



WESTLAND
DISTRICT COUNCIL

AGENDA

Strategy Committee

Council Chambers

Wednesday
17 August 2011

9.00 am

STRATEGY COMMITTEE

NOTICE IS HEREBY GIVEN THAT A MEETING OF THE STRATEGY COMMITTEE WILL BE HELD IN THE COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA, ON WEDNESDAY 17 AUGUST 2011 COMMENCING AT 9.00 AM

1. PRESENT AND APOLOGIES

2. CONFIRMATION OF MINUTES

2.1 Strategy Committee – 18 May 2011

(Pages 1-6)

3. MATTERS ARISING FROM MINUTES

4. CORRESPONDENCE

4.1 Clare Curran MP for Dunedin South: Regarding fast broadband. (Pages 7-8)

4.2 West Coast Tobacco Free Coalition: Requesting the adoption of a policy making all Council buildings and public spaces smokefree.

Memo from Manager: Planning and Regulatory

Members of the West Coast Tobacco Free Coalition will be in attendance at 9.30 am.

(Pages 9-11)

5. GENERAL BUSINESS

5.1 Dangerous, Earthquake-Prone and Insanitary Buildings Policy

Memo from Manager: Planning and Regulatory

Attached is a report and recommendation with regard to the Dangerous, Earthquake-Prone and Insanitary Buildings Policy.

(Pages 12-34)

5.2 Proposed Class 4 Gambling Venue Policy

Memo from Manager: Planning and Regulatory

Attached is a report and recommendation with regard to the Proposed Class 4 Gambling Venue Policy.

(Pages 35-48)

5.3 RC 090171 – Request to waive Recreation Contribution

Memo from Manager: Planning and Regulatory

Attached is a report and recommendation prepared by the District Planner with regard to RC 090171 – Request to waive Recreation contribution. (Page 49-55)

5.4 Proposed Aviation Strategy for Westland

Memo from Manager: Planning and Regulatory

Attached is a report and recommendation concerning a Proposed Aviation Strategy (Page 56-57)

5.5 Proposed Westland District Plan Review

Memo from Manager: Planning and Regulatory

The Committee will convene in a workshop session to consider the next stages of the District Plan Review. A report prepared by the District Planner concerning the review process is enclosed to assist Members with the workshop.

6 NEXT MEETING

NEXT MEETING – WEDNESDAY 16 NOVEMBER 2011 COMMENCING AT 9.00 AM



STRATEGY COMMITTEE

MINUTES OF A MEETING OF THE STRATEGY COMMITTEE, HELD IN THE COUNCIL CHAMBERS, WESTLAND DISTRICT COUNCIL, 36 WELD STREET, HOKITIKA ON WEDNESDAY 18 MAY 2011 COMMENCING AT 10.00 AM

1. PRESENT

Her Worship the Mayor M.H. Pugh
Deputy Mayor Councillor B.O. Thomson (Chairperson)
Councillors A.M. Hurley and F.I.W. Stapleton.

APOLOGIES

Councillor M.D. Montagu (For lateness).

ALSO IN ATTENDANCE

R.F. Reeves, Chief Executive Officer; R.C. Simpson, Manager Planning and Regulatory, R.A. Strang (District Planner), Q H Horning, Manager Finance (part).

4. GENERAL BUSINESS

4.1 Dangerous, Earthquake-Prone and Insanitary Buildings Policy

John McKenzie from ELMAC Consulting Engineers Limited was in attendance and gave a presentation to members on the Christchurch Earthquake and building performance.

Mr McKenzie's presentation made particular reference to the nature of buildings either survived the Canterbury Earthquake or expiated serious deformations. Essentially, modern buildings performed very well, but buildings erected prior to 1935, especially brick buildings, were particularly vulnerable. The most vulnerable buildings were unreinforced masonry buildings and obvious failures involved parapets and gable ends.

Mr McKenzie made the point that engineering strengthening by way of retrofitting existing buildings does work well and that the engineering knowledge for retrofitting is sound.

Mr McKenzie noted that Central Christchurch has had, in addition to the loss of so many buildings, an extraordinary economic effect that will take many years to recover from. He was of the view that the same is likely to occur in Hokitika unless even modest upgrading and strengthening is undertaken in relation to those buildings that are readily able to be identified as being vulnerable.

The particular lessons learned from his explanations of the destruction in Christchurch were that buildings that have been strengthened have performed well, well-engineered buildings (post 1935) performed well, regular shaped buildings performed well and that performance and building structural performance is directly related to the use of steel as beams, columns or reinforced concrete.

Mr McKenzie was of the opinion that in formulating any policy on dealing with Earthquake Prone Buildings the fundamental outcome is the avoidance of building collapse with the secondary outcome being the ability to continue to be able to use the building. Mr McKenzie said that a particular way of achieving these outcomes is to ensure that any existing building is upgraded to a minimum of 34% of the existing New Zealand Standard and assessment being undertaken in accordance with the New Zealand Society for earthquake engineering recommendations.

ATTENDANCE:

Councillor M.D. Montagu attended from 11.21 am.

Mr McKenzie left the meeting at 11.30 am.

Members then received a delegation from the St Mary's Catholic Parish.

Jim Keenan advised the Committee that the St Mary's Church is a Historic Places Trust Category I building that had "withstood the test of time" and he particularly referred to an earthquake that occurred on June 8 1988 when the St Mary's Parish Church was very full and the building performed well. Mr Keenan made the point that seismology is not an exact science and he noted that the majority of deaths that occurred in Christchurch were associated with modern buildings. Mr Keenan asked that the Council retain its existing policy.

Brian Wilkinson is the Chairman of the St Mary's Parish Finance Committee and he said that the recent headlines in the Hokitika Guardian that highlighted St Mary's Church as an earthquake prone building have been very worrying to parishioners. Mr Wilkinson noted that the existing policy

recognises the need to ensure that the Historic integrity of Historic Buildings is not compromised by strengthening work.

Bernard Preston attended the meeting and addressed the Committee on behalf of Heritage Hokitika. He was concerned that the Carnegie Building had been identified in a recent edition of the Hokitika Guardian as an Earthquake Prone Building. Mr Preston doubted that assessment and outlined the expertise associated with the upgrade and retrofitting of strengthening work. Mr Preston said that he had faith that the Council will make the right decisions with regard to the review of the Earthquake Prone Building policy.

Michael Keenan addressed the meeting very briefly and endorsed the comments that had been made by the St Mary's Parish Representatives.

Member's considered the written submissions that had been received as a result of advertising the review of the existing policy and the verbal submissions and the presentation of John McKenzie.

As a result of the presentation by John McKenzie the Committee asked that publicity be given through a forthcoming rates newsletter to the issue of the inherent instability and danger of old unreinforced masonry chimneys.

Members also asked that the staff prepare a list of buildings that can be identified as possibly needing to be assessed. Such buildings would be generally in the nature of unreinforced masonry buildings and buildings constructed prior to 1935.

Moved Her Worship the Mayor, seconded by Councillor Montagu and **Resolved that:**

1. The written submissions from Chris Manual, Alex Woods and the Westland Community Centre be received.
2. The verbal submissions of the St Mary's Parish and Heritage Hokitika be noted.
3. The contribution to the discussion by John McKenzie be acknowledged with thanks.
4. The 34% of code strengthening standard be accepted as appropriate for Westland.
5. The 15 year upgrading provision in the existing policy be deleted and replaced with a requirement for an immediate upgrade.

6. That staff be asked to consider the submissions made and the comments from the Committee members and draft a reviewed policy to be brought back to the next meeting of the Strategy Committee together with any comments from John McKenzie.

2. CONFIRMATION OF MINUTES

2.1 Strategy Committee – 16 February 2011

Moved Councillor Stapleton, seconded Councillor Montagu and **Resolved** that the Minutes of the Strategy Committee Meeting, held on the 16 February 2011, including the “Public Excluded Section”, be confirmed as a true and correct record of the meeting.

3. MATTERS ARISING FROM MINUTES.

- 3.1 The Manager Planning and Regulatory advised that the Delegations Manual had been amended in accordance with Council’s instructions.

4. GENERAL BUSINESS

4.2 Westland District Gambling (Class 4) Venue Policy

The Manager Planning and Regulatory advised that the Committee instruction to arrange for a social impact assessment had been carried out and that the assessment day would be 27 May 2011 in the Council Chambers. He also advised that subsequent to the assessment day a report will be provided to the Strategy Committee so that the review of the Gambling Venue Policy can continue.

Moved Councillor Stapleton, seconded Her Worship the Mayor and **Resolved** that the report of the Manager Planning and Regulatory be received.

ATTENDANCE:

Councillor A M Hurley left the meeting from 12.15 pm.

4.3 District Plan Review

Member's considered a report prepared by the District Planner which related to two proposed plan changes relating to noise rules and Okarito floor heights. Member's asked questions and clarified standards.

Moved Councillor Montagu, seconded Councillor Thomson and **Resolved that** the Report be received and that the plan changes be approved for notification in due course.

4.4 National Policy Statements & National Environmental Standards

The Committee considered a report prepared by the District Planner which related to National Policy Statements that had recently been announced. Members noted that the fresh water management National Policy Statement was essentially a matter from the West Coast Regional Council and subsequent to the Regional Policy Statement and any other Regional Plans being prepared to reflect the National Policy Statement then the District Plan will need to give effect to those provisions. An important issue will be for the Council to make relevant submissions to the Regional Council, Regional Policy Statement and relevant Regional plans.

With regard to the National Policy Statement on renewable electricity generation, a forthcoming plan change will provide for this standard.

Moved Councillor Stapleton, seconded by Councillor Montagu and **Resolved that** the report from the District Planner be received.

4.5 Freedom Camping Policy

Members noted that the Freedom Camping Control Bylaw will soon become operative and that the existing Policy would no longer be relevant. The Committee requested the existing Policy to be removed from the website and replaced by a copy of the Bylaw.

Members also asked that the existing Policy be withdrawn from circulation until such time as an explanatory document has been prepared by staff in place of the existing Policy document.

4.6 Long Term Plan (LTP) 2012 /22 Project Plan

The Manager Finance tabled a project plan for the preparation and adoption of the LTP. The project plan provided for timeframes for community engagement, the Council processes and the audit requirements. Members noted the information and accepted the timelines as presented.

