tackle this issue.

BACKGROUND

Dunedin's unique look and feel is in part defined by the large number of remaining heritage buildings. Preserving this architectural inheritance and the character it gives Dunedin is a key component in the Council's goal to be one of 'the best small cities in the world'. The city's heritage buildings are seen as one of its key, differentiating assets, not just as isolated buildings, but due to the continued existence of entire heritage streetscapes. These streetscapes are now unique within New Zealand. The protection and enhancement of these buildings and heritage streetscapes is a focus of positive attention from the city's residents in a range of consultation forums, and has strong support as demonstrated by the positive response to increasing Council assistance to heritage incentives in consultation on the 2014/2015 Annual Plan.

The Council has put a substantial amount of resource and effort into encouraging and incentivising the re-use of heritage buildings and heritage-led urban revitalisation. This is having a positive effect on the city's streetscape and amenity. This work has focused primarily on working collaboratively with owners constructively predisposed toward re-using and upgrading their buildings: the focus has been on "carrots" rather than "sticks". However, not all owners are so positively predisposed or respond positively to incentivisation. While they may be relatively small in number, the effects of their inaction can be substantial, particularly where they own a large number of buildings in an area or the buildings they own are prominent, large and/or significant.

DISCUSSION

The challenges to the on-going protection, re-use, and enhancement of heritage buildings have been canvassed in numerous earlier reports to Council. The most recent report of 23 January 2014 provides further information on this matter. That report, and others before it, noted the particular challenge presented by demolition by neglect.

Demolition by neglect is the term used to describe a situation in which a heritage building is left to suffer severe deterioration, until it is beyond the point of (economic) repair. At this point demolition typically results on the basis that the building is unsafe or too costly to repair, irrespective of any existing heritage protections. Overseas, this type of neglect is commonly used by property owners to intentionally circumvent historic preservation regulations. While this is intentional under-maintenance is undoubtedly present in Dunedin, there are also likely some cases where the intent is not quite as calculating (eg absentee ownership, uneducated owners, poverty). However, it would be hard to identify such mitigating factors in most of Dunedin's higher profile recent demolitions of heritage buildings (or historic buildings within precincts) which have been justified due to their degraded physical condition. Whatever the motivation, the outcomes remain the same. While demolition by neglect can occur in all types of heritage buildings, in Dunedin it is most common and problematic in non-residential buildings.

In addition to the most obvious impact of contributing to the loss of the individual heritage buildings, demolition by neglect and insufficient building maintenance also have the following potential effects:

- Eroding the city's integrated heritage streetscapes (particularly where they are not replaced).
- Reducing the quality of the city's "look and feel".
- Presenting the appearance and perception of a city in decline.

- Promoting greater vandalism and crime.
- Increasing risk to public safety from unsafe buildings and under-maintained building features like parapets and plaster.
- Reducing the value of neighbouring buildings.
- Discouraging investment in surrounding properties and areas.
- Encouraging the flight of business activity from areas.

While it is sometimes argued that the demolition of under-maintained buildings and their replacement with open-air car parks has positive effects in terms of amenity and increasing parking resources, over the longer term they do not contribute positively to amenity or the aesthetics of the cityscape and they do little to encourage greater footfall or economic activity in the surrounding area. Moreover, while it is often argued the demolition of such buildings provides potential redevelopment opportunities, this has not been the case in Dunedin. Of the heritage or townscape buildings or granted consent for demolition since 2009 on the basis of their condition and/or the supposed non-viability of repair (Garrison Hall - Port Chalmers, Brocklebanks Building - South Dunedin, 372-398 Princes Street, Butterworth Building and Bank of Australasia, Barron's Building/Dragon Café, N & S Patterson Building, and the Dainty Dairy), only one (Brocklebanks) has been replaced with new building. More broadly, a cursory examination of demolitions undertaken in the city over the last few decades demonstrates that it is in a minority of cases that commercial buildings have been replaced by new buildings. Decades later, the majority of sites remain vacant and used for car-parking.

The results of insufficient maintenance and the cycle of decline can be clearly seen in certain parts of Dunedin. Demolition by neglect is most pronounced in areas like Rattray Street, Caversham and parts of South Princes Street. In some other areas, like the Warehouse Precinct, the Council has been able to work with cooperative private building owners to halt and even reverse the decline in most buildings. In a few short years, the number of at-risk buildings has declined sharply. In that area, they are now the minority, rather than the majority, of buildings. The Warehouse Precinct stands in sharp contrast to Rattray Street, which over the same period has seen accelerated decline, an exodus of businesses, the collapse of parts of buildings, protracted "emergency" demolitions, fire, and a lack of building upgrades or replacements. Outside of the major investment by Speights in their main brewery, the area demonstrates the negative effects of neglect on streetscape values and the results of insufficient maintenance on the retention of townscape and heritage buildings. Although the area is within a townscape precinct, the existing protections and management of heritage buildings have proved insufficient to halt or reverse the decline. The fact that the area is at the heart of the city's accommodation quarter and houses one of the city's most popular tourism attractions (Speights), as well as being on a busy commuter route, makes the decline that much more prominent.

