



**NOTICE OF MEETING OF THE
RESOURCE MANAGEMENT & REGULATORY
COMMITTEE**

I hereby give notice that the Resource Management & Regulatory Committee meeting of the Papakura District Council is to be held on:

DATE: Tuesday 13th April 2010

TIME: 1.00 pm

VENUE: Council Chambers
35 Coles Crescent
PAPAKURA

T Stratton
CHIEF EXECUTIVE OFFICER

MEMBERSHIP:

Chairperson	Clr Conroy
Deputy Chairperson	Clr Jones
	HWM Penrose
	Clr Auva'a
	Clr Catchpole
	Clr Goldsmith
	Clr O'Connor
	Clr Piggott
	Clr Pringle

(Quorum 4 members)

(The reports and recommendations contained in this Order Paper are not necessarily Council Policy and should not be taken as Council Policy, or opinion)

PAPAKURA DISTRICT COUNCIL

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PAPAKURA DISTRICT COUNCIL

**AGENDA FOR THE MEETING OF THE RESOURCE MANAGEMENT AND
REGULATORY COMMITTEE TO BE HELD IN THE COUNCIL CHAMBERS,
35 COLES CRESCENT, PAPAKURA ON TUESDAY 13th APRIL 2010
COMMENCING AT 1.00 P.M.**

1. APOLOGIES

2. CONFIRMATION OF MINUTES

- (a) That the Minutes of the Resource Management and Regulatory Committee Meeting held on Tuesday 9th March 2010 be confirmed.

3. DEPUTATIONS AND PETITIONS

4. PLAN CHANGES

- (a) **STATUS SCHEDULE OF PROPOSED
DISTRICT PLAN CHANGES - SUMMARY**

REPORTING OFFICER: Nathanael Savage
Senior Policy Planner

ATTACHMENT: Plan Change Schedule as of April 2010
(Attachment No. 1)

PURPOSE OF THE REPORT

The purpose of the report is to update the Council on the status of all proposed public and private District Plan Changes.

BACKGROUND

The Papakura District Council has been progressing a number of Plan Changes to the Operative Papakura District Plan. Such plan changes include both public and private changes.

NARRATIVE

The attached schedule of proposed public and private District Plan Changes is provided for information purposes.

RECOMMENDATIONS

1. That the information be received.
4. PLAN CHANGES
-

**(b) PROPOSED PRIVATE PLAN CHANGE NO. 8
(PARAREKAU ISLAND COUNTRY-SIDE
LIVING ZONE) – APPOINTMENT OF
HEARINGS PANEL**

REPORTING OFFICER: Lorraine Houston
Senior Policy Planner – Strategic

PURPOSE OF THE REPORT

The purpose of this report is to request the Committee to appoint a Hearings Panel to hear and make recommendations on submissions and the outcome of Proposed Private Plan Change No.8.

BACKGROUND

Proposed Private Plan Change No.8 (PPC8) is a request to the Council by Karaka Harbourside Estates Limited to rezone Pararekau Island and an access area across Kopuahingahinga Island as Pararekau Island Country-side Living Zone.

It was reported to and accepted by the Council on 21 July and 22 September 2009 and publicly notified on 30 September 2009. Submissions closed on 13 November 2009 with 19 submissions received. The summary of submissions notified for further submissions from 16 December 2009 to 5 February 2010. One further submission was received.

Currently, 12 submitters have indicated that they wish to be heard. The applicant (who is the only further submitter) has indicated that it will present evidence at the hearing. The hearing can be scheduled to take place in late May.

NARRATIVE

A Hearings Panel is to be appointed for PPC8. The Committee may delegate to this Hearings Panel authority to hear submissions and recommend to Council what decisions should be made on them, and what the outcome of the Private Plan Change request should be. In appointing the Hearings Panel, the Committee is reminded that the majority of members need to be accredited and that the Chairperson needs to be accredited.

It is recommended that two elected members be appointed to the Hearings Panel. In view of the fact that Council made its own submission to the Private Plan Change, it is considered desirable to appoint an Independent Commissioner to the Hearings Panel as well. It is recommended that Dorothy Wakeling, who has considerable planning expertise and is familiar with Papakura's environment and planning issues, including both the Rural and Hingaia Stage 1 Plan Changes, be appointed as Independent Commissioner to the Hearings Panel for PPC8.

