

PLANNING AND REGULATION COMMITTEE MEETING

on

Tuesday 21 July 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 21 July 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

21 JULY 2009

AGENDA

Item No	Page No	
1		Apologies
2		Identification of Items of Urgent Business
3		Identification of Matters of a Minor Nature
4		Chairman's Report
5	1	Confirmation of Minutes
6	6	Gang Insignia
7	11	Funding for Heritage Protection
8	14	Dog Control Annual Report - 2008/2009
9	20	Possible Renaming of Muff Road, Orari
10		Consideration of Urgent Business Items
11		Consideration of Minor Nature Matters

RESOURCE PLANNING AND REGULATION COMMITTEE
FOR THE MEETING OF 21 JULY 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 16 June 2009.

Recommendation

That the minutes of the Resource Planning and Regulation Committee meeting held on 16 June 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 16 JUNE 2009 AT 10.30AM.

PRESENT Clrs Mulvey (Chairman), Bennett, Coughlan (from 10.40am), Bradley, Oliver and the Mayor

IN ATTENDANCE Clrs Barker, Jack, Lyon, Bowan and Kennedy
Chief Executive (W Isaacs), Regulatory Services Manager (P Thompson), District Planner (P Kloosterman) (until 11.00am), Committee Secretary (L Anderson)
Community Board Members R Morten, J Esler and J Smith

APOLOGY An apology for lateness was received from Clr Coughlan)

1 IDENTIFICATION OF URGENT BUSINESS

Proposed Clr Mulvey
Seconded Clr Bennett

“THAT the Provision of Rural Fire Services within the Timaru District be considered as an urgent item with the public excluded.”

MOTION CARRIED

2 CHAIRMAN'S REPORT

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

3 CONFIRMATION OF MINUTES

Proposed Clr Oliver
Seconded Clr Bradley

“THAT the minutes of the Resource Planning and Regulation Committee meeting held on 28 April 2009, be confirmed as a true and correct record.”

MOTION CARRIED

4 STRUCTURE PLANS AND PROPOSED PLAN CHANGES

The Committee considered a report by the District Planner to inform and update the Committee of the ongoing project work being undertaken by Opus International Consultants, in conjunction with Council staff, to develop structure plans and prepare plan changes for areas identified in the Demographic Change and Growth Study document produced in 2007.

1) Washdyke - Phase Two

Proposed Clr Oliver
Seconded Clr Bradley

“THAT the Washdyke - Phase Two proceed with preparation of Statutory Plan Change.”

MOTION CARRIED

2) Temuka North West

Proposed Clr Mulvey
Seconded the Mayor

“THAT the Temuka North West proceed with preparation of Statutory Plan Change.”

MOTION CARRIED

3) Richard Pearse Drive, Temuka

Proposed the Mayor
Seconded Clr Coughlan

“THAT the Richard Pearse Drive, Temuka Discussion Document be referred back to the Temuka Community Board for a recommendation.”

MOTION CARRIED

4) Geraldine North - Concept Development Plan

Proposed Clr Oliver
Seconded Clr Bennett

“a) THAT the report be received and noted; and

b) THAT the committee be kept informed of progress.”

MOTION CARRIED

5) Geraldine South - Concept Development Plan

Proposed Clr Oliver
Seconded Clr Mulvey

“THAT the Geraldine South - Concept Development Plan process be continued.”

MOTION CARRIED

6) Pleasant Point Hill - Concept Development Plan

Proposed the Mayor
Seconded Clr Coughlan

“THAT the Pleasant Point Hill - Concept Development Plan be continued.”

MOTION CARRIED

Proposed Clr Oliver
Seconded Clr Bradley

“THAT funding for further potential areas be investigated.”

MOTION CARRIED

Proposed Clr Oliver
Seconded Clr Coughlan

“THAT there be a review of district wide additional future potential areas for investigation.”