Staff have been asked by the Chair of the Planning and Regulatory Committee to report on potential options to address the issues of insufficient maintenance, demolition by neglect, and the effects of these issues on the amenity of the city. Demolition by neglect is an issue for heritage protection and city amenity around the world and something that no city appears to have found a definitive solution for. The City Development team have taken an on-going interest in this issue, through the work of the Heritage Buildings Economic Re-use Steering Group, place-based revitalisation in South Dunedin and the Warehouse Precinct, the development of heritage incentives, and the review of District Plan provisions as part of the Second Generation District Plan.

POTENTIAL APPROACHES TO DEAL WITH DEMOLITION BY NEGLECT AND DECLINING AMENITY

The following section discusses a range of approaches for the Committee to consider. These include statutory and non-statutory approaches and those that address either individual buildings or areas. An initial assessment of feasibility, advantages and disadvantages is provided for each. Staff are seeking direction from the Committee as to whether it wishes to

investigate any of these options further to clarify the legal issues, feasibility and actual costs and benefits of each method.

In addition to the City Development Team, the Chief Building Control Officer, Financial Controller, and Financial Analyst have also been consulted during the development of this report.

The approaches considered below are:

1. The District Plan and Resource Management Act
2. The Building Act
3. Bylaws
4. Heritage at-risk register
5. Constructive engagement and incentivisation
6. Financial penalties

1. The District Plan and Resource Management Act

The District Plan is the primary means of protecting heritage buildings and managing the "look and feel" of the city by controlling the external appearance of buildings. However, both the District Plan and the RMA are set up to avoid, remedy or mitigate any actual or likely adverse effects on the environment caused by activities. Thus, while the District Plan has provisions related to the demolition of buildings (avoiding or mitigating the effects on heritage and townscape), its ability to manage demolition by neglect is constrained by the fact that this would actually require managing the effects of the *lack* of an activity (maintenance).

Unfortunately, for buildings suffering from a protracted lack of maintenance, by the time the District Plan is engaged it is normally at the stage of consent for demolition. At this stage, interaction with the District Plan relates to mitigating the impacts of the demolition and subsequent land use, with the aim of avoiding the worst effects of the removal of the building on townscape or heritage values. In the case of the buildings deemed 'dangerous' in accordance with the Building Act (discussed below), emergency provisions provide for the immediate demolition of buildings. While retrospective resource consent is required, any conditions placed on the site after the building has been removed are severely constrained.

While there is not an easy-fix within the RMA to deal with demolition by neglect and the effects of insufficient maintenance, the 2GP review is making a number of changes to the heritage provisions in the District Plan in order to try to encourage better management of heritage and the enhancement of the city's townscape values. Full details of the 2GP review have been provided to Councilors as part of the 2GP Workshops.

These changes aim to make it easier to undertake positive works to heritage buildings and encourage better outcomes for the look and feel of the city. The key changes as they relate to demolition by neglect and amenity values include:

- Expanding the range of activities not requiring consent as repairs and maintenance.
- Encouraging and facilitating adaptive re-use by making earthquake strengthening and other Building Act upgrades easier than in the current plan.
- Making restoration and reconstruction easier than in the current plan.
- Relaxation of specific standards for heritage scheduled buildings.
- Increased assessment criteria and information requirements for demolition to enable more informed decision-making and ensure a range of options are explored.
- Introducing greater controls on stand-alone car parking in precincts.
- Making 'demolition' on its own have a much higher planning hurdle than demolition for the purposes of replacement with a sympathetic/quality new building, including the

identification of consent conditions to help ensure the new building is built or at a minimum a sufficient bond is taken to ensure site restoration to a high level of amenity.

- Clearer design controls and guidelines.

In addition to these proposed changes, City Development are reviewing protected items, refining areas of protected buildings to propose removing some problematic and degraded areas from existing protections (eg South Dunedin, Rattray Street and other fringe areas of existing central city precincts) and establishing new criteria for listing heritage buildings for protection. These measures recognise that not everything can be saved and directing efforts towards protecting, maintaining and upgrading the city's most important buildings, streetscapes and precincts.

Another area staff are exploring and seeking legal advice on is whether a rule could be developed making maintenance a performance standard in the Plan. Initial legal advice in that this may be difficult, but staff will continue to explore this option.

2. The Building Act 2004

While the District Plan controls changes to the appearance of buildings and their protection, matters related to the construction, structural integrity and safety of buildings are managed through the Building Act.

The Building Act 2004 requires various standards to be met when building work is undertaken or when there is a change in use to the building. When building work is not proposed the Act is largely silent. For example, there are no provisions for minimum maintenance standards. The Building Act does have limited provision for dangerous, earthquake-prone and insanitary buildings in Part 1 subpart 6. The Act requires Councils to have a policy regarding subpart 6 stating: its approach in performing its functions; its priorities in performing those functions; and how the policy will apply to heritage buildings (s131). For Dunedin City Council, this policy is contained within the 'Dunedin Earthquake-prone Buildings Policy (Including provisions for Dangerous and Insanitary buildings)'.

