

**COUNCIL 28. 3. 2013**

**PLANNING COMMITTEE  
6 MARCH 2013**

**A meeting of the Planning Committee  
was held in the No. 1 Committee Room  
on Wednesday 6 March 2013 at 9.15am.**

**PRESENT:** Councillor Sue Wells (Chairperson),  
Councillors Peter Beck, Sally Buck, Jimmy Chen, Aaron Keown, Glenn Livingstone and  
Claudia Reid.

**APOLOGIES:** Cr Keown for lateness who arrived at 9.19am and was absent from Clause 6.

The Committee reports that:

**PART A - MATTERS REQUIRING A COUNCIL DECISION**

**1. REPORT ON THE REQUEST FOR INFORMATION RECORDING CONCERNS ABOUT THE  
KEEPING OF ANIMALS**

<b>General Manager responsible:</b>	General Manager Strategy and Planning, DDI 941-8281
<b>Officer responsible:</b>	Strategic Policy Unit Manager, Strategy and Planning Group,
<b>Authors:</b>	Siobhan Storey, Senior Policy Analyst,

**PURPOSE OF REPORT**

1. To provide a report on residents' complaints with respect to the keeping of poultry in residential areas.

**EXECUTIVE SUMMARY**

2. At its meeting of 4 April 2012 the Hagley Ferrymead Community Board received a deputation regarding the keeping of animals in residential areas with poultry being of particular concern. The Board report and staff memorandum were received by the Council at its 10 May 2012 meeting where it resolved to refer the memorandum back to the Board and subsequently to the Regulatory and Planning Committee.
3. At the Regulatory and Planning Committee meeting of 30 May 2012, staff provided the Committee with updated information on the possible development of a bylaw regarding the keeping of animals, including poultry, in residential areas. The Committee accepted staff advice not to proceed with the development of a bylaw. However, since the main concerns were related to poultry and Council did not have a complaints recording system for poultry, the Committee resolved:

*"That the staff advice be received, and;*

*That staff ensure that the Council's Frequently Asked Questions and requests for service enable the recording of concerns about the keeping of animals and report back to the Committee no later than February 2013."*

4. To follow up this resolution, staff created a new code on 31 May 2012 to capture requests for service from the public relating to poultry. Staff also updated the Frequently Asked Questions on the Council website about the keeping of animals (other than dogs or cats) to include information about poultry. In addition, if customers want further advice or information on the keeping of animals, Customer Services staff contact the Duty Environmental Health Officer (Environmental Compliance) on the duty number.

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5. There were 20 complaints recorded about poultry between 31 May 2012 and 7 January 2013. Of these, 17 were noise related, mainly roosters crowing. Two complaints related to the possibility of rats and mice being attracted by the keeping of poultry. Two complaints were about the same property. All of the complaints were followed up by the Environmental Compliance Team and resolved by 7 January 2013.
6. Staff conclude that there are few concerns being brought to the Council's attention about the keeping of poultry and that any concerns can be addressed through education and advice. The recording of poultry related complaints will continue on an ongoing basis.

**FINANCIAL IMPLICATIONS**

**Do the recommendations of this report align with 2009-19 LTCCP budgets?**

7. Not applicable.

**LEGAL CONSIDERATIONS**

8. Not applicable.

**Have you considered the legal implications of the issue under consideration?**

9. As above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

10. Not applicable.

**Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?**

11. As above.

**ALIGNMENT WITH STRATEGIES**

**Do the recommendations align with the Council's strategies?**

12. Not applicable.

**CONSULTATION FULFILMENT**

13. Not applicable.

**STAFF RECOMMENDATION**

That the Council:

- (a) Note the information contained in this report.
- (b) Note that, on the basis of the Council's monitoring of poultry related complaints, there is no evidence of a significant nuisance at this time.

**COMMITTEE RECOMMENDATION**

That this item lay on the table until the 3 April 2013 Planning Committee meeting in order for the Committee to obtain additional advice of staff.

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**BACKGROUND (THE ISSUES)**

14. At the Regulatory and Planning Committee meeting of 30 May 2012, staff provided the Committee with updated information on the development of a bylaw regarding the keeping of animals, including poultry, in residential areas. This was in response to a resident having concerns about her neighbour's poultry.
15. Staff had undertaken an investigation into the need for a bylaw. On the basis of information collected, staff determined there were few problems with the keeping of animals, including poultry, in residential areas and in all cases issues had been successfully resolved through advice provided by Enforcement Officers and subsequent discussion and negotiation between the parties involved.
16. The Committee accepted the staff advice not to proceed with the development of a bylaw regarding the keeping of animals, including poultry, in residential areas.
17. The Regulatory and Planning Committee resolved:  
  
*"That the staff advice be received, and;*  
  
*"That staff ensure that the Council's Frequently Asked Questions and requests for service enable the recording of concerns about the keeping of animals and report back to the Committee no later than February 2013."*

**2. BYLAW REVIEW PROGRAMME 2013 - 2019**

<b>General Manager responsible:</b>	General Manager Strategy and Planning, DDI 941-8281
<b>Officer responsible:</b>	Unit Manager Strategic Policy
<b>Author:</b>	Ruth Littlewood Senior Policy Analyst

**PURPOSE OF REPORT**

1. This report provides an updated timetable for the bylaw reviews required by the Local Government Act 2002 during the period 2013-2019 and proposes that the Planning Committee note the amended programme and endorse it for the Council's consideration.

