



**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 8th June 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 8TH JUNE 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 11th May 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 June 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.

5. OTHER PLANNING MATTERS

6. REGULATORY AND ENFORCEMENT

(a) REGULATORY SERVICES REPORT FOR APRIL 2010

REPORTING OFFICER: Graeme McCarrison
Director Regulatory Services

ATTACHMENT: Statistical Data
Food Grading List of Premises

(Attachment No. 2)

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 April 2010

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

- For the month of April 2010 there were 43 consents issued and the average number of days to issue these consents was 13.4 days. There were 12 amendments issued during the month. All consents were issued within 20 working days. For the YTD 444 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 April in the previous year 41 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 9.5 days.
- The total value of consents issued in April was \$13.0 million which compares to \$3.6 million in the same month in the previous year.
- 61 consent applications were received in April 2010 compared to the 62 received in the same month in the previous year.

- There were 43 Land Information Memoranda issued in April compared to 42 in the same month last year. For the year to date 436 Land Information Memorandum have been received compared to 318 for the same period in the previous year.

Swimming Pools

In April 2010 a total of 54 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 are 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 April 2010, 46 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 April 2010 there were a total of 31 applications received which were made up of the following:

1.	General Manager's Certificate	5
2.	Renewal General Manager's Certificate	5
3.	Renewal Club Manager	1
4.	Renewal Off Licence	1
5.	Renewal On Licence	1
6.	Special Licence	15
7.	Temporary Authority	3
		—
		31

The three Temporary Authorities were for the premises which have all had a change of ownership. They were the Jolly Farmer, Old Flame and Takanini Liquor Bargain.

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. A Controlled Purchase Operation (CPO) was carried out in April 2010 which resulted in no sales to underage persons.

Resource Consents

In April, 25 resource consents were processed and 26 were received. The average number of days to process these consents was 13.8 days. 96% of the consents issued were processed within the statutory timeframes. 254 consents have been issued for the year to date. The average number of days to process these consents was 16.7 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 April 2010, 34 complaints were received and 24 of these complaints have been resolved successfully with the remaining 10 complaints still currently under investigation. Currently there are 61 complaints dating to back to February 2005 which are being worked on. Only 6 of the complaints are more than 10 months old.

27 new resource consents became due for monitoring checks and 9 were signed off as completed during the month. 100 monitoring visits occurred in April 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. After a range of interventions, Council began 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. The Management Plan has been provided to the respective parties to implement the plan. Failure to comply with the requirements of the Management Plan at any stage without prior approval of Council will lead to immediate enforcement action. Some progress has been made to implement the management plan and tidy the property up. However on 25 May 2010 Mr Gary van den Bogaart was sentenced to a 1 year prison term for the animal cruelty offences related to the illegal poultry activities on the property. The implementation of the management plan is currently being revisited with Mr van den Bogaart's family.

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. 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 Commissioners are in the process of making a decision.

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 continuing to have discussions regarding options to resolve the appeal.

Animal Control

There were 72 property visits in April compared to 93 visits in March 2010. Impounded dog numbers are high this month with 53 dogs being impounded compared to 35 in March 2010. 34 or 55% of these were unregistered. 11 of those dogs were seized from properties under section 42 seizures (dogs on the unregistered list). Staff assisted Police on 19 occasions this month seizing dogs on properties after attacks or to enable Police to conduct drug raids.

Noise Control

Complaints (after hours) received from residents about excessive noise for April 2010 remained steady with 254 compared to 260 in March 2010. 91 Verbal warnings were issued this month compared to 78 in March 2010, as officers tried to communicate more with residents in a pro-active effort to warn people about their community responsibility and prevent further problems.

61 Excessive Noise Notices were issued compared to 63 in March 2010 with equipment being seized on four occasions.

Parking Control

There were 605 infringement notices issued this month compared to 737 in March 2010. Heavy vehicle infringements are reduced this month after the blitz carried out last month.