For those buildings subject to demolition by neglect or insufficient maintenance, the most relevant provisions are those that relate to "insanitary" buildings. Earthquake-prone buildings have proscribed timeframes in which to remove the earthquake-prone status of the building. Dangerous buildings are those where immediate action is required to remove the danger of buildings or parts of buildings. In these cases a section 124 notice is issued and there is a set time for required work to be completed. If Council issues a notice requiring remedial work to be carried out and this notice is not complied with then an offence has been committed under s124(3). The maximum penalty for this offence is a fine not exceeding \$200,000. Under s126, if the work required under a notice issued under 124(1)(c) is not proceeding with reasonable speed, or has not been completed then the Council can apply to the District Court for an order authorising the Council to carry out the building work required under the notice. If the Council carries out the work under the authority of the Court order, the owner of the building is liable for the costs of the work. The Council must give the landowner 10 days written notice of its intent to apply to the District Court. It should be noted that recovering the costs can be a long, difficult and contested process.

However, the relatively high threshold for determining a building as "dangerous" as defined by the Act and the fact that the Council has taken a reactive approach in this area, means that by the time buildings are acknowledged as dangerous, they are often prohibitively expensive to repair or present such a risk that emergency demolition is warranted. For this reason, in order to reduce the impact of demolition by neglect, it would appear necessary to target buildings at an earlier stage of decline.

According to the Building Act, a building can be considered "insanitary" if it "*has insufficient or defective provisions against moisture penetration so as to cause dampness in the building or in any adjoining building*". Weather tightness is commonly an issue for under-maintained buildings and given the damage moisture has on building fabric and structural integrity, this would appear to be the best area to target with the Building Act measures at the Council's disposal.

Legal opinion has been sought on whether provisions related to the "insanitary" nature of buildings could be used to address maintenance issues. Specifically, City Development sought opinion on whether buildings had to be occupied to be considered insanitary and the level of dampness required. Anderson Lloyd Lawyers believe that the definition of insanitary at s123 of the Act does not specify that a person has to be living in the building before it can be deemed insanitary. In their view, taking a plain interpretation of the definition, if a building *"has insufficient or defective provisions against moisture penetration so as to cause dampness in the building or in any adjoining building"* then it is included within the definition of "insanitary" regardless of whether anyone is occupying the building or not. There is only a small amount of case law on the definition of "insanitary", which discusses the extent that a building needs to be *"offensive or likely to be injurious to health"* which is the second part of the definition of insanitary. Anderson Lloyd believe that if Council is satisfied that a building is insanitary (i.e. damp as set out in s123) then it has the discretion under the Building Act to issue a notice requiring remedial work to *"prevent the building from remaining insanitary"*. Failing to comply with this notice would have the same penalties as detailed above.

In the past, the Council's interpretation of insanitary buildings has had a much higher threshold, in order to avoid a potentially large work load from responding to complaints about every damp rental property in Dunedin. The Council has also been satisfied in the past that restricting public access to a damp or leaking building also removes the potential for a building to be *"offensive or likely to be injurious to health"*, meaning it is no longer insanitary as such. A more proactive and hardline approach would have far greater staff and resource requirements.

Anderson Lloyd's interpretation, however, raises the potential for a much stronger approach to insanitary buildings and a higher threshold for the work required as part of the s124 notice, i.e. not just removing access to the building. They believe that s123 and 124 can be used in a more proactive approach to investigate damp and insanitary buildings, following up with discussions with the owner and potentially a notice requiring work. Under the existing Council policy, the Council will only assess whether a building is insanitary when a complaint is received. Before exercising its powers the Council will attempt to agree to a mutually acceptable approach with the owner. When determining a course of action for *"...a listed heritage building the Council will take into account its heritage values"*. Taking a more proactive approach in this area may require a policy change in the *'Dunedin Earthquake-prone Buildings Policy (Including provisions for Dangerous and Insanitary Buildings)'*. This would be a substantial change to the long-term Council policy and approach in this area. Building Services have reservations that this oversteps the intention of the Act and that this is not the approach other local authorities are taking.

Advantages

- Targets one of the issues that has the biggest impact on building longevity.
- Uses an existing statutory regime and penalty system.
- Offers the opportunity to address building decline at an earlier stage.
- Demonstrates to owners the importance of keeping buildings weather-tight.

Disadvantages

- Such a proactive approach would be labour and time intensive and require a substantial Council investment (likely from rates rather than cost recoveries).
- There would be a need to change the *Dunedin Earthquake-prone Buildings Policy (Including provisions for Dangerous and Insanitary Buildings)*.
- May lead to substantial costs to Council where s124 notices are not complied with and either need to be enforced by the Courts or works have to be undertaken by the Council.

- Is not common elsewhere around the country and could be open to legal challenge or determination.
- Opens the potential for every damp residence in Dunedin to require assessment.
- Does not address issues of owners who have insufficient resources to undertake the required works.
- May be opposed by owners on the basis of costs, particularly in buildings not returning any income.

3. Bylaws

Overseas, a number of cities have developed bylaws concerning minimum maintenance standards for protected heritage buildings. Typically these relate to a relatively simple baseline of activities related to the weather-tightness of buildings (repairing broken windows, leaking roofs, gutters etc), halting the degradation of protected features and avoiding the infestation of vermin. The bylaws also commonly require restricting access to buildings when they are vacant to reduce the risk of vandalism and risk to members of the public. With such requirements being most common in urban areas, these bylaws appear to be trying to address issues of urban decline, nuisance and anti-social behaviour, as much as they are the explicit protection of heritage.