MOTION CARRIED

5 EXCLUSION OF THE PUBLIC

Proposed Clr Bennett
Seconded the Mayor

“THAT the public be excluded on the grounds contained in Section 48(1) of the Local Government Official Information and Meetings Act:

**Provision of Rural Fire Services
within the Timaru District**
Section 7(2)(a)(i)

- (a) Protect the privacy of natural persons, including that of deceased natural persons;
- (i) Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

MOTION CARRIED

Note: Community Board Members R Morten, J Esler, J Smith and District Planner (P Kloosterman) left the meeting.

6 RE-ADMITTANCE OF THE PUBLIC

Proposed Clr Oliver
Seconded Clr Bennett

“THAT the public be re-admitted to the meeting.”

MOTION CARRIED

The meeting concluded at 11.40am.

Chairman

RESOURCE PLANNING AND REGULATION COMMITTEE
FOR THE MEETING OF 21 JULY 2009

Report for Agenda Item No 6

**Prepared by - Janie Annear
Mayor**

Gang Insignia (File B2/2)

Purpose of Report

To seek support for investigating the process enabling the banning of gang patches in parts of our District.

Background

The Wanganui District Council has in response to gang problems and gang intimidation in its District, sought approval from parliament by way of a Local Bill to create a bylaw banning gang insignia in specific areas of Wanganui. This was successful, and once the law is signed by the Governor General, Wanganui is able to create its own bylaw.

I believe as a community that we need every advantage in order to equip ourselves to deal with gangs. I do not believe this is the single answer to the problem, but another tool in our toolbox. This is not a new idea, gang insignia has been banned on Caroline Bay by the Caroline Bay Association over the carnival period.

Police Association president Greg O'Connor has said publicly that he believed banning gang insignia would have a huge effect on the intimidation factor of gangs.

"You don't go down to Woolworths and buy a patch. These people have to commit serious crime to get it, so they'll be doing what they can to hold on to it."

Mr O'Connor also accepted that the legislation was "no silver bullet" but said it was a start.

Options

- to take no action
- to investigate the appropriate steps required to enable the banning of gang insignia in certain areas in the District.

Identification of Relevant Legislation, Council Policy and Plans

- Wanganui District Council (Prohibition of Gang Insignia) Bill

Assessment of Significance

This matter is not deemed significant under the Council's Significance Policy.

Consultation

Prior to submitting this report to the committee I met with Dave Gaskin, Area Commander of the NZ Police, Jane Cullimore, Safer Communities Co-ordinator, and the Safer Communities Committee.

Dave Gaskin and Jane Cullimore are fully supportive of this proposed action and believe that banning gang patches would be an effective and practical support to their work.

The Safer Communities Committee representing Timaru Ministers Association, National Council of Women, Community Watch, Child Youth and Family, Secondary Principals Association, Chamber of Commerce and NZ Police voted unanimously in support.

I have also spoken with Mayor Michael Laws on quite a few occasions on this subject and his advice was to seek an amendment to the Wanganui Bill. We would need to investigate this legislative process and report back to the Resource Planning and Regulation Committee.

Other Considerations

Legal advice may need to be sought as part of the process.

Funding Implications

If our Council proceeds to the bylaw stage there would be legal, consultation and hearing costs associated with this process.

Conclusion

I believe that although gang activity has been very quiet in our District lately due to a huge community and police response, we must avail ourselves of every opportunity to minimise the gang presence in our district. Removing gang patches from our public areas which is a powerful and intimidatory weapon for the gangs, helps in our fight against organised crime. The gangs are a creeping cancer which our community has said it will not tolerate.

Recommendation

That the Resource Planning and Regulation Committee supports investigating the process enabling the banning of gang insignia in parts of the Timaru District.

Hon Chester Borrows

Wanganui District Council (Prohibition of Gang Insignia) Bill

Local Bill

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Wanganui District Council (Prohibition of Gang Insignia) Act 2007.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Purpose

The purpose of this Act is to prohibit the wearing or display of gang insignia in specified places in the District.