It is estimated that two to three days would be required for the hearings. An indicative time frame for the hearings is late May 2010. Dates have not been identified, to enable the Hearings Panel members finalise the exact dates to suit members' availability.

CONCLUSION

The Committee is asked to appoint two of its members, and Dorothy Wakeling as an Independent Commissioner, to sit on a Hearings Panel that will hear submissions, make recommendations on those submissions and make a recommendation to the Council on the outcome of PPC8. The Hearings Panel can appoint one of the panel members to Chair the hearings. Hearings are likely to be held in late May 2010. The Hearings Panel can determine suitable dates for the hearings.

RECOMMENDATIONS

1. That the information be received.
2. That the Committee appoint two of its members to the Hearings Panel for Proposed Private Plan Change No.8.
3. That the Committee appoint Dorothy Wakeling as Independent Commissioner on the Hearings Panel for Proposed Private Plan Change No.8.
4. That the Committee delegate to the Hearings Panel the power to appoint a member of the Hearings Panel to chair the hearings.
5. That the Council constitute and delegate to the Hearings Panel for Proposed Private Plan Change No. 8 its functions, powers, and duties under the Resource Management Act 1991 to determine when the hearings should be convened, to hear submissions and make recommendations relating to them, and to recommend a decision on Proposed Private Plan Change 8 to Council.

5. OTHER PLANNING MATTERS

6. REGULATORY AND ENFORCEMENT

(a) ENABLING UNDER 3500KG (BOY RACER) RESTRICTIONS WITHIN PAPAURA

REPORTING OFFICER: Erin Clarke
Policy Advisor

ATTACHMENT: Parking and Traffic Bylaw 2009
Maps showing potential areas for signage in industrial areas
(Attachment No. 2)

PURPOSE OF THE REPORT

The purpose of this report is to respond to Council's request for more information on the process and implications of enabling vehicle restrictions on vehicles under 3500kg in identified areas of the Papakura District, and to seek a decision from Council as to whether they wish to proceed with these.

BACKGROUND

During the December Operations and Monitoring Council Committee Meeting Inspector Gary Hill, as part of his regular update to Council, outlined some points from a recent meeting with business owners in the Takanini Industrial Area. This meeting had occurred as part of a general invitation from His Worship the Mayor.

Some business owners highlighted concern that there were vehicles present within the industrial area after regular business hours and asked that a bylaw they believed to have been of long standing, which restricted vehicles after hours, be enforced.

While the owners' view that there was already a bylaw in place was incorrect, Inspector Hill suggested that Council may wish to investigate the idea further. Consequently, a workshop was held with Council and Inspector Hill on 23 March 2010. Inspector Hill provided some information from Police statistics for the Takanini area and described any move to restrict vehicles from particular roads as being "another tool in the tool kit" for dealing with anti social behaviours, from a policing perspective.

During the discussions elected members concerns with other anti social behaviour stemming from "boy racer" type behaviour in certain areas of the District was also expressed in some detail.

This report responds to a Council request for further information on:

- Relevant vehicle related offences for the areas identified by elected members
- Costs involved in erecting signage necessary to enforce any vehicular restrictions
- What other Councils are doing, and their experiences
- Potential implications of enabling this provision (including hours it might apply)
- Other legislative and non-legislative means of restricting vehicles/controlling anti social behaviours

NARRATIVE

Council has provision in the Parking and Traffic Bylaw 2009 to impose passage restrictions on those vehicles weighing less than 3500kg. This would entail prohibiting vehicles from driving through a specified areas at specified times unless the car driver is able to show there is a legitimate purpose to them being in that location.

The provision states:

The Council may by publicly notified resolution restrict or prohibit any vehicle weighing less than 3,500kg from being operated on any road or part of a road.

No driver of a vehicle shall drive or permit that vehicle to be driven in contravention of a resolution under Clause 12.1 unless:

That vehicle is used for the express purpose of visiting a property with a frontage to a road described in the resolution; or

Prior written permission from Council has been obtained.