In New Zealand, there are no real examples of a bylaw approach being adopted. One limited exception seems to be Ruapehu District Council. Its Public Places Bylaw (2012) contains requirements related to the immediate repair of vandalism (including broken windows, exposed wires, and other structural damage on the ground floor) by owners, for the purpose of ensuring "public health and safety" and "to enhance the visual amenity of the public place". The bylaw gives Council power to repair the damage if owners do not comply in a specified period and recover this cost as a debt against the owners. Again, this bylaw is targeted more towards very basic standards addressing urban decline and public safety, more than the protection of heritage, given it applies to all buildings specifically.

Legal opinion obtained by the Council helps to explain why the bylaw approach is not common in New Zealand:

Under s152 of the Local Government Act 2002 ("the LGA") a Council must not make a bylaw that requires a building to achieve performance criteria additional to, or more restrictive than what is specified in the Building Act or the Building Code. This section prevents Council from creating bylaws that place obligations on building owners more onerous than the requirements under the Building Act. We also believe this is a clear indication that Parliament wants buildings dealt with under the Building Act. We conclude if the Building Act does not require upgrades of buildings, then bylaws are not the answer either.

Because the Building Act does not explicitly require a minimum level of maintenance, a bylaw requiring more onerous maintenance standards would be *ultra vires*. Our legal advice did note that one possibility is to make a bylaw that "mirrors" the Building Act obligations. However, this will not really advance Council's enforcement options.

Advantages

- A bylaw repeating Building Act requirements could reinforce and raise the profile of existing obligations.
- Targets issues that have the biggest impact on building longevity.
- Offers the opportunity to address building decline at an earlier stage.

Disadvantages

- Does not add any extra powers to enforce a higher level of maintenance.
- Leads to an unnecessary duplication of requirements.
- Such a proactive approach would be labour and time intensive and require a substantial Council investment (likely from rates rather than cost recoveries).
- Is not common elsewhere around the country and could be open to legal challenge or determination.
- Does not address issues of owners who have insufficient resources to undertake the required works.
- May be opposed by owners on the basis of costs, particularly in buildings not returning any income.

4. A Heritage at Risk Register

A further non-statutory approach involves the development of a 'Heritage at Risk Register'. This register would be used to publicly highlight buildings at risk in the city. In the past, such registers have been suggested as a means to publicly 'name and shame' owners who choose not to maintain their buildings.

The most widely-known Heritage at Risk Registers are those developed by English Heritage. The registers are produced annually. They list all historic sites in need of urgent work to secure their future. Sites are listed with their name, address, designation (protection), condition, occupancy, priority, ownership type and a photo of the site. The Registers include general information on what is being done to reduce the risks to protected sites and information specific to the geographic area covered by the individual Registers (organised by regions/local authorities). The Registers provide a clear inventory of at-risk sites and their annual updating provides an ability to track progress in this area over time. They have proved a positive way to target financial and other resources towards the most at-risk buildings and have resulted in the stabilisation and re-use of a large number of buildings.

New Zealand's equivalent of English Heritage – Heritage New Zealand (formerly NZ Historic Places Trust) – does not formally produce such registers in New Zealand, though undoubtedly each office likely has a list of buildings they identify most at-risk. Development of a 'Heritage at Risk Register' for Dunedin would need to be a Council-led initiative.

It should be noted that English Heritage's Heritage at Risk Registers are not used in a punitive manner. They are compiled and written neutrally. Although they list ownership type (trust, public, private, etc) they do not specifically identify building owners. While listing the owners of at risk buildings may have the greatest scope to shame building owners into doing something with their buildings, there may be Privacy Act 1993 and other legal repercussions of listing owners' details and the approach has the potential to create a backlash from building owners. The Council should also be aware that its own buildings could end up on the register, where these are not being maintained sufficiently.

Advantages

- Relies on advocacy rather than the development of new policy or legislation.
- Council may be able to choose how strongly it uses the register to target owners (eg by listing or not listing ownership details).
- The approach relies on public pressure and requires less resources than an active compliance approach.
- Provides the ability to monitor trends and progress if undertaken on a regular basis.

- May help in connecting willing owners to at-risk buildings.

Disadvantages

- May cause a backlash and undermine relations if it is used to 'name and shame' owners by the Council in an adversarial way.
- While the embarrassment factor of listing in an at-risk register will be greatest where building owners are listed, this may raise Privacy Act issues and lead to greater challenge from building owners.
- The definition of 'at-risk' will need to be clearly defined and some specialist expertise may be required to ensure listings are objective and based on appropriate information.
- Does not require any specific action by building owners.

5. Constructive engagement and incentivisation

This option is effectively a "do nothing additional" approach. The approach taken by the Council over the last five years has involved constructive engagement and the incentivisation of building owners to undertake works to their buildings. The Council has offered an expanding range and amount of incentives for building owners to assist in the upgrade and re-use of buildings. Advocacy and engagement has taken both a city-wide approach to individual at-risk buildings and a targeted approach to specific geographic areas. In the coming year, staff focus is starting to shift to Princes Street and the Exchange to capitalise on positive signs of re-investment in these areas and to build on the revitalisation in the neighbouring Warehouse Precinct.

