

[TIMARU DMS n577447 v1 Resource Planning and Regulation Committee Minutes 28_04_09.doc](#)

**RESOURCE PLANNING AND REGULATION COMMITTEE
MEETING**

on

Tuesday 28 April 2009

**Council Chamber
Timaru District Council
2 King George Place
Timaru**

TIMARU DISTRICT COUNCIL

Notice is hereby given that a meeting of the Resource Planning and Regulation Committee will be held in the Council Chamber, District Council Building, 2 King George Place, Timaru on Tuesday 28 April 2009 commencing at the conclusion of the Community Development Committee Meeting.

Committee members:

Clrs Mulvey (Chairman), Coughlan, Bennett, Bradley, Oliver and the Mayor and a representative of Tangata Whenua.

LOCAL AUTHORITIES (MEMBERS' INTERESTS) ACT 1968

Committee members are reminded that if you have a pecuniary interest in any item on the agenda, then you must declare this interest and refrain from discussing or voting on this item, and are advised to withdraw from the meeting table.

Warwick Isaacs
CHIEF EXECUTIVE

RESOURCE PLANNING AND REGULATION COMMITTEE

28 APRIL 2009

AGENDA

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| 1 | | Apologies |
| 2 | | Identification of Items of Urgent Business |
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| 4 | | Chairman's Report |
| 5 | 1 | Confirmation of Minutes |
| 6 | 5 | Gambling Venue Approval Application - New Doncaster Tavern Washdyke |
| 7 | 8 | Update on Proposed Changes to the Resource Management Act 1991 |
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| 9 | | Consideration of Urgent Business Items |
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RESOURCE PLANNING AND REGULATION COMMITTEE

FOR THE MEETING OF 28 APRIL 2009

Report for Agenda Item No 5

**Prepared by - Peter Thompson
Regulatory Services Manager**

Confirmation of Minutes

Minutes of the meeting of the Resource Planning and Regulation Committee held on 10 February 2009.

Recommendation

That the minutes of the Resource Planning and Regulation Committee meeting held on 10 February 2009 be confirmed as a true and correct record.

UNCONFIRMED

TIMARU DISTRICT COUNCIL

MINUTES OF A MEETING OF THE RESOURCE PLANNING AND REGULATION COMMITTEE HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL BUILDING, 2 KING GEORGE PLACE, TIMARU ON TUESDAY 10 FEBRUARY 2009 AT 11.15AM.

PRESENT Clrs Mulvey (Chairman), Coughlan, Bennett, Bradley, Oliver and the Mayor

IN ATTENDANCE Clrs Kennedy, Barker, Jack, Lyon, Bowan
Chief Executive (W Isaacs) (from 11.25am),
Regulatory Services Manager (P Thompson),
P Kloosterman (District Planner), Committee Secretary
(L Anderson)

Mike Harding, Environmental Consultant

1 CHAIRMAN'S REPORT

The Chairman reported on various meetings he had attended since the last Resource Planning and Regulation Committee meeting.

2 CONFIRMATION OF MINUTES

Proposed Clr Bennett
Seconded Clr Bradley

"THAT the minutes of the Resource Planning and Regulation Committee meeting held on 21 October 2008, be confirmed as a true and correct record."

MOTION CARRIED

3 SIGNIFICANT NATURAL AREA FUND (File P5/3/8/2)

The Committee considered a report by the Regulatory Services Manager to present an Environmental Consultants Report on funding the preservation of identified areas of natural vegetation within the district.

Mike Harding spoke at the meeting further reporting and updating the committee on progress to date.

Proposed Clr Oliver
Seconded Clr Coughlan

"That the proposals contained within Mr Harding's report, as recommendations, be adopted."

MOTION CARRIED

Mike Harding left the meeting at 11.45am.

4 INTRODUCTION

Peter Kloosterman who recently commenced employment with the Timaru District Council as District Planner was introduced to the meeting.

5 STRUCTURE PLANS AND PROPOSED PLAN CHANGES

The Committee considered a report by the Regulatory Services Manager and District Services Manager to acquaint Council with the extensive and ongoing work being undertaken by Opus International Consultants, in conjunction with Council staff, to develop structure plans and to promote plan changes for areas identified in the Demographic Change and Growth Study document produced in 2007.

There was a lengthy discussion regarding progress of structural plans and proposed plan changes in the Washdyke area, Temuka, Geraldine and Pleasant Point. There was discussion also on priority given to the Richard Pearse Drive area.

It was agreed that the six projects discussed within the report would be progressed either to completion or at least to the proposed plan change stage.

Proposed Clr Oliver
Seconded Clr Coughlan

“That the report be received and noted.”

MOTION CARRIED

The meeting adjourned at 12.45pm and reconvened at 3.30pm.

PRESENT Clrs Mulvey (Chairman), Coughlan, Bennett, Bradley, Oliver and the Mayor

IN ATTENDANCE Clrs Kennedy, Barker, Jack, Lyon
Chief Executive (W Isaacs), Regulatory Services Manager (P Thompson), Committee Secretary (L Anderson)

6 DOG CONTROL ANNUAL REPORT - 2008/2009

The Committee considered a report by the Building and Environmental Services Manager to acquaint Council of dog control activities during the period 1 July 2008 to 31 December 2008.