4 Interpretation

In this Act, unless context otherwise requires —

Council means the Wanganui District Council

District means the district of the Wanganui District Council

gang means –

- (a) Black Power, Hells Angels, Magogs, Mothers, Mongrel Mob, Nomads or Tribesmen; and
- (b) Any other specified organisation, association, or group of persons identified in a bylaw made under **section 5** on this Act

gang insignia means any sign, symbol, or representation showing membership of, an affiliation with, or support for a gang and includes any items of clothing to which signs, symbols or representations are attached

public place has the meaning given to it in section 147(1) of the Local Government Act 2002

specified place means a public place identified in a bylaw made under **section 5** of this Act.

5 Power to make bylaws designating specified places or new gangs

- (1) The Council may, from time to time, make bylaws —
 - (a) Designating any public place as a specified place for the purposes of this Act;
 - (b) Identifying an organisation, association, or group of persons as a gang for the purposes of this Act.
- (2) In making a bylaw under **subsection (1)**, the Council must use the special consultative procedure set out in section 83 of the Local Government Act 2002.
- (3) The Council must not make a bylaw identifying a gang under **subsection (1)(b)** unless it is satisfied that the organisation, association, or group proposed to be regulated, has the following characteristics —
 - (a) A common name or common identifying signs, symbols, or representations; and
 - (b) Its members, associates, or supporters individually or collectively promote, encourage, or engage in a pattern of criminal activity.
- (4) The Council may make a bylaw under this section only if it is satisfied that the bylaw is reasonably necessary in order to prevent or reduce the likelihood of intimidation or harassment of members of the public in a specified place or to avoid or reduce the potential for confrontation by or between gangs.

6 Prohibition of gang insignia

- (1) No person may wear or display gang insignia at any time in a specified place in the District.
- (2) Every person who contravenes **subsection (1)** commits an offence and is liable on summary conviction to a fine not exceeding \$5,000.
- (3) Without limitation, and to avoid doubt, a Judge may apply section 128 of the Evidence Act 2006 in deciding whether a sign, symbol or representation is gang insignia for the purposes of this Act.

7 Powers of arrest and seizure in relation to persons wearing or displaying gang insignia

- (1) A member of the police may, without warrant—
 - (a) Arrest a person whom the member of the Police has good cause to suspect has committed an offence against **section 6(2)**;
 - (b) Seize and remove gang insignia (by the use of force if necessary) being worn or displayed in a specified place.
- (2) Gang insignia seized under **subsection (1)(b)** is forfeited to the Crown if the person from whom the gang insignia is taken is convicted of an offence under **section 6(2)**.

RESOURCE PLANNING AND REGULATION COMMITTEE

FOR THE MEETING OF 21 JULY 2009

Report for Agenda Item No 7

Prepared by - Peter Thompson
Regulatory Services Manager

Funding for Heritage Protection (File P5/2/0)

Purpose of Report

To acquaint the Committee of a request for funding from the Build Heritage Protection fund provided for within the budget.

Background

For several years the budget has provided, asterisked, the sum of \$30,000 ongoing to protect and preserve heritage buildings within the district. The sum provided has not been called upon of recent times and the grant provisions and criteria are not well spelt out. It is however understood that, subject to specific application, a sum may be available to individuals and organisations renovating significant buildings particularly where the renovation preserves and protects the streetscape.

Councillors may be aware that Mr Ping Lim has undertaken extensive renovation of the Grosvenor Hotel situated on the corner of Beswick Street and Cains Terrace.

Mr Pat Cole of Draftline Limited, by letter dated 10 July, copy attached, advises of the project to date and includes a quote for a sum in excess of \$100,000 to paint the exterior of the building. Mr Lim, over a four year period, intends to complete exterior painting and renovation of the building and now seeks that Council, from the fund provided, assists with his efforts.

Options

- To decline to assist with the project.
- To agree to assist with the renovation and preservation of the building, to an appropriate sum, provided that professional advice with respect to colour scheme is obtained.

Identification of Relevant Legislation, Council Policy and Plans

- The District Plan.

Assessment of Significance

The application is not deemed significant within the terms of Council's Significance Policy however the District Plan identifies the significant architectural character of many of the districts buildings and advocates for their protection and preservation.

Consultation

The District Plan provisions were the subject to extensive consultation.

Other Considerations

There are not considered to be any other relevant issues.