MEETING CLOSED AT 2.33 PM

NEXT MEETING – WEDNESDAY 17 AUGUST 2011 COMMENCING AT 9.00 AM

Deputy Mayor Bryce Thomson
Chairperson

Date

Clare CURRAN

MP for Dunedin South
Spokesperson for Broadcasting, Communications and IT

CCL 7

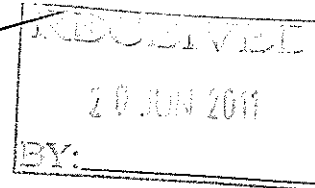


CEO	RWM	MPP	MO	MAC	MF	NPA	CSO	ENG

SCANNED

Mayor Maureen Pugh
Westland District Council
Private Bag 704
Hokitika 7842

Antony Lawrence



16 June 2011

Dear Mayor Pugh,

Like every New Zealand community, you want yours to get access to fast broadband fibre. It's so important that schools, hospitals, businesses, community organisations and homes can be connected to fast broadband fibre and that our children have the best opportunities to succeed in the digital age.

I am writing to you because, as the Opposition spokesperson for communications and IT, there are real concerns that not all communities in New Zealand will be getting fast or ultrafast broadband fibre in the near future.

A number of schools in your community have been identified through an independent report as possibly being Zone 3 schools, ones that aren't covered by either the Rural Broadband Initiative (RBI) or the ultrafast broadband scheme (UFB).

The Rural Broadband Initiative was awarded to Telecom and Vodafone. Out of the \$300M allocated, \$285M is going to **750 schools, servicing 74,000** students, and will upgrade around 1000 ADSL cabinets along the way. Vodafone will improve cellular phone coverage, and broadband coverage in areas unreachable by ADSL. For the remaining 361 schools there appears to be \$15M left. This works out to \$41,550 per school.

The Minister has said that "58 are part of the Remote Schools Rural Initiative (RSBI)" and "303 will be part of a planned procurement activity next year". It's certain that 58 will not get fibre at all, and it's unclear what, or when the remaining 303 schools will get.

The Ultra Fast Broadband initiative, now awarded primarily to Telecom worth \$1.5billion, will develop a new fibre infrastructure in New Zealand's 33 largest cities and towns, over which retail service providers will be able to purchase a wholesale broadband service. Around **1422 schools and around 550,000+ students** should be covered by this new broadband service.

Based on documents released at the conclusion of negotiations for the RBI however, and subsequent information released by the Communications Minister Steven Joyce, it is apparent that at least **361 schools, servicing many 1000s of students**, will not get fibre through the current process. Instead there will now have to be a separate tender for broadband to be delivered these schools.



The Ministry of Economic Development (MED), in response to questions about these schools, states that they should be able to get access to ADSL2+ (a faster version of broadband on the old copper network), and that *"A procurement process is likely to commence in 2012-13"*.

Another concern is that the Minister has indicated that these schools will be connected using money which was previously believed to be earmarked to connect the most remote schools to broadband via wireless and satellite. The Minister has confirmed that no analysis has been done of the cost of connecting these Zone 3 schools.

These schools are situated in towns and communities throughout New Zealand that may miss out on fast and ultrafast broadband for some years to come while this mess is sorted out.

This is just simply not good enough. Given that Mr Joyce and his government are trumpeting their broadband scheme as a step change for the economy and that schools will be in the vanguard of this, we believe there needs to be an explanation of when these missed out schools will receive fast or ultrafast broadband and who's going to pay for it. And just how much it will cost.

Our concerns have been backed up by internetNZ, Federated Farmers and the Telecommunications Users Association of NZ (TUANZ). They wrote to the Communications Minister Steven Joyce and Education Minister Anne Tolley requesting clarification on these figures and for a timetable of when the issue will be remedied. Minister Joyce responded saying that a tender would be issued for connection to these schools once the boundaries between the urban and rural broadband schools have been established.

I am bringing it to your attention because as you may already be aware; a number of schools in your area have been named as possible Zone 3 schools.

I would be happy to discuss this with you further and to visit your community.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Clare Curran', with a stylized flourish at the end.

Clare Curran
Labour spokesperson, communications and IT



1 July 2011

PO Box 443
Greymouth 7840

The Mayor & Councillors
Westland District Council
Private Bag 704
Hokitika 7842

Dear Mayor Maureen and District Councillors

Smokefree Environments

The New Zealand Government has committed to making New Zealand a Smokefree Nation by 2025, and to halving smoking prevalence by 2015.

Local authorities have an important role to play in achieving these goals. This is especially true with regard to promotion of Smokefree outdoor areas such as parks and playgrounds, where smoking around children has been shown to encourage uptake of smoking by younger people. In New Zealand, the average age for taking up smoking is just 14.5 years of age.

Smoking rates on the West Coast highlights the need to do all that is possible to protect our younger residents. According to data from the 2006 Census, 26% of people aged 15 years and over in Westland were smokers. This compares unfavorably with the national average of 22%. Of young people in Westland aged from 15-24 years of age, 29% were daily smokers, again higher than the national average.

At the Westland District Council meeting of 21 May 2009, the recommendation from the Recreation & Community Services Committee meeting of 19 May 2009 was received. The recommendation was "that Council adopt a Smokefree Policy in Children's playgrounds in Westland."

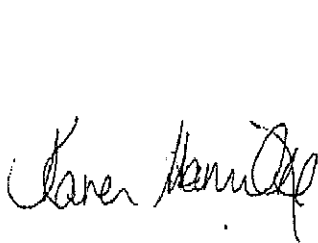
Smokefree signs have since been put up in Westland. These signs were provided at no charge by Community & Public Health. We would like to congratulate the Council for their support of the Smokefree signage in their playgrounds.

We are not aware that the Council has developed a policy to support the Smokefree signage that has been put in place (as per the motion above). We would like to work with Council to assist with the development of a Smokefree Environments policy, which will reinforce the commitment already made by the Council to the health and wellbeing of its residents and visitors.

Attached is a draft policy that could be adapted for use by the Westland District Council. It is based on a similar policy from the Stratford District Council. With some 30 councils around the country now having adopted such policies, the West Coast Tobacco Free Coalition [WCTFC] is keen to work with Westland Council to formalise their resolution. Ideally members from WCTFC would like the opportunity to discuss the issue further at a suitable committee of Council. This would allow issues and options to be examined in more detail. We would be grateful if you could indicate any suitable dates for such a meeting.

Health begins where we live, work and play. We look forward to working with the Westland District Council to assist them in helping New Zealand to achieve the Smokefree vision.

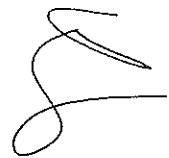
Yours sincerely



Karen Hamilton
Health Promoter
Community & Public Health



Martin Witt
Manager, Health Promotion
Cancer Society



Anne Hines
Health Promoter
Cancer Society

Westland District Council

Smokefree Environments – Council Buildings & Public Spaces

SCOPE

This policy applies to Council owned buildings, swimming pools, playgrounds, parks and sports fields.

RELEVANT LEGISLATION

This policy has been prepared in accordance with the Smokefree Environments Act (1990).

GENERAL POLICY

This is an educational policy. The Westland District Council will be proactive in promoting a healthier community. The Council will demonstrate leadership by promoting a Smokefree lifestyle as being both desirable and the norm in the Westland District. Adults using Council facilities including parks and playgrounds will be smokefree role models for children and young people.

Council Owned Buildings

All Council workplaces are Smokefree work environments, including Council vehicles.

All Council owned enclosed public facilities, such as public halls, are Smokefree. Appropriate signage will be clearly displayed.

Council owned Swimming pools and Surrounds

All Council owned swimming pools are designated smokefree areas, including the outdoor area surrounding the pools. Appropriate signage will be displayed at the entrance to each pool and inside the grounds of each swimming pool.

Council owned Playgrounds and Parks

The public will be asked to refrain from smoking in Council owned playgrounds and parks. Signage will be displayed at the entrance to parks and beside playgrounds asking people to refrain from smoking. Messages on the signage will be positive rather than punitive.

Memo



DATE: 4 August 2011
TO: Chairman and Members of the Strategy Committee
FROM: Manager: Planning and Regulatory

DANGEROUS – EARTHQUAKE PRONE AND INSANITARY BUILDINGS POLICY

Council's existing policy was adopted on 21 September 2006.

At the February Strategy Committee meeting the review of the existing policy commenced. The Committee asked John McKenzie (structural engineer) to address the Committee and requested that the public and building owners be given the opportunity to give feedback on the existing policy.

At its May meeting the Strategy Committee considered written submissions from Chris Manuel, Alex Woods and the Westland Community Centre. Members of the St Mary's Parish and Heritage Hokitika were in attendance and the Committee received verbal submissions.

The Committee's desire to hear from John McKenzie was met with a presentation and members had the opportunity to consider the issues widely and discuss the existing policy with those present.

Staff were asked to consider the submissions made together with the various comments made at the meeting and draft a reviewed policy reflecting the information received.

Accordingly, a marked-up copy of the existing policy is attached.

The Committee also asked that staff prepare a list of buildings that can be identified as possibly needing to be assessed. This task has been completed. The District Building Inspector strongly recommends that an appropriate qualified Structural Engineer be engaged to ascertain the integrity of the list. A copy of the list of buildings that can be regarded as possibly needing to be assessed because they are generally in the nature of unreinforced masonry buildings and buildings constructed prior to 1935 is attached.

Members will note in the reviewed policy (Part 6.2) that as a consequence of the list been compiled the section has not been completed.

The Committee now needs to make a decision as to whether there is sufficient information available for the Committee to proceed with the special consultative procedure. If the Committee wishes to undertake further consideration as part of the review then the Committee should not be bound to proceed with the special consultative procedure at this time. If the Committee is of the view that sufficient work has been undertaken it would be appropriate to recommend to the Council that the reviewed policy (with Section 6.2 suitably concluded) be adopted and proceed through the special consultative procedure.