Clause 12.1 does not apply to a vehicle being used for the time being as a passenger service vehicle.

This provision is sometimes referred to as the “Boy Racer” bylaw.

Process for utilising this bylaw

There are a number of key principles Council should address in considering utilisation of this provision

- The extent of the problem: that is, is there a significant problem with vehicular behaviour after business hours in a particular area.

- The location of the problem and how suitable this location is for such restrictions. Suitability needs to be judged according to the entry and exit points available (that is, if there are a large number of such points over a wide area it may be difficult or costly to have warning signage so that the restriction is able to be understood); the impact of this restriction on likely legitimate users and the likelihood of a significant number of legitimate road users being caught up in enforcement action.

- The cost involved in erecting signage and ongoing maintenance costs.

To restrict vehicles on particular roads, the Council needs to ensure that such a provision is not inconsistent with the Bill of Rights Act 1990; specifically,

- a) The perceived problem the bylaw seeks to address must be “important and significant”

- b) The bylaw provision must be proportionate to the objective; that is any measure taken must interfere as little as possible with the right or freedom of people

Statistical Data on the areas highlighted for investigation by elected members

During its workshop, Council identified the following potential areas for restriction – the roads likely to be impacted are also described:

- Takanini Business Area – being Spartan Road, part of Oakleigh Ave, Westbrook Ave, Rawson Way, Rangī Road, Heb Place, Marphona Crescent and part of Takanini School Road.
- Drury Industrial Area – being Norrie Road, Firth Street, Creek Street and part of Bremner Road.
- Hunua Industrial Area – being part of Hunua Road, part of Boundary Road, Parker Street, Croskery Road, Markedo Place, Berlane Place, Margaret Williams Drive, part of Dominion Road, and Dent Place.
- Gatland Road
- Unsealed section at the end of Old Wairoa Road

Council has not yet received relevant statistics from Police on vehicle related offences occurring in the above areas and the discussions with the Intelligence division indicates that this is not a straightforward exercise. The Police classify statistics according to the offence so Council would first need to identify the relevant traffic offences and then ask for the information on those matters. Officers will continue to endeavour to obtain this information but would like some direction from the Council on the level of information that is required.

Each time the bylaw has been reviewed, Police have advised that they have had no concerns with regard to boy racing, and as such no roads have been identified for restriction. It should also be noted that outside of the bylaw review process, the only “boy-racer” type issues Council officers have been made aware of in recent years are sporadic incidents on Gatland Road and Old Wairoa Road.

As signalled earlier, the extent of “boy racing” problems should be clear in order to make an informed decision on whether any restriction on the passage of vehicles, does not consequentially introduce a measure which overly impinges on the freedom of the general public. The benefits of the measure should outweigh the negative effects.

Costs involved in erecting signage necessary to enforce any vehicular restrictions

The need to confirm annual plan budgets somewhat pre-empted additional discussion on signage within the context of decision making on vehicle restrictions.

Council has approved a budget of \$36,000 for the initial production and erection of 52 signs and \$21,000 for ongoing maintenance, depreciation and loan repayments, should vehicle restrictions be agreed to.

Council has sought legal advice on how it can comply with the legislative requirements around signage.

The Land Transport Rule: Traffic Control Devices sets out rules for signage.

In general, regulatory signs must be installed at:

- the start of the road,
- at each intersection along its length,
- at the end; and

- at intervals along the length of the road as specified in that rule or other enactment.

There is no specific interval length specified in the rule for regulatory signs of this nature (unlike for parking signs which is every 100m or every 500m in 70km zones). Essentially, in terms of intervals it comes down to a matter of discretion – and it is therefore suggested that signs be placed at each major turning point, with additional signage being installed along longer stretches of roading.

Determination of the proposed signage budget as part of the Annual Plan process was on this premise.

Other Council's experiences

Council's officer received a number of responses from other Council's with regard to their approach and experiences in utilising the under 3500kg restriction provision.

It should be noted that Papakura District Council and Manukau City Council are the only two Councils in the Auckland Region who retain this enabling provision.

Manukau City Council

Manukau City Council recently reviewed this part of their bylaw and made some minor amendments.

