



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

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

DATE: Tuesday 8th December 2009
TIME: 1.00 pm
VENUE: Council Chambers
 35 Coles Crescent
 PAPA KURA

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, PAPA KURA ON TUESDAY 8TH DECEMBER 2009
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 10th November 2009 be confirmed.

3. DEPUTATIONS AND PETITIONS

4. PLAN CHANGES

- (a) **PRIVATE PLAN CHANGE NO 10:
AMENDMENTS TO ARDMORE AERODROME
ZONE TO PROVIDE FOR INTERIM NON-
AVIATION INDUSTRIAL USES WITHIN
PRECINCT A – RESOLUTION TO MAKE
OPERATIVE**

**REPORTING OFFICER: Anne Cheng
Manager Policy Planning**

PURPOSE OF THE REPORT

The purpose of this report is to seek a Council resolution to make Private Plan Change 10 (PPC10) operative.

BACKGROUND

Ardmore Airport Ltd lodged a private plan change request seeking amendments to the Ardmore Aerodrome Zone to provide for interim non-aviation industrial uses within Precinct A on 24 December 2008.

PPC10 was first publicly notified on 8 April 2009. Decisions on PPC10 were publicly notified on 30 September 2009. The period for lodging appeals has now expired and no appeals have been received by either Council or the Environment Court.

All statutory processes are now complete. Council can make PPC10 operative.

NARRATIVE

The Resource Management Act 1991 (RMA) requires Council to resolve to set a date after which PPC10 will be operative, and to publicly notify this resolution not less than five working days before the operative date. In making PPC10 operative, Council must ensure that the District Plan is updated to reflect PPC10.

A public notice will be placed in the Papakura Courier on 9 December 2009 to advise that PPC10 will be made operative on 18 December 2009.

CONCLUSION

Processing of PPC10 is now complete. PPC10 can be made operative.

RECOMMENDATIONS

1. That the information be received.
2. That pursuant to clause 17 of the First Schedule to the Resource Management Act 1991, Council approves Private Plan Change 10 to the Papakura District Plan, and affixes the seal of the Council thereto.
3. That pursuant to clause 20 of the First Schedule to the Resource Management Act 1991, Private Plan Change 10 becomes Operative on 18 December 2009.

5. OTHER PLANNING MATTERS

6. REGULATORY AND ENFORCEMENT

(a) REGULATORY SERVICES REPORT FOR OCTOBER 2009

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

ATTACHMENT: **Statistical Data**
Food Grading List of Premises
(Attachment No. 1)

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 and a graph that shows monthly Building statistics dating back to September 2008.

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 October 2009

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

- For the month of October 2009 there were 29 consents issued and the average number of days to issue these consents was 13 days. There were 13 amendments issued during the month. 100% of consents were issued within 20 working days. For the YTD 178 consents were issued with 100% being issued within 20 working days. The average number of days to process these consents was 11.8 days. In October in the previous year 36 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 12 days.
- The total value of consents issued in October was \$4 million which compares to \$6 million in the same month in the previous year.

- 53 consent applications were received in October 2009 compared to the 25 received in the same month in the previous year.
- There were 50 Land Information Memoranda issued in October compared to 36 in the same month last year.

Swimming Pools

In October 2009 a total of 22 properties were visited to check swimming pool fencing compliance and 5 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 take place in November/December 2009. There are now four premises that have chosen to adopt the VIP Food Plan promoted by the NZFSA. The latest is Old Flame Memory Lane Restaurant, who has applied for the Food Plan and will not be assigned a grading under the Food Hygiene Regulations 1974; however they will be assessed as per the NZFSA Food Plan. All gradings can be viewed on the Papakura District Council website and are attached to this report.

Enforcement Issues

During the month of October 2009, 34 complaints were received. These complaints related to various issues including noisy stereos, pests, food premises and general nuisance from rubbish related matters. There was one complaint relating to the keeping of animals (in this case birds) on a property. The Environmental Health Officer is working with the owner in order to reach a solution to this matter.