Recommendation:

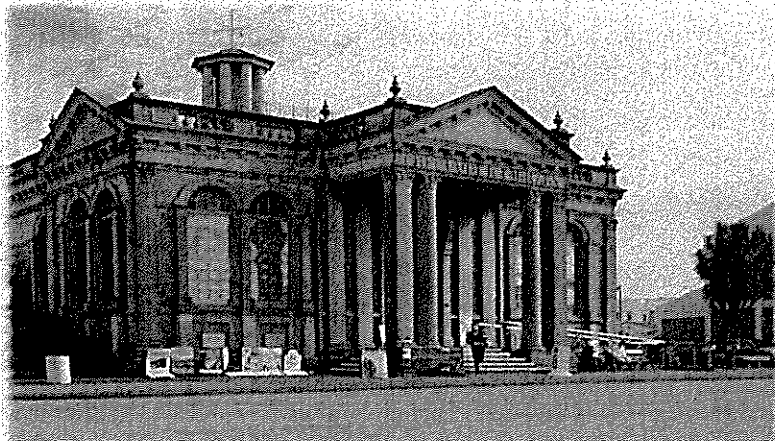
That this report be received.

Richard Simpson

MANAGER: PLANNING AND REGULATORY



**DANGEROUS, EARTHQUAKE-PRONE AND
INSANITARY BUILDINGS POLICY**



FIRST Adopted by Council on Thursday 21 September 2006

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1. INTRODUCTION AND BACKGROUND

Section 131 of the Building Act, 2004 requires territorial authorities to adopt a policy on dangerous, earthquake-prone and insanitary buildings by 31 May 2006.

This document sets out the policy adopted by Westland District Council in accordance with the requirements of the Building Act, 2004.

The policy is required to state:

1. The approach that the Westland District Council will take in performing its functions under the Building Act 2004;
2. Westland District Council's priorities in performing those functions; and
3. How the policy will apply to heritage buildings.

In developing and adopting its earthquake-prone buildings policy, Westland District Council has followed the consultative procedure set out in section 83 of the Local Government Act 2002.

In preparing this policy, Westland District Council has made extensive use of the Department of Building and Housing's guidance documents.

2. BUILDING ACT PRINCIPLES

Section 4 of the Building Act lays down the principles to be applied in performing functions or duties or exercising powers under the Act. The subclauses appropriate to this policy are as follows:

- (2) *In achieving the purpose of this Act, a person to whom this section applies must take into account the following principles that are relevant to the performance of functions or duties imposed, or the exercise of powers conferred, on that person by this Act:*
 - (a) *when dealing with any matter relating to 1 or more household units, —*
 - (i) *the role that household units play in the lives of the people who use them, and the importance of —*
 - (A) *the building code as it relates to household units; and*
 - (B) *the need to ensure that household units comply with the building code:*
 - (ii) *the need to ensure that maintenance requirements of household units are*

reasonable:

- (iii) *the desirability of ensuring that owners of household units are aware of the maintenance requirements of their household units:*
- (b) *the need to ensure that any harmful effect on human health resulting from the use of particular building methods or products or of a particular building design, or from building work, is prevented or minimised:*
- (c) *the importance of ensuring that each building is durable for its intended use:*
- (d) *the importance of recognising any special traditional and cultural aspects of the intended use of a building:*
- (e) *the costs of a building (including maintenance) over the whole of its life:*
- (f) *the importance of standards of building design and construction in achieving compliance with the building code:*
- (g) *the importance of allowing for continuing innovation in methods of building design and construction:*
- (h) *the reasonable expectations of a person who is authorised by law to enter a building to undertake rescue operations or firefighting to be protected from injury or illness when doing so:*
- (i) *the need to provide protection to limit the extent and effects of the spread of fire, particularly with regard to—*
 - (i) *household units (whether on the same land or on other property); and*
 - (ii) *other property:*
- (j) *the need to provide for the protection of other property from physical damage resulting from the construction, use, and demolition of a building:*
- (k) *the need to provide, both to and within buildings to which section 118 applies, facilities that ensure that reasonable and adequate provision is made for people with disabilities to enter and carry out normal activities and processes in a building:*
- (l) *the need to facilitate the preservation of buildings of significant cultural, historical, or heritage value:*
- (m) *the need to facilitate the efficient use of energy and energy conservation and the use of renewable sources of energy in buildings:*
- (n) *the need to facilitate the efficient and sustainable use in buildings of—*
 - (i) *materials (including materials that promote or support human health); and*
 - (ii) *material conservation:*
- (o) *the need to facilitate the efficient use of water and water conservation in buildings:*

- (p) *the need to facilitate the reduction in the generation of waste during the construction process.*

3. DEFINITIONS OF BUILDINGS COVERED BY THIS POLICY

The definitions of dangerous, earthquake-prone and insanitary buildings are set out in sections 121 - 123 of the Building Act 2004 as follows:

121 Meaning of dangerous building

- (1) *A building is dangerous for the purposes of this Act if,—*
- (a) *in the ordinary course of events (excluding the occurrence of an earthquake), the building is likely to cause—*
 - (i) *injury or death (whether by collapse or otherwise) to any persons in it or to persons on other property; or*
 - (ii) *damage to other property; or*
 - (b) *in the event of fire, injury or death to any persons in the building or to persons on other property is likely because of fire hazard or the occupancy of the building.*
- (2) *For the purpose of determining whether a building is dangerous in terms of subsection (1)(b), a territorial authority—*
- (a) *may seek advice from members of the New Zealand Fire Service who have been notified to the territorial authority by the Fire Service National Commander as being competent to give advice; and*
 - (b) *if the advice is sought, must have due regard to the advice.*

122 Meaning of earthquake-prone building

- (1) *A building is earthquake prone for the purposes of this Act if, having regard to its condition and to the ground on which it is built, and because of its construction, the building—*
- (a) *will have its ultimate capacity exceeded in a moderate earthquake (as defined in the regulations); and*
 - (b) *would be likely to collapse causing—*
 - (i) *injury or death to persons in the building or to persons on any other property; or*
 - (ii) *damage to any other property.*
- (2) *Subsection (1) does not apply to a building that is used wholly or mainly for residential purposes unless the building—*

- (a) comprises 2 or more storeys; and
- (b) contains 3 or more household units.

The definition of moderate earthquake is laid down in the Building Regulations, 2005 as:

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

123 Meaning of insanitary building

A building is insanitary for the purposes of this Act if the building –

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

4. OVERALL APPROACH

4.1 Policy Principles

Westland District Council has noted that provisions of the Building Act 2004 in regard to dangerous, earthquake-prone and insanitary buildings reflect the government’s broader concern with the health and safety of the public in buildings and, more particularly, the need to address human safety in the event of an earthquake.

Council is committed to ensuring that the Westland District is a safe and healthy place to live and work while also ensuring that the District continues to develop and thrive. This policy supports the following outcomes from the existing Westland District Long Term Community Plan:

Outcome 1. <u>Health</u>: Healthy communities with access to quality facilities and services.
Outcome 3. <u>Safety</u>: A region that is a safe place to live.
Outcome 5. <u>Environment</u>: The distinctive character of the environment is appreciated and retained.

- Community Outcome – Health: Healthy communities with access to quality facilities and services. Formatted: Bulleted + Level: 1 + Aligned at: 2.54 cm + Indent at: 3.17 cm
- Community Outcome - Safety: A District that is a safe place to live. Formatted: Indent: Left: 3.17 cm
- Community Outcome – Environment: The distinctive character of the environment is appreciated and maintained. Formatted: Bulleted + Level: 1 + Aligned at: 2.54 cm + Indent at: 3.17 cm
- Community Outcome – Identity: A “happening” region with a strong community spirit and distinctive lifestyle. Formatted: Bulleted + Level: 1 + Aligned at: 2.54 cm + Indent at: 3.17 cm

Westland District Council has also noted that the development of dangerous, earthquake-prone and insanitary building policies is up to each territorial authority to determine and has responded accordingly.

This policy ~~was first~~ has been developed and finalized after due consultation with Westland District Council ratepayers and stakeholders in accordance with Section 83 of the Local Government Act 2002. This process involved a submission period and an opportunity for submitters to be heard before the Council decided on final policy content. As a result of that consultative approach, the Council resolved that no part of this policy will apply to Council and Transit New Zealand infrastructure covered by an Asset Management Plan.

The review of the policy commenced in February 2011 with consultation with the public and building owners. The Council also took advice from a structural engineer who had experience with the aftermath and repair of buildings in Christchurch subsequent to the September 2010 and February 2011 earthquakes.

4.2 District Characteristics

The built environment of the Westland District has developed over the last 150 years. European settlement has largely been based around the original early settlements. Construction of buildings has been according to the standards and styles of the period.

Local buildings comprise a range of types and ages with construction techniques ranging from wood and unreinforced masonry buildings to a few modern multi-storey steel and concrete buildings. The great majority of buildings are one or two-storey only.

Westland District is presently experiencing a period of steady economic growth that reflects the confidence in greater agricultural productivity, a growth in tourist activity, increased land prices and an influx of new residents.

Westland District is in a zone of high to moderate seismic activity, with the alpine fault bordering the district, but due to the mountainous terrain – a very low density of building stock exists close to the Main Divide. Farm Buildings and Recreational Huts make up the greater percentage of buildings in this higher risk location of the District. However, the townships of Franz Josef/Waiiau and Fox Glacier are in very close proximity to the alpine fault.

It is estimated that a movement in the alpine fault could produce shaking intensities in the region of 8 on the Modified Mercalli Scale over much of the District with intensities of 9 on the Mercalli Scale being experienced in the immediate vicinity of the fault line. (Reference:- "Probability and Consequences of the Next alpine fault Earthquake – Geotech Consulting Ltd"). Additionally, it is estimated that the next large to great earthquake rupture has a likelihood of being between 25% - 33% probability in the next 50 years.

In developing this policy the Westland District Council must balance the need to protect public health and safety against the economic implications of requiring significant remedial building work and the community's desire to protect heritage structures.

Dangerous and Insanitary Buildings are addressed in this first part of the Policy, while Earthquake Risk Buildings are addressed in the second part.

5. DANGEROUS AND INSANITARY BUILDINGS POLICY

5.1 Policy Approach

Conversions of existing buildings, lack of maintenance, lack of appropriate facilities, overcrowding and un-consented alterations can cause serious health and safety problems.