Advice from Manukau suggests that the bylaw is utilised in their area to disperse street racing spectators, as the actual act of street racing is dealt with by other legislation. The onus of proof is easier in relation to identifying actual street racing, rather than the congregation element. Of utmost importance in Manukau has been Police buy in and proactivity in enforcing the bylaw. A dedicated policing team was formed to deal directly with this issue.

Manukau officers advised that the biggest issue with the bylaw is that the blanket rule applies to anyone and relies on police discretion (similar to liquor bans). Arguably, this is not ideal so it is best applied where the problem is substantial enough for the community to be happy with relinquishing some of their rights [of access].

New Plymouth District Council

New Plymouth District Council includes specific criteria within their bylaw for assessing whether a road should be subjected to restrictions. These are:

- a) The reasons why it is necessary to pass the proposed prohibition; and
- b) The types and locations of roads the proposed prohibition will apply to (e.g. local roads, arterial roads; urban areas, residential areas, or industrial areas); and
- c) The length of, and days on which, the proposed prohibition will apply (e.g. it is not envisaged that a prohibition will apply 24 hours per day, seven days per week); and
- d) Whether the Police support the proposed prohibition; and
- e) Any other information the Council considers relevant.

A key issue New Plymouth sought to rectify was the anti social behaviour resulting from the congregation of vehicles. They found that restricting vehicle access to roads which had experienced boy racer behaviour had an immediate impact – which was evident right from the initial consultation phase. However, while the restrictions had an initially positive reaction, “displacement” is now becoming an issue, as drivers have worked out which areas are not subject to restrictions.

They felt it imperative, that the Special Consultative Procedure be followed (ie notification of proposal via public notice and the opportunity to submit) and that careful consideration is given to which roads a restriction may apply to.

Christchurch City Council

Christchurch's efforts in dealing with their significant boy racer issues have had a high profile.

Christchurch City Council has a list of roads where under 3500kg restrictions apply. They advise however, that its effectiveness is limited in that additional roads need to be continually added and the problems have now moved into residential roads where, in many cases, such prohibitions are difficult to apply.

Christchurch will consider restrictions where they are able to identify a defined problem and are satisfied that any prohibition will not have too much interference with residents' access.

In an attempt to control other roads where antisocial car users are causing problems, Christchurch City Council is currently consulting on a draft "cruising" bylaw under the Land Transport Act 1998. Further discussion on this is included under the "Legislative mechanisms" component of this report.

Tauranga City Council

Tauranga City Council utilises vehicle restrictions predominantly on non residential or minimal residential roads where street racing is occurring. Council works closely with Police in its determination.

Potential implications of enabling this provision (including hours it might apply)

The right tool for the right problem?

The "boy racer" provision was inserted into the bylaw to future proof Council should a significant boy racer issue become evident in Papakura.

As noted previously, Council officers are aware of a limited number of complaints in the areas identified during Council's workshop. Council needs to consider exactly what it is aiming to achieve should this provision be enabled. Police already have a number of avenues to deal with boy racing activity (discussed further in the "legislative" section of this report).

Anti-social behaviour not stemming from boy racer activity needs to be contextualised and Council needs to consider whether utilising this provision is appropriate from both a legislative and human rights perspective.

Hours

At the Council workshop, Inspector Hill suggested that the hours 10pm to 5am could be considered as appropriate times for any vehicle restrictions to be imposed. This is in line with restrictions in place in Manukau. In determining hours Council would need to consider the time when boy racer activity is most prevalent, and set them accordingly.

Access implications

As mentioned previously, any restriction will have a direct impact on vehicular access, both for legitimate or illegitimate reasons.

A number of businesses in the Takanini area have informally expressed some concern that their employees, who may be required to access their workplace within any proposed restricted hours may be adversely impacted, and potentially face an infringement fine.

The Parking and Traffic Bylaw stipulates that vehicles with the express purpose of visiting a property within the area are excluded from any restriction. If no purpose is forthcoming, written permission from Council is required.

Inspector Hill stated that enforcement of the bylaw will be at the discretion of the Police. Council needs to consider the restriction as affecting any motorist who enters a restricted area.

Infringement Penalties/Enforcement

An overarching principle in relation to enforcement, is that any restrictive measures rely heavily on Police buy in and proactivity.

