



**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 July 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

CONTENTS

NO.	ITEM	PAGE
1.	Apologies	3
2.	Confirmation of Minutes	3
3.	Deputation and Petitions	3
4.	Plan Changes.....	4-10
	(a) PPC4 PC11 RPS11 RPS12 Var2 - Appeal Process Update Report, Minor Corrections (Including PC12) and Operative Date	4-10
5.	Other Planning Matters	10
6.	Regulatory and Enforcement	11-14
	(b) Regulatory Services Report for May 2010	11-14
7.	Confidential.....	14

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 JULY 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 8th June 2010 be confirmed.

3. DEPUTATIONS AND PETITIONS

4. PLAN CHANGES

- (a) **PPC4 PC11 RPS11 RPS12 VAR2 - APPEAL PROCESS UPDATE REPORT, MINOR CORRECTIONS (INCLUDING PC12) AND OPERATIVE DATE**

**REPORTING OFFICER: Nathanael Savage
Senior Policy Planner**

PURPOSE OF THE REPORT

The purpose of this report is:

- i) To update Council on appeals in relation to Private Plan Change 4: Takanini Structure Plan Area 2A / Cosgrave Structure Plan (PPC4); Plan Change 11: Takanini Structure Plan Area part 2B / Kirikiri Structure Plan and Takanini Structure Plan Area 2C / Dominion Road Structure Plan (PC11); Auckland Regional Policy Statement Changes 11 (RPS11) and 12 (RPS12); and Variation 2 to the proposed Air, Land, Water Regional Plan (Var2).
- ii) To seek approval to make minor amendments to PPC4, PC11, PC12 and the Operative Plan to update references to sections of the Resource Management Act 1991 (RMA) which have been renumbered following recent legislative amendments and make other minor amendments to better integrate the plan changes.
- iii) To determine an operative date for PPC4 and PC11.

BACKGROUND

Appeal updates and settlement parameters have been established by Council at previous meetings on 7 July 2009, 9 February 2010 and 18 May 2010. Please refer to these earlier confidential reports for background information about the appeals and negotiation parameters. This report covers updates / changes from the earlier reports.

Clause 16(2) of the First Schedule of the RMA allows Council to make minor changes to plan changes (prior to becoming operative) to fix any minor errors. Clause 20A of the First Schedule of the RMA allows Council to make minor changes to operative plans to fix any minor errors. Parts of PPC4 and PC11 and related parts of the operative District Plan refer to sections of the RMA that have been renumbered following amendments to the principal Act. These references should be corrected. Also, a few minor changes are recommended to better integrate the decision version of Plan Change No.12 – Glenora Structure Plan (PC12) with PPC4 and PC11 and the operative District Plan.

Clause 20 of the First Schedule of the RMA requires Council to set and publicly notify (no less than 5 working days before) an operative date for operative plan changes. As settlement of the appeals is nearing completion an approach to setting the operative date is being proposed.

NARRATIVE

PPC4 and PC11

Auckland Regional Council (ARC)

ARC has withdrawn its appeal.

Ardmore Aerodrome Tenants and Users Committee (AATUC)

AATUC has withdrawn its appeals but remains a s274 party to multiple appeals but in an observation capacity only. AATUC has confirmed it will not oppose settlement of other appeals to which it is a party.

Ardmore Airport Ltd (AAL)

AAL has accepted the alternative relief proposed by Council, being a jointly drafted letter that will be added to property files and included within Land Information Memoranda for properties fully or partially within the Air Noise Boundary (65dBA), Inner Control Boundary (60dBA) and Outer Control Boundary (55dBA) identified by Plan Change No.6 and Variation No.1 to Plan Change No.6. Settlement documents are circulating.

Cabra Investments Ltd (Cabra)

Cabra has settled its appeal by agreeing to changes proposed by Council. A sealed Consent Order has been received from the Environment Court.

Marko Properties Ltd (Marko)

Marko has withdrawn its appeal.

New Zealand Defence Force (NZDF)

NZDF, CRLA and Council have reached a settlement agreement (in principle). Settlement documents are being drafted and circulated.