The failure to obtain a building consent or the use of buildings for unauthorised purposes can pose a danger to the occupants as well as users. Dangers may include danger of collapse, inadequate fire protection or means of escape.

The development of the New Zealand Building Code and associated standards creates, over time, an effective "raising of the bar" for the standards which buildings and Building Owners must meet. Existing buildings must be maintained appropriately in order to continue to meet such standards.

The Council is actively involved in educating the public on Building Act matters with a view to encourage owners to obtain building consent where necessary. The Council treats building safety as a serious matter; buildings must be safe for their intended use and for Occupiers.

5.2 Identifying Dangerous or Insanitary Buildings

The Council will identify potentially dangerous or insanitary building on the basis of:

1. Complaints from members of the public.
2. Advice received from Council staff.
3. Complaints or advice from other agencies (e.g. local health providers, NZ Police, trades people).

5.3 Assessment/Prioritisation Criteria

The Council will assess potentially dangerous or insanitary buildings in accordance with sections 121(1) or 123 of the Act as appropriate and in terms of the level of risk to public health or safety that is presented.

The Council will give priority to buildings that have been determined to present such a high level of risk as to warrant immediate action to remove the risk.

Options for such immediate action include:

- Prohibiting any person from occupying or using the building;
- If necessary, erecting barriers and warning signs, plus securing the building to prevent entry until such time as remedial action can be taken;
- Undertaking remedial action under s129 of the Building Act. Note that, in the case of insanitary buildings, the Council reserves the right to use its powers available under s34 of the Health Act, 1956.

Where the Council undertakes remedial action under either s129 of the Building Act or s34 of the Health Act, all costs will be recoverable from the building owner(s) as provided for in the relevant legislation.

Buildings that are determined to present a serious risk which is not immediate will be subject to the minimum timeframes for reduction or removal of the danger (being not less than 10 days) as set out in s124(1) (c) of the Act.

In addition to remedial action, the Building Act 2004 also empowers the Council to prosecute Building Owners and this power may be considered at times by the Council.

5.4 Investigation and Enforcement Process - Dangerous or Insanitary Buildings

The Council will:

1. Respond to and investigate all building complaints received.

2. Identify from these investigations any buildings that are dangerous or insanitary.
3. Assess the level of risk presented by the building and, if required, take immediate action.
4. Inform the owner and occupier of the building to take action to reduce or remove the danger or insanitary condition, as required by s124 and s125 of the Act.
5. Liaise with the New Zealand Fire Service when Council deems it appropriate, in accordance with s121 (2) of the Act which provides that:

“For the purpose of determining whether a building is dangerous in terms of s121 subsection (1) (b), a territorial authority-

(a) May seek advice from members of the New Zealand Fire Service who have been notified to the territorial authority by the Fire Service National Commander as being competent to give advice; and

(b) If the advice is sought, must have due regard to the advice.”

6. Where the building is a heritage building listed in Council’s District Plan or a building listed in the New Zealand Historic Places Register, the New Zealand Historic Places Trust shall also be advised and consulted.

If the building is found to be dangerous or insanitary but does not present an immediate risk the Council may:

7. Attach written notice to the building requiring work to be carried out on the building, within a time stated in the notice being not less than 10 days, to reduce or remove the danger.
8. Give copies of that notice to the building owner, occupier and every person who has an interest in the land, or is claiming an interest in the land, as well as the New Zealand Historic Places Trust, if the building is a registered heritage building.
9. Contact the owner at the expiry of the time period set down in the notice in order to gain access to the building to ascertain whether the notice has been complied with.
10. Where the danger is the result of non-consented building work the owner will formally be requested to provide an explanation as to how the work occurred and who carried it out and under whose instructions.

11. Pursue enforcement action under the Building Act 2004 and Health Act 1956 and recover actual and reasonable costs.

All owners have a right of objection as defined in the Act, which can include applying to the Department of Building and Housing for a determination under s 177(e) of the Act. However a formal objection process will be available whereby written objections may be lodged with the Council for a hearing and review by the Council's or an appropriate Planning and Development Council Committee. Council will reserve the right to recover costs of this process from Objectors and / or Building Owners.

5.5 Interaction between this Policy and Related Sections of the Act

Section 41 of the Building Act 2004 provides for situations where, because of the urgency of the work to be done, it is not practical to apply for a building consent before the work is undertaken. In cases where a building is assessed as being immediately dangerous the Council may not require a building consent to be obtained for any building work considered to be immediately necessary to remove the danger. However, prior to any action being taken it is essential that building owners provide a written proposal of any proposed works to the Council for agreement on the matter.

5.6 Record Keeping

Any buildings identified as being dangerous or insanitary will have a requisition placed on the Council's records for the property on which the building is situated until the danger or insanitary condition is remedied.

In addition, the information will be placed on any Land Information Memorandum (LIMs) and will be available for public release in accordance with the provisions of Local Government Official Information and Meetings Act 1987.

6. EARTHQUAKE-PRONE BUILDINGS POLICY

6.1 Policy Approach

Because of the high to moderate seismic risk, with the alpine fault extending through the length of the District, Westland District Council has pursued a policy of encouraging the strengthening of earthquake-prone buildings through the building consent process and at times when alterations are being considered. It was clear during the review of the original policy that building owners took the opportunity of undertaking seismic upgrading work when other building work was carried out.

In developing this policy further the Westland District Council must balance the need to protect public health and safety against the economic implications of requiring

significant remedial building work and the community's desire to protect heritage structures. In some instances, property owners have acted on their own accord and have carried out strengthening work.

Some buildings have also been strengthened in accordance with the requirements of Section 46 of the Building Act 1991 and as a result of the previous version of this policy.

In developing its approach to this policy, Westland District Council has to consider key issues of:

- Economic impacts of progressively strengthening building stock in anticipation of an earthquake that could damage the building stock.
- Economic impacts of NOT strengthening building stock and incurring the cost of repair / replacement all at the same time and at the same time that infrastructure may be damaged and require repair as the result of an earthquake.
- The level of risk to human life and safety which can be tolerated over both the short and long term if building strengthening is delayed.

In considering the key issues, the Council needs to achieve a balance between a number of conflicting issues and concerns:

- The safety of the public when an earthquake event occurs.
- The likelihood, severity and potential timing of a major earthquake and effects on different locations within the District.
- The economic impact on the District of a major earthquake.
- The relative age and condition of non-residential buildings within the District.
- The costs of undertaking a comprehensive review of potentially earthquake-prone buildings and the availability of funding for this work.
- The costs of planned and progressive strengthening of buildings versus the economic impact of catastrophic failures caused by an earthquake.
- The costs to building owners of undertaking various levels of strengthening work and the potential economic impact (including loss of businesses) to the District.

- The risk that buildings which are uneconomic to strengthen will be demolished and that the character of the built environment in Westland District will alter as a result.
- The potential loss of heritage buildings as the result of this process.
- The need for statutory compliance by Building Owners and the Council.

Westland District Council's Earthquake-Prone Building Policy needs to reflect Council's approach to reduce earthquake risk over time, but in a way that is acceptable to its ratepayers in terms of the key well-beings; - economic, social, environmental and cultural.

6.2 Identifying Earthquake-Prone Buildings

~~As part of the policy review process, a list of buildings in Westland considered to be "possible earthquake prone buildings" was compiled and.....~~

~~The Council does not intend to conduct a preliminary "desk top" assessment of the districts' building stock. Alternately~~

~~The following criteria will now apply drive when the Council becomes involved;~~

1. When a Building Consent Application is received, or;
2. When a "Change the Use" occurs; or
3. When complaints are made or concern is received about the state of a building and the Council considers there are grounds for further investigation and assessment.

6.2.1 Building Consent Applications

~~On receipt of an application for a Building Consent relating to alterations to an existing building, the Council will require an assessment of structural strength of the entire building or parts of the building. Such an assessment will address whether or not the building could be earthquake-prone.~~

- ~~i. Require an assessment of structural strength of the entire building or parts of the building. Such an assessment will address whether or not the building could be earthquake-prone;~~
- ~~ii. Assess whether or not the work to be consented will be so minor that it will not impact on the structural integrity of any part of the building.~~

Where a Building Consent is applied for and a satisfactory assessment of structural strength of the building, or relevant parts of the building, has NOT been accepted by the Council, then a Building Consent will not be issued or progressed further, until the Council has been satisfied that the ~~building, or parts of the building subject to the Building Consent Application,~~ currently building currently meets the minimum requirements of this policy for structural strength, or will do so upon completion of the proposed works.

6.2.2 "Change the Use" Applications

All owners wishing to change the use of a building must advise the Council of their ~~intentions in writing~~ intentions and the Council must be satisfied that the requirements of section 115 of the Building Act 2004 can be met after the change of use has occurred.

Section 115 of the Act requires that, where the use of a building changes, and prior to issuing a code compliance certificate, the Council must be:

*"satisfied, on reasonable grounds, that the building, in its new use, will –
(i) comply, as nearly as is reasonably practicable and to the same extent as if it were a new building, with the provisions of the building code that relate to –
(A) means of escape from fire, protection of other property, sanitary facilities, structural performance..."*

~~In the case of a "Change the Use" (section 115 of the Building Act 2004), Building Owners are required to ensure that their building has the same strength as a NEW building. As such this aspect cannot be subject to this policy with regard to providing for a lesser level of strength, or for objections to statutory requirements.~~

6.2.3 Complaints

Potentially earthquake-prone buildings may also be identified as the result of complaints about a specific building or following investigations into complaints about dangerous or insanitary buildings.

6.3 Assessment and Strengthening Criteria

For practical purposes relating to this policy, Westland District Council will define earthquake-prone buildings as those that, when subject to moderate earthquake shaking, do not achieve 33% of ultimate limit state as defined in the loadings and materials Standards for new buildings, with the exception of those buildings that have special strategic "Life Lines" importance to the Westland District as set out in section 6.3.2 of this policy.

The Council will require prior assessment and reporting by an appropriately qualified person or persons of the structural strength of a building, at the Building Owners expense. Such assessment will be provided to the Council before a Building Consent is issued for any structural work on the building or parts of the building.