Proposed Clr Coughlan
Seconded Clr Bennett

“That the Interim Report for Dog Control for the period 1 July 2008 to 31 December 2008 be received.”

MOTION CARRIED

7 POSSIBLE RENAMING OF PORTION OF PARKE ROAD, ORTON/CLANDEBOYE (File R4/6/404)

The Committee considered a report by the Regulatory Services Manager to acquaint Council of a request to rename a portion of Parke Road to Grant Road and to initiate the road naming policy provisions.

Proposed Clr Oliver
Seconded The Mayor

“That prior to implementing the formal road naming procedure the comments and recommendation of the Temuka Community Board be sought.”

MOTION CARRIED

The meeting concluded at 3.45pm.

Chairman

RESOURCE PLANNING REGULATION COMMITTEE

FOR THE MEETING OF 28 APRIL 2009

Report for Agenda Item No 6

Prepared by - David Armstrong
Building & Environmental Services Manager

Gambling Venue Approval Application - New Doncaster Tavern Washdyke

Purpose of Report

To consider an application for approval of a gaming machine venue within a proposed new restaurant and bar premises to be situated at 198 Hilton Highway.

Background

On 11 March 2009 an application was received from Mainland Foundation requesting consent to install eighteen (18) gaming machines at a new, yet-to-be constructed venue located at 198 Hilton Highway, Timaru

The applicant has advised that they intend to remove eighteen (18) gaming machines from the existing Doncaster Tavern, located at 181 Hilton Highway Washdyke. It is proposed that these will be "relocated" to the new venue, which is yet to be constructed. The proposed venue will be located approximately 80 metres(m) north of the existing Doncaster Tavern location [refer to attached map 1].

Verbal assurance has been given to the Council that the property owner does not intend to continue operating the existing Doncaster Tavern premises. There is the risk that the premises continues to operate with up-to 18 gaming machines, which it may legally do without Council consent. If the property were sold, a new owner would also be able to operate 18 machines without Council consent.

In February 2004, Council adopted a Class 4 Gambling Venue Policy as required by section 101 of the Act. The objectives of the policy are clearly defined:

- To recognise that gambling can be a serious problem.
- To ensure Council and the community has influence over the provision of new gambling venues within the district.
- To allow those who wish to participate in controlled gambling to do so within the district.
- To minimise harm to the community caused by gambling.

The policy also provides for a maximum of seven (7) gaming machines at any new venue and for no new venue to be established within 250m of an existing venue.

There is no provision within the Act or Policy for the transfer of a licence.

Council's Gambling Venue Policy was reviewed in 2007. The objectives did not change but the maximum number of machines allowed at a new venue was increased from six (6), to seven (7) gaming machines.

Options

To consent to the issue of a Class 4 gaming machine venue with a maximum of seven (7) machines, in accordance with our policy at 198 Hilton Highway, Washdyke conditional upon the existing Doncaster Tavern licence being surrendered as an additional venue is not permitted within 250m of an existing venue.

Identification of Relevant Legislation, Council Policy and Plans

- Gambling Act 2003
- Timaru District Council Class 4 - Gambling Venue Policy 2004 (Reviewed in 2007)

Funding Implications

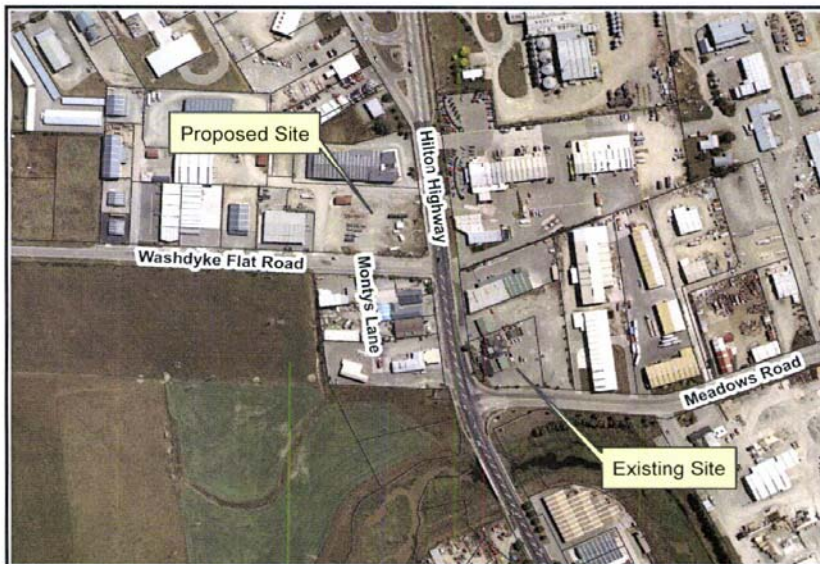
There are no funding implications with respect to this matter.