These documents include changes to the plan change, a lease agreement over part of Grove Rd for hedgerow screening, a heads of agreement regarding the design for Grove Rd, and a letter to be placed on property files of land within 150m of the Papakura Military Camp noting that the camp is designated for defence purposes and that some of these activities may generate noise. These documents will implement the settlement agreement in accordance with the negotiation parameters previously determined by Council.

Cosgrave Residents and Landowners Association (CRLA)

CRLA has appealed PPC4 seeking several specific amendments. These are as follows:

i.	Remove the notation for 'Landscape Buffer' on the properties along Grove Road opposite the Papakura Military Camp as currently shown on the Cosgrave Structure Plan
ii.	Replace the Grove Road cross section with an amended cross section to provide for a 2 way road with buffer in the central median rather than a slip road layout
iii.	Amend Appendix 16B - Subdivision Design Assessment Criteria Residential 8A and 8B Zones, Design Element 1: Road, Reserve and Access Networks - Residential 8A Zone by inserting a new point between points 2 and 3 as recommended in the Decision but not carried forward into the marked up text of the Decision Notified Version
iv.	Amend Rule 16.4.6.6 Noise (i) on page 60 of marked up text of the Decision Notified Version by deleting the inserted 'A' so that the Rule refers to the Residential 8 Zone not the Residential 8A zone
v.	Amend Appendix 16B Design Element 4 (Residential 8B Zone): in the Explanation, second paragraph by inserting the word 'and' between '...population' and '...the urban character for each area'
vi.	Amend Appendix 16C, first page first paragraph, second bullet point to

refer to '16.2.7' and not '16.=2...7'

An agreement has been reached to settle point's iii. to vi.), CRLA has withdrawn its appeal relating to these points.

In relation to i. and ii. this appeal issue is part of the NZDF appeal discussion. Council's approach to the CRLA appeal will be consistent with that of the NZDF appeal.

Kirikiri Residents and Landowners Association (KRLA)

KRLA has withdrawn its appeal.

CDL Land New Zealand Ltd (CDL)

CDL is a s274 party to most appeals. Their interests lie in supporting the rezoning of Area 2C and have not opposed settlement.

RPS11, RPS12 and Var2

Reference to the 'MUL extension' (RPS11 and RPS12) includes the extension of the Urban Air Quality Management Areas (UAQMA) under Var2.

Papakura District Council (Council), Cosgrave Residents and Landowners Association (CRLA), Kirikiri Residents and Landowners Association (KRLA)

ARC has agreed to the relief sought by Council (and CRLA / KRLA).

Ardmore Aerodrome Tenants and Users Committee (AATUC)

AATUC has withdrawn their appeal but remains a s274 party to multiple appeals but in an observation capacity only. AATUC has confirmed it will not oppose settlement of other appeals to which it is a party.

Council has previously set the negotiation parameters for all these appeals and delegated minor changes to the negotiation position of Council to the Director for Policy and Democracy Services with final consent order sign off delegated to the Chief Executive.

Minor Amendments

PPC4 and PC11 refer to Sections 94C and 94D(2) of the RMA which have been amended since the promulgation of the plan changes. The amended RMA retains either the specific or general intent of the original RMA sections but alters the section numbers.

A few minor changes are also recommended to better integrate the decision version of Plan Change No.12 – Glenora Structure Plan (PC12) with PPC4 and PC11 and the operative District Plan.

Changes proposed are as follows:

PPC4 PC11 Clause 16(2) changes -

- Amend "Section 94C" in Parts 5B.2.4.1(4) of Section One, 16.2.4.2(2) and (3) of Section Three to "Section 95A(4)"
- Amend the last paragraph of Part 16.2.3.3 of Section Three to read as follows:

"Except as provided for by Section 95A(4) of the Resource Management Act 1991, and except where Council does not consider the proposed design satisfactorily meets the criterion 16.2.3.6.4 (Design and Layout), applications for Restricted Discretionary activity subdivision will not be notified"
- Amend "Section 94D(2)" in Part 16.2.3.7(5) of Section Three to "Section 95A(4)"

- Delete “*and main transport routes*” from Section One Part 5B.2.3 a) as PC12 rewrites this part.