~~Where the building (or part of the building) is assessed as being potentially earthquake-prone and the work to be consented will not impact on the structural integrity of the building, the Council will require the building owner to undertake, within fifteen years of the date of the Building Consent Application, the strengthening work detailed in the Structural Strength Assessment Report that has been accepted by the Council in conjunction with the work that prompted the need for the assessment.~~

~~If upon expiry of the period of fifteen years and the strengthening work subject to the Structural Strength Assessment Report, has not been satisfactorily completed, then the Council will determine the safety of the building and if necessary declare the Building to be Dangerous.~~

~~Notwithstanding the above situations, if at any time a building poses a risk to persons or property due to the risk of partial or total collapse in an earthquake, then the Council may declare the building dangerous and proceed in accordance with adopted policy in that regard.~~

6.3.1 Assessment Process, Criteria and Cost

Assessment of whether or not a building is earthquake-prone will be undertaken by an appropriately qualified person – i.e. a Chartered Professional Engineer with expertise in Earthquake Engineering and preferably recognised by the New Zealand Society of Earthquake Engineers. The Council anticipates that in the majority of occasions that the Building

Owner will commission Structural Strength Assessment Reports on affected buildings. However the Council recognizes, that at times to fulfill its statutory obligations, some investigation and assessment may have to be commissioned by the Council and recovered from the Building Owner.

In addition to the more generic risks of the likely probability and magnitude of an earthquake affecting the building, assessments will take into account the following factors specific to the building and its site:

- Hazard – geographic proximity to an earthquake hazard/fault line.
- Vulnerability of site – building site conditions, especially with regard to liquefaction risk and soil types.
- Vulnerability of building – construction methods, materials, maintenance, current condition, height, design and loadings.
- Importance – of building and/or contents, e.g. strategic value of the building.
- Damage – risk of the building damaging neighbouring property.
- Exposure – the numbers of people using the building and frequency of use.

In all situations Building Owners will be required to fund 100% of costs incurred in assessment and strengthening of a building, including Objection Hearings Panel, Council staff, consultancy and legal costs, unless the Council's Funding Policy specifically contains provision for remission due to public benefit.

6.3.2 Strengthening Requirements

Westland District Council will use the New Zealand Society for Earthquake Engineering Recommendations as its preferred basis for defining technical requirements and criteria. These Recommendations are designed to be used in conjunction with AS/NZS 1170 Loadings Standard, NZS 3101 Concrete Structures Standard, NZS 3404 Steel Structures Standard and other materials Standards.

Where a building is formally identified as being earthquake-prone, the Westland District Council will apply the following strengthening criteria:

"A Buildings" with special post-disaster functions as defined in AS/NZS 1170.0: 2002, Importance Level 4, to be strengthened to a minimum of 67%.

"B Buildings" that contain people in crowds or contents of high value to the community as defined in AS/NZS 1170.0: 2002, Importance Level 3, to be strengthened to a minimum of 33%, with strengthening to 67% to be strongly encouraged.

"C Heritage" buildings listed in Council's District Plan Schedule, Marae and buildings listed in the New Zealand Historic Places Trust Register to be strengthened to a minimum of 33%.

"D Buildings" with an Importance Level of less than 3 as defined in AS/NZS 1170.0: 2002 and identified as being earthquake-prone to be strengthened to a minimum of 33%.

6.3.3 Partial Strengthening

~~On occasion, the detailed assessment may find that only part of a building is earthquake prone and requires strengthening e.g. an addition or façade. In these situations, Council will decide on the level of strengthening and the timetable for remedial action on a case-by-case basis.~~

6.4 Liaison with Building Owners and Taking Action on Buildings Likely to be Earthquake-Prone

Before exercising its powers under section 124, Westland District Council will seek to discuss options for remedial action with affected building owners to reach agreement on the best approach to deal with the danger. The building owner will then be required to submit a formal proposal to Council which confirms the works to be undertaken to strengthen the building, remove the danger or remove the building.

In the event that discussions do not result in a mutually acceptable proposal, Westland District Council will serve a formal notice on the building owner to strengthen or demolish the building. A Building Consent will not be issued that could extend the building life or maintain / increase the level of danger to building occupants or neighbouring persons / buildings, unless the Building Consent also includes strengthening of the building / parts of the building, to the Councils' satisfaction.

Westland District Council will:

- i. Advise and liaise with the owners of buildings identified as earthquake-prone.
- ii. Encourage building owners to carry out an independent assessment of the structural performance of those buildings identified as earthquake-prone.

- iii. Serve formal notices on owners of earthquake-prone buildings in accordance with the building act 2004, requiring them to remove the danger.
- iv. Allow building owners to object to the classification of the building within 12 months of receipt of the notice.

6.5 Interaction Between Earthquake-Prone Building Policy and Related Sections of the Act

6.5.1 Section 112: Alterations to Existing Building

Whenever a building consent application is received for significant upgrading or alteration of a building that is or could be earthquake-prone, then, irrespective of the general priorities set by Westland District Council for dealing with earthquake-prone buildings, the Council will not issue a building consent unless it is satisfied that the building is not earthquake-prone and that the building work will not detrimentally affect the building's compliance with the Building Code. The obligation rests upon the Building Owner to show that the building is not of lesser levels of earthquake resistant strength than shown in this policy.

6.6 Recording a Building's Earthquake-Prone Status

Westland District Council will keep a register of all earthquake-prone buildings noting the status of requirements for improvement or the results of improvement as applicable.

In addition, the information will be placed on any Land Information Memorandum (LIMs) and will be available for public release in accordance with the provisions of Local Government Official Information and Meetings Act 1987. The information will be available at the Council offices and via the LIM process.

7. HERITAGE BUILDINGS

Heritage buildings are those listed in Councils District Plan Schedule, Marae and buildings listed in the New Zealand Historic Places Trust Register. The Building Act 2004 recognises that special provision shall be made for such buildings. Westland District Council believes it is important that its heritage buildings have a good chance of surviving a major earthquake in order to retain these important connections to the District's history and unique character. However, Westland District Council does not wish to see the intrinsic heritage values of these buildings adversely affected by structural improvement measures.

Heritage buildings will be assessed in the same manner as other potentially dangerous, earthquake-prone or insanitary buildings and as per ss121-123 of the Act and discussions will be entered into with the owner and the New Zealand Historic Places Trust (pursuant to s125(2)(f) where the building is contained in their Register) to identify a mutually acceptable

way forward which meets heritage objectives and Building Act requirements included in this Policy as near as is reasonably practicable in the circumstances.

Council will serve notices requiring upgrading or demolition within specified timeframes, in consultation with building owners. A copy of any notice issued under s124 of the Act will be sent to the Historic Places Trust in the case of all heritage buildings. Any upgrading work must take into account the principles of the International Council on Monuments and sites (ICOMOS) NZ Charter, any advice from Council's heritage staff or other heritage professionals or organisations, where applicable and should be designed to involve minimal loss to heritage fabric.

Waivers of modifications of the building code will be considered on a case by case basis and seismic strengthening methods that respect heritage values will be supported.

It is not expected that Council Funding of Structural Strength Assessments and Strengthening Works will occur. The Councils' Funding Policy will also be relevant to this matter.

Demolition is an option of last resort for heritage buildings.

8. OBJECTIONS

In the first instance, building owners or other directly affected parties who wish to object to a building being (or not being) declared dangerous, earthquake-prone or insanitary should record their objections in writing to the Council ~~Chief Executive Officer~~ General Manager who will undertake an investigation of the circumstances of the building and the reasons behind the Councils' decision on the matter and arrange for an appropriate ~~the Planning and Development~~ Committee of Council to review the decision and if necessary to hear evidence from parties involved. The Committee decision will be provided by way of response to an objection.

Further legal remedies and application to the Department of Building and Housing for a Determination are also available to Building Owners.

The Council reserves the right to recover actual and reasonable costs incurred in conducting review and objection processes, in accordance with fees set from time to time.

Priority will be given to objections where the building has been declared to be of such as risk as to require immediate remedial action so that no undue delays are caused.

8.1 Determinations

Building owners and a variety of other interested parties can formally object to the Council's decision through the right to apply to the Chief Executive of the Department of Building and Housing for a determination. Determinations can be

applied for concerning the Council's decisions to issue or not issue a consent or code compliance certificate, or to exercise its powers concerning dangerous, earthquake-prone or insanitary buildings. Sections 176 – 190 of the Building Act lay out the requirements for determinations.

9. **ECONOMIC IMPACT OF POLICY**

The economic impact of the dangerous and insanitary buildings section of this policy is assessed as being minor, since there are relatively few such issues each year.

The economic impact on the District of an earthquake involving the alpine fault is likely to be very substantial given the probability of a significant earthquake that is predicted to adversely affect building structures in the District. ~~Such an earthquake is predicted as having a probability of 65% (+/- 15%) of occurring within the next 50 years.~~ Given the high level of risk (in terms of both severity and likelihood), it would seem reasonable for Westland District Council to pursue a much more proactive stance on earthquake-prone buildings. However, the Council is sensitive to issues such as the limited rating base and potential costs to Building Owners.

10. **REVIEW**

Pursuant to section 132 of the Building Act 2004 this policy is required to be reviewed by the Council every 5 years. Any amendment or replacement of the policy must be in accordance with the Local Government Act 2004 Special Consultative Procedure.

This Policy was first adopted by the Westland District Council on Thursday 21 September 2006.
It was reviewed and amended in 2011 and was adopted on

The following buildings could be “possible earthquake-prone buildings” because they are probably in the nature of unreinforced masonry buildings and buildings designed or constructed prior to 1935.

Buildings marked with an * are masonry buildings or buildings with high amount of concrete or stone work.