There continues to be a focus on disabled parking offences in the CBD. There was a decrease in the number of infringement notices issued with 20 compared to 29 in March 2010. School patrols were increased compared to last month as schools requested extra patrols. Infringements for parking on the grass berm remain consistent with 44 infringements being issued compared to 45 in March 2010.

Summaries of the parking infringements are as follows:

	April
Registration	214
Warrant of Fitness	120
Footpath	9
Broken Yellow Lines	19
Restricted Parking	92
Disabled	20
Loading Zone	19
Bus Stop	8
No Stopping	8
Facing Wrong Direction	7
Parking on Grass Berms	44

RECOMMENDATION

1. That the information be received.

6. REGULATORY AND ENFORCEMENT

(b) AMENDMENT TO CONTROL OF ADVERTISING SIGNS BYLAW 2008

REPORTING OFFICER: Erin Clarke
Policy Advisor

ATTACHMENT: Papakura District Council Control of Advertising Signs Bylaw 2008 with Proposed Amendments

(Attachment No. 3)

PURPOSE OF THE REPORT

The purpose of this report is to seek Council approval for an amendment to the Control of Advertising Signs Bylaw 2008 in relation to election signage, as required by the Local Government (Tamaki Makaurau Reorganisation) Act.

BACKGROUND

The Local Government (Auckland Law Reform) Bill tabled in Parliament on 24 May 2010 contained an amendment to the Local Government Act (Tamaki Makaurau Reorganisation) Act, requiring Council's to give effect to a number of provisions in relation to election signage. It stipulates that the relevant bylaws must contain these provisions by 1 July 2010.

NARRATIVE

The Bill contains a specific amendment to the Local Government (Tamaki Makaurau Reorganisation) Act 2009.

The new Section 29D and Schedule 3 of the Local Government (Tamaki Makaurau Reorganisation) Act 2009 (The Act) is quoted below:

“29D Obligations of existing local authorities in relation to October 2010 triennial general elections

- (1) For the purposes of preparing for the October 2010 triennial general elections for the Auckland Council, each existing local authority that is a territorial authority must, no later than 1 July 2010,—*
 - (a) make a bylaw, or amend an existing bylaw,—*
 - (i) to give effect, within its district, to the rules and requirements set out in Schedule 3 (which relates to signs); and*
 - (ii) that identifies all the land owned by the existing local authority on which signs may be erected in accordance with the bylaw; and*
 - (b) revoke any existing bylaw or part of any bylaw that is inconsistent with the rules and requirements set out in that schedule.*

- (2) *Sections 155 and 156 of the Local Government Act 2002 do not apply to the making, amending, or revoking of a bylaw under this section.*
- (3) *To avoid doubt, subsection (1) does not require the Franklin District Council to make, amend, or revoke any bylaw in respect of any part of its district in which, because of the reorganisation, elections for the Auckland Council will not be held.”*

“Schedule 3 s 29D(1)(a)(i)

Matters in relation to election signs that must be included in bylaw to be made for purposes of section 29D(1)(a)(i)

1 Interpretation

In this schedule,—

election means the October 2010 triennial general elections in relation to the election of members of Auckland Council and its local boards

local authority designated site means land identified in accordance with section 29D(1)(a)(ii)

sign means a sign erected for the purposes of the election and includes an election hoarding.

2 No building consent required or fee payable for sign 3 m² or less in size

- (1) *Signs do not require a building consent or fee to be paid.*
- (2) *Subclause (1) applies only if the sign is 3 m² or less in size.*
- (3) *This clause applies whether the sign is erected on a local authority designated site or on private property.*

3 Time period that sign may be displayed

- (1) *A sign may be displayed at any time within the 2 months preceding the election.*
- (2) *Every sign must be removed before the day on which the voting period for the election ends (polling day).*
- (3) *This clause applies whether the sign is erected on a local authority designated site or on private property.*

4 Prohibited sites for signs

- (1) *A sign must not be erected on any footpath, traffic island, or road (except if the sign is on or connected to a legally parked motor vehicle within the meaning of section 2(1) of the Land Transport Act 1998).*
- (2) *A sign must not be erected on private property without the landowner’s consent.*

5 Signs must be erected in manner that ensures public safety

A sign must be erected in a way that, in the opinion of an officer authorised by the existing local authority for the purpose, ensures public safety.