PC12 Clause 16(2) changes -

- Delete “*Glenora*” from Parts 15.8.16.2 v), 16.3.3.3 (4) [renumbered to 16.4.3.3 (4) by PPC4 PC11] of Section Three as PPC4 PC11 introduces a generic reference to Structure Plans.
- Amend “*Section 94C*” in Parts 16.1.4.2, 16.1.5.2 (2) and (3), 16.1.7.2 (1), 16.1.7.3 (1) of Section Three to “*Section 95A(4)*”
- Amend Part 16.1.3.6 (4) c) of Section Three by replacing “*Glenora*” with “*relevant*”.
- Amend Part 16.3.5.3 c) [renumbered to 16.4.5.3 by PPC4 PC11] of Section Three by replacing “*Glenora Structure Plan*” with “*relevant Structure Plan (Appendix 16A)*”.

Clause 20A changes -

- Amend “*Section 94C*” in Parts 16.1.3.3 [Operative numbering], 16.1.8 ii) [Operative numbering], 16.4.4.3 (1) and (3) [16.3.4.3 (1) and (3) respectively under operative District Plan] to “*Section 95A(4)*”.

These changes are all minor and do not change the effect of the provisions. A wider review of District Plan references to the RMA will need to be made as part of regular District Plan maintenance.

Setting an Operative Date

All appeals have been, or are about to be settled. Council will shortly be required to set an operative date for these plan changes following completion of necessary court documentation. In setting an operative date Council needs to consider the following:

1. Timing with respect to RPS11, RPS12, Var2 – Council cannot set an operative date that is earlier than the changes to the preeminent ARC documents. Council can set a date that is the same as, or following the date set by the ARC.

ARC officers have indicated that they intend publicly notifying on 7 July 2010 that the operative date for RPS11, RPS12 and Var 2 shall be 19 July 2010.

2. Timing with respect to settled appeals on PPC4 PC11 – Sealed copies of Consent Orders approved by the Environment Court are pending. These Consent Orders change aspects of the plan change and need to be confirmed by the Environment Court prior to the operative date.

In the highly unlikely event that the Environment Court does not agree to the settlement documents lodged by the parties then the matters may need to be reported back to Council.

Council must publicly notify the operative date of any plan changes at least five working days prior to that date (Clause 20(2)).

Below is a schedule that Council is being asked to endorse that would provide flexibility in setting an operative date for PPC4 and PC11 and potentially avoid the need to report this matter to Council again at a later date. This is being suggested given the reduced reporting opportunities between now and the next local government elections for the new Auckland Council.

Public Notice	Operative Date
Wednesday, 21 July 2010	Monday, 2 August 2010
Wednesday, 4 August 2010	Monday, 16 August 2010
Wednesday, 18 August 2010	Monday, 30 August 2010
Wednesday, 1 September 2010	Monday, 13 September 2010
Wednesday, 15 September 2010	Monday, 27 September 2010
Wednesday, 29 September 2010	Monday, 11 October 2010
Wednesday, 13 October 2010	Monday, 25 October 2010
Wednesday, 27 October 2010	Monday, 8 November 2010

Whichever is the earliest, subject to the operative date being the same as, or following the operative date set by the ARC for RPS11, RPS12, and Var2, and after receipt of sealed copies of all Consent Orders on PPC4 PC11 from the Environment Court.

CONCLUSION

A number of appeal matters for PPC4, PC11, RPS11, RPS12 and Var2 have been, or are about to be, settled in accordance with previous directions of Council.

Several minor amendments to plan changes and the operative District Plan have been identified which have arisen from renumbering of sections within the RMA as a result of recent legislative amendments and reviewing the integration of decisions on various plan changes. Minor corrections to plan changes can be undertaken using Clause 16(2) of the First Schedule of the RMA whilst minor corrections to operative parts can be undertaken using Clause 20A.

Council officers are finalising the settlement documentation for the remaining NZDF / CRLA appeal issues. The settlement package for these appeals will involve changes to the plan change, a lease agreement, a heads of agreement over the design of Grove Rd and a letter on property files regarding noise and activities at the Papakura Military Camp. These documents will implement the settlement agreement in accordance with the negotiation parameters previously determined by Council.