**EXECUTIVE SUMMARY**

2. The Local Government Act 2002 (the Act) requires the Council to review its bylaws at five or ten year intervals and on 23 April 2009, the Council agreed to "adopt a ten-year bylaw review programme to coordinate the review of bylaws across the Council to avoid bottlenecks, local body elections and LTCCP consultation..." This decision was made following the major review of bylaws in 2008 when there was significant pressure on the Council's resources in meeting the statutory time limits of the Act.
3. A ten year programme was provided to the Council at its meeting on 10 December 2009, which took into account statutory deadlines, the estimated time required to undertake each review, the need to stagger reviews so there are not too many underway at any given time, the timing of LTP processes, local body elections and the Christmas breaks. As the accompanying officer report to the Council noted, "there is likely to be some movement in the timetable over time in order to reflect new developments and changing Council priorities".
4. The programme of bylaw reviews will commence in the 2013/14 financial year. Staff have reviewed the 2009 timetable and they consider that the key assumptions and considerations underlying the 2009 timetable are valid and that the overall design of the programme is still fit for purpose. It is proposed however that the 2009 timetable be amended to take into account legislative and bylaw developments over the past three years, recent legal advice and

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operational requirements. Table 1 to this report is the amended timetable for 2013-2019 while a more detailed timeline showing key steps in the review process is provided by Table 2 (**Attachment 1 to this report**).

**FINANCIAL IMPLICATIONS**

5. The budget implications of the bylaw review programme will be addressed through the Annual Plan process and the 2013-22 Long Term Plan (LTP). The budget for leading bylaw reviews falls within the City and Community Long-Term Policy and Planning Activity. In addition the budgets for a range of Activities in the LTP will cover the cost of advice from bylaw administrators and activity experts in the bylaw review processes.

**Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?**

6. As above

**LEGAL CONSIDERATIONS**

7. Sections 158 and 159 of the Local Government Act 2002 (the Act) require local authorities to review a bylaw by making decisions required by Section 155 of the Act, specifically to decide whether to amend, revoke, replace or to continue a bylaw without amendment. The first review must happen within five years of a bylaw being made and subsequently, within ten years of the date of any (previous) review. After making the decisions required by section 155 a local authority is then required by the Act to undertake the special consultative procedure (SCP). As the Act does not provide statutory time limits for the SCP and subsequent steps in the bylaw making/amendment process, any decision as to the timing of the SCP is a matter for the local authority.

**Have you considered the legal implications of the issue under consideration?**

8. The deadline for the statutory review (determinations required by section 155) of each bylaw has been taken into account in developing the bylaw review programme.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

9. The bylaw review programme contributes to City and Community Long-term Policy and Planning and City Governance and Decision-Making activities in the 2009-19 LTCCP. Under the draft 2013 Three Year Plan, the Long-Term Policy and Planning Activity Management Plan includes a performance standard that *Bylaws and regulatory policies are reviewed to meet statutory timeframes and changing needs* and specific levels of service - *1.0.19.1, Maintain a ten year bylaw review schedule and carry out reviews in accordance with it and statutory requirements 1.0.19.2 Develop and review bylaws and regulatory policies to meet changing needs as agreed annually in work programme.*

Relevant bylaw reviews scheduled each year in this timetable will become part of the work programme for the Long-Term Policy and Planning Activity to be appraised by the Council annually. The bylaws themselves contribute to a number of activity management plans and these links will be made explicit at the time of each bylaw review.

**Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?**

10. As above.

**ALIGNMENT WITH STRATEGIES**

11. There are no Council strategies that relate to the process of making and reviewing bylaws. There are a number of strategies that are relevant to the subject matter of bylaws, which will be taken into account in the review of each bylaw.

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**Do the recommendations align with the Council's strategies?**

12. As above.

**CONSULTATION FULFILMENT**

13. Consultation has taken place with those staff with responsibility for administering the bylaws and with key advisers (legal, communications) within the organisation in preparing this paper.

**STAFF RECOMMENDATION**

It is recommended that the Council note the amended bylaw review programme for the period 2013-2019, as set out in Table One of this paper.

**COMMITTEE RECOMMENDATION**

That the Staff Recommendation be adopted.