Recommendation

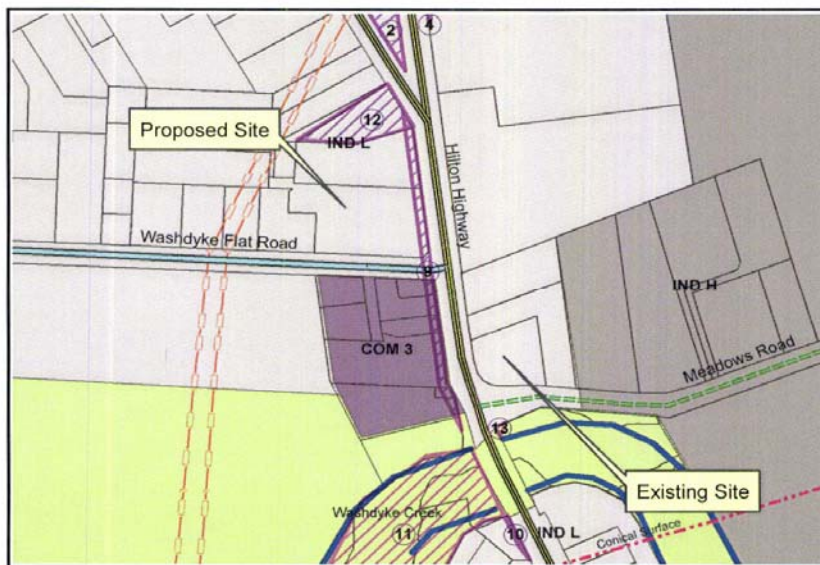
That in accordance with the provisions of our Gambling Venue Policy approval be granted for a maximum of seven (7) gaming machines within the new tavern to be erected at 198 Hilton Highway, Washdyke provided that the licence for the existing Doncaster Tavern is surrendered and not reinstated.

Mainland Foundation - Doncaster Tavern Proposal to Shift Location

Air photo



District Plan



- Legend**
- Designated Area
 - Aerodrome Flight Path Designation
 - Roading Hierarchy**
 - National Routes
 - Regional Arterial Roads
 - District Arterial Roads
 - Principal Roads
 - Collector Roads
 - Local Roads
 - Stopbanks
 - Powerlines
 - Zones**
 - COM 3
 - IND H
 - IND L
 - R 2



RESOURCE PLANNING AND REGULATION COMMITTEE

FOR THE MEETING OF 28 APRIL 2009

Report for Agenda Item No 7

Prepared by - Peter Kloosterman
District Planner

Update on Proposed Changes to the Resource Management Act 1991 (File P5/1/0)

Purpose of Report

To inform councillors, as requested, of the current developments in the review and amendments to the Resource Management Act 1991.

Background

The Resource Management Act (RMA) came into force in October 1991 and replaced or amended more than 50 other laws relating to town planning and environmental management. It is a complex statute that is designed to help manage a wide range of issues, including conflicting values, expectations and rights in regard to the environment.

Over the 17 years since the Act became law there has been growing criticism of its ability to effectively manage complex environmental issues and complaints about slow and costly plan preparation and consenting.

The Government promised to introduce legislation into the House to amend the RMA within 100 days of the formation of the new government. Streamlining and simplifying the Resource Management Act is an important part of the Government's programme, which includes assisting in an economic recovery.

Last December the Government announced the appointment of the RMA Technical Advisory Group (TAG) to support the Government's programme of reform of the Resource Management Act. The group was formed, and its terms of reference agreed, as part of the National - ACT confidence and supply agreement.

The TAG is chaired by barrister Alan Dormer and includes environmental consultant Guy Salmon, Rodney Mayor Penny Webster, lawyer Paul Majurey, Tasman District Council Environment and Planning Manager Dennis Bush-King, barrister Michael Holm, planning consultant Michael Foster, and businessman and former Deputy Prime Minister Rt Hon Wyatt Creech.

The TAG, officials and ministers have met intensively since mid-December and have recommended a significant package of amendments. The Hon Dr Nick Smith, Minister for the Environment, introduced the Bill to Parliament on 17 February 2009. The Bill will undergo the scrutiny of a full Select Committee process and is likely to be back before the House for its final stages in late August 2009.

Major Aspects of the Bill

1 Removing frivolous, vexatious and anti-competitive objections

The Government considers that resource consent and private plan change applicants can experience significant costs and delays as a result of having to defend their applications from challenges made by trade competitors, or frivolous or vexatious objectors.

The costs and delays to applicants from anti-competitive behaviour can range from thousands of dollars and weeks, through to millions of dollars and years. Administration costs for Councils and Courts can also be substantial. Some of the highest costs are incurred in the so-called “supermarket wars”, where proponents and opponents have spent millions of dollars fighting each other and delays of years have resulted.

The ability for almost any person to object or appeal under the RMA is currently sometimes being exploited by trade competitors with the effect that the economy is less efficient and productive and with few benefits, if any, to the environment or society.

The Bill proposes that the ability of trade competitors to oppose a rival company’s consent application or private plan change be removed if the opposition is motivated by trade competition.

The outcomes of the reforms in this area are to:

- Discourage submitters and appellants, who are only seeking to delay proceedings, from bringing cases with little or no merit, and;
- Reducing the attractiveness for trade competitors to use the RMA as an instrument to delay or thwart projects, through providing a disincentive to such behaviour.

