

SOUTH WAIRARAPA DISTRICT COUNCIL

23 APRIL 2014

AGENDA ITEM D1

PLANNING AND ENVIRONMENT GROUP REPORT

Purpose of Report

To update Councillors on the activities of the Planning and Environment Group and work progress against Annual Plan performance measures.

Recommendations

Officers recommend that the Council:

1. *Receive the information.*

1. Group Overview

The Planning and Environment Group of Council is responsible for the resource management (district plan, resource consents, reserve management plans, LIM's) and public protection (liquor, health, safe food, after-hours noise, building, stock and animal control) activities of Council, as set out in the Annual Plan 2013-14.

Long term activities relate to the development of the district plan and its upkeep, developing statutory policies and Council strategies to ensure our district grows and develops in a sustainable way.

The day to day focus is on the implementation of Council's plans, policies and strategies through the processing of Resource Consents, Building Consents, Food/Liquor/Health Licences and Dog and Stock Control.

2. Resource Management

2.1 Resource Management Act - District Plan

SERVICE LEVEL – Council has a Combined District Plan that proves certainty of land-use/environmental outcomes at the local and district levels.

RESOURCE MANAGEMENT KEY PERFORMANCE INDICATORS	TARGET 2013/14	YTD RESULT	COMMENT SOURCE, AND ACTIONS TAKEN TO ACHIEVE TARGET
Ratepayers and residents satisfied with the District as a "better" place to live	65%		Refer NRB Survey 2013
Ratepayers and residents satisfied with the image of the closest town centre shown as "satisfied"	65%		Refer NRB Survey 2013

2.1.1. Your Success: Our Business Programme

The "Your Success: Our Business" booklet has been completed, and once key staff are back from Easter holidays, how the programmes processes are to be structured and operated will be decided and put in place.

2.2 Resource Management Act - Consents

SERVICE LEVEL – All resource consents will be processed efficiently.

RESOURCE MANAGEMENT KEY PERFORMANCE INDICATORS	TARGET 2013/14	YTD RESULT	COMMENT SOURCE, AND ACTIONS TAKEN TO ACHIEVE TARGET
Consent applications completed within statutory timeframes	100%	99%	NCS data
s.223* certificates issued within 10 working days	100%	100%	NCS data
s.224* certificates issued within 15 working days of receiving all required information (note no statutory requirement)	85%	96%	NCS data

2.2.1 Processing Numbers

Council has processed 91 resource consents during the year to date (01/07/13 to 07/04/14). In the same period during the previous year (01/07/12 to 07/04/13) the Council processed 81 resource consents.

In the period since the last report (01/03/14 to 07/04/14) Council processed 15 resource consents. Officers provide detailed information as part of fortnightly updates, subject to data availability, on all consents direct to Council and Community Board members, so this information is not listed here.

2.2.2 Alloa Gunclub Resource Consent

A group of residents living at and about Tauherenikau, have raised concerns with officers about the proposal to establish the Alloa Gunclub on land situated off Moroa Road.

An informal meeting to discuss their concerns was held on the 19th of February 2104. Crs Old and Montgomerie attended along with the Group Manager, Planning and Environment.

Two of the residents have also spoken at the public forum section of the last Greytown Community Board meeting about their concerns and at that time tabled a letter addressed to the Group Manager, Planning and Environment, asking Council to review the consent. This letter has been responded to, with the response being copied to the Board for their information.

By way of background, the Alloa Gunclub obtained a resource consent from Council on the 8th of November 2012 to erect or shift to their site, a building greater than 25m2 area.

This building was to be used as a clubhouse and was to be up to 200m2 in area; the size of a medium to large dwelling or at most a medium sized farm building (e.g. barn, milking shed or implement shed).

This application was considered as a Restricted Discretionary Activity under the District Plan rules and the Resource Management Act 1991. Such applications may be notified but in this case the officers decided under delegated authority that it did not require full or limited notification.