Funding Implications

There is funding of \$30,000 provided within the current budget. This sum is, however, asterisked. If Council is prepared to release a portion of the allocated sum then the residual should remain asterisked.

Conclusion

The Committee should consider if they wish to release funding for this particular project.

The building concerned is considered to warrant preservation and forms a significant component of the Timaru street scape. The building is a listed heritage building within the District Plan.

It is suggested that the sum of \$5,000 would be a suitable sum to contribute to the project which would go some way to paying for appropriate expertise to advise on colour schemes and to fund some restoration work on the façades.

Recommendation

- 1 That the project be supported.**
- 2 That a sum of \$5,000 be allocated to the protection and preservation and that the residual funds within the budget remain asterisked.**
- 3 That a formal policy be established for the allocation of this funding.**

102219

DRAFTLINE LTD

DESIGN & DRAUGHTING SERVICES
PROPERTY MANAGEMENT
PROPERTY INSPECTION

PATRICK COLL NZCD Arch
198 Pages Road Timaru
Ph/Fax 03 686 0360
Cell 0274 370 280
Email pat.coll@farmside.co.nz

July 10, 2009

Regulatory Services Manager
Timaru District Council
King George Place
TIMARU
Attn: Peter Thompson

Dear Peter,

Re: Funding for Heritage Protection.

I wish to make formal application for funding to prepare, paint and protect the exterior of the Grosvenor Hotel, on behalf of Ping Lim, the current owner of the Grosvenor Hotel, Timaru.

Please find attached a quotation for each face of the existing building.
It is envisaged that one face will be completed each year or as funding permits.

As you will be aware, Mr Lim is refurbishing the interior of the Hotel with two bars, gaming room, toilets and reception now completed. Work to commence will be Dining area, two conference rooms and all 50 accommodation rooms.

All original features that were uncovered during renovations have been restored and included in the internal design.

Mr Lim is passionate about the Grosvenor Hotel and its history, any Timaru District Council funding to assist in the renovation would be greatly appreciated and will certainly enhance the streetscape of both Beswick Street and Cains Terrace.

I apologise for the delay in submitting this application, however the commitment in the day to day design details of the "Grand Old Lady" has been immense.

Thanking You.

Yours Faithfully,


Patrick Coll
Draftline Ltd

RESOURCE PLANNING AND REGULATION COMMITTEE
FOR THE MEETING OF 21 JULY 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 30 June 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. This report is provided to satisfy that requirement.

Options

It is a statutory requirement of Council to provide an annual report each financial year which must be publicly 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 report.

Dog Control Statistics

The following dog control data relates to the 12 month period ending 30 June 2009.

1 Number of registered dogs

	2006/07	2007/08	2008/09
Timaru	3194	2780	2952
Geraldine	1112	1548	1595
Pleasant Point	181	195	210
Temuka	2012	1335	720
Pareora	99	345	1531
Rural areas	2447	859	1754
Non-designated	47	0	0
Total	8336	7062	8042

***Note: Historical geographical areas have been ill defined and particularly in the Pareora and Temuka areas, this has resulted in dubious data. The total of registered dogs within the district is however considered accurate.**

2 Number of probationary owners

	2006/07	2007/08	2008/09	Trend
Total	2	2	1	➔

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	3	➔

5 Number of dogs classified as menacing

	2006/07	2007/08	2008/09	Trend
Total	34	35	46	⬆

6 Number of dog related service requests received

		2006/07	2007/08	2008/09	Trend
Person wanting to adopt a dog	Full Year	18	33	17	↓
Barking dog	Full Year	235	249	242	→
Dog biting an animal	Full Year	53	34	35	→
Dog attacking a person/vehicle	Full Year	26	22	32	→
Dog fouling a public place	Full Year	12	13	12	→
Dog found by a person	Full Year	378	448	418	↓
Dog lost by owner	Full Year	342	386	397	→
Miscellaneous - Dog	Full Year	134	154	339 ⁽¹⁾	↑
Unregistered dog	Full Year	11	44	31	↓
Dog in prohibited area	Full Year	1	5	5	→
Dog rushing person in a public place	Full Year	69	96	88	→
Dog wandering	Full Year	333	243	352	→
Total	Full Year	1620	2059	2128	↑