Liquor Licensing

During the month of October 2009 there were a total of 41 applications received which were made up of the following:

1.	General Manager's Certificate	4
2.	Renewal General Manager's Certificate	7
3.	Club Licence – Renewal	3
4.	Off-Licence – Renewal	3
5.	Club Managers Certificate	1
6.	Club Manager's Certificate - Renewal	1
7.	On-Licence	1
8.	On-Licence – Renewal	4
9.	Special Licence	17
		—
		41

Night monitoring of certain premises by the Liquor Licensing Inspector, in conjunction with the Police/Medical Officer of Health, continue to be undertaken. Further Controlled Purchase Operations (CPOs) will be undertaken but this will be dependent on availability of staff, especially the Police.

The new Off-Licence that has been granted with reduced hours is likely to be appealed by the owners of the premise. However the licence will not be able to be issued until the Building Consent for the fit-out has had a final inspection resulting in a Code Compliance Certificate being issued.

Resource Consents October 2009

In October, 29 resource consents were processed and 43 were received. For the YTD 136 consents were issued and 98% of these consents were issued within the statutory timeframes. The average number of days to process these consents was 14.8 days. In October all of the consents processed were issued within the statutory timeframes.

Complaints and Resource Consent Monitoring:

During October 2009, 40 complaints were received and 24 of the complaints have been resolved successfully with the remaining complaints still currently under investigation.

In October 2009, 25 new resource consents became due for monitoring checks and 16 were signed off as completed during the month. 137 monitoring visits occurred in October 2009.

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.

155 Hamlin Road

The property is zoned Rural Papakura under the District Plan. The sleepout/storage on this property has been turned into a second household unit contrary to the rules of the District Plan. Council has received a resource consent application for the non complying land use and is currently processing the application. The stay on the abatement remains in place until the application has been processed.

Significant 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 are currently assessing the noise report and a further report to the Court is required. The parties have requested further Court assisted mediation and we are awaiting a date for such mediation from the Court.

Retail development, Priclor Street/Clevedon Road

A new application has been lodged so that it can be determined with regard to the amendments to the Resource Management Act which came into force on 1 October 2009. This is currently under consideration.

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. Further information has been requested seeking clarification and assessment of the likely noise against the requirement of the noise standards set out in Rural Plan Change 13.

Animal Control

Annual property visits for unregistered dogs has continued in October and 29 dogs were impounded compared to 49 in October 2008. 13 of the impounded dogs were unregistered and 11 were unclaimed.

Police assistance was required six times in October to resolve complaints

Noise Control

Complaints received about excessive noise for October were 240 up from 185 last month. Complaint numbers are rising as the weather improves and residents spend more time outside. 52 excessive noise notices were issued in October compared to 39 in August. Whenever possible noise notices are issued on the first visit as this frequently stops the problem or allows further action, such as seizing the stereo, in a short timeframe.

Parking Control

538 infringement notices were issued in total for October compared to 367 in September 2009. 27 infringements were issued for disabled parking offences compared to 12 for September 2009. There were 288 school patrols undertaken this month with infringements issued on numerous occasions for unsafe parking when children are being dropped off at school. 96 reserve patrols were carried out.

A summary of the parking infringements is as follows:

	October
Registration	109
Warrant of Fitness	79
Footpath	60
Broken Yellow Lines	67
Restricted Parking	43
Disabled	27
Loading Zone	54
Bus Stop	17
No Stopping	32
Facing Wrong Direction	12

RECOMMENDATION

1. That the information be received.

6. REGULATORY AND ENFORCEMENT

(b) DOG CONTROL POLICY AND PRACTICES - 2008/09

REPORTING OFFICER: Graeme McCarrison
Director Regulatory Services

ATTACHMENTS: Papakura Dog Bylaw & Policy 2004
Papakura Dog Bylaw & Policy 2009
2008/09 Schedule of Fees and Charges

(Attachment No. 2)

PURPOSE OF THE REPORT

The purpose of this report is to provide the annual dog control report for the 2008/09 financial year to Council.

BACKGROUND

Under Section 10A of the Dog Control Act 1996, local authorities are required to annually, publicly, report on the administration of their dog control practices. This report includes the relevant dog control statistics for the financial year.

In addition to the statutory requirement to prepare a dog control report, the Council must also give the public notice of the report by means of a notice in papers available locally. A copy of the report will also be placed on the Council website.

