



**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 11th May 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 11TH MAY 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 13th April 2010 be confirmed.

3. DEPUTATIONS AND PETITIONS

4. PLAN CHANGES

5. OTHER PLANNING MATTERS

6. REGULATORY AND ENFORCEMENT

(a) REGULATORY SERVICES REPORT FOR MARCH 2010

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.

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 March 2010

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

- For the month of March 2010 there were 55 consents issued and the average number of days to issue these consents was 13.3 days. There were 13 amendments issued during the month. There was one consent issued that took longer than 20 working days to process. For the YTD 401 consents were issued with 99.5% being issued within 20 working days. The YTD average number of days to process these consents was 13.2 days. In March in the previous year 21 consents were issued with 100% of these being processed within 20 working days. The average number of days to process the consents in the previous year was 8.6 days.
- The total value of consents issued in March was \$11.1 million which compares to \$3.5 million in the same month in the previous year.
- 63 consent applications were received in March 2010 compared to the 37 received in the same month in the previous year.

- There were 47 Land Information Memoranda issued in March compared to 43 in the same month last year. For the year to date 393 Land Information Memorandum have been received compared to 276 for the same period in the previous year.

Swimming Pools

In March 2010 a total of 9 properties were visited to check swimming pool fencing compliance and none 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 March 2010, 51 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 March 2010 there were a total of 30 applications received which were made up of the following:

1.	General Manager's Certificate	5
2.	Renewal General Manager's Certificate	9
3.	Off Licence	1
4.	Special Licence	14
5.	Temporary Authority	1
		—
		30

The new Off-Licence related to a change in ownership for the Bottle Store known as "Takanini Wholesale Liquor" situated in Challen Close, Conifer Grove. The Temporary Authority was for the premises known as "The Forge 2" situated in East Street, 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 March, 27 resource consents were processed and 57 were received. The average number of days to process these consents was 18.8 days. 98% of the consents issued were processed within the statutory timeframes.

Complaints and Resource Consent Monitoring:

During March 2010, 31 complaints were received and 23 of these complaints have been resolved successfully with the remaining 8 complaints still currently under investigation. Currently there are 58 complaints dating to back to February 2005 which are being worked on. Only 7 of the complaints are more than 10 months old.

22 new resource consents became due for monitoring checks and 14 were signed off as completed during the month. 109 monitoring visits occurred in March 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. Council is currently working on a Management Plan to support Mr van den Bogaart and his family in their efforts to bring the property into compliance with the District Plan.

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. Council is pushing for the case to be set down for a hearing. The debt issues have not been resolved with the Club.

Pak 'n' Save, 331 Great South Road, Takanini

An application for a new supermarket has been received. The application was publicly notified and the submission period closed on the 3 February 2010. A Hearing is to be held on the 14 May 2010.

Mana Park Seventh Day Adventist Church, 653 Great South Road, Drury

Resource Consent for the above church was declined by Council on the 10 August 2009. The applicant has appealed the decision and the parties are currently in discussion on the matter to see whether a compromise can be reached.

Animal Control

There were 93 property visits in March compared 68 visits in February 2010. 35 dogs were impounded and of these 23 were unregistered. Of the 41 complaints received after hours, 10 were for excessive barking and 19 were for dogs wandering at large. 60 infringement notices were issued this month compared to the 22 issued in February.

Noise Control

Complaints (after hours) received from residents about excessive noise for March 2010 were 260 compared to 262 in February 2010. There were 63 Excessive Noise Direction Notices issued in March compared to 101 in February.

A total of 12 complaints were received during office hours, all related to noisy stereos. All but 1 of the complaints received has been resolved. As this complaint is ongoing, the Environmental Health Officer with assistance from other officers, other Government departments and a private property manager will continue to work with all parties in an effort to resolve the outstanding issue.

Parking Control

Total infringements this month are higher than usual with 737 infringement notices issued in March 2010 compared to 462 in February 2010. Motorists continue to park in disabled parks without displaying a permit with 29 infringements issued. Other general stationary vehicle infringements totalled 693 which is the highest number so far this year.

There were 45 infringements issued for parking on grass berms compared to 81 in February.

Summaries of the parking infringements are as follows:

	March
Registration	138
Warrant of Fitness	94
Footpath	25
Broken Yellow Lines	68
Restricted Parking	126
Disabled	29
Loading Zone	31
Bus Stop	14
No Stopping	37
Facing Wrong Direction	13
Parking on Grass Berms	45

RECOMMENDATION

1. That the information be received.

6. REGULATORY AND ENFORCEMENT

**(b) TEN MONTH REVIEW OF THE CHANGES TO
RESOURCE CONSENT AND ENGINEERING
APPROVAL PROCESSES**

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

ATTACHMENT: **Workshop Presentation 16 June 2009**
(Attachment No. 2)

PURPOSE OF THE REPORT

The purpose of this report is to provide information on the current state of the resource consent and engineering approvals.