(¹) Increase due to community micro chipping being included in this category

7 Number of dogs impounded

		2006/07	2007/08	2008/09	Trend
Collected by owner	Full Year	243	273	275	→
Destroyed	Full Year	56	170	97	↓
Adopted from pound	Full Year	28	30	8	↓
Total	Full Year	329	475	372	↓

8 Number of infringement notices issued

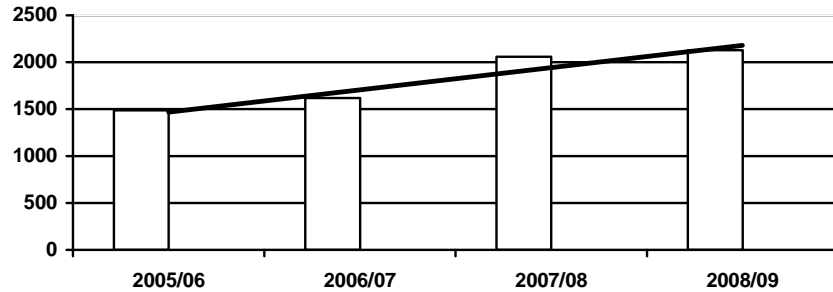
		2006/07	2007/08	2008/09	Trend
Unregistered	Full Year	30	123	317	↑
No control	Full Year	37	34	73	↑
Dog in Prohibited Area	Full Year	1	30	11	↓
Obstruction	Full Year	0	0	8	↑
Failure to advise of change of address	Full Year	1	4	2	↓
Total	Full Year	69	169	544	↑

9 Number of prosecutions undertaken

	2006/07	2007/08	2008/09	Trend
Total	0	2	5	↑

Discussion

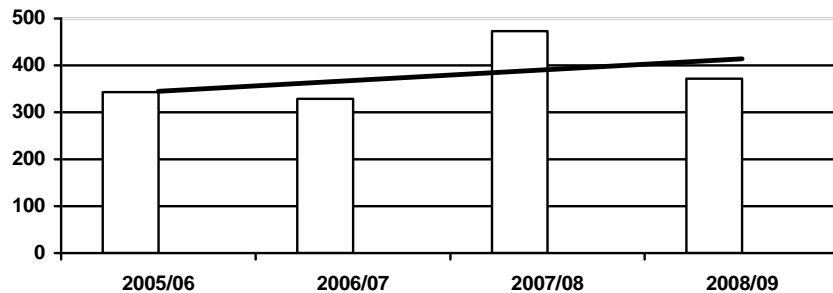
Total Number of Service Requests received



	2005/2006	2006/2007	2007/2008	2008/2009
Service Request	1486	1620 ↑ (9%)	2059 ↑ (27%)	2128↑

This increase can be explained by a greater level of awareness within the community of 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.

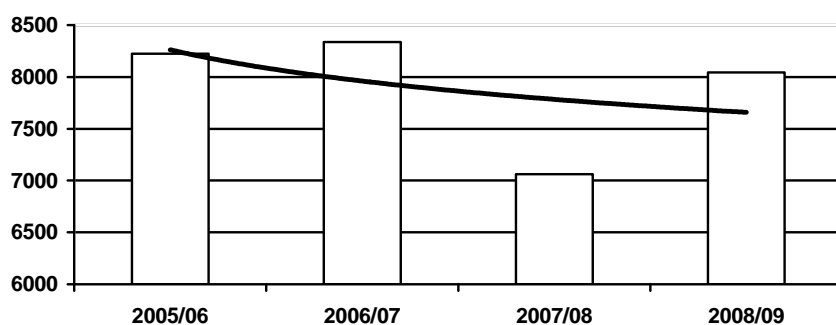
Total Number of Dogs Impounded



	2005/2006	2006/2007	2007/2008	2008/2009
Impounding	343	329 ↓ (4%)	473 ↑ (44%)	372↓

This decrease can be explained by the ongoing focus of education and compliance with registration and the increasing Selected Owner classifications. This includes additional site inspections and fencing enforcement.