6 Signs on local authority designated sites

- (1) *A sign erected on a local authority designated site must comply with the following conditions:*

- (a) *the sign must be less than 3 m above ground level:*
 - (b) *there must be at least 1.4 m clearance between the base of the sign and the ground:*
 - (c) *the sign must have an area of 3 m² or less:*
 - (d) *the sign must be securely braced with supports at an angle of 45° to the sign and anchored at ground level:*
 - (e) *the sign must be free-standing (for example, it must not be fixed to a tree, building, or furniture):*
 - (f) *the sign must be placed outside the dripline of any tree:*
 - (g) *the sign must not have any secondary sign, poster, flag, or other thing attached to it.*
- (2) *A sign must also comply with any site-specific requirements.*
- (3) *Only 1 sign may be erected per candidate or per party on each site.*
- 7 Existing local authority may remove signs**
- (1) *An existing local authority may remove a sign that—*
- (a) *does not meet the requirements of this schedule; or*
 - (b) *is damaged, is vandalised, or is unsafe in the opinion of an officer referred to in clause 5.*
- (2) *The existing local authority may recover from the candidate concerned the costs of removing and storing a sign and any associated administrative costs.*
- 8 Candidates must supply contact details of person responsible for signs**
- (1) *Each candidate must supply the electoral officer with the name and contact details of the person responsible for establishing and maintaining signs for the candidate.*
- (2) *The electoral officer may make this information available to any existing local authority.”*

It should be noted that this requirement is exempt from the usual bylaw determination and special consultative procedure process.

Council's current bylaw

Section 11 of Council's current Control of Advertising Bylaw 2008 states that:

- 11.1 *Election signs shall have a maximum area of 3m²*
- 11.2 *Election signs shall not be erected earlier than two months before an election*
- 11.3 *With regard to public land, election signage, may only be erected in areas designated by Council for this purpose*
- 11.4 *On public land, candidates may erect not more than one sign per site*
- 11.5 *Candidates must comply with any other conditions Council may deem fit to impose in relation to election signage on public land.*

These provisions are not inconsistent with the stipulated requirements with the Act and so can remain.

In order to satisfy the further requirements it is suggested that Council insert the following provisions into the bylaw:

- 11.6 For the purposes of preparing for the October 2010 triennial local body general elections:
- (a) The rules and requirements set out in Schedule 3 to the Local Government (Tamaki Makaurau Reorganisation Act 2009 shall apply over and above other election signage requirements within this bylaw (as contained in Appendix 1 of this Bylaw)
 - (b) Signs may be erected on the sites stipulated in Appendix 2 of this Bylaw.

Council will note that the signage sites specified in 11.6b are those identified through the election signage policy previously approved by Council and utilised during previous election campaigns.

CONCLUSION

The Local Government (Tamaki Makaurau Reorganisation) Act 2009 (as stated in an amendment contained in the Local Government (Auckland Law Reform) Bill) requires that Council make ensure its bylaw relating to election signage reflect provisions contained within the Act. The Resource Management and Regulatory Committee are asked to agree to the proposed changes and recommend that these be endorsed by Council at its next meeting.

RECOMMENDATIONS

1. That the information be received.
2. That it be recommended to Council that the following clause be inserted into the Control of Advertising Signs Bylaw 2008:

11.6 For the purposes of preparing for the October 2010 triennial local body general elections:

- (a) The rules and requirements set out in Schedule 3 to the Local Government (Tamaki Makaurau Reorganisation Act 2009 shall apply over and above other election signage requirements within this bylaw (as contained in Appendix 1 of this Bylaw)
- (b) Signs may be erected on the sites stipulated in Appendix 2 of this Bylaw;

And that this clause be enacted on 1 July 2010 as stipulated in the Local Government (Tamaki Makaurau Reorganisation) Act 2009.

7. CONFIDENTIAL