The Bill proposes reinstating the powers of the Environment Court to award security for costs. Having to provide security for costs will act as a disincentive against making appeals of dubious merit (particularly those likely to be judged frivolous or vexatious).

Furthermore, the filing fee for lodging an appeal to the Environment Court will be raised from \$55.00 to \$500.00. The Environment Court’s appeal filing fee of \$55.00 has not been changed since it was set more than twenty years ago in 1988 and is lower than for other courts.

It is also proposed that the RMA be amended to incorporate a punitive regime for proceedings brought by a person against a trade competitor. This new provision should indicate that if an appeal is brought, financed or encouraged by trade competition motives, then the party whose position was adversely affected by the appeal may seek to recover all the damages associated with the appeal.

Such a regime would apply where the Courts not only feel it is appropriate to compensate a party whose position is adversely affected by a trade competition appeal, but consider it necessary to punish the party that brought (or continued) such an appeal. The punitive regime is critical to the package of limiting the trade competition abuse of the RMA.

2 Streamlining processes for projects of national significance

The Government considers that significant projects can be subject to unreasonable delays and inconsistent consideration of national level benefits. The intention of the reforms is to make greater use of the existing board of inquiry process, but to also improve the capacity for local authorities and communities to have confidence and involvement in that process.

The Bill proposals are based on the existing ministerial call in provisions of the RMA that enable the Minister to determine that a matter is of national significance and refer it to a board of inquiry or the Environment Court for a decision.

The objective is to provide an efficient and robust process for considering and making decisions on, resource consent applications, plan changes and notices of requirement for large nationally significant infrastructure or public works.

The key features are:

- Applicants can make applications directly to the Environmental Protection Authority (EPA). Projects eligible for direct application to the EPA are to be determined by the existing 'national significance' criteria already in the RMA. The Bill proposes adding one new criterion to recognise the operational infrastructure needs of a nationwide network utility operator. This criterion is specifically intended to cover projects that may not individually be considered to be of national importance, but which will play a significant role improving or maintaining a nationally significant networks (such as roads, railways, pipelines and electricity transmission).
- If the EPA decides that an application meets the criteria the proposal will be referred to a board of inquiry to consider. In the event that the EPA decides that an application does not meet the criteria the Minister will have the powers to refer the application back to the relevant local authority to be processed under normal processes.
- The Boards of Inquiry will be chaired by a current, former or retired Environment Judge. The board appointment process will include a requirement for there to be nominations for the board from the local authorities within which the application occurs, and a requirement to appoint people to the board with local knowledge.
- A final decision on the application must be made within 9 months of the date of notification. The Minister can extend this timeframe if he or she is satisfied by a report from the Board of Inquiry that there is necessary justification for doing so.

3 Creating an Environmental Protection Authority

As a transitional measure, this package of reforms proposes establishing the Environmental Protection Authority (EPA) as a statutory office. Pre-election policy announcements also signalled an intention to create an EPA to achieve national environmental goals. One of the functions for a new EPA is to centralise some regulatory roles which are best exercised on a nationwide basis.

The roles, functions and powers of the EPA will, for the time being, be exercised by the Secretary for the Environment.

The Secretary will be able to delegate these functions to his or her employees within the Ministry for the Environment, to allow the administrative work to be carried out by a dedicated unit.

The creation of the EPA as an independent statutory office gives the necessary degree of separation from the Ministry for the Environment's core business.

4 Improving plan development and plan change processes

Repetitive and costly consultation processes, broad appeal rights and obligatory time consuming reporting adds tens of thousands of dollars and years to plan preparation and change processes. This can reduce the effectiveness of plans in addressing identified environmental issues and councils' ability to respond in an opportune manner to emerging issues.

The administrative burden associated with plan preparation is a contributing factor to extra costs and time delays. Notifying parties, summarising submissions, making decisions on each submission and then ensuring each submitter has a copy of decisions made is time consuming and expensive.

The measures to improve plan development and change processes include:

- Removing the ability for appellants to make general challenges or ones that seek the withdrawal of entire proposed policy statements and plans.
- Modifying the requirement for local authorities to summarise submissions and call for further submissions on proposed policy statements and plans.
- Removing the non-complying activities from the Act. There will be a three year transitional period together with a deeming provision so that these activities become classified as full discretionary activities after a 36 month transitional period.
- Simplifying the process so that Council decisions on submissions do not need to be made in respect of each individual submission but are to be made according to issues raised.
- Enabling the regional council and all territorial authorities of a region to combine to produce a single RMA planning document. Provisions regarding the ability of local authorities to produce combined plans already exist in the RMA, but are unclear in respect of combining the regional policy statement into such a document.
- Proposed plan rules will have no legal effect until the decisions made on submissions have been notified, except where such rules are required to protect a natural resource, historic heritage or apply to an aquaculture management area. A Council may apply to the Environment Court to have particular rules take effect earlier if they do not meet the above criteria.
- Limiting appeals on proposed policy statements and plans to questions of law, except in cases where the appellant has sought the leave of the Environment Court.
- Removing the requirement for plan reviews every 10 years. It's more cost effective for territorial authorities to change their plans as and when required.