Total Number of Dogs Registered



	2005/2006	2006/2007	2007/2008	2008/2009
Registered	8224	8336 ↑ (1%)	7062 ↓ (15%)	8042 ↑

This increase can be explained by the non-registered project that has been undertaken over the last six months; this focus has also included the previous registration years. The council's electronic records have been updated to reflect the transferred and deceased dogs.

Selected Owners

The council promotes the responsible owners classification, this involves a property inspection, questionnaire, focus on welfare, appropriate fencing, exercise areas and a limited maximum number of dogs.

The registration fees, discounts the qualified SOP owner. The 2008/09 year has seen an increased number of qualified owners. 11% of all dog owners are approved SOP owners. Any enforcement action undertaken results in a stand down period from the SOP program.

Education

Currently the team are focusing on education of both the dog owners and the wider community. This is undertaken by school talks, community presentations and individual coaching. The ACOs are handing out complimentary biscuits and doggie bags to owners demonstrating responsible behaviours.

K9 Newsletter

The K9 Newsletter again went out to all dog owners detailing fees, exercise areas and obligations. The additional information included this year has resulted in a number of positive feedback comments.

Recommendation

That this Dog Control report be received, and adopted and that, as required by the Act the report be publicly notified and forwarded to the secretary for Local Government.

RESOURCE PLANNING AND REGULATION COMMITTEE
FOR THE MEETING OF 21 JULY 2009

Report for Agenda Item No 9

Prepared by - Peter Thompson
Regulatory Services Manager

Possible Renaming of Muff Road, Orari (File R4/6/353)

Purpose of Report

To acquaint the committee of a request to rename Muff Road, Orari and to consider if the request is to be progressed.

Background

Mr Roger J Payne, by letter dated 9 June 2009 and covering a number of issues, has requested that Muff Road, Orari be renamed to Ohapi Road which, he advises, was the original road name.

Copy of a portion of Mr Payne's letter, covering the road naming issue, is attached.

Options

- To accept Mr Payne's proposal.
- To decline the proposal.
- To refer the matter to the Geraldine Community Board for comment and recommendation.

Identification of Relevant Legislation, Council Policy and Plans

- Local Government Act 1994.
- Council's Road Naming Policy.

Assessment of Significance

This matter is not deemed significant within Council's Significance Policy.

Consultation

No consultation has taken place.

It is Council's prerogative to name roads with or without consultation.

It has however been usual to seek comment from the appropriate Community Board before progressing a proposed road name change. Should a change then be intended the policy provides for consultation with residents on the road and for, generally, 85% support for a name change by those residents.

Other Considerations

It is not considered that there are any other relevant issues.

Funding Implications

The only funding which may be associated with this proposal is the cost of replacement road signs.

Conclusion

This issue is one of opinion. It is considered best decided initially in consultation with the Geraldine Community Board and then, if considered appropriate, to be addressed by residents on the road concerned.

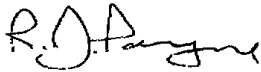
Recommendation

That the matter be referred to the Geraldine Community Board for consideration.

Application to Change Muff Road back to Ohapi Road

7. Muff Road, Orari is frequently without a road sign because soon after each attempt to re-sign the road, the sign is stolen as a souvenir because of the meaning some people give to the name. Replacement of the sign has become a futile exercise. The sign is currently missing from both ends of the road.
8. I noticed that the old survey maps ~~that emerged in issue 1 above,~~ have Muff Road named "Ohapi Road" - Ohapi is a local geographic place name - a significant local creek near the road and an old R.S.A. land settlement about the middle of the road. While the Muff Family were early farmers they were not the first in the district.
9. I do not know why Ohapi Road was changed to Muff Road but because of the on-going problem with signage, I would like to see the original geographic name restored so the road could have safe signage.

Yours sincerely,



Roger J. Payne
Willowbank Farm
73 Muff Road, Orari
R.D. 26, Temuka 7986.

Telephone: (03) 693 8046