



REGULATORY COMMITTEE

Open Minutes

Meeting Date: Tuesday 11 June 2019

Time: 3.36pm-4.05pm

Venue Council Chamber
Hawke's Bay Regional Council
159 Dalton Street
Napier

Present Councillor Taylor (In the Chair), Acting Mayor White, Councillors Boag, Dallimore, Hague, Jeffery, McGrath, Price, Tapine, Wise and Wright

In Attendance Chief Executive, Director Corporate Services, Director Community Services, Director Infrastructure Services, Director City Services, Manager Regulatory Solutions, Manager Building Consents, Manager Communications and Marketing, Manager City Development, Team Leader Policy Planner, Strategic Planning Lead, Manager Asset Strategy, Team Leader Parking

Administration Governance Team

Apologies

Councillors White / Wise

That the apologies from Mayor Dalton and Councillor Brosnan be accepted.

Carried

Conflicts of interest

Councillor Jeffery declared an interest in Agenda Item 1. To manage this interest he elected to step down as Chair for the full meeting and asked his Deputy, Councillor Taylor, to Chair the meeting in his place.

Public forum

Nil

Announcements by the Acting Mayor

Nil

Announcements by the Chairperson

Nil

Announcements by the management

Nil

Confirmation of minutes

Councillors Wright / Price

That the Minutes of the meeting held on 30 April 2019 were taken as a true and accurate record of the meeting.

Carried

Questions from Councillors for Further Action

<i>Item</i>	<i>Requestor</i>	<i>Action</i>	<i>Responsible</i>
2	Cr Tapine	The Strategic Planning Lead confirmed that she would provide a copy of the traffic engineer's report to Councillors.	City Strategy

AGENDA ITEMS

1. EARTHQUAKE-PRONE BUILDINGS - IDENTIFICATION OF PRIORITY BUILDINGS - CONSULTATION

Type of Report: Legal

Legal Reference: Building Act 2004

Document ID: 737346

Reporting Officer/s & Unit: Malcolm Smith, Manager Building Consents

1.1 Purpose of Report

The report provides an analysis of submissions received on the Statement of Proposal that will enable Council to identify priority buildings under the earthquake-prone building legislation.

At the Meeting

The Manager Building Consents spoke to the report and outlined the process undertaken to date. He confirmed that priority areas have been identified based on documents and guidance from MBIE, and the next step will be to engage an officer to check whether any unreinforced masonry buildings are located within those areas.

In response to questions from Councillors, the following points were clarified:

- Priority areas were identified as being areas with potentially unreinforced masonry buildings and high vehicle or high pedestrian traffic.
- Most unreinforced masonry buildings in Napier were destroyed in the 1931 earthquake. Those that remain would most likely be located in Taradale or the CBD. Officers advised that they have been conservative in their assessment by including other high traffic areas.
- It was noted that some of the buildings that did survive the earthquake will have already had strengthening work completed.
- Urgency is required as Council has a statutory requirement to identify the priority buildings by the end of this year. The sooner the priority areas are identified the sooner an officer can be appointed to complete the next stage of identifying the buildings.
- Template letters have been prepared and will be sent out to all affected building owners advising them of the next steps.

Committee's recommendation

Councillors Wright / Hague

That the Regulatory Committee:

- a. Receive the submissions on the Earthquake-Prone Buildings – Identification of Priority Buildings Statement of Proposal.
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- b. Adopt the Earthquake-Prone Buildings – Identification of Priority Buildings Statement of Proposal as notified.
 - c. That a **DECISION OF COUNCIL** is required urgently to enable Council Officers to meet a legislative deadline.

Carried

Council Councillors White / McGrath
Resolution

That Council:

- a. Receive the submissions on the Earthquake-Prone Buildings – Identification of Priority Buildings Statement of Proposal.
- b. Adopt the Earthquake-Prone Buildings – Identification of Priority Buildings Statement of Proposal as notified.

Carried

2. RENEWAL OF LICENCE TO OCCUPY - SUNDAY MARKET

Type of Report: Operational

Legal Reference: Reserves Act 1977

Document ID: 736053

Reporting Officer/s & Unit: Fleur Lincoln, Strategic Planning Lead

2.1 Purpose of Report

The purpose of this report is to obtain approval in principle the granting of a Licence to Occupy agreement with Margaret Habib of the Sunday Market for the carpark within the Marine Parade foreshore north of Ocean Spa for a term of 3 years, subject to the s.54(1)(d) Reserves Act 1977 process being successfully completed.

At the Meeting

In response to questions raised by Councillors, the Strategic Planning Lead clarified the following points:

- A traffic engineer was engaged to assess any potential safety concerns in the area. The traffic engineer visited the market on six separate occasions, one of which was while a large cruise ship was in town. The conclusion was that although there is a lot of activity in that area while the market is held, this did not cause a safety issue and he is confident that the market can operate in a safe manner. He has made a number of mitigation recommendations and is comfortable that Council approve the licence to occupy.
 - It was noted that the initial trial period of one year was extended to allow Council officers time to work with the market organisers to resolve a number of issues.
 - There is only minor action required from depot staff, on occasion, in relation to maintaining facilities at the site.
 - The only complaints received in the past have been from the previous owner of another business that operated from the reserve. These complaints had been dealt with by the Reserves Team and no complaints have been received from the new owners of that business.
 - It was noted that the market organisers have asked for the licence to occupy to be renewed. The organisers have expressed concerns in the past with having to relocate, on occasion, due to other events being held in the area. Now that an acceptable alternative location has been found, that being Anderson Park, the organisers decided that this was an acceptable trade off to be able to keep their prime location on the Marine Parade.
 - A more permanent location could not be found that meets the organiser's criteria for the site. The criteria includes but is not limited to a 3000m² hard surface area, facilities, power, walking distance to CBD.
 - The size of the market will always be limited to the confines of the space.
 - The market organisers are advised of other events as soon as Council is made aware of the dates. In most cases they are given notice months in advance as the events are mainly large annual events.
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- It was noted that the speed limit will be reduced just before the car park entrance which should result in cars slowing down at that point as they enter the lower speed area.

A number of Councillors expressed their concern around a three year term for the licence to occupy. They believed that it would be better to grant the licence to occupy for a shorter period to ensure that staff continued to try and find an alternative permanent location for the market. They noted that the current site is not a sustainable long term solution and would like some certainty from staff that they will continue to look for suitable alternatives. It was advised that the three year term was proposed to give some certainty to the market organiser and store holders.

The size of the market was another concern for some Councillors and it was noted that officers will continue to monitor the situation and work alongside the organisers to resolve any concerns.

The Strategic Planning Lead confirmed that she would provide a copy of the traffic engineer's report to Councillors.

Committee's recommendation

Councillors Boag / McGrath

That the Regulatory Committee:

- a. Approve in principle, the granting of a Licence to Occupy to Margaret Carolyn Habib for a term of 3 years, subject to the s.54(1)(d) Reserves Act 1977 process being successfully completed.

Councillors Dallimore, Hague and Acting Mayor White voted against the motion.

Carried

The meeting closed at 4.05pm.

Approved and adopted as a true and accurate record of the meeting.

Chairperson

Date of approval