**BACKGROUND (THE ISSUES)**

**Rationale for the bylaw review programme**

14. On 23 April 2009, the Council adopted the Regulatory and Planning Committee's recommendation that it "*adopt a ten-year bylaw review timetable which coordinates the review of bylaws across the Council in order to avoid bottlenecks, local body elections and LTCCP consultation...by December 2009.*" The recommendation arose from concerns about the process of undertaking many bylaw reviews simultaneously during 2008.
15. The Local Government Act 2002 requires local authorities to review bylaws at least every ten years. There is a need for some flexibility, however, as any new bylaws must be reviewed within five years (and then every ten years thereafter) and a bylaw review may be initiated before the statutory deadline for other reasons including legislative changes, operational changes and political reasons.

**Objectives**

16. The aims of the programme timetable are to:
- coordinate the bylaw reviews across units
  - manage bylaw reviews so that the timing does not clash with LTP consideration, consultation and adoption processes
  - minimise the number of SCPs by undertaking combined/concurrent consultations for several bylaws at one time
  - manage bylaw reviews so that the timing does not clash with local body elections
  - ensure that bylaw reviews are initiated early enough so that adequate time is allowed for all the stages to be completed within one Council term
  - ensuring that there is a balance between complex and simple bylaws reviewed in any one year to assist with resourcing
  - meet statutory review requirements.

**Key assumptions**

17. The timetable reflects:
- the statutory deadlines for completing each review
  - the estimated time required to undertake each bylaw review
  - the need to stagger reviews, particularly those due in 2018, so there are not too many reviews underway at any given time

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- the desire to minimise the number of separate special consultation procedures required by providing for combined/concurrent processes
- the timing of LTP processes, local body elections and the Christmas break.

18. The timetable also assumes that the bylaws under review in any one year will all be adopted at the last Council meeting of the year (June in election year), unless a statutory deadline requires that it be reviewed sooner within that year.

**The bylaw review timetable**

19. The proposed bylaw review programme for the next eight years is set out in the following table.

**Table One: Bylaw review programme 2013-2019**

	<b>Statutory deadline for s155 (review) decisions</b>	<b>Proposed completion date for all processes</b>	<b>Changes from 2009 timetable and comments</b>
Water Related Services Bylaw 2008	February 2018	November 2014	No change.
Urban Fire Safety Bylaw 2007	July 2017	November 2014	No change.
Parks and Reserves Bylaw 2008	March 2018	November 2014	Review brought forward.
Cruising Bylaw 2010	February 2015	November 2014	This is the first (5 year) review.
Trade Waste Bylaw 2006	June 2016	November 2015	No change.
Cleanfill Licensing Bylaw 2008	October 2017	November 2015	Review brought forward.
Licensed Waste Handling Facilities Bylaw 2007	April 2017	November 2015	Review brought forward.
Waste Management Bylaw 2009	February 2019	November 2015	Review brought forward.
Dog Control Bylaw 2008	February 2018	June 2016	No change.
General Bylaw 2008	July 2018	June 2016	No change.
Marine and River Facilities Bylaw 2008	March 2018	November 2017	No change.
Traffic and Parking Bylaw 2008	March 2018	November 2017	No change.
Public Places Bylaw 2008	February 2018	November 2017	No change.
Stock Control Bylaw 2008	March 2018	November 2017	No change.
Alcohol Restrictions in Public Places Bylaw 2009	November 2018	November 2018	Review required by alcohol reform legislation (Local Government Amendment Act).
(Proposed) Cemeteries Bylaw 2013	March (?) 2018	November 2018	First (5 year) review; assumes that the new cemeteries bylaw is made in early 2013.

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	<b>Statutory deadline for s155 (review) decisions</b>	<b>Proposed completion date for all processes</b>	<b>Changes from 2009 timetable and comments</b>
(Proposed) Brothels (Location and Signage) Bylaw 2013	April (?) 2018	November 2018	First (5 year) review; assumes that new brothels (location and signage) bylaw is made in early 2013.
Speed Limits Bylaw	September 2019	November 2018	Need to bring forward so within single Council term.

**3. DEVELOPMENT CONTRIBUTIONS REVIEW DISCUSSION PAPER**

The report and accompanying recommendations from the Planning Committee were submitted to the Council meeting on 14 March 2013 as a report from the Chairperson.

**PART B – REPORTS FOR INFORMATION**

**4. DEPUTATIONS BY APPOINTMENT**

The Committee received a deputation from Regan Nolan on the request for information recording concerns about the keeping of animals. Ms Nolan requested that the Council adopt a bylaw to control the location of chicken coops and poultry on residential properties.

**5. CONSENTING REBUILD MONTHLY REPORT**

The Committee **decided** to receive this report.

**PART C – DELEGATED DECISIONS**

**6. APOLOGIES**

It was **resolved** that an apology for lateness from Councillor Keown be accepted.

The meeting concluded at 11.10am

**CONSIDERED THIS 28TH DAY OF MARCH 2013**

**MAYOR**