Under the Transport Act Schedule 2 Part 10 the infringement fee is \$750 for “any provision of any bylaw involving the use of vehicles other than a provision setting a speed limit, imposing a parking prohibition or restriction, or for which any infringement fee is otherwise specified in this schedule”. There is no specific infringement fee set for the 3,500 kg vehicle restriction provision and accordingly this offence falls within this general category;

Under section 242(4) of the LGA 2002 a person convicted of an offence against a bylaw is liable to a fine not exceeding \$20,000.

Other legislative and non-legislative means of restricting vehicles/controlling anti social behaviours

Legislative Powers

Land Transport (Unauthorised Street and Drag Racing) Amendment Act 2003

Police currently have powers, introduced by the Land Transport (Unauthorised Street and Drag Racing) Amendment Act 2003 to prohibit street racing, exhibition of speed or acceleration, pouring or allowing petrol/oil/diesel or substances likely to cause a vehicle to undergo loss of traction on roads, or causing a vehicle to undergo a loss of traction. Under these provisions, when a Police Officer believes on reasonable grounds, that a vehicle has been involved in an illegal street race, an unnecessary exhibition of speed, or a burn out, the officer may impound the vehicle for 28 days at the owners expense, effective immediately.

Land Transport (Enforcement Powers) Amendment Act 2009

New powers to address “cruising” are contained in the Land Transport (Enforcement Powers) Amendment Act 2009 and gave Councils the power to create bylaws which:

- Authorise, subject to any restrictions or conditions, the racing of motor vehicles;
- Control or restrict cruising

- Prescribe fines, not exceeding \$500 for breaching the bylaw

“Cruising” is defined as meaning driving repeatedly over the same section of a road in a manner that

- (a) Draws attention to the power or sound of the engine of the motor vehicle being driven; or
- (b) Creates a convoy that
 - (i) Is formed otherwise than in trade; and
 - (ii) Impedes traffic flow

Christchurch City Council currently have an “anti cruising” bylaw out for consultation, in response to this activity being a significant problem in their area.

There has been no suggestion that cruising is an issue in Papakura, either from the public or Police.

General Powers

As stated by Inspector Hill, Police already have a wide range of powers in relation to anti social behaviour. In the context being discussed, Police are able to stop vehicles where they suspect the occupants to have been part of illegal activities. They can also pull over vehicles for other reasons, including inspection of relevant registrations and warrant of fitness.

Non legislative considerations

During Council’s workshop, installation of Closed Circuit Television (CCTV) was mooted as a potential tool in management of anti social activities in the industrial areas of Papakura.

In considering the utilisation of CCTV Council need to weigh up:

- The cost of buying and installing a camera
- How it will be monitored – Police are unable to monitor the camera so another means would need to be found
- Ongoing maintenance costs eg where a camera is vandalised.

As a ballpark, the mobile CCTV cameras utilised by Safer Papakura Trust cost around \$2500 each. These cameras differ from standard cameras where activity is recorded and later analysed, in that they provide a live stream to a mobile phone. Currently, these are monitored by the Maori Wardens and Community Crimewatch Patrols at a cost of \$25 per hour. The advantage of live monitoring is that Police can be informed straight away of any concerning behaviours and send a patrol accordingly.

It should be noted however, that Council’s current directive for the mobile CCTV camera, means that additional areas for monitoring may stretch the resourcing of these volunteer groups. Council may therefore, wish to consider whether any CCTV installation and monitoring should be paid by those most likely to gain; being the businesses within the industrial area.

CONCLUSION

Council recently requested additional information on how a 3500kg vehicle restriction may work in the District.

The provision Council is considering is specific to street racing, and so in order for it to be enabled Council need to be satisfied that there is enough evidence of boy racing to warrant the restriction of vehicles in these areas. To date, Police have not provided such evidence and, through discussion with the Police, it is clear that sourcing such information is not straightforward. To some extent, this is because there is little “boy-racer” type activity in Papakura – the behaviour causing concern is general anti-social or criminal behaviour. Council’s view on attempting to obtain the detailed information is sought.