This was because the building was little different (in size and form) to normal permitted structures and any effects would therefore be less than minor (permitted baseline test was applied).

The activities proposed on the site also included a clay target shooting range and it is this that residents are opposed to. Under the District Plan shooting activities such as this do not require a Resource Consent from Council to establish. They are a Permitted Activity.

However, as part of the application to establish the building (clubhouse) the applicant obtained a report from an Acoustic Consultant (Mr Hunt, a nationally recognised noise expert) relating to sound generated by both the shooting and the use of the clubhouse.

This report concluded that any noise arising from the clubhouse would be fully compliant with rules in the District Plan while sound generated by the shooting would fall within what would be seen as normal rural limits. Whether this was in fact the case, is however, not strictly relevant in legal terms.

The District Plan does not have any rules controlling impulsive sound (what might be best described as percussive sound - sudden, often loud, short duration) generated by activities such as shooting or the use of bird scaring guns or any other form of rural activity.

Instead the Plan explicitly exempts such impulsive sounds from control by way of an exclusion provision contained within the definition of what is to be deemed noise.

A number of residents do not appear to accept this situation and expect or have asked Council to review the consent (presumably they see this resulting in a different outcome). However this is a somewhat mis-guided approach or expectation in terms of what the District Plan provides for.

Firstly the shooting is a permitted activity and even if the consent for the building was withdrawn by Council (which it cannot be) the shooting can continue and Council is not able to prevent it, even if it resolved to do so.

Secondly, under the District Plan farming is recognised as the primary use in rural zones. Other uses which cannot reasonably be expected to establish in other zones (e.g. shooting in a residential area) are given equal status or primacy in the rural zone. This is on the presumption that such activities will be able to locate well away from other activities in the rural zone (e.g. in this case the nearest dwelling is over 810 metres away/second nearest 870 metres away to the west/over 1000 metres to the east).

All of these "rural" activities are recognised as having potential adverse effects but these are accepted as a "normal" part of a rural zone. At the same time the rural zone provisions are quite clear that protection of

residential uses on rural sites (from those effects) is only a priority where it would not prevent or unduly restrict a permitted activity (e.g. farming or gunclubs). In essence there is a right to farm principle which extends to all other normal rural uses which includes shooting activities.

Contrary to some residents assertions the District Plan does protect residential activities in a structured way but to benefit from that protection, such uses must be in a residential zone. These zones are provided for that very purpose whereas rural zones are not.

That is not to say that control is not exercised over noise in rural areas, it is, but in a more restrained or qualified way, that is, after other uses are recognised along with their effects.

Taking into account the above matters, officers consider that the consent for the building (clubhouse) was correctly granted and there is no basis for rolling back the consent. The residents have been informed of this.

2.3 Reserves Act – Management Plans

SERVICE LEVEL – Council has a reserve management programme.

RESOURCE MANAGEMENT KEY PERFORMANCE INDICATORS	TARGET 2013/14	YTD RESULT	COMMENT SOURCE, AND ACTIONS TAKEN TO ACHIEVE TARGET
Number of Management and/or Plans adopted or revised	1	1	

The Coastal Reserves Management and Development Plan was adopted by Council on 31 July 2013.

2.4 Local Government Act – LIM's

SERVICE LEVEL – Land Information Memoranda: It is easy to purchase information on any property in the District.

RESOURCE MANAGEMENT KEY PERFORMANCE INDICATORS	TARGET 2013/14	YTD RESULT	COMMENT SOURCE, AND ACTIONS TAKEN TO ACHIEVE TARGET
My LIM contains all relevant accurate information (no proven complaints)	Yes	Yes	Council's LIM template covers all statutory matters required to be included in LIM
My non-urgent LIM is processed within 10 days	100%	100%	NCS data

TYPE	YTD	PREVIOUS YTD	PERIOD (1/3/14 - 7/4/14)	PREVIOUS PERIOD
Standard LIM (Processed within 10 Working Days)	104	97	14	13
Urgent LIM (Processed within 5 Working Days)	86	48	13	15
Totals	190	145	27	28

3. Public Protection

3.1 Building Act - Consents and Enforcement

SERVICE LEVEL - Council certifies all consented work complies with the building code, ensuring our communities are safe. The Council processes, inspects, and certifies building work in my district.