5 Improving resource consent processes

Complex consent applications and extensive processing requirements add time and cost to project. More than 50,000 resource consents are processed by local authorities each year. Statutory timeframes for processing resource consents range from 20 working days (effectively a calendar month) to 85 working days (four months) depending on whether a consent is notified. Nationally 74% of non-notified consents and 56% of notified consents are processed on time, however this leaves many consents not processed within time limits.

The measures to improve resource consent processes include:

- Removing the current presumption to notify resource consent applications (most applications are currently not notified) and amending the criteria for when public notification is required on applications with more than minor effects on the wider environment.
- Simplifying the reporting requirements for council decisions and removing the need for material to be repeated or restated in subsequent hearing or decision reports. This will enable more efficient consent processing by reducing the administrative burden of repetitive and unnecessarily complicated assessment and reporting requirements.
- Removing the ability for District-wide tree protection rules to be imposed in urban areas. These rules generate more than 4000 resource consent applications annually.
- Limiting Councils ability to 'stop the processing clock' during requests for further information from applicants. The Bill limits it to the first request only and from that time the applicant either supplies the information, or refuses to supply it. There is no further ability for the local authority to stop the clock again.
- Requiring all councils to develop a discount policy for late consent processing, within 12 months of enactment. Councils must have a complaints process and, where the local authority is at fault, the applicant will receive a discount on the application processing fees and charges.
- Requiring that resource consent hearings are formally closed no later than 10 working days after the last party's presentation at the hearing. This will reduce the delays commonly faced by all parties in getting a decision on a resource consent application.

Currently there is little incentive for local authorities to process resource consents in a timely fashion. In most cases the only sanction against tardy processing practices appears to be adverse publicity. The proposed measures, including the requirement to develop a discount policy, are envisaged to improve the incentives and mean that local authorities will be more focussed on processing consents in a more timely way.

6 Streamlining decision making

Applicants, submitters and decision makers are often faced with duplication of process, costs and time delays resulting from applications having to go through a council hearing and then be re-heard again in the Environment Court, even though such an appeal was almost inevitable.

Local authority officers make around 87% of decisions on whether to grant or decline resource consent applications (generally non-notified). Independent commissioners make around 1% of decisions on resource consent applications and the rest are made by elected representatives. Although only 12% of decisions on resource consents are made by elected representatives there is still concern among applicants about the objectivity, skills and knowledge of elected decision makers.

The package of measures proposed to address these issues includes:

- Allowing resource consent applicants or submitters to choose whether they have a notified application considered by elected representatives of the local authority or by one or more independent commissioners selected by the local authority from persons accredited under the “Making Good Decisions” programme. The costs being borne by the requestor.
- Providing for applicants for resource consents and notices of requirement to request that their application be determined in the Environment Court without the need to first go through local authority consenting processes, provided that the local authority has first agreed. This direct referral process is complementary to the ‘proposals of national significance’ process, providing an alternative streamlined process path for those applications that may not fit the criteria of being nationally significant.
- Removing the Minister of Conservation’s powers in respect to decision making on restricted coastal activities. The Minister of Conservation has a number of other responsibilities in relation to the coastal marine area, including the approval of the New Zealand Coastal Policy Statement and approval of Regional Coastal Plans, and has the ability to nominate a representative onto hearing panels for restricted coastal activities. Removing the decision making power for restricted coastal activities still leaves the Minister with sufficient oversight of activities in the coastal marine area through his or her other powers. The proposal will mean that the current recommendation of the hearing panel to the Minister would become the decision.
- Amending the RMA so that decisions on notices of requirement are made by the relevant territorial authority instead of a Requiring Authority, as is currently the case. This will bring the decision making process for designations into line with other processes in the RMA, improve the timeliness of decision making (by removing a step in the process), and adding to confidence in the independence and rigour of the decision making process.

7 Improving workability and compliance

There is little incentive for offenders to comply with the RMA and council plans when the financial gains to be made from non-compliance are higher than the penalties imposed.

Maximum fines for prosecutions under the RMA were set at \$200,000 in 1991 and have not been changed since the Act came into force. If brought up to date in line with increases in the consumers’ price index (CPI) over the same period, the maximum fine for prosecution should be closer to \$300,000.

The ability of enforcement officers and local authorities to carry out their duties in ensuring compliance is currently hampered by minor technical matters and an inability to recover a substantial proportion of their costs.

Other than fines or imprisonment, another means of providing a deterrent would be review of existing consents. However, no such explicit ability for the Court to impose such penalties is currently provided by the RMA.

The RMA is an Act that binds the Crown, but Crown organisations are immune from enforcement action taken under it. This means the Crown is treated differently from companies or private individuals, and there is no deterrence (other than bad publicity) for non-compliance.

As of 2002 Crown organisations were able to be prosecuted for a limited range of offences under the Crown Organisations (Criminal Liability) Act 2002. However, the application of this Act is currently limited only to offences under the Building Act 2004 and the Health and Safety and Employment Act 1992. Offences under the RMA are currently not included.