Within one month of adopting the report, Council must forward a copy to the Secretary for Local Government.

In respect of each financial year, the annual report must include information relating to:

- (a) the number of registered dogs in Papakura District.
- (b) the number of probationary owners and disqualified owners in Papakura District.
- (c) the number of dogs in Papakura District classified as dangerous under Section 31 and the relevant provisions under which the classification is made.
- (d) the number of dogs in Papakura District classified as menacing under Section 33 and the relevant provisions under which the classification is made.
- (e) the number of infringement notices issued by Papakura District.
- (f) the number of dog related complaints received by Papakura District Council and the nature of those complaints.
- (g) the number of prosecutions taken by Papakura District Council under this Act.

NARRATIVE

The context for this report is the Papakura District Council Dog Control Policy and Bylaw which became effective from 1 September 2004. A copy of this information is attached. The Bylaw and Policy has been reviewed and changes proposed were subject to public consultation. On 24 November 2009, Council adopted the Papakura District Council Dog Control Policy and Bylaw 2009 which becomes effective from 25 November 2009.

Papakura District Council's Dog Control Practices

Papakura District Council uses a computer database to store information on each registered dog. Each dog has an individual reference number. Incidents involving the dog are recorded and linked to the dog and its owner. The dog's age, sex, breed, colour and neutering status are all recorded as well as whether the dog has been classified as "menacing" or "dangerous". In the 2008/2009 year there were 3,863 dogs registered in the Papakura District.

Papakura District Council contracts dog control to Animal Control Services Ltd. Animal Control Services Ltd (ACSL) provides a 24 hour service. Their role includes registration compliance, enforcing the Dog Control Act 1996 and Impounding Act 1955 (in relation to stock wandering) and providing an education service.

Papakura District Council has applied the relevant dog control policies when administering its practices for the control of dogs.

Dog Control Enforcement

In the 2008/2009 year, there were 1,912 requests for service received and actioned by ACSL. This represents a 2.5% decrease over the previous year.

Of those 1,912 requests for service, 133 were for aggression related offences such as dogs biting or challenging people and dogs attacking other animals. This represents an increase of 33% over the previous year.

Infringement notices are issued to dog owners who fail to comply with the Dog Control Act 1996 and the Papakura District Council bylaws. In 2008/2009 there were 912 infringement notices issued. This is an increase of 70% over last year when 535 infringement notices were issued. 406 of the infringement notices were for "failing to register" dogs compared to 199 last year and 397 were for "failing to control" dogs. This accounted for 43% of all infringement notices issued. There were 63 infringement notices for "failing to confine" dogs, which is 50% more than last year.

There were no prosecutions in the District Court in the 2008/2009 year for breaches of the Dog Control Act 1996.

Dogs Prohibited, Leash Only and Dog Exercise Areas

The Papakura District Council 2004 Bylaw provided three schedules of areas in the bylaws for dogs. The first is prohibited areas, the second is leashed areas and there were 11 designated "off-lead" areas in the Papakura District. All of these areas are patrolled regularly by the Animal Control Officers. Under the Papakura District Council 2009 Bylaw there are now 10 designated "off-lead" areas in the Papakura District.

Dog Registration and Other Fees

Fees and charges are reviewed annually and are set by Council resolution. The public are provided the opportunity to submit on and be heard annually in regard to the fees as part of the either Long Term Council Community Plan LTCCP or the Annual Plan.

The funding sources set out in the funding policy for providing this service is via the fees and charges with the remainder funded from general rates. The following table show the funding split between funding from fees, fines and rates.

	ACTUAL 2008/2009	PROPOSED 2008/09	PROPOSED 2009/10
FEES	41%	44%	48%
FINES	18%	31%	32%
RATES	41%	25%	20%

Discounts are given to owners who demonstrate responsible ownership, ie those that obtain a dog owner licence. The registration and impounding fees are shown in Attachment C.

Dog owners that fail to register their dog on the due date are visited by Animal Control Officers. Registration is requested and if they fail to register their dog, they will receive an infringement notice and their dog may be impounded.