Otira Hotel	Otira Hall
Kumara Hall	Kumara Roman Catholic Church
Kumara Racecourse grand stand	Empire Hotel Kumara
Hokitika Racecourse grand stand	St Mary’s Church*
All Saints Church*	St Andrews Church*
Renton’s Hardware*	Hokitika Electric*
Elcock and Johnston*	65 Revell Street (jade shop)*
Ocean Side Back Packers	Seddon House*
Most of the shop veranda’s in Revell Street and Weld Street	
National Bank*	Millie’s Restaurant
RSA Building*	Porky’s Takeaways
Architect’s Office 68 Weld Street*	82 Sewell Street
Pierson’s Scaffolding	Railway Hotel (Veranda)
Crooked Mile Theatre	Historic Empire Hotel Ross
St James Church Franz	Chateau Franz, 8 Cron St
Heartland Hotel, 11 Cook Flat Rd	



Memo

DATE: 8 August 2011
TO: Strategy Committee Members
FROM: Manager Planning and Regulatory

CLASS 4 GAMBLING VENUE POLICY

- 1) Late in 2010 the Council resolved to publically notify through the special consultative procedure, a reviewed Class 4 Gambling Venue Policy. The Council also resolved that any submissions received as a consequence of the notification be dealt with by the “Planning and Development Committee”.
- 2) Council also required that the Planning and Development Committee was to report back to the Council prior to a final decision being made on the adoption of the Policy.
- 3) Three submissions were received and the Strategy Committee considered the proposed Policy and the submissions at its meeting held in February 2011.
- 4) As a result of the submissions the Committee resolved to undertake further work in the nature of a health and social impact assessment so that members could become better informed as to whether there were effects of gambling in the Westland District.
- 5) The submitters were advised of the decision and the date for the assessment meeting was set down for 27 May 2011.
- 6) Invitations were extended to 48 people and parties and 24 people (including staff from Community Public Health and Council) participated.
- 7) A report summary prepared by Community and Public Health on the assessment day is attached.
- 8) Two letters were also tabled at the Social Impact Assessment day by Community and Public Health who had received the letters directly. It was accepted that the letters were rightly in the domain of the Council and copies of the letters from John Breeze and Bevan Hall are attached.
- 9) A copy of the notified Policy is attached.

- 10) The Committee now needs to decide what to do with the Proposed Class 4 Gambling Venue Policy.
- 11) The Policy has been through the special public consultative procedure, a Social Impact Assessment workshop has been held with a wide variety of participants, a report is available that recommends some Policy changes and further feedback has been received (in addition to that which was originally received) and the Committee now needs to make a decision as to how to deal with the proposed Policy.
- 12) The Committee is not obliged to amend the Policy as a consequence of the Social Impact Assessment workshop.
- 13) If the Committee does wish to amend the Policy, the Committee will need to consider whether the Policy is amended to an extent that would warrant further public consultation.
- 14) The Committee's decision will be a recommendation to Council.
- 15) It is anticipated that a Representative of Community and Public Health will be in attendance at the meeting.

Recommendation:

That this report be received.

Richard Simpson

MANAGER: PLANNING AND REGULATORY

GAMBLING VENUE POLICY

1. Objectives of the Policy

- 1.1 To minimise the harm to the community caused by gambling;
- 1.2 To control the growth of gambling in the District;
- 1.3 To ensure the Council and the community have influence over the provision of new gambling venues in the District;
- 1.4 To allow those who wish to participate in gaming machine or TAB gambling to do so responsibly within the District.

2. Where TAB Venues may be established

TAB Venues may be established within the Westland District subject to:

- 2.1 Meeting application and fee requirements;
- 2.2 Not being a venue primarily associated with family or children's activities.

3. Where Class 4 Gambling Venues may be established

Class 4 Gambling Venues may be established within the Westland District subject to:

- 3.1 Meeting the application and fee requirements;
- 3.2 Not being a venue primarily associated with family or children's activities;
- 3.3 New venues must provide a separated area for Class 4 Gambling;
- 3.4 Established venues applying to increase the number of gaming machines within the venue must provide a separated area for Class 4 Gambling.

4. Number of gaming machines to be allowed

- 4.1 New venues shall be allowed a maximum of no more than 9 gaming machines;
- 4.2 Venues with licences issued after 17 October 2001 and operating fewer than 9 gaming machines shall be allowed to increase the number of gaming machines operated at the venue to 9;
- 4.3 Existing venues with licences issued before 17 October 2001 shall be able to increase the number of gaming machines in the venue to no more than 9 and where, at the date of the adoption of this policy, existing numbers of machines are greater than 9, that number can be maintained.

5. Applications

Applications for consent for new venues must be made on the approved form and must provide:

- 5.1 Name and contact details of the applicant;
- 5.2 Street address of the premises;
- 5.3 A site plan covering both gambling and other activities proposed for the venue;
- 5.4 Details of any liquor licence(s) applying to the premises;
- 5.5 Any relevant gambling harm minimisation policies;
- 5.6 Suitability of the applicant.

6. Decision Making

- 6.1 Upon receipt of a complete application form containing all required information and the full application fee, the Council has 30 working days to determine a decision;
- 6.2 The decision on an application will be made by the Planning and Development Committee pursuant to delegated authority and be based on the criteria detailed in this policy.
- 6.3 Where applications for Class 4 Gambling Consents can be demonstrated to be in full compliance with Council's Class 4 Gambling Policy, the approval of the application is delegated to the Chief Executive Officer.

7. Application Fees

These will be set by the Council from time to time, and shall include consideration of:

- 7.1 The cost of processing the application, including any consultation and hearings involved;
- 7.2 The cost of establishing and triennially reviewing the Class 4 Gambling Venue and TAB Venue policy;
- 7.3 The cost of inspecting Class 4 Gambling Venues on a regular basis to ensure compliance with consent conditions;
- 7.4 A contribution towards the cost of triennial assessments of the economic and social impact of gambling in the district.

8. Monitoring and Review

- 8.1 The Council will review the policy within 3 years of its adoption and then within 3 years after that review and after each subsequent review;
- 8.2 The Council will monitor the social and economic impact of gambling on the community as part of the policy review process;
- 8.3 The Council may amend this policy as a result of the findings of the social and economic impact monitoring;

- 8.4 Any review or amendment of this policy will be undertaken in accordance with the special consultative procedure outlined in the Local Government Act 2002.

9. Commencement of Policy

- 9.1 This policy is required to be adopted by the Council in accordance with the special consultative procedure provided for in the Local Government Act 2002.
- 9.2 The initial resolution to adopt this policy was passed by the Westland District Council at an ordinary meeting of the Council held on 21st October, 2010 and will be confirmed, following consideration of submissions received during the special consultative procedure, by a resolution at a subsequent meeting of the Council.
- 9.3 This policy will take effect from the day after its adoption by the Council.

Westland District Gambling Venue Policy Review

Social Impact Assessment Report Summary

Background

Councils are legally required to adopt Class 4 Venue and TAB Policies. In doing so, Councils must have regard to both the Gambling Act 2003 and the Racing Act 2003. However, the Gambling Act and the Racing Act have different purposes. *While the key purpose of the Racing Act is to support and promote the long-term viability of NZ racing, the key purposes of the Gambling Act are to control the growth of gambling and to prevent and minimise the harm that can be caused by gambling, including problem gambling.*

The Gambling Act takes a very broad view of problem gambling and defines problem gambling as “harm or distress of any kind arising from, or caused or exacerbated by, a person’s gambling, including personal, social, or economic harm suffered by (the) person, their spouse / partner, family, whanau or wider community; or in the workplace; or by society at large.”

Adverse impacts of problem gambling include physical and mental health issues, suicide attempts and suicides, relationship break-ups and family neglect, lost time at work or job loss, crime and ‘inherited’ problem gambling behaviours. While problem gambling is often hidden from wider society, once a case becomes public, family members can carry the embarrassment and burden for many years.

As set out in the Gambling Act, Council **must** have regard to the social impact of gambling within its district. In making its decisions regarding gambling, Council may also have regard to the characteristics of the district, or parts of the district, location of amenities such as schools, churches etc, and the cumulative effects of additional opportunities for gambling in the district.

A Social Impact Assessment (SIA) was carried out to inform the review of the Westland District Council’s Gambling Venue Policy. SIA is a process that involves many stakeholders, uses national and international research and local knowledge to debate and assess a proposed policy for impacts, or possible impacts, on the well-being of people and their communities. Participants in the SIA workshop are detailed at the end of this report.

Key Findings

The Westland District, in particular the area of Hokitika Urban, is at high risk for problem gambling via its low socio-economic status, levels of deprivation as well as its high density of, and expenditure on gaming machines.

Using current research, it is estimated that within the Westland District between 20 and 121 people may be problem gamblers and that between 140 and 2,057 people are currently harmed by someone else’s gambling.

Class 4 Gaming Machines (C4GM, Pokies) are associated with high levels of problem gambling because of their continuous nature of use. Research also shows that problem gambling numbers are increased for each new electronic gaming machine.

There is potential for unlimited growth in both venue and machine numbers in Westland as no cap exists within the current Policy; although any new venue is restricted to no more than nine machines.

The Westland District already has one and a half times the national average of Class 4 Gaming Machines (this increases to almost three times within Hokitika Urban) and the per capita 18+years spend on gaming machines is well above that of comparative districts.

It was argued that areas within Westland do benefit from Community Grants made as a result of gaming machine expenditure within the District. However, these benefits amount to less than 40% of total Westland expenditure in the gaming machines (\$1 987 903 in the year to March 2010) and are restricted to the areas with the machines. Communities such as Haast, Kumara, and Otira do not have access to grants.

Hokitika:

The workshop agreed that the establishment of new venues and machines needs to be more restrictive within Hokitika as the density is already very high compared with the national average. It was agreed that when a Hokitika venue closed or reduced their machine numbers that this should then become the cap for venues and machines- this would effectively be a sinking lid policy in Hokitika.

The workshop agreed that any existing Class 4 venue within the Hokitika Urban area should be permitted to relocate. The intent of this discussion was to ensure the business could continue if the venue site was damaged by fire, earthquake or similar event.

* Please note: Recent discussion with Department of Internal Affairs revealed that if an existing venue was to move to another location in Hokitika they would require a new consent and be allowed a maximum of 9 machines at the new location. Furthermore, the Act allows a six-month 'window of opportunity' for another operator to establish at the former site without seeking any further consent from the Council. This 'new venue' is able to establish with the number of machines previously consented for that site. This could happen despite the sinking lid policy and would effectively increase the total number of venues and machines in Hokitika.

Other communities in Westland:

There was a split in opinions regarding venues and machine numbers in the outlying areas e.g. Kumara, Haast, Otira. These communities do not have access to Community Grants derived from the machines. As there is potential for increased tourist numbers in many areas, (e.g. in Kumara with the Cycle Trail), there may be an increase in demand for gaming machine venues to provide a service to tourists. This highlighted a need to determine if tourists are great users of machines – Haast has no machines at present and there have been no requests in recent years for them to be established.