BACKGROUND

In June 2009 Council received the confidential Hill Young Cooper report entitled "Process Review – Resource Consents and Engineering Approvals – A Case Study". Council received a briefing from Karen Bell from Hill Young Cooper at a workshop on 16 June 2009, see attached. During the workshop Council agreed to the proposed implementation action/s related to each of the recommendations. Council requested a report back on the results of the implementation of the recommendations in the period April 2010. This report responds to that request.

NARRATIVE

The Hill Young Cooper report made a number of recommendations for changes to the resource consent and engineering processes. Prior to the report Council had started work on changing the systems. The recommendations have been substantially implemented except where transition to the Auckland Council has made it imprudent or financially not possible to make the recommended changes.

The following table of the recommendations show what has been achieved.

Short-term Opportunities

	Hill Young-Cooper Recommendations	Status as last reported June 2009		Achievements
		Action being taken	When	
1a	Review the existing consent files and ensure key documents and all approvals are on file	All files being reviewed and reorganised. Priority on complex files	29 August 2009	All the existing consent files have the key documents on the property files. This is on-going as old property files are reviewed the consents are checked.

	Hill Young-Cooper Recommendations	Status as last reported June 2009		Achievements
		Action being taken	When	June 2009 to 30 April 2010
1b	On the front of each consent file place a complete tracking schedule of all consents and approvals	Existing tracking sheet being reviewed and updated. Focus on existing active files	1 July 2009 On-going	Completed & on-going - Each new consent has a front tracking schedule sheet. The tracking sheet will be updated as an Auckland Council project to establish consistent procedures.
1c	Provide applicants for the unresolved applications that have not been progressing with a list of the consents and engineering approvals that have been granted for each development that the Council file and ask them to confirm the status of these unresolved matters to ensure that there is an agreed status on all matters	Each applicant on-hold is being reviewed with priority on complex files. Each complex file will have weekly status report prepared and shared with applicant	9 July 2009 On-going	Completed & on-going action. All agents/applicants of on-hold applications have been written to and followed up.
2	Appoint a key person to case manage the Council's involvement in each of these major developments and discuss with the applicant(s) the possibility of them sharing any additional costs associated with providing more effective internal case management	New case management tailored to each consent type subject to agreement with applicant	1 July 2009	Completed & on-going action. Council has in place very efficient case management and key developer relationship process and documents. Recent examples in Marlin Group developments in Takanini and Grove Rd and McLennan.

	Hill Young-Cooper Recommendations	Status as last reported June 2009		Achievements
		Action being taken	When	June 2009 to 30 April 2010
3a	Case management of the internal Council input for complex consents	<p>New case management tailored to each consent type subject to agreement with applicant.</p> <p>New service level agreement between Regulatory and IM / Community Services</p>	<p>1 July 2009</p> <p>1 July 2009</p>	Completed & on-going action. Internal case management is implemented on all consents, not just complex. Service level agreements are in place with all internal experts, eg Infrastructure Management.
3b	Implementing a robust processing structure to improve the programming of forward workload for Council processing staff	<p>New procedure for consents management. Existing management reports.</p> <p>New contracts for consultants being put in place</p>	<p>1 July 2009</p> <p>30 July 2009</p>	<p>Completed & On-going. Existing management reports being used as the ACS computer system will be replaced by the Auckland Council. Workload reviewed by managers daily as work allocated.</p> <p>Consultants have not generally been used. New contracts for the 2010 to 2011 year are being considered. Will include penalties to take account of the discount policy of Resource Management Act.</p>
3c	In the case of Greenfield subdivisions, pre-application meetings should be emphasised with applicants and Council staff. Council's asset engineers must attend these meetings	New pre-application process being put in place	1 July 2009	Completed and working really well. There will be a new pre-application process implemented from 1 November 2010 under the Auckland Council.

	Hill Young-Cooper Recommendations	Status as last reported June 2009		Achievements
		Action being taken	When	June 2009 to 30 April 2010
3d	Lodgement processes need to be improved through earlier assessment of applications before they are lodged and through having applications received by the lead planner or case manager	Focus on pre-application resolution of issues including peer reviews	1 July 2009	Completed & on-going. All incomplete or inadequate applications are rejected. There is a two step process, initial vetting by duty planner and second review by senior planner/Manager Resource Consents, Manager Development Engineer during the daily work allocation meeting.
3e	If engineering approvals are lodged at the same time as subdivision consent, the engineering approvals will not be processed until consent has been finalised	Resource consent and engineering processes separated	1 July 2009	Completed & on-going action. Engineering approvals are generally processed after resource consent except as agreed to by the Manager Resource Consents and Manager Development Engineering.
3f	Further information requests (s 92 processes) need to be better managed	Emphasis on providing comprehensive requests	1 July 2009`	Completed & on-going action. The emphasis is receiving an adequate application in the first place. Pre-application process utilised to get applicants to provide the right information so reducing the need for further information requests.
3g	Draft conditions circulated to applicant to review before consent is issued	This will be generally done subject to time	1 July 2009	This practice is generally done (large applications). However, due to the need to process the application within statutory timeframes, it is not always possible. The new discount penalties from July 2010 will discourage this practice, unless an applicant agrees to extend the processing period for a consent.
3h	Set up a management process for 'disagreements' to be resolved	Proposed process to be reported to Council for adoption	23 June 2009	Completed. The process has not been used by developers.