PUBLIC PROTECTION KEY PERFORMANCE INDICATORS	TARGET 2013/14	YTD RESULT	COMMENT SOURCE, AND ACTIONS TAKEN TO ACHIEVE TARGET
Code Compliance Certificate applications are processed within 20 working days	100%	99.60%	Since 1/7/13 260 CCC's were issued and only 2 were over the 20WD's. New reporting procedures have been implemented to track CCC applications.
Building consent applications are processed within 20 working days	100%	99.68%	New reporting procedures have been implemented to track the processing days.
Council maintains its processes so that it meets BCA accreditation every 2 years	Yes	Yes	IANZ review 2016
Earthquake prone buildings reports received	100%	128/221	Letters were sent to owners in Sept 2013 whose buildings still require an engineer's assessment. The government is proposing to make changes where by the assessments will need to be completed by a certain time.

Building consent numbers from 1 July 2013 to 2 April 2014 (Year to Date) total 310 consents. For the same period the year before (2012 – 13) the total was 296.

The following table provides a snapshot of the number and types of building consents granted for the period.

TYPE	NUMBER	VALUE
Commercial	4	\$105,000
Industrial	7	\$182,104
Residential	49	\$5,692,753
Other (public facilities)	1	\$70,000
Totals	61	\$6,049,857

3.2 Dog Control Act – Registration and Enforcement

SERVICE LEVEL – Dogs don't wander freely in the street or cause menace to humans or stock.

PUBLIC PROTECTION KEY PERFORMANCE INDICATORS	TARGET 2013/14	YTD RESULT	COMMENT SOURCE, AND ACTIONS TAKEN TO ACHIEVE TARGET
Undertake public education, school and community visits to promote safe behaviour around dogs and/or responsible dog ownership	6 visits	0	None to date. 1-2 visits planned for Greytown School in May 2014
Complaints about roaming and nuisance dogs are responded to within 4 hours	100%	100%	

As at 8 April 2014 there are 2845 registered dogs with 1596 owners. There are currently 36 unregistered dogs, with 30 owners who have been or are in the process of being infringed for this offence.

The following table summarises dog control incidents for the period.

INCIDENTS REPORTED	MARTINBOROUGH	FEATHERSTON	GREYTOWN
Attack on Pets	1	2	0
Attack on Person	0	2	0
Barking and whining	1	0	1
Lost Dogs	1	2	1
Found Dogs	3	1	1
Rushing Aggressive	0	0	1
Wandering	1	6	1
Total	7	13	5

3.2.1. Prosecution

Councillors may be aware through media reports of a recent prosecution initiated by Council under the Dog Control Act. Officers are pleased to report the successful outcome of the case taken against John Phelps of Greytown. Mr Phelps attempted to avoid micro-chipping 10 Pekingese dogs by claiming they were working dogs (defined as kept solely or principally for the purposes of herding or driving stock in the Dog Control Act 1996). Council disputed the classification and issued infringements against Mr Phelps for failing to microchip the dogs. In the resulting court case held at the Masterton District Court, Judge Arthur Tompkins ruled in favour of SWDC, stating in the process that Mr Phelps's claims were "nonsensical and artificial".

3.3 Public Places Bylaw 2012 - Stock Control

SERVICE LEVEL – Stock don't wander on roads, farmers are aware of their responsibilities.