Dog Owner Education

Dog owners pay a reduced registration fee if they obtain a dog owner licence. In the 2008/2009 year, ACSL provided 28 dog owner licence sessions which is down from last year when 30 classes were held. They issued 242 dog owner licences.

Papakura District Council provides dog owners with information through the Papakura District Council website, pamphlets, brochures, posters and in daily dealings with dog owners and the public.

This year's education theme was "Keeping our Children Safe Around Dogs". ACSL printed the comprehensive booklet that was provided by the University of Waikato and Council also provided owners of dogs with a copy of the "Metpet" publication.

ACSL Animal Control Officers attended community events, held school sessions and provided educational displays.

Dog Permits

Under Papakura District Council bylaws, owners with more than two dogs must obtain a permit. During the year 14 dog owners were granted a multi-dog permit.

Dog Impounding

The Dog Control Amendment Act 2003 gives dog control officers the right to enter private property to seize dogs for specific offences. Impounded dogs are held at the shared Manukau City-Papakura District shelter for seven days during which time shelter staff makes every effort to locate and contact the owner to claim their animal.

Impounded dogs are not released until the registration and all other outstanding fees have been paid. The owner is liable for all fees payable including registration, an impounding fee of between \$50.00 and \$225.00 depending on whether it is the first time the animal has been impounded, and a daily sustenance fee of \$16.00 for each day the dog is held at the shelter. Dogs not claimed after seven days, that are unsuitable for adoption, are euthanised. If a dog is suitable for adoption, various agencies are contacted about placing the dog in a new home.

In the 2008/2009 year, 694 dogs were impounded; up from last year when 575 dogs were impounded, an increase of 21%. Of the 694 impounded, 312 were unclaimed and euthanased, which is 45% of impounded dogs. 16 dogs were referred to the SPCA for adoption, up from six last year.

Category	As at 30 June 2009	For Period 01 July 2008 - 30 June 2009
1) Total # Registered Dogs	3,863	~ Not Required ~
2) Total # Probationary Owners	0	0
3) Total # Disqualified Owners	0	0
4) Total # Dangerous Dogs	0	0
➤ Dangerous by Owner Conviction Under s31(1)(a)	0	0
➤ Dangerous by Sworn Evidence s31(1)(b)	0	0
➤ Dangerous by Owner Admittance in Writing s31(1)(c)	0	0
5) Total # Menacing Dogs	0	
➤ Menacing under s33A(1)(b)(i) - i.e. by Behaviour	0	7
➤ Menacing under s33A(1)(b)(ii)- by Breed Characteristics	0	7
➤ Menacing under s33C(1) by Schedule 4 Breed.	0	3
6) Total # Infringement Notices.	~ Not Required ~	912
7) Total # Complaints Received	~ Not Required ~	1,498
➤ TA Complaint Category 1	~ Not Required ~	Not Applicable
➤ TA Complaint Category 2...	~ Not Required ~	
8) Total # Prosecutions Taken	~ Not Required ~	0

CONCLUSION

Council is required under section 10A Dog Control Act 1996 to prepare and adopt an annual report on the dog control services. This report sets out what Council has achieved in regard to dog control during the financial year 2008/2009 and is presented for adoption by Council.

RECOMMENDATIONS

1. That the information be received.
2. That Council adopt the 2008/2009 Report on Dog Control Policy and Practices.

7. NOTICES OF MOTION

8. CONFIDENTIAL

**(a) PROPOSED PLAN CHANGE NO.14
TAKANINI STRUCTURE PLAN AREA 6 –
TIMING OF EFFECT OF RULES**

RECOMMENDATION

1. That Council move into public excluded session. The general subject matter to be considered, the reason for passing this resolution in relation to this matter and the specific grounds under s 7 (2) g and s. 48 (2) a i of Local Government Official Information and Meetings Act 1987 are:

Item	Reason	Grounds
7(a) Proposed Plan Change No.14 Takanini Structure Plan Area 6 – Timing of Effect of Rules	To maintain legal professional privilege To enable the local authority to deliberate in private on its decision or recommendation in any proceedings before a local authority where a right of appeal lies to any Court or Tribunal against the final decision of the local authority in those proceedings.	s 7 (2) g s. 48 (2) a i