As discussed above, while this approach has been successful in some cases and in some geographic areas, it does rely on the willingness and interest of owners to engage. There are some building owners and areas where there is little apparent interest in addressing issues of decline. For example, there was not one response to letters sent to all owners in the Rattray Street area offering to work collaboratively to try to enhance amenity and vitality in the area. Often, constructive engagement and incentivisation will only be successful when building ownership changes. There is also concern that publicly-funded incentives should not "reward" building owners for previous poor maintenance. In this light, the Dunedin Heritage Fund does not normally cover general maintenance activities, except when deferred maintenance is part of a larger re-use project.

Advantages

- Relies on advocacy rather than the development of new policy or legislation.
- Is a positively-focused approach that builds on the existing strengths of the Council approach.
- Does not require potentially controversial policy changes or new staff resources.
- Rewards those who are most motivated to invest in their buildings.
- Is a targeted approach – the Council can direct efforts to those buildings or areas it is most interested in preserving and enhancing.

Disadvantages

- Some building owners will never respond to constructive approaches and incentivisation.
- Provides no real 'stick' or penalty to those who choose to do nothing.
- Waiting for a change of ownership for some buildings will be too late to safeguard buildings or to reduce negative the impacts on amenity and vitality (and some buildings

will be held only for their strategic sites and not change hands before the damage is done).

- Assistance to owners who have not maintained their buildings can be seen to reward bad behaviour.

6. Financial penalties

Another method suggested through the Heritage Buildings Economic Re-use Steering Group concerns the levying of some type of financial penalty against buildings/building owners where there is a such a low level of building maintenance that is clearly contributing to demolition by neglect and area-wide decline. Such a penalty would aim to provide a disincentive to the underinvestment in buildings and could be used for positive heritage or amenity outcomes (such as contributing to the Heritage Fund or to amenity improvements in areas directly affected by the dereliction of buildings to offset their negative amenity impacts).

There are constraints on the Council's ability to levy a direct penalty on properties falling into disrepair. Legal advice from Galloway Cook Allan is that such a penalty could not be established under the Local Government (Rating) Act 2002. A differentially applied general rate cannot be applied to land on the basis of building condition.

Legal advice is that Council may be able to establish a targeted rate to fund the cost of services that are available or approximate to areas (such as amenity improvements in heritage precincts). In tandem with such an approach a new remission policy could be developed whereby liability for those rates could be remitted where it is shown that the rating unit owner is contributing positively to the public heritage values of the area through the maintenance and use of their building. This would share similar features to the existing remission policy in relation to land voluntarily protected for conservation purposes. This would create a quasi "penalty" regime applying to those building owners who cannot demonstrate a positive contribution to heritage values and thus do not qualify for remission.

Advantages

- Provides a means to off-set the effects of declining amenity in parts of the city.
- There is both a private and public benefit from amenity improvements.

Disadvantages

- Would likely still involve borrowing money to undertake amenity improvements (the targeted rate would re-pay the loan and interest costs).
- Would apply to all buildings in an area, not just those with low maintenance, potentially penalising those building owners who do invest in their buildings (though a remissions policy could offset this, it would reduce the funding available for amenity improvements).
- May further reduce building owner finance for building improvements on their own buildings, by having to pay higher rates – adds additional costs to all building owners in the area.
- Would be likely to be contested by building owners.
- Would divert staff resources away from areas where there is greater constructive input and desire to work with the Council to improve amenity.

If Council were to request further investigation into this method, a more in-depth examination of the legal and economic ramifications of the approach would be undertaken.

A further financial approach proposed in the past relates to changing the way in which vacant sites (particularly those used for open-air car-parking) are rated. Currently, those who demolish their buildings and do not replace them enjoy a decrease in their rates, paying only the land value and a marginal value of improvements (if any). This further incentivises demolition, where lower rates add to other financial benefits including lower/no insurance and reduced site/building maintenance and upgrade costs. It has been suggested that some type of rating penalty on vacant/open-air car-parking sites would be another method to discourage demolition.

Legal advice again notes that there is nothing in the Local Government (Rating) Act that authorises penalties, except in circumstances where rates are in arrears. While targeted rates could be established Council would have to make a commitment in the Annual Plan to establish some type of "amenity beautification" work within the near vicinity of the car park with the express purpose of offsetting the negative public amenity values caused by such car parks. Even in this case, however, legal advice believes that the linkage may be too indirect because clause 8 of Schedule 3 requires a targeted rate to relate "to the extent of provision of any service to the rating unit by the local authority". It might be difficult to establish that amenity works done for public benefit is a service to the rating unit.

Advantages

- Better recognises the negative effects of gaps in the streetscape and the impact of open-air car-parking on amenity.
- Reduces financial incentives to demolition.

Disadvantages

- Would likely meet staunch opposition from landowners who have created car parks.
- Would potentially capture a number of Council open-air car-parks (most often on sites where heritage buildings were demolished).
- May not recognise the positive contribution of car-parking in some areas.