The measures proposed to improve the effectiveness of compliance instruments include:

- Raising the maximum fine for committing an offence under the RMA from \$200,000 to \$600,000 for corporate offenders and to \$300,000 for private individuals.
- Providing the Court with the power to require a review of a resource consent held by an offender.
- Amend the RMA to enable enforcement action (enforcement orders, abatement notices, excessive noise directions or prosecutions) to be taken against the Crown by local authorities similar to the Crown liability under section 6 of the Building Act.

8 Improving national instruments

National Policy Statements (NPS) and National Environmental Standards (NES) are tools under the RMA which the Government can use to provide direction on specific national, regional or local issues. Central government guidance and direction can simplify the framework within which consent authorities make decisions by setting clear environmental thresholds and targets, and clarifying relationships between potentially competing national strategies and matters of national importance.

Councils potentially face significant costs in implementing new national environmental standards and national policy statements, mostly due to the plan change processes (consultation, hearings, appeals, etc) necessary to give effect to national policy statements and to refer to national environmental standards.

The improvements proposed in this reform package include:

- Providing the Minister for the Environment (and Minister of Conservation in respect of the New Zealand Coastal Policy Statement) with powers to cancel, postpone and restart a national policy statement development process that has already commenced at any time before it is gazetted.

- Enable national policy statements to direct that a local authority must change the objectives and policies of policy statements and plans without the need for further local planning processes. This is because of the robust public process followed when developing a NPS.
- Establish that appeals on changes to plans and regional policy statements that are implementing objectives and policies of a national policy statement shall be limited to points of law only.
- Clarify that consent authorities must have regard to the relevant provisions of a national environmental standard when making decisions on resource consents and the effect of a NES on existing resource consent applications, and that consent authorities be given an explicit ability to issue certificates of compliance where activities comply with the provisions of a NES.

Identification of Relevant Legislation, Council Policy and Plans

- Resource Management Act 1991
- The Timaru District Plan

Funding Implications

The proposed amendments to the Resource Management Act, once enacted, will require subsequent changes to the Timaru District Plan. The Bill, as currently drafted, provides for a transitional period whereby the changes maybe introduced into Local Authority District Plans. Some of the changes proposed will streamline Plan Changes and resource consent processing and reduce the potential for appeals to the Environment Court.

Therefore the Bill, once enacted, will incur costs on Timaru District Council to initiate changes to the District Plan.

Conclusion

The proposed amendments to the Resource Management Act will reduce time and costs for Resource Consent applicants and in advancing Plan Changes. The Bill, if passed in its present form, will necessitate changes to the Timaru District Plan and development of various other policies.

The proposals however remove the need for ten yearly plan reviews which will provide significant cost savings to councils.

Submissions for the proposed changes have closed and although we did not make separate formal submission the former Acting District Planner has made comment on the proposals to Local Government New Zealand who have prepared a submission on behalf of all councils. A copy of the submission to the Select Committee is available on request.

Recommendation

That the report be received and noted.

RESOURCE PLANNING AND REGULATION COMMITTEE
FOR THE MEETING OF 28 APRIL 2009

Report for Agenda Item No 8

Prepared by - David Armstrong
Building & Environmental Services Manager

Dog Control Annual Report - 2008/2009

Purpose of Report

The purpose of this report is to acquaint Council of dog control activities during the period 1 July 2008 to 31 March 2009.

Background

Section 10A of the Dog Control Act 1996 requires that Council provide specific data to the Secretary for Local Government by way of an annual report each financial year. The Council has requested that interim reports be provided for this information.

Options

It is a statutory requirement of Council to provide an annual report each financial year which must be notified and forwarded to the secretary for Local Government.

Identification of Relevant Legislation, Council Policy and Plans

- Dog Control Act 1996
- Timaru District Council Bylaw, Chapter 12 - Control of Dogs
- Timaru District Council Policy Document - Dog Control

Assessment of Significance

This issue is not considered significant in relation to the overall Council activities.

Consultation

No consultation is proposed in respect of this interim report. It is however a statutory requirement to consult on the annual report.

Dog Control Statistics

The following dog control data relates to the 9 month period ending 31 March 2009.

1 Number of registered dogs

| | 2006/07 | 2007/08 | 2008/09 |
|----------------|-------------|-------------|---------|
| Timaru | 3194 | 2780 | 2986 |
| Geraldine | 1112 | 1548 | 1258 |
| Pleasant Point | 181 | 195 | 221 |
| Temuka | 2012 | 1335 | 1453 |
| Pareora | 99 | 345 | 185 |
| Rural areas | 2447 | 859 | 2010 |
| Non-designated | 47 | 0 | 0 |
| Total | 8336 | 7062 | 8093 |

* **Note: Geographical Area have been redefined for 2008/2009 data**

2 Number of probationary owners

| | 2006/07 | 2007/08 | 2008/09 | Trend |
|--------------|---------|---------|---------|-------|
| Total | 2 | 2 | 2 | → |

3 Number of disqualified owners

| | 2006/07 | 2007/08 | 2008/09 | Trend |
|--------------|---------|---------|---------|-------|
| Total | 1 | 1 | 1 | → |