A number of Councils are using the “boy-racer” by-law provisions and these are successful in stopping problems in the areas where the provisions apply. It appears, however, that the problems are being displaced into other areas over time. It is not clear whether such displacement would occur in Papakura although the other Councils experience is likely to be indicative.

Some information was also provided regarding other potential measures for dealing with anti-social and/or criminal behaviour including the potential for wider use of CCTV.

In the absence of clear cut indications of problems, it is a matter for Council direction as to whether there is sufficient evidence to introduce a 3500kg vehicle restriction in any or all of the areas where concerns have been expressed. Should Council wish to do so, it is suggested that this should first be subject to consultation through a general (newspaper) invitation as well as targeted consultation with the residents and/or occupiers of the properties on the affected roads.

RECOMMENDATIONS

1. That the information be received.
2. That the Council provide direction as to whether to seek more information on offences from the New Zealand Police.

6. REGULATORY AND ENFORCEMENT

**(b) REGULATORY SERVICES REPORT FOR
FEBRUARY 2010**

REPORTING OFFICER: **Graeme McCarrison**
Director Regulatory Services

ATTACHMENT: **Statistical Data**
Food Grading List of Premises
Resource Consent Customer Survey
Analysis
(Attachment No. 3)

PURPOSE OF THE REPORT

The purpose of this report is to provide the Committee with information on Regulatory Services operations.

BACKGROUND

The Regulatory Services operation has seven primary functions being Building Consents, Resource Consents, Environmental Health Inspections, Liquor Licensing, Animal Control, Noise Control and Parking Control and each is reported on separately within this report. Detailed information is provided on each functional area in the attachment to this report. The first section of the attachment provides comparative data for Building, Environmental Health and Liquor.

The second section relates to Resource Consents and is divided into four key parts related to the number of applications received and processed, monitoring and compliance, significant on-going matters and applications and finally matters before the Environment Court.

The third, fourth and fifth sections concern Animal Control, Noise Control and Parking Control respectively.

NARRATIVE

Building Consents February 2010

The key building performance statistics for the month are as follows:

- For the month of February 2010 there were 36 consents issued and the average number of days to issue these consents was 16.6 days. There were 9 amendments issued during the month. All consents were issued within 20 working days. For the YTD 347 consents were issued with 99% being issued within 20 working days. The YTD average number of days to process these consents was 13.2 days. In February in the previous year 32 consents were issued with 97% of these being processed within 20 working days. The average number of days to process the consents in the previous year was 15.7 days.
- The total value of consents issued in February was \$6.9 million which compares to \$5.9 million in the same month in the previous year.
- 46 consent applications were received in February 2010 compared to the 29 received in the same month in the previous year.

- There were 47 Land Information Memoranda issued in February compared to 33 in the same month last year.

Swimming Pools

In February 2010 a total of 65 properties were visited to check swimming pool fencing compliance and 12 failed the initial inspection. The failed inspections generally related to maintenance items such as repairs to gates, fences and window restrictors.

Environmental Health

Details of Current Food Grades

All food premises have had their inspections for re-grading completed. The next round of grading inspections will begin in May 2010 and should be completed by the end of June 2010. All gradings can be viewed on the Papakura District Council website and are attached to this report.

Enforcement Issues

During the month of February 2010, 27 complaints were received. These complaints related to various issues including food premises, general nuisance from rubbish and overgrown sections.

Liquor Licensing

During the month of February 2010 there were a total of 26 applications received which were made up of the following:

1.	General Manager's Certificate	3
2.	Renewal General Manager's Certificate	6
3.	On Licence	1
4.	Off Licence – Renewal	2
5.	Special Licence	14
		—
		26

The new On-Licence related to a change in ownership for the restaurant known as "Paya Serai" situated in Broadway, Papakura.

Night monitoring on alternate Thursdays and Fridays of liquor premises continues to be carried out by the Liquor Licensing Inspector, in conjunction with the Police/Medical Officer of Health.

Resource Consents

In February, 19 resource consents were processed and 32 were received. The average number of days to process these consents was 11.0 days. All consents were processed within the statutory timeframes.