RECOMMENDATIONS

Given the complexity of the issues involved in demolition by neglect it is unlikely any one approach would provide a substantive solution to the problem. On this basis, it is recommended that an approach of combined methods is adopted.

It is recommended that the Planning and Regulatory Committee approve further investigation into the potential costs and ramifications of a more proactive use of Building Act provisions related to insanitary buildings and the development of a Dunedin Heritage Buildings at Risk Register.

The Committee should note that constructive engagement and incentivisation will continue as a core function of the City Development Team and implementation of the Spatial Plan and Heritage Strategy. Consideration of District Plan methods will continue as part of the development of the Second Generation Plan. Staff will update Councillors on these provisions as the draft 2GP takes further shape.

It is assessed that the method of financial penalties is likely to be problematic and not deliver the desired outcome. By-laws are not considered to be of any particular value in this matter.

CONCLUSION

The above report has discussed options for dealing with the issue of demolition by neglect and the effects of insufficient maintenance of buildings on the amenity of the city. The report recommends a combined approach, utilising existing advocacy and proposed District Plan changes, alongside further investigation of the costs and benefits of a more proactive approach to insanitary buildings and the development of a Dunedin Heritage Buildings at Risk Register.

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Date report prepared: 21 May 2014

PLANNING AND ENVIRONMENT COMMITTEE
13 June 2017



UPDATE: HERITAGE BUILDINGS AT RISK REGISTER

Department: Planning

EXECUTIVE SUMMARY

- 1 The purpose of this report is to follow up the 'Options to Address Demolition by Neglect and the Degradation of the Dunedin Streetscape' report presented to the Planning and Regulatory Committee on 3 June 2014.
- 2 The report recommends the development of a new Dunedin Heritage Monitoring Programme. The key purpose of the monitoring programme will be to monitor progress in preserving and enhancing the city's heritage, by recording investment in and use of heritage buildings, and conversely highlighting any buildings and areas at risk that may need targeting of resources or other actions.

RECOMMENDATIONS

That the Committee:

- a) **Approves** the development of the Dunedin Heritage Monitoring Programme in accordance with Option One.

BACKGROUND

- 3 On 3 June 2014, City Development presented a report to the Planning and Regulatory Committee on 'Options to Address Demolition by Neglect and the Degradation of the Dunedin Streetscape'. One of the proposed measures in the report that the Committee requested more information on was the development of a buildings at risk register.
- 4 Heritage at risk registers identify the sites that are most at risk of being lost as a result of neglect, decay or inappropriate development. They are common overseas, particularly in the United Kingdom.
- 5 The registers are developed and maintained both by independent heritage advocacy groups and by central and local government authorities. Further details of how these work in England are given in Appendix 1.
- 6 While they are described as a register, most often the register or list of at risk sites itself is only one part of a broader programme to protect and conserve heritage. These programmes not only identify at risk sites, but also normally include research, advocacy, community outreach, working with funders to assist rehabilitation, and providing advice and assistance to owners.
- 7 Heritage at risk registers are typically updated annually, to provide an up-to-date snapshot of the sites most at risk and in need of action to safeguard into the future. They can relate to a range of types of heritage including, in addition to buildings, structures and monuments, archaeological sites, conservation areas, and gardens.

PLANNING AND ENVIRONMENT COMMITTEE

13 June 2017



- 8 Historic England describes the value of their heritage at risk programme in the following way:

"The Heritage at Risk Register tells communities about the condition of their local neighbourhood. It encourages people to become actively involved in restoring what is precious to them. It also reassures them that any public funding goes to the most needy and urgent cases".
- 9 The annual updating of at-risk registers also provides data to assess trends over time. In the case of Historic England's register, for example, in 2014 it was noted that over 60% of the historic sites on the 1999 Register had since had their future secured. It can also help evaluate the effectiveness of efforts and initiatives such as incentive funding schemes or targeted advocacy intended to save at risk buildings.
- 10 Section 35(2)(a) of the Resource Management Act requires councils to monitor the state of the whole or any part of the environment to the extent that is appropriate to enable the local authority to effectively carry out its functions under the RMA. The protection of historic heritage from inappropriate subdivision, use and development is a matter of national importance under Section 6(F) of the RMA and is a key function of Dunedin City Council.
- 11 Section 94(1) of the Local Government Act 2002 requires the Auditor-General to report in the Long Term Plan, on whether the Plan gives effect to the purposes contained within the Act, which includes describing community outcomes, and, further on the quality of information and assumptions underlying the forecast information within the Long Term Plan.
- 12 Presently City Development keeps ad hoc notes on the condition of scheduled building. This is usually as a result of information being received from members of the public or by officers who have noticed properties in a particularly poor state of repair. This information is not currently formally reported.

DISCUSSION

Proposed Heritage Monitoring Programme

- 13 City Development proposes to implement an annual heritage monitoring programme. This will record the use and condition of scheduled heritage items i.e. buildings, structures and areas identified in Schedule 25.1 of the District Plan. It will also monitor the condition of heritage precincts, primarily focusing on character-contributing buildings within them.
- 14 The monitoring programme would complement the existing programme of heritage incentives, advocacy and public information. It would be used to identify pressures on heritage and successes to be promoted or replicated elsewhere. It would identify key areas of concern and help prioritise funds and staff time, ensuring that these would be targeted at heritage items at greatest risk.
- 15 The monitoring programme will include an annual survey of heritage items and precincts, including an assessment of the condition of each item and the overall precinct. This will require a mix of site visits and desktop analysis.
- 16 The programme will monitor:
 - condition of buildings
 - degrees of occupation
 - levels of investment (via building consents)
 - changes of use (where possible via resource consents).