4 Number of dogs classified as dangerous

| | 2006/07 | 2007/08 | 2008/09 | Trend |
|--------------|---------|---------|---------|-------|
| Total | 2 | 4 | 8 | ↑ |

5 Number of dogs classified as menacing

| | 2006/07 | 2007/08 | 2008/09 | Trend |
|--------------|-----------|-----------|---------|-------|
| Total | 34 | 35 | 122 | ↑ |

6 Number of dog related service requests received

| | | 2006/07 | 2007/08 | 2008/09 | Trend |
|--------------------------------------|-----------|---------|---------|---------|-------|
| Person wanting to adopt a dog | ½ Year | 0 | 9 | 7 | ↓ |
| | Full Year | 18 | 33 | 17 | |
| Barking dog | ½ Year | 123 | 108 | 113 | → |
| | Full Year | 235 | 249 | 194 | |
| Dog biting an animal | ½ Year | 22 | 19 | 16 | ↓ |
| | Full Year | 53 | 34 | 26 | |
| Dog attacking a person/vehicle | ½ Year | 19 | 12 | 16 | ↑ |
| | Full Year | 26 | 22 | 23 | |
| Dog fouling a public place | ½ Year | 5 | 6 | 7 | ↑ |
| | Full Year | 12 | 13 | 12 | |
| Dog found by a person | ½ Year | 191 | 204 | 213 | ↑ |
| | Full Year | 378 | 448 | 369 | |
| Dog lost by owner | ½ Year | 167 | 180 | 191 | ↑ |
| | Full Year | 342 | 386 | 325 | |
| Miscellaneous - Dog | ½ Year | 66 | 68 | 188 | ↑ |
| | Full Year | 134 | 154 | 283 | |
| Unregistered dog | ½ Year | 7 | 5 | 10 | ↓ |
| | Full Year | 11 | 44 | 20 | |
| Dog in prohibited area | ½ Year | 1 | 1 | 2 | → |
| | Full Year | 1 | 5 | 6 | |
| Dog rushing person in a public place | ½ Year | 32 | 47 | 39 | → |
| | Full Year | 69 | 96 | 68 | |
| Dog wandering | ½ Year | 161 | 183 | 154 | ↑ |
| | Full Year | 333 | 243 | 281 | |
| Total | ½ Year | 794 | 842 | 956 | ↑ |
| | Full Year | 1620 | 2059 | 1769 | |

7 Number of dogs impounded

| | | 2006/07 | 2007/08 | 2008/09 | Trend |
|--------------------|-----------|---------|---------|---------|-------|
| Collected by owner | ½ Year | 136 | 131 | 131 | → |
| | Full Year | 243 | 273 | 237 | |
| Destroyed | ½ Year | 26 | 25 | 44 | ↑ |
| | Full Year | 56 | 170 | 166 | |
| Adopted from pound | ½ Year | 8 | 6 | 4 | ↓ |
| | Full Year | 28 | 30 | 7 | |
| Total | ½ Year | 170 | 162 | 179 | ↑ |
| | Full Year | 329 | 475 | 410 | |

8 Number of infringement notices issued

| | | 2006/07 | 2007/08 | 2008/09 | Trend |
|--|-----------|---------|---------|---------|-------|
| Unregistered | ½ Year | 20 | 140 | 264 | ↑ |
| | Full Year | 30 | 123 | 280 | |
| No control | ½ Year | 21 | 18 | 32 | ↑ |
| | Full Year | 37 | 34 | 47 | |
| Dog in Prohibited Area | ½ Year | 1 | 0 | 1 | → |
| | Full Year | 1 | 30 | 1 | |
| Obstruction | ½ Year | 0 | 5 | 4 | → |
| | Full Year | 0 | 0 | 6 | |
| Failure to advise of change of address | ½ Year | 1 | 1 | 1 | → |
| | Full Year | 1 | 4 | 1 | |
| Total | ½ Year | 43 | 164 | 302 | ↑ |
| | Full Year | 69 | 169 | 413 | |

9 Number of prosecutions undertaken

| | 2006/07 | 2007/08 | 2008/09 | Trend |
|--------------|---------|---------|---------|-------|
| Total | 0 | 2 | 3 | → |

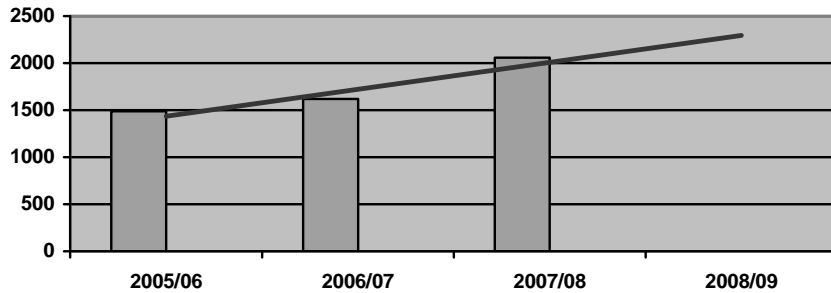
Discussion

Following a review of the Animal Control Team, The staffing levels are - three full time Animal Control Officers and three part time employees, The after hours officers provide support to the full time officers if extra assistance is required (i.e. stock control) outside the normal working hours.

