

12 June 2024

Brian Burke
Harmans Lawyers
PO Box 1496
Christchurch 8140

Email: [REDACTED]

Our Ref: 24005866

Dear Brian,

**Non-complying 'residential dwelling/residential unit' on undersized rural zoned site
Cnr McDonald and Englishs Road, Lincoln (Valuation Number 2404015700)**

You are receiving this letter in response to a directive from Andrew and Louise Stalker, [REDACTED]

Selwyn District Council (SDC) is currently investigating a complaint in relation to a self-contained caravan being occupied at the above property.

A site visit was carried out by Compliance Officers on the 8th of May 2024. Follow up checks were conducted post site visit, and it has been confirmed that the residential activity is not a permitted activity for the site, and as such requires a resource consent (if the activity onsite does not cease).

The activity may potentially be permitted under the *Temporary Activities* rule TEMP-R1 and its associated Rule Requirements TEMP-REQ1 and TEMP-REQ2.

SDC has conveyed the findings of the investigation to the property owner, and a compliance date (5/9/2024) has been set. By this date either a resource consent is required to be obtained for the activity onsite, or the activity is to cease.

Andrew and Louise Stalker have requested that SDC issues an abatement notice to address the non-compliance onsite.

The Canterbury Chief Executives' Forum agreed to the formation of a regional Compliance, Monitoring and Enforcement (CME) Working Group in May 2017 to share advice and guidance on compliance, monitoring and enforcement of environmental law across the region. The working group agreed that they would use the Regional Sector Strategic Compliance Framework 2016-2018 as the base of their strategy and only make changes where there were Canterbury specific reasons to do so. The Canterbury Strategic Compliance Framework (CSCF) also incorporates the Ministry for the Environment (MfE) Best Practice Guidelines for Compliance, Monitoring and Enforcement. In August 2018 the Canterbury Chief Executives' Forum endorsed the CSCF approach across the Canterbury District.

In accordance with best practice guidance and the CSCF it is important that SDC apply principles to guide its compliance operations. The requirements to monitor and ensure compliance with the law is a mandatory obligation of most of the Acts that SDC administers. Such Acts provide the specific legislative framework for SDC to enforce rules and regulations.

While these Acts provide the tools to gain compliance, the manner in which SDC chooses to gain compliance remain at its discretion. This is fundamental when considering that compliance and enforcement are complex notions in law and often gain further complexity via the effect of supplementary factors. Such discretion is exercised by SDC through the application of the principles listed below through instances of CME decision-making:

Transparent

SDC will provide clear information and explanation to the regulated community about the standards and requirements for compliance.

Consistency of process

SDC's actions will be consistent with the legislation and within its powers. CME outcomes will be consistent and predictable for similar circumstances. SDC will ensure that its staff have the necessary skills and are appropriately trained and that there are effective systems and policies in place to support decisions.

Fair, reasonable, and proportional approach

SDC will apply regulatory interventions and actions appropriate for the situation. Staff will use their discretion justifiably and ensure decisions are appropriate to the circumstances, that interventions and actions will be proportionate to the risks posed to people, the environment, and the seriousness of the non-compliance.

Evidence based and informed

SDC will use an evidence-based approach for decision-making. Decisions will be formed by a range of sources, including sound science, information received from other regulators, members of the community, industry, and interest groups.

Collaborative

SDC will work with and where possible, share information with other regulators and stakeholders to ensure the best compliance outcomes for Canterbury. SDC will engage with the community and consider public interest, those persons we regulate, and the Government to explain and promote environmental requirements and achieve better community safety and environmental outcomes.

Lawful, ethical and accountable

SDC will conduct itself lawfully and impartially and in accordance with the principles mapped out in this document/manual, relevant policies, and guidance documents. SDC will document and take responsibility for our decisions and actions made pursuant to this document/manual. SDC will measure and report on its Compliance Monitoring and Enforcement performance.

Targeted

SDC will focus on the most important issues and problems to achieve the best environmental outcomes and on those that pose the greatest risk to the community.

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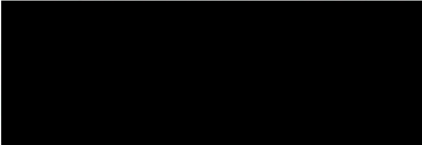
Responsive and effective

SDC will consider all alleged non-compliance issues covered by the Compliance Strategy document to determine the necessary interventions and action required to minimise impacts on the environment and the community to maximise deterrence. SDC will respond in an effective and timely manner in accordance with legislative and organisational obligations.

SDC will apply the right tools for the right problems at the right time. At this point in time, an abatement notice is not warranted given the circumstances of the case. SDC reserves the right to review this decision at any time.

If you have any questions regarding this letter, please do not hesitate to get in touch.

Kind regards,

A large black rectangular box redacting the signature of Tristan Snell.

Tristan Snell
Compliance Team Leader
Email: 