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- 17 The data collected will relate solely to the heritage item and will not contain information about identifiable individuals.
- 18 There is already a record of heritage buildings on the council's Pathway software that can be adapted in order to record the data and produce an annual report.
- 19 In terms of building condition, some work has already been undertaken as part of the building assessments done as part of the 2GP development. This will reduce the resources required for the initial establishment of the register, at least in terms of scheduled heritage buildings.
- 20 The intent would be to report the results of the monitoring programme to the Planning and Environment Committee or Council annually.
- 21 It is proposed that this programme would be largely completed within existing resources. Further development of the programme is necessary to do an exact costing, but any additional resources required are estimated to be small if required.

Legal matters and other risks

- 22 There are some potential risks from establishing the monitoring programme.
- 23 Firstly, property owners whose buildings are reported as being at risk may react negatively because they see this reporting as an attempt to 'name and shame' them, even if their name is not directly listed in reports (as proposed). Careful communication around the project to highlight its purpose as enabling Council to better focus council grants and advocacy will be necessary to minimise this risk. Nonetheless, the outcome of reporting may lead to other actions being considered such as the need to consider enforcement actions under the Building Act or the Resource Management Act where applicable.
- 24 Secondly, DCC-owned heritage items may be scored poorly. While this initially may seem critical of DCC, in future years where the ratings of council owned heritage are improved through appropriate restoration and/or reuse, there is a potential for positive stories, which can be used as examples for others to follow.
- 25 The results of the monitoring programme can be disclosed under the Local Government Official Information and Meetings Act.

OPTIONS

Option One – Develop a Heritage Monitoring Programme based on proposed criteria

- 26 In this option, a heritage monitoring programme is developed in accordance with the discussion above.

Advantages

- Will identify heritage at risk of loss through neglect, damage or vacancy and allow support, including financial incentives, to be better targeted at these buildings and precincts, in accordance with the Long Term Plan's Outcome Vision "Dunedin's built heritage is valued and heritage buildings are in active re-use".
- Allows for on-going monitoring of trends and evaluation of the efficacy of council heritage incentives.

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- May encourage owners of identified buildings to improve maintenance or consider avenues such as sale of the buildings.
- Allows for the prioritisation of funds at both local and national levels.
- Allows for the identification of factors affecting heritage precincts that can be improved by other work programmes e.g. urban realm improvements.
- Enables potential new owners to easily identify buildings in need of restoration.
- Will meet DCC's monitoring requirements under the RMA.

Disadvantages

- If badly framed, it may attract more negative attention to heritage, rather than the more positive focus that has been built over the last six years.
- Requires staff resource that could be directed to other areas of heritage work.

Option Two – Do not develop a Heritage Monitoring Programme

- 27 In this option, no monitoring programme is developed. Existing ad hoc methods for identifying heritage at risk and addressing demolition by neglect will remain in place.

Advantages

- Staff time can be spent on other heritage projects.
- No risk of negative reaction from property owners.
- No risk to the current perception of heritage in the city.

Disadvantages

- Heritage items and precincts will continue to deteriorate at an unknown rate.
- Does not meet DCC's monitoring requirements under the RMA.

NEXT STEPS

- 28 Development of the programme's methodology will continue. Implementation of the heritage monitoring programme will begin in spring/summer 2017.

Signatories

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Authoriser:	Anna Johnson - City Development Manager Alan Worthington - Resource Consents Manager Sandy Graham - General Manager Strategy and Governance

Attachments

	Title	Page
A	Appendix 1: Heritage At Risk Registers – the English experience	

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SUMMARY OF CONSIDERATIONS

Fit with purpose of Local Government

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

Fit with strategic framework

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

The proposal primarily contributes to Objective MEM2 of the Spatial Plan where Policy (f) states that we will "identify the causes and solutions to the problem of 'demolition by neglect' and the impacts on city amenity from inadequate building maintenance." It will also contribute to the Economic Development Strategy's Strategic Theme 5 "A compelling destination", the Parks and Recreation Strategy's Objective "Our Parks, Natural Landscapes, Flora And Fauna Are Treasured By The Community", the Social Wellbeing Strategy's "Better Homes" implementation pathway, and the Arts and Culture Strategy's Strategic Theme 1 "Identify Pride" and Strategic Theme 4 "Creative Economy".

Māori Impact Statement

There are no known impacts for tangata whenua.

Sustainability

The proposal would not have any adverse implication on the sustainability of Dunedin.

LTP/Annual Plan / Financial Strategy /Infrastructure Strategy

There are no implications on current levels of service or performance measures.

Financial considerations

There are no financial implications.

Significance

The proposal is consistent with existing policy and strategy on built heritage in the Spatial Plan and is considered to be low impact in terms of the Council's Significance and Engagement Policy. It also accords with the requirements for monitoring in the RMA.