PUBLIC PROTECTION KEY PERFORMANCE INDICATORS	TARGET 2013/14	YTD RESULT	COMMENT SOURCE, AND ACTIONS TAKEN TO ACHIEVE TARGET
Stock causing a traffic hazard is responded to within 1 hour	100%	100%	
Council responds to complaints regarding animals within 40 hours	100%	100%	

The following table summarises stock control incidents between 28 February 2014 and 9 April 2014.

INCIDENTS REPORTED	MARTINBOROUGH	FEATHERSTON	GREYTOWN
Stock	1	5	1

3.4 Resource Management Act – Afterhours Noise Control

SERVICE LEVEL – The Council will respond when I need some help with noise control.

PUBLIC PROTECTION KEY PERFORMANCE INDICATORS	TARGET 2013/14	YTD RESULT	COMMENT SOURCE, AND ACTIONS TAKEN TO ACHIEVE TARGET
% of calls received by Council that have been responded to	100%	100%	Afterhours noise complaints attended to by Armouguard. Complaints during office hours are attended to by Officers

The following table provides a summary snapshot of noise control incidents between 28 February 2014 and 9 April 2014 and on a year to date basis.

AFTER HOURS NOISE CONTROL COMPLAINTS RECEIVED	YTD 2013/14	YTD 2012/13	PERIOD (1/3/14 - 7/4/14)	PREVIOUS PERIOD
Total	138	183	25	21

3.5 Sale and Supply of Liquor Act - Licensing

SERVICE LEVEL – The supply of liquor is controlled by promoting responsible drinking.

PUBLIC PROTECTION KEY PERFORMANCE INDICATORS	TARGET 2013/14	YTD RESULT	COMMENT SOURCE, AND ACTIONS TAKEN TO ACHIEVE TARGET
Premises that sell liquor that are checked prior to renewal to make sure they comply with the Sale of Liquor Act 1989	100%	100%	Under the Sale and Supply of Alcohol Act 2012 the Inspector inquires in to all applications and files a report to the District Licensing Committee as required by Section 103 of the Act. The inquiries include a premise inspection which is detailed in the report.

3.5.1. New Systems

Officers are currently in the process of acquiring a new computer module from NCS (Masterton and Carterton are also acquiring this module). After installing and making operational this system (which will require considerable input of records/data), Council will be able to accurately and efficiently manage the annual registration and inspection of premises selling alcohol. This regime is a new requirement introduced by the Sale and Supply of Alcohol Act. We expect to have the system fully operational by the commencement of the new financial year.

ALCOHOL LICENCES PROCESSED	YTD	PREVIOUS YTD	PERIOD (1/3/14 - 7/4/14)	PREVIOUS PERIOD
On, Off and Club Licences	32	37*	1	2
Manager's Certificates	109	79*	12	7

*Partial data only due to new computer system introduced mid 2012

3.6 Health Act - Safe Food

SERVICE LEVEL – Food services used by the public are safe.

PUBLIC PROTECTION KEY PERFORMANCE INDICATORS	TARGET 2013/14	YTD RESULT	COMMENT SOURCE, AND ACTIONS TAKEN TO ACHIEVE TARGET
Premises failing to comply with Food Hygiene regulations that are re-inspected within a 3 month period and enforcement is affected if offence continues	100%	100%	The target is for every food premise is inspected at least once within the licensing year 1 August 2013- to 1 July 2014.

3.6.1. Inspections

Inspections of all food premises under the Food Hygiene Regulations 1974 are in progress. There are 30 food premises that are required to be inspected before the 31 July. There were no food premises with a requisition in the 3 month period, which required enforcement action. Food premises operating under the Voluntary Food Control Plan are not included in this target as they have are audited.

3.7 Bylaws – General Nuisances

There were no litter complaints received from 28 February 2014 to 9 April 2014. No long grass notices were issued, however 3 letters regarding over grown trees and hedges were issued. No abandoned vehicles were reported and no general complaints were received.

Contact Officer: Murray Buchanan, Group Manager, Planning and Environment