	Hill Young-Cooper Recommendations	Status as last reported June 2009		Achievements
		Action being taken	When	June 2009 to 30 April 2010
4	Ensure that staff are aware of the pressures and drivers that influence development so that there is a customer focussed attention to timeliness, fairness and reasonableness	Workshop on understanding development is being organised currently	As soon as possible	Not fully completed and on-going. All staff have attended training on the importance of timeliness, the 2009 Resource Management Act amendments and understand the development process. We have undertaken a trip to see other best practice developments in Auckland, including Fletchers "Stonefields". All planners have undertaken urban design courses. Originally we intended to offer a course on the development process from the developers' view, eg how developments are financed, the current bank finance approval process, the development stages, etc. There are no existing training providers that offer this type of training. We approached the Property Council to see if they would develop the training; this was declined after three months of consideration. I have started working with McConnell Property to prepare a training course. However, the Auckland Council transitional work and training may mean this training is not completed before 1 November 2010.

Longer term Opportunities

	Recommendations	Action being taken	When	Achieved
1	Introduce a coherent database system in place to trace applications sufficiently detailed to allow Council to monitor and plan workloads and assist in tracking applications to ensure better compliance with statutory timeframes	The existing systems are adequate – ACS is not being replaced due to Auckland Council restructure		Not completed due to the Auckland Council. A new Auckland Council tracking system will replace the existing ACS in the future. ACS has been updated to track engineering approvals and pre-applications
2	Complete the Code of Urban Subdivision and Engineering review and adopt it	Code being reported to Council for adoption	23 June 2009	Completed and the Code has been reviewed by the technical review group which includes external consultants) three times and the group last met in April 2010. The technical review group has ensured the document is remaining up to date with best practice

Council has successfully implemented changes where appropriate and the results include:

	2008/09	YTD March 2010
Resource consents processed in statutory timeframes Note: 100% the new consents lodged in 2009/10 period ie since 1 July 2009 are processed in statutory timeframes	79.4% This figure includes consents lodged in previous years	98% This figure includes consent lodged in previous years
Average days to process	23.8	17.1
Pre-applications	Unknown	11%
Percentage of applications rejected	Unknown	22%
Additional information requests	81%	45%
Applications on-hold	93	85
Average total days to process	60	61

The customer satisfaction survey results show a 78% excellent or above average level of satisfaction with the service being offered. The respondents suggested two areas for improvement:

- (1) Timeliness
- (2) Need for a resource consent

Timeliness

Council processes all new applications within statutory timeframes, or those agreed to with the applicant. Papakura and Rodney District Council are the only Councils to achieve this in the Auckland Region. Council is already very efficient at processing applications. Applicants still have a long way to go to improve the quality of applications lodged. Council assists applicants via the pre-application process and the provision of free assistance at the planning help desk.

Need for a resource consent

In regard to the second matter, the need for a resource consent is established via the District Plan and/or the applicant's desire to exceed the development rules of the District Plan. The Regulatory Services team implements the District Plan and has no control over who requires a resource consent.

CONCLUSION

In late 2008 Hill Young Cooper were commissioned to independently review the resource consent and engineering approval processes. A confidential report was presented to Council in June 2009 with recommended actions. Since the report Council has implemented all the recommendations where appropriate, taking into account the Auckland Council changes. There have been significant changes in performance and customer satisfaction over the last nine months. Papakura is one of two Councils that process all its resource consents within statutory timeframes.

RECOMMENDATION

1. That the information be received.

7. CONFIDENTIAL

- (a) **PPC4 AND PC11 TO PAPAKURA DISTRICT PLAN / RPS11 AND RPS12 TO AUCKLAND REGIONAL POLICY STATEMENT / VAR2 TO AIR, LAND, WATER REGIONAL PLAN - APPEAL PROCESS UPDATE REPORT**
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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 ground under s. 48 (2) a i of Local Government Official Information and Meetings Act 1987 is:

Item	Reason	Grounds
7(a) PPC4 and PC11 to Papakura District Plan / RPS11 and RPS12 to Auckland Regional Policy Statement / Var2 to Air, Land, Water Regional Plan - Appeal Process Update Report	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. 48 (2) a i