Engagement – external

There has been no external engagement.

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SUMMARY OF CONSIDERATIONS
<p>Engagement - internal</p> <p>There has been internal engagement with Business Information Services around the IT needs of the monitoring programme. Existing software and hardware are able to meet the project's requirements. The programme has been discussed with Building Control and no concerns have been identified. Comments have been received from Legal Services.</p>
<p>Risks: Legal / Health and Safety etc.</p> <p>Standard safety procedures around site visits will be carried out during monitoring.</p>
<p>Conflict of Interest</p> <p>There is no conflict of interest.</p>
<p>Community Boards</p> <p>Community Boards may well be interested in the monitoring of heritage in their area. Potential exists for the involvement of Community Boards in the project, particularly when monitoring heritage precincts.</p>

Appendix 1: Heritage At Risk Registers – the English experience

Background:

In England, the responsibilities of drawing up Heritage at Risk (H@R) Registers fall on both local government and the national government heritage agency, Historic England. There are also some other Buildings at Risk lists maintained by NGOs which are discussed later.

The predominant type of designated heritage assets in the UK is listed buildings. Listed buildings in the UK are buildings of special architectural and historic interest. They are protected by Acts of Parliament across the four nations (England, Wales, Scotland and Northern Ireland). Listed building consent needs to be sought, usually from the local council, before any works that affect their significance are carried out. It is a criminal offence to carry out works that affect their significance before this consent is granted. Enforcement powers are also available to require owners to maintain listed buildings in a weather-tight and water-proof condition. Failure to do this can lead to the compulsory purchase of the listed building by the local council or the relevant national government heritage agency.

In England, listed buildings are identified by Historic England and are formally designated by the relevant minister at the Department of Culture, Media and Sport. Listed buildings are graded I, II* or II. Grades I and II* cover the most important 8% of listed buildings, while most are grade II. The same Acts of Parliament that protect listed buildings also require councils to create conservation areas in order to protect places of special architectural or historic character. Planning controls are tougher in conservation areas and the impact of any proposed development on the character and appearance of the conservation area has to be carefully considered before permission is granted.

The Register:

Historic England carries out an annual condition survey of all religious listed buildings and all grade I and grade II* secular listed buildings, alongside other types of nationally identified or protected heritage assets including parks and gardens, battlefields, shipwrecks and archaeological monuments. Councils are also requested to provide information about the condition of their conservation areas as part of the national survey. The result of this is the annual Heritage at Risk Register.

Councils have the option of carrying out their own condition surveys to draw up their own Heritage at Risk Registers for grade II listed buildings, which make up the vast majority of listed buildings. Many councils do not carry out an annual survey any more due to staff shortages, or they do it in conjunction with community heritage groups who carry the majority of the fieldwork.

Buildings are assessed on their occupancy/use and their condition, both of which are recorded. A priority category is created and is compared with the previous year's entry. The type of ownership (crown, local government or private) is recorded but the name of the owner is not published. The priority categories break down as follows:

- A. Immediate risk of further rapid deterioration or loss of fabric; no solution agreed.
- B. Immediate risk of further rapid deterioration or loss of fabric; solution agreed but not yet implemented.
- C. Slow decay; no solution agreed.

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- D. Slow decay; solution agreed but not yet implemented.
- E. Under repair or in fair to good repair, but no user identified; or under threat of vacancy with no obvious new user (applicable only to buildings capable of beneficial use).
- F. Repair scheme in progress and (where applicable) end use or user identified; or functionally redundant buildings with new use agreed but not yet implemented.

England's national register can be explored here: <https://historicengland.org.uk/advice/heritage-at-risk/search-register/>. Local registers vary from council to council but most follow the template laid down by the national register.

Advantages of Heritage at Risk Registers in England:

- It allows for the prioritisation of funds and attention at both local and national level (including enforcement action or compulsory purchase where appropriate).
- It focuses media attention on heritage buildings every year it is released.
- It can spur owners into carrying out works or selling buildings to more active owners.
- It enables potential new owners to easily identify buildings in need of restoration.

Disadvantages of Heritage at Risk Registers in England:

- The majority of listed buildings at risk are grade II listed and fall outside the remit of the national survey. Resources are required at local government level in order to carry out a survey of the majority of listed buildings. The majority of councils have not carried out local surveys in recent years due to funding cuts.

Other Buildings at Risk Lists:

Both the Society for the Protection of Ancient Buildings (SPAB) and Save Britain's Heritage (SAVE) maintain their own records of listed buildings at risk.

The SPAB list is only for listed buildings in need of repairs or renovation and that are for sale. It is only supplied to members who are looking for new projects. Properties are added to this list by reference from real estate agents, individuals, auctioneers, dioceses and local councils. Contact details of the relevant real estate agent are provided.

The SAVE list provides records of a range of listed buildings that are vacant and with an uncertain future. Its aim is to identify new owners able to repair them and/or find a new use for them in order to secure the building's future. Not all are actively being marketed.

Both of these registers are kept in order to identify vacant buildings with an aim to finding new owners capable of providing new long-term uses.

ITEMS FOR CONSIDERATION BY THE CHAIR

Any items for consideration by the Chair.