A schedule of potential operative dates for PPC4 and PC11 has been presented for the approval of Council.

RECOMMENDATIONS

1. That the information be received.
2. That pursuant to clause 16(2) of the First Schedule to the Resource Management Act 1991, Council approve the following changes to Private Plan Change No.4 and Plan Change No.11:
 - a. Amend "Section 94C" in Parts 5B.2.4.1(4) of Section One, 16.2.4.2(2) and (3) of Section Three to "Section 95A(4)"
 - b. Amend the last paragraph of Part 16.2.3.3 of Section Three to read as follows:

- “Except as provided for by Section 95A(4) of the Resource Management Act 1991, and except where Council does not consider the proposed design satisfactorily meets the criterion 16.2.3.6.4 (Design and Layout), applications for Restricted Discretionary activity subdivision will not be notified”
- c. Amend “Section 94D(2)” in Part 16.2.3.7(5) of Section Three to “Section 95A(4)”
 - d. Delete “and main transport routes” from Section One Part 5B.2.3 a) as PC12 rewrites this part.
3. That pursuant to clause 16(2) of the First Schedule to the Resource Management Act 1991, Council approve the following changes to Plan Change No.12:
- a. Delete “Glenora” from Parts 15.8.16.2 v), 16.3.3.3 (4) [renumbered to 16.4.3.3 (4) by PPC4 PC11] of Section Three as PPC4 PC11 introduces a generic reference to Structure Plans.
 - b. Amend “Section 94C” in Parts 16.1.4.2, 16.1.5.2 (2) and (3), 16.1.7.2 (1), 16.1.7.3 (1) of Section Three to “Section 95A(4)”
 - c. Amend Part 16.1.3.6 (4) c) of Section Three by replacing “Glenora” with “relevant”.
 - d. Amend Part 16.3.5.3 c) [renumbered to 16.4.5.3 by PPC4 PC11] of Section Three by replacing “Glenora Structure Plan” with “relevant Structure Plan (Appendix 16A)”.
4. That pursuant to clause 16(2) of the First Schedule to the Resource Management Act 1991, Council approve the following changes to Private Plan Change No.4 and Plan Change No.11:
- a. Amend “Section 94C” in Parts 16.1.3.3 [Operative numbering], 16.1.8 ii) [Operative numbering], 16.4.4.3 (1) and (3) [16.3.4.3 (1) and (3) respectively under operative District Plan] to “Section 95A(4)”.
5. That pursuant to Clause 17 of the First Schedule to the Resource Management Act 1991, Council approves Private Plan Change No.4 and Plan Change No.11 (decision notified 15 July 2010) to the Papakura District Plan as amended by the Cabra, NZDF and CRLA Consent Orders and Clause 16(2) changes, and affixes the seal of the Council thereto.
6. That, pursuant to Clause 20 of the First Schedule of the Resource Management Act, Council declare that Private Plan Change No.4 and Plan Change No.11 to the Papakura District Plan becomes operative on a date in accordance with the following schedule:

Public Notice	Operative Date
Wednesday, 21 July 2010	Monday, 2 August 2010
Wednesday, 4 August 2010	Monday, 16 August 2010
Wednesday, 18 August 2010	Monday, 30 August 2010
Wednesday, 1 September 2010	Monday, 13 September 2010
Wednesday, 15 September 2010	Monday, 27 September 2010
Wednesday, 29 September 2010	Monday, 11 October 2010

*Agenda
Resource Management & Regulatory Committee Meeting
13th July 2010*

Wednesday, 13 October 2010	Monday, 25 October 2010
Wednesday, 27 October 2010	Monday, 8 November 2010

Whichever is the earliest, subject to the operative date being the same as, or following the operative date set by the ARC for RPS11, RPS12, and Var2, and after receipt of sealed copies of all Consent Orders on PPC4 PC11 from the Environment Court.