There is a need to balance the establishment of Class 4 consents against the wider social costs of having venues and machines in the outlying areas as they are often the places that would be greatly at risk of problem gambling issues if venues were established. Furthermore, these areas already have less access, due to distance etc, to social services if issues arise.

No agreement could be made regarding Class 4 venues or machine numbers in outlying areas (and therefore the total Westland District). However, the group determined that geographic concentration needs to be acknowledged when assessing any new applications outside of Hokitika.

There was discussion regarding the inability of outlying areas to receive Community Grants from Gaming Machine Societies. This identified a need to find out where the geographical boundary is drawn, and to investigate if there are other ways of ensuring a more even spread of Community Grants funding within the District. The workshop noted that Council currently receives a high percentage of the Community Grants funding (51% in year to September 2010) which may allow for greater opportunity for more even distribution across the District; especially with advocacy from Council to funding societies.

TABs

The current Policy allows for stand-alone TABs (with or without Class 4 Gaming Machines) to be established within Westland. The New Zealand Racing Board has recently moved to establish Class 4 Gaming Machines in their stand-alone venues in other parts of New Zealand; currently 20% of stand-alone TABs have Class 4 Gaming Machines. There are indications that revenue from these machines is used to offset costs of the TAB venues.

If TABs with gaming machines are established within Westland, there is potential for a reduction in the number and value of community grants being allocated to sports, education and social services within our community. It is also likely that the authorised purpose of the TAB gaming machines would be to support the development of racing, so profits may not necessarily be disbursed within Westland.

The workshop agreed that no stand-alone TAB venues should be permitted to establish within Westland.

Recommendations

The SIA group affirms and supports the objectives of the current Policy and made the following recommendations:

1. That no stand-alone TABs may be established within the Westland District.
2. To avoid growth of, and achieve a reduction in, Class 4 venues and machines in Hokitika, that no new venues should be permitted to establish within Hokitika – effectively a sinking lid policy in Hokitika.
3. If an existing Hokitika venue closes or relinquishes machines the permitted number of venues and machines would reduce as per the sinking lid policy.
4. An existing Hokitika Class 4 venue is permitted to relocate if the venue site is damaged by fire, earthquake or similar event which would prevent business on that site for at least 6 months. (see * above)

5. There is a need to acknowledge and consider geographic concentration when assessing any applications from areas outside Hokitika. The Westland District Council will need to decide on the policy for venues and machines outside of the Hokitika urban area as consensus on this could not be reached at the SIA.

Rosie McGrath
Community & Public Health – Greymouth

SIA Workshop Participants

Cr Murray Montagu; Westland District Council.
Cr Frances Stapleton; Westland District Council.
Kathryn Leafe; Focus Trust.
Snr Sgt Tim Crawford; New Zealand Police.
Rosie McGrath; Community Public Health.
Karen Hamilton; Community Public Health.
Carol McIntosh; Community Public Health.
Alison Bourn; Community Public Health - facilitator.
Peter Dawson; Hokitika Ministers Association.
Corrina Gestro-Best; WestREAP.
Rehia McDonald; Home Builders.
Rosina Newland; Rata Te Awhina Trust.
John Winsley; Hokitika Christian Fellowship.
Cath Rodgers; Hokitika Chartered Club.
Kyle Scott; Hokitika Chartered Club.
Ian Gilbertson; Hokitika Chartered Club.
Gloria McManaway; Pioneer Hotel.
Drew Howat; Westland District Brass Band.
Kay Mitchell; West Coast Badminton.
Adrienne Coleman; West Coast Badminton.
Glenys Byrne; Westland District Council as a funding beneficiary.
Derek Blight; Community representative.
Rebecca Strang; District Planner, Westland District Council.
Richard Simpson; Westland District Council Manager: Planning and Regulatory.

Memo

DATE: 25 July 2011
TO: Members of the Strategy Committee
FROM: Rebecca Strang, District Planner

RC 090171: REQUEST TO WAIVE RECREATION CONTRIBUTION

A letter from Durham Havill of Westland District Properties Limited is attached.

My understanding of the intent of his letter is to seek the support in principle of the Strategy Committee to change the conditions of RC 070191 in order to remove the requirement to pay recreation contributions of \$48000.

The resource consent to subdivide Lot 2 DP 355661 into 26 allotments is attached. The condition relating to recreation contribution is condition 19 and requires a contribution of \$48000 towards recreation facilities.

Recreation contributions are required for any additional allotments created during subdivision and are able to be utilised by Council to cater for increased pressure on existing recreation facilities and to contribute towards new projects. It is important to note that the contributions are not 'reserve contributions', imposed by many other local authorities, which seek to provide open space.

A number of previous applicants have requested that recreation contributions be waived in lieu of the vesting of land as reserve. The Planning and Development Committee has previously waived a percentage of a recreation contribution for Racecourse Terraces Ltd in order to secure the Hokitika Heritage Walkway and Reserve. Franz Josef Developments Ltd sought through RC 090117 to reduce the contribution in recognition of landscaping and formation of a walking track, and 080154 to vest land to form a memorial park. Callery Holdings Ltd sought to vest land as walking tracks and land for a playground as part of RC070129. These proposals were declined by the Planning Department as the District Plan does not provide any leeway to accept land instead of financial contribution. Vesting land as reserves and walkway forms part of good subdivision design.

It is more appropriate for a request to be made to Council to utilise money from the recreation contribution fund to furnish the reserve. This also provides Council with the ability to carefully plan where parks are needed, rather than responding to each developer.

Recommendation: That the request to waive the recreation contribution is declined. Westland Properties be encouraged to apply to Council/ another committee for funding to be provided out of the recreation fund.

CCO 4-5



Westland properties

CEO	MANAGER	ME	MAN	MF	MPA	CSO	ENG
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15th July 2011

RECEIVED
 25 JUL 2011
 BY: _____

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 admin@westlandproperties.co.nz

MANAGEMENT
 +64 (0)275 466 338
 management@westlandproperties.co.nz

The Strategy Committee.
 Westland District Council
 36 Weld Street
 HOKITIKA

The Chairman

Westland District Properties Limited and Westroads Limited have jointly acquired the land on Pine Tree Road formerly owned by Greg Orange.

The land is consented for a 24 section subdivision.

The companies involved believe that the area lacks a community park and to enhance the subdivision and to meet this community need we propose that section 23 on the plan attached be vested as reserve in Councils name.

not attached

It is also proposed to put in place some play ground items.

In the resource consent a fee of \$2,000 per section is required as a reserve contribution and we request this be waived in exchange for the land and play ground facilities being offered.

I look forward to your advice.

Yours faithfully

Durham Havill
 Chairman

070191

Rebecca Strang

25 July 2008

OVJ Holdings Ltd
C/- Coastwide Surveys Ltd
PO Box 194
Hokitika

Dear Lynda,

Resource Consent Number 070191: Controlled Activity Subdivision Consent: Small Settlement Zone: OVJ Holdings Ltd at Pine Tree Road, Kaniere

I advise that the following decision has been made under delegated authority in respect of the above application.

Decision:

Pursuant to Section 104A of the Resource Management Act 1991, subdivision consent is granted to **OVJ HOLDINGS LIMITED** for the subdivision as hereunder described:

The subdivision of Lot 2 DP 355661 into twenty six allotments at the corner of Kaniere and Pine Tree Roads. Lot 26 will vest as legal road.

Conditions:

Pursuant to Section 220 of the Resource Management Act 1991, this Resource Consent includes the following conditions:

1. The subdivision is to proceed generally in accordance with and described more fully in an application dated the 31st October 2007.

Roading

2. Pine Tree Road is to be upgraded and widened to eight metres in accordance with the design, construction and certification provisions of the Westland District Council Code of Practice for Engineering Works. This upgrading shall include streetlighting and footpaths.

3. Lot 26 (including individual accesses thereto, footpaths, kerb and channelling and street lighting) is to be designed, constructed, formed, sealed and certified in accordance with the requirements of the Westland District Council Code of Practice for Engineering Works (Urban Street, Other), except that the legal width shall be 18 metres and the formed width of 8 metres. The full cost of this work shall be met by the Consent Holder.
4. Prior to the commencement of any work associated with the formation of Lot 26, the Consent Holder shall provide to the Council for approval, a design and specification for the construction work. The design and specification is to be prepared in accordance with the Westland District Council Code of Practice for Engineering Works.
5. The Westland District Council Professional Services Department shall be contacted two working days before work commences on the formation of Lot 26.
6. Entranceways to Lots 3-25 including the shared entranceways to lots 9 & 10, 13 & 14 and 20 & 21 shall be formed and sealed in accordance with the Westland District Council Code of Practice for Engineering Works.
7. The shared entranceway to Lots 1 & 2 shall be constructed, formed and sealed onto Kaniere Road in accordance with the Westland District Council Code of Practice for Engineering Works.

Sewer

8. Lots 3, 4, & 5 are to be connected to the Kaniere sewerage system on Pine Tree Road in accordance with the Westland District Council Code of Practice for Engineering Works. All costs associated with this work are to be met by the Consent Holder.
9. A new sewer line shall be provided within the new road of the subdivision and through easements A and B to Hokitika Kaniere Tramway at full cost to the consent holder. The Consent Holder shall provide to the Council for approval, a design and specification for the construction work. The design and specification is to be prepared in accordance with the Westland District Council Code of Practice for Engineering Works.

Water

10. New water connections shall be provided from Kaniere Road to lots 1, 2, 9 and 10 in accordance with the Westland District Council Code of Practice for Engineering Works. All costs shall be associated with the work shall be met by the Consent Holder.
11. A new water line shall be provided within the new road of the subdivision at full cost to the consent holder. The Consent Holder shall provide to the Council for approval, a design and specification for the construction work. The design and

specification is to be prepared in accordance with the Westland District Council Code of Practice for Engineering Works.