This structure ensures a consistent approach to all interventions is maintained.

Statistics

Total Number of Service Requests received

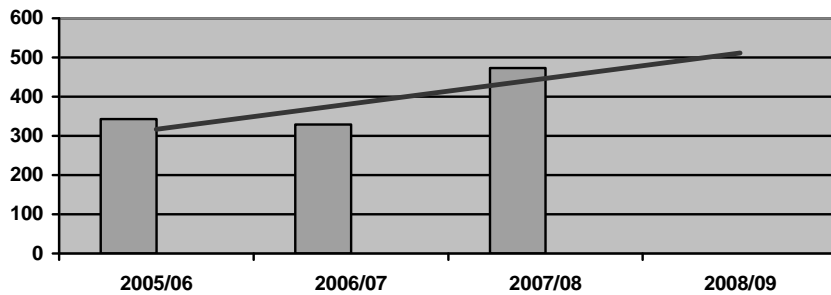


| | 2005/2006 | 2006/2007 | 2007/2008 | 2008/2009 |
|-----------------|-----------|-------------|--------------|------------------|
| Service Request | 1486 | 1620 ↑ (9%) | 2059 ↑ (27%) | ¾ Year 1769 ↑ |

The number of service requests projected for end of year are approximately 2400.

This increase can be explained by a greater awareness by people about the obligations placed upon dog owners by the Dog Control Act 1996 and Chapter 12 of the Timaru District Bylaw 2004 (Dog Control). The increase also means that there continues to be a greater demand for Dog Control services in the Timaru District.

Total Number of Dogs Impounded

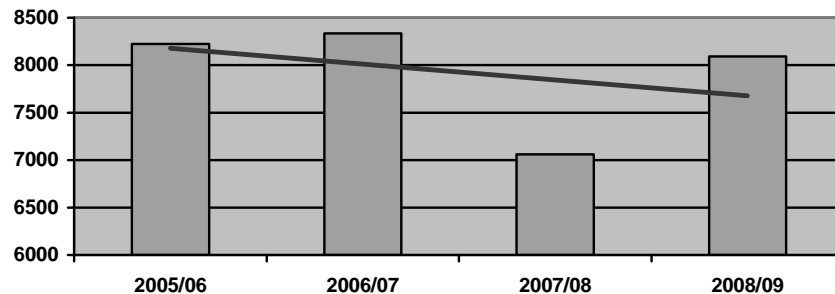


| | 2005/2006 | 2006/2007 | 2007/2008 | 2008/2009 |
|------------|-----------|------------|-------------|---|
| Impounding | 343 | 329 ↓ (4%) | 473 ↑ (44%) | ³ / ₄ Year 410 ↑ |

The projected number of Impoundments for end of year is approximately 546.

This increase can be explained by the community awareness of the required behaviour by dog owners and dogs.

Total Number of Dogs Registered



| | 2005/2006 | 2006/2007 | 2007/2008 | 2008/2009 |
|------------|-----------|-------------|--------------|--|
| Registered | 8224 | 8336 ↑ (1%) | 7062 ↓ (15%) | ³ / ₄ Year 8093 ↑ |

The projected number of Registrations for end of year are approximately 8120.

This increase can be explained by the non-registered project that has been undertaken.

Projects Undertaken

Micro chipping

All Animal Control Officers have become qualified to insert microchips, this project has increased the compliance level within the district. This project is still ongoing, a full analysis of this project will be included in the full financial years report.

Warning letters went to non-complying dog owners, offering the assistance of the council to undertake the micro-chipping, approximately 95% of these owners have been visited and microchips inserted. The remainder are currently receiving infringement notices.

The increase in Micro chipping of Dogs should assist with the identification of dogs through out New Zealand; The Council has access to the National Dog Database.

Non Registered

A non registered project was undertaken during this reporting period, this has resulted in a "cleaning" of the data held by the council and a door/door visit for dogs that have been unregistered for a number of years.

This project is ongoing and at the stage of report approximately 1000 additional dogs have been registered although other dogs have been removed from our records as either dead or gone from our area.

This project has also included a large education phase with the projected result of higher compliance at the next registration period.

The 2009/2010 year will see the following regime undertaken to assist with compliance

- Letters sent out 30 June 2009
- Reminders 1 August 2009
- Any Dog not registered by 1 September 2009 receives an additional 50% fee loading
- Any Dog not registered by 1 October 2009 receives an additional 50% fee loading plus an infringement notice.

This process assists in rewarding the proactive owners and allocates additional costs to non complainant owners.

School Education

The school programme has been recommended with one of the ACOs currently desensitising her dog - so that the education programme can be the positive experience that it has been in the past.

Selected Owners

The council promotes the responsible owners classification, this involves a property inspection and questionnaire, focused on welfare and appropriate fencing, exercise areas and maximum number of dogs and at the draft of this report the ACOs had just completed 200 property visits.

Recommendation

That this Dog Control report be received.