5. OTHER PLANNING MATTERS

6. REGULATORY AND ENFORCEMENT

(a) REGULATORY SERVICES REPORT FOR MAY 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 May 2010

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

- For the month of May 2010 there were 64 consents issued and the average number of days to issue these consents was 14.9 days. There were 11 amendments issued during the month. All consents were issued within 20 working days. For the YTD 564 consents were issued with 99.5% being issued within 20 working days. The YTD average number of days to process these consents was 13.0 days. In May in the previous year 55 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 10.6 days.
- The total value of consents issued in May was \$6.8 million which compares to \$5.0 million in the same month in the previous year.
- 44 consent applications were received in May 2010 compared to the 53 received in the same month in the previous year.

- There were 34 Land Information Memoranda issued in May compared to 46 in the same month last year. For the year to date 470 Land Information Memoranda have been received compared to 364 for the same period in the previous year.

Swimming Pools

In May 2010 a total of 44 properties were visited to check swimming pool fencing compliance and 14 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

The next round of grading inspections is currently being undertaken 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 May 2010, 35 complaints were received. These complaints related to various issues including food premises, general nuisance from rubbish and overgrown sections. There are two outstanding complaints which relate to overgrown properties. The Environmental Health Officer is working with those owners in order to resolve the complaints

Liquor Licensing

During the month of May 2010 there were a total of 35 applications received which were made up of the following:

1.	General Manager's Certificate	4
2.	Renewal General Manager's Certificate	10
3.	Club Managers Certificate	2
4.	Renewal Club Licence	3
5.	Renewal Off Licence	1
6.	Renewal On Licence	1
7.	Special Licence	14
		—
		35

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 May, 28 resource consents were processed and 52 were received. The average number of days to process these consents was 12.7 days. All of the consents issued were processed within the statutory timeframes. 304 consents have been issued for the year to date. The average number of days to process these consents was 16.1 days. 98% of the consents were processed within the statutory timeframes. It is worth noting that 100% of the consents received within this financial year have been processed within statutory timeframes.

Complaints and Resource Consent Monitoring:

During May 2010, 36 complaints were received and 24 of these complaints have been resolved successfully with the remaining 12 complaints under investigation. Currently there are 58 on-going investigations with the oldest dating back to February 2005 and only 9 of these cases are more than 10 months old.

20 new resource consents became due for monitoring checks and 15 were signed off as completed during the month. 155 monitoring visits occurred in May 2010.

Resource Consent Matters:

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 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. The situation remains unchanged since last month.

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 was held on 14 and 15 May 2010. The application was approved subject to conditions on the 4 June 2010.

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

Resource Consent for the above church was declined by Council on 10 August 2009. The applicant has appealed the decision and the parties are continuing to have discussions regarding options to resolve the appeal.

Bunnings, 173 Great South Road, Takanini

A Resource Consent for a new Bunnings store at the above address was formally lodged on 18 June 2010. The application is currently being assessed for completeness.

55 Takanini School Road, Takanini

A Resource Consent for 2280m² of retail space, 32 residential apartments, 26 live/work units, 3,249m² of light industrial, a childcare centre and 98 (medium density) residential units at the above address has recently been formally lodged. The application is currently being assessed for completeness.

Animal Control

There were 212 property visits in May compared to 72 visits in April 2010. 80 dogs were impounded this month which is the highest number of impounded dogs for any month this year. This is as a result of a concentrated effort to visit properties to ensure registration. 58 of the impounded dogs were unregistered. There were 19 dogs seized this month due to failure to register.

Noise Control

Complaints (after hours) received from residents about excessive noise for May 2010 have reduced with 182 compared to 315 for December 2009 which was the busiest month this year. However, 66 Excessive Noise Direction Notices were issued and on five occasions stereo equipment was seized as officers endeavour to shut down regular offenders.

Parking Control

There were 886 infringements notices issued this month compared to 605 in April 2010. Active monitoring of parking in disabled carparks continued this month with 29 infringements being issued.

Takanini straight has been monitored for overtime parking and infringements issued, particularly in the area of Aden Reserve.

Summaries of the parking infringements are as follows:

	May
Registration	240
Warrant of Fitness	176
Footpath	14
Broken Yellow Lines	34
Restricted Parking	55
Disabled	29
Loading Zone	13
Bus Stop	20
No Stopping	42
Parking on Grass Berms	38
Blocking vehicle entrance or ROW	12
Certificate of Inspection	6

RECOMMENDATION

1. That the information be received.

7. CONFIDENTIAL