Complaints and Resource Consent Monitoring:

During February 2010, 35 complaints were received and 22 of these complaints have been resolved successfully with the remaining 13 complaints still currently under investigation. Currently there are 63 complaints dating to back to February 2005 which are being worked on. Only 7 of the complaints are more than 10 months old.

35 new resource consents became due for monitoring checks and 22 were signed off as completed during the month. 129 monitoring visits occurred in February 2010.

Resource Consent Matters:

201 and 211 Opaheke Road

In December 2008 Council issued an abatement notice requiring the owner to remove the old car bodies and vehicles stored on the site. The Manager Resource Consents visited the site with one of Council's legal representatives on 23 October 2009. After the site visit and following legal advice, it was decided to cancel the current abatement notice issued to Mr Gary van den Bogaart and issue three separate notices to all property owners as Mr van den Bogaart told the Court that the materials and wrecks onsite belonged to several family members. A site visit took place on 12 February 2010 to confirm compliance; however the owners refused to allow entry on to the land. After discussions with legal team it was decided to apply for a search warrant under section 334 of the Resource Management Act 1991. Judge Whiting approved the warrant and the site visit under the search warrant was subsequently carried out on the 23 March 2010. Examination of the evidence found and discussions with the Legal Team is ongoing so as to consider the appropriate course of action.

Significant/Contentious Resource Consent Applications:

Motocross, Ardmore Quarry Road

The Environment Court mediation was held on 22 May 2009. Agreement on the main issues (and in particular on noise and frequency of use) was not reached. Council has undertaken further noise monitoring and the results have been distributed to the parties of the appeal. The parties have assessed the noise report and have requested further Court assisted mediation. This was due to occur on 4 March 2010 but was subsequently postponed and a further date from the Court is awaited.

190 Flanagan Road, Drury

An application for resource consent has been received to establish a drilling contractor's depot and engineering/repair operation for farming machinery and equipment on the above land. The application was notified on a limited basis until 26 June 2009. Following submissions received as part of the notification process, the applicant has agreed to commission a noise assessment. This noise report has been received and subsequently assessed. A Hearing was held on 22 February 2010. The application was subsequently approved by Commissioners subject to a number of conditions.

116 Walter Strevens Drive

An application has been received to use the above residential property as a church. The application was notified on a limited basis. Seven submissions were received and a hearing was subsequently held on the 24 February 2010. The application was approved by the Commissioners on 16 March 2010.

Resource Consent Customer Survey Forms

Customer Survey forms have been sent out for the period September 2009 to February 2010. The response rate to these survey forms was 40%. Of those that have responded 57% considered the overall service offered was excellent, 21.5% thought it above average and 21.5% thought it to be average with 0% considering it to be poor or below average. A copy of the analysis is attached to this report.

Animal Control

There were 68 property visits in February compared 112 visits in January 2010. 36 dogs were impounded and of these 24 were unregistered. Of the 60 complaints received after hours, 24 were for excessive barking and 18 were for dogs wandering at large. Only 22 infringement notices were issued this month which is very low and indicates greater compliance by most dog owners.

Noise Control

Complaints (after hours) received from residents about excessive noise for February 2010 were 262 compared to 293 in January 2010. The last two months have seen an increase in Excessive Noise Direction Notices issued with 10 this month being the highest for the year.

A total of 5 complaints were received during office hours, all related to noisy stereos. All but 1 of the complaints received has been resolved and the Environmental Health Officer is continuing to work with the complainants in order to resolve the outstanding issue.

Parking Control

A total of 462 infringement notices were issued for February 2010 compared to 504 in January 2010. Schools started for the year this month and 30 patrols were carried out with a high number of infringements issued. Routine twice weekly truck patrols were carried out with a focus on the Takanini area.

In February there were 20 infringements issued for parking in a disabled park which is the same number as for January. There were 81 infringements issued for parking on grass berms compared to 111 in January.

Summaries of the parking infringements are as follows:

February

Registration	92
Warrant of Fitness	51
Footpath	37
Broken Yellow Lines	45
Restricted Parking	23
Disabled	20
Loading Zone	33
Bus Stop	4
No Stopping	41
Facing Wrong Direction	6
Parking on Grass Berms	81

RECOMMENDATION

1. That the information be received.

7. CONFIDENTIAL