Stormwater

12. Stormwater reticulation shall be provided along Lot 26 to service the subdivision in accordance with design plans approved by Westland District Council. Reticulation shall be in accordance with the Westland District Council Code of Practice for Engineering Works. Works shall be undertaken at full cost to the Consent Holder.
13. Stormwater from the reticulation on Lot 26 shall be collected and piped down Pine Tree Road. Prior to the commencement of any work associated with the upgrading of the stormwater services the Consent Holder shall provide to the Council for approval, amended designs and specification for the construction work. The design and specification is to be prepared in accordance with the Westland District Council Code of Practice for Engineering Works.
14. As built plans of all new services constructed and installed within road reserve shall be deposited with the Westland District Council prior to the grant of a Section 224 Certificate.
15. Prior to the Section 224 Certificate being signed, all telecommunications and electricity services are to be installed underground.

Financial contributions

16. Any new direct connections to the Kaniere sewerage system shall be at the rate of \$4,800 (GST inclusive) per connection. This subdivision will require four contributions towards the scheme, totalling \$19200.
17. The consent holder shall contribute to 50% of the costs of the upgrading of Pine Tree Road as determined on the approval of plans and specifications. This upgrade shall include the provision of street lighting.
18. The consent holder shall contribute 75% of the costs of the piping and upgrading of stormwater reticulation along Pine Tree Road to Hokitika Kaniere Tramway.
19. The twenty four additional allotments to be created for residential purposes are assessed to be valued at over \$40,000 each. Accordingly, a contribution towards recreation facilities of \$2000 (GST exempt) is payable in respect of each of the 24 additional allotments created. The total contribution required is \$48000.
20. Prior to the grant of a Section 224 Certificate, all reasonable costs associated with the approval, inspection and certification of works to be publicly owned shall be paid to the Council.
21. Lot 26 is to vest as road in the Westland District Council.

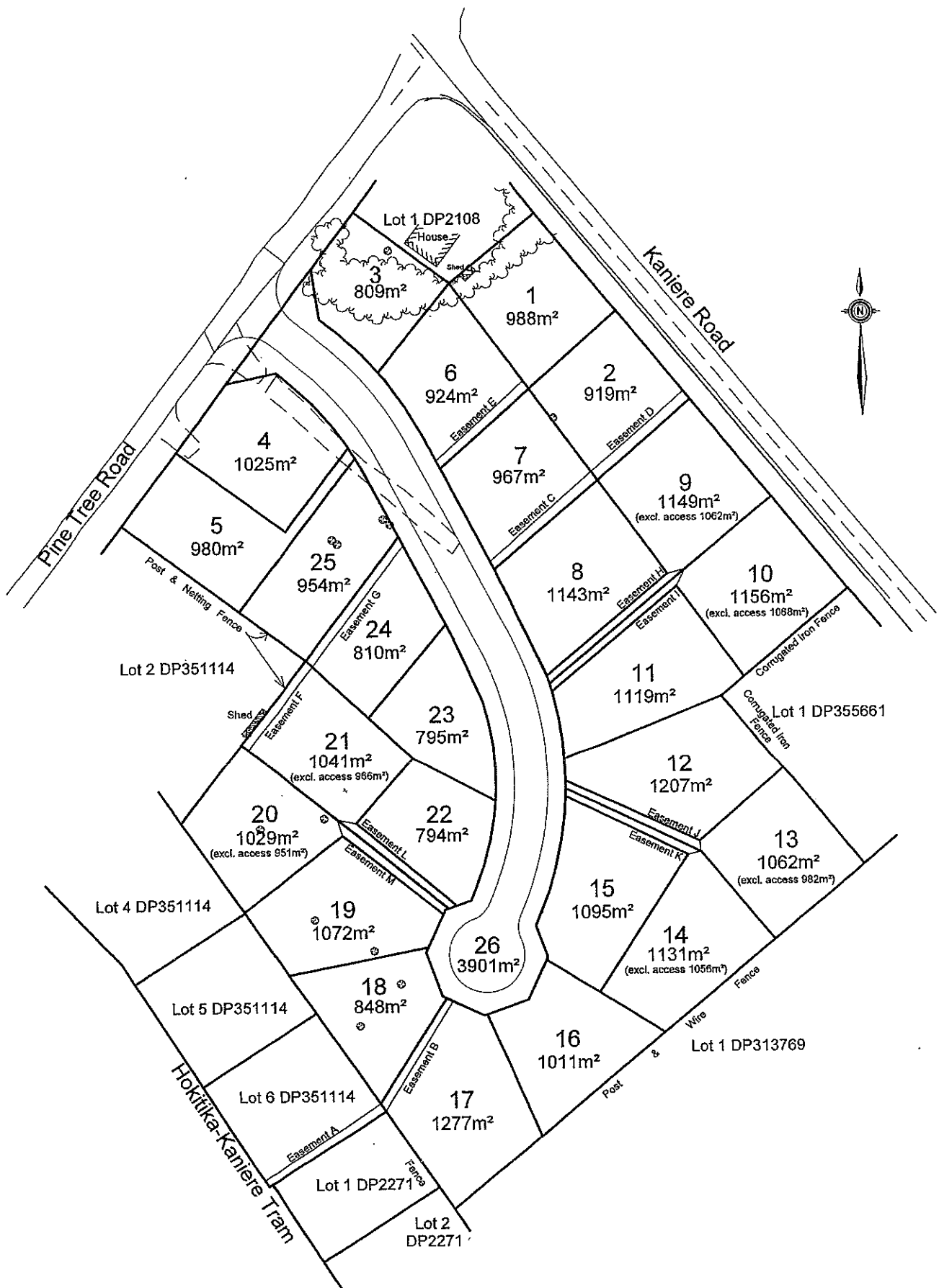
22. Easements A, B, C and D are to be granted and reserved in favour of Westland District Council.
23. Easements C, and E-M are granted and shall be shown on the plan.
24. The existing consent notice registered on Lot 2 DP 355661 shall be cancelled.
25. Pursuant to Section 125 of the Resource Management Act 1991, this resource consent will lapse on 28th July 2013 if the consent is not exercised before the end of this period. However, this period can be extended under the Resource Management Act 1991 upon application to the Consent Authority.

Notes to the Consent


- The consent holder is advised to contact Westland District Council Professional Services Department prior to the vesting of Lot 26 as legal road, to discuss naming of the legal road. If the consent holder does not contact the Council prior to the vesting of the road, this process shall be undertaken through public consultation.
- This Resource Consent does not, in itself, provide for the erection or alteration of any buildings. All building work on the land to which this Resource Consent refers must be subject to an application for a Building Consent pursuant to the provisions of the Building Act 2004.
- It is possible that archaeological sites may be affected by the proposed work. Evidence of archaeological sites may include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or glass and crockery, ditches, banks, pits, old building foundations, artefacts of Maori and European origin or human burials. The applicant is advised to contact the New Zealand Historic Places Trust if the presence of an archaeological site is suspected. Work affecting archaeological sites is subject to a consent process under the Historic Places Act 1993.

Reasons for Decision:

The principal effect of this subdivision was the upgrading of infrastructure required, in particular, stormwater. Further information and engineering calculations were provided relating to the proposed piping of stormwater to the open drain running through Lots 2-4 DP 388275. However, this would exacerbate stormwater drainage in the area which is under pressure from increased development. The effects of the additional 25 allotments require Council to provide the appropriate urban services expected in the small settlement zone. Provision of a stormwater pipe along Pine Tree Road will ensure that the infrastructure in the area can absorb the stormwater created from the development. Council acknowledges that there are approximately 9 allotments that will also benefit from the installation of the stormwater scheme, therefore it is appropriate for council to absorb some of the costs of the pipe installation. The contribution from the consent holder has therefore been reduced to 75%. Council will



NOTE: Boundaries and Areas are Subject to Survey

Plan By:  COASTWIDE SURVEYS LTD LAND SURVEYORS P.O. Box 194 Hokitika PO BOX 194 HOKITIKA TEL (07) 559305 FAX (07) 559302	Client: Greg Orange	Project: Proposed Subdivision of Lot 2 DP355661	Drawn Lara	Signed 	Date 24/10/07	Drawing Title: Scheme Plan	Project No. 517
			Designed 	Signed 	Date 		Scale 1:1000
			Verified 	Signed 	Date 		Drawing No.
			Approved 	Signed 	Date 		Rev.
							A3P 517

C:\2006\517 Greg Orr New Oct 24 11:28:41 2007

Memo



DATE: 9 August 2011
TO: Strategy Committee Members
FROM: Manager Planning and Regulatory

PROPOSED AVIATION STRATEGY

At its last meeting Council reconsidered the issue of a need for an aviation strategy for Westland. The background for the proposed strategy came out of an application for a Resource Consent for a single helicopter pad for commercial aviation purposes at Tartare.

At the time there appeared to be the possibility of a growth in single, standalone helicopter operations.

I was asked by the Council if there was still a need to continue with a strategy and, if so, would it be possible to proceed with the proposal using expertise limited to staff.

The short answers are yes and no.

Commercial aviation Resource Consent applications have an occurrence rate of more than one each 24 months. The issues are always related to conflict; between other aviation activities, residential land users, differing expectations, amenity, the tourist industry and the environment.

At Fox Glacier conflicts between the fixed wing operations and some local residents has never really been satisfactorily addressed.

Two documents have been produced over the last year or two that make specific reference to aviation noise. The first was the tourism MRI strategy that anticipated an outcome of Council's desire to have a strategy dealing with aviation issues and the second was Council's adopted Westland District Plan Issues and Options Paper that specifically dealt with aviation noise and anticipated a tighter regulatory environment for aviation. This assumption was the subject of supportive submission.

The establishment of a Council policy that considers historical influences and addresses contemporary expectations would be a useful tool in dealing with enquiries and Resource Consent applications. A clearly enunciated policy could take the drama and uncertainty out of applications. A policy couched in well-

defined outcomes supported by consultation undertaken with integrity would be a document that could grow and protect the industry in an appropriate way as well as identify operations that may be occurring without proper authorisations.

Aviation planning is a specialist field and enquires have been made with an appropriately qualified and experienced aviation planning practitioner.

Further information will be provided to the Committee either at the meeting or on another occasion. Any comprehensive review of the District Plan will require reliable information on aviation issues and the proposed strategy is still a document of some importance.

Recommendation:

That this report be received.

Richard Simpson
Manager: Planning and Regulatory