

NOTICE IS HEREBY GIVEN THAT THE MONTHLY MEETING OF THE REGULATORY AND PLANNING COMMITTEE, WILL BE HELD IN THE COUNCIL CHAMBERS, 29 CIVIC AVENUE, GORE, ON TUESDAY 9 SEPTEMBER 2008, FOLLOWING THE COMMUNITY SERVICES COMMITTEE MEETING

**Stephen Parry
CHIEF EXECUTIVE**

3 September 2008

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REGULATORY AND PLANNING COMMITTEE AGENDA

SEPTEMBER 2008

1. PROCESSING OF SUBDIVISION CONSENTS

(Memo from Planning Consultant – 22.08.08)

At the August Committee meeting, a question was asked as to the time frames taken to process subdivision consents. Attached is a table showing that for the 30 subdivision consents lodged this, for which decisions have been issued:

- 19 were completed within one month of lodging
- 8 were completed in a period more than one month and less than two months
- 3 took longer than two months to process.

The shortest processing time was one day for a very simple matter. The longest took ten weeks. That was a complex matter, also requiring land use consent. Comments received from Council advisers resulted in the subdivision layout being amended and various conditions being agreed to at a staff level without the need for a formal hearing or objection.

Rather than elapsed time, the Resource Management Act 1991 looks at “working days”. Working days exclude periods during which applicants are providing additional information, but not the period when discussions are taking place between Council staff and the applicant as to consent conditions. The Act seeks to have consents processed within 20 working days. For consents lodged in 2008 19 have been processed in less than 20 working days. One has taken longer than 30 working days.

For information, the following table sets out the steps in the subdivision process:

STEPS IN SUBDIVISION PROCESSING	
ACTION	COMMENTS
THE APPLICATION PHASE	
1. Receipt of application Including issuing of receipt from cashbook	
2. Admin Processing Making up of file, entering into register	
3. Letters to LINZ	Where it is proposed to hold two areas of land in the same Certificate of Title or amalgamate sections into

STEPS IN SUBDIVISION PROCESSING	
ACTION	COMMENTS
	one Title approval for the wording used must be given by LINZ. Using that takes one week, but with reorganization of LINZ this year some have taken up to six weeks.
<p>4. Initial Assessment Keith Hovell reviews the application to assess whether there is sufficient information or whether any written approvals are required. Assessment is also made as to whether the application should be notified.</p>	<p>Applications are suspended (the clock stops) where additional information is sought or where written approvals are required [e.g. from Environment Southland, NZ Transport Agency (ex-Transit) or adjoining neighbours]. It usually takes applicants between 2 – 4 weeks to respond.</p> <p>Where notification occurs then one month is allowed for persons to lodge submissions following notification. A minimum of six weeks is required for the notification process. After notification, a hearing is held (see below).</p>
<p>5. Application circulated to staff Technical staff (roading, sewerage and infrastructure) may be requested to comment on an application.</p>	Usually about two weeks is provided for staff to comment.
<p>6. Assessment of Application Following receipt of staff comments the application is assessed.</p>	<ul style="list-style-type: none"> • Where an application is straight forward a draft decision is prepared. • Where comments from staff make recommendations that may not be acceptable to the applicant either a copy of those comments are forwarded to the surveyor to enable a response or a meeting is arranged, usually on site to discuss. Sometimes more than one meeting occurs. This can take between one and four weeks for resolution to be achieved. • Where resolution is not obtained a formal hearing will usually be held. (See below)
<p>7. Hearing Hearings are held for all notified consents, those where there is no resolution of conditions and where the applicant objects to conditions in a consent.</p>	Three weeks notice is required to be given to an applicant for a hearing. A formal report is prepared and circulated at least a week in advance. The hearing is held, with Council staff, the applicant and their surveyor present.
<p>8. Issuing Decision For subdivisions without hearings, a draft decision is prepared and forwarded to an independent commissioner for</p>	For decisions without hearings, it usually takes up to one week for the draft to be prepared, sent to the Commissioners, considered, amended if required and posted out. Where a

STEPS IN SUBDIVISION PROCESSING	
ACTION	COMMENTS
<p>consideration and signing.</p> <p>Where a hearing is held the decision is sometimes prepared by the Hearing Commissioners, other times by Council advisers.</p>	<p>Commissioner issues a decision there is a right of objection.</p> <p>Where a hearing is held the decision usually takes three – six weeks to prepare, depending on complexity. Where a Panel has heard the proposal they consider a draft prior to release. There is a right of appeal on any decision made following a hearing.</p>
FOLLOWING APPLICATION APPROVAL	
9. RMA Section 223 Approval	<p>The Surveyor prepares a final detailed plan of the subdivision and submits it to Council for approval. It is checked to ensure that what is being done is consistent with the approved application. This step occurs between 3 and 9 months after approval. Surveyors are required to lodge documents electronically with LINZ and then Council is notified. If any error is made by the Surveyor either as to content or procedure LINZ will delay notifying Council until all is correct.</p>
10. RMA Section 224 Approval	<p>Approval under this section is sought to confirm that all conditions of the consent have been complied with. That includes paying all fees and undertaken physical works required by Council, including upgrading of accesses. In some cases bonds or sureties can be provided where works are still being undertaken. Alternatively consent notices can be registered on the titles requiring certain things to be done. Mostly consents under sections 223 and 224 at the same time.</p>
11. Sign-Off by LINZ	<p>Once Council has completed the section 223 and 224 processes LINZ will give a final approval to the documents lodged. This can take between several weeks and several months.</p>
12. Issuing of Titles This is undertaken by lawyers	<p>At the end of the process, the surveyor will forward the file to a lawyer to allow individual titles to be issued. Contrary to popular belief Council has no involvement in this process. Depending on the priorities of the lawyers and any issues they raise this step can take between 1 – 18 months.</p>

On average, for a simple subdivision, it takes between nine months and one year from the time a consent is lodged with Council until title is issued. For complex proposals longer time periods can be expected.

The Council phase of processing resource consents is extremely variable. In summary terms for simple subdivisions the following is achievable:

- One week is usually taken to undertake the admin processing, initial assessment and circulation to staff.
- Two weeks is allowed for comments by staff
- One week is allowed for preparing the decision, its consideration and finalising.

The greatest variability occurs following receipt of comments from staff. Where adverse comments or recommendations are made that may not be acceptable to the applicant, a value judgment is made as the best means of moving forward. Many Councils issue decisions on applications knowing the applicant will object. That invokes a formal and confrontational hearing process. Our preference is to work with applicants to resolve issues. It may add time to the issuing of decisions, but notwithstanding frustrations sometimes expressed by applicants, this approach is viewed as being more user-friendly and enabling. We focus on arriving at an agreeable outcome rather than attempting to issue a decision in the fastest possible time.

Notwithstanding the above, it is accepted that we do not get it right all the time. Possibly with 10% of subdivisions processing inefficiencies occur. For example, at different times the file may be misplaced, the Surveyor, staff or the Commissioner may not be working (sick or holidays) or phone “tag” takes place between Council staff and the applicant resulting in difficulties in arranging meetings. We do our utmost to avoid any of these inefficiencies.

RECOMMENDATION

THAT the information be received.

Subdivision Consents 2008

File Number	Applicant	Address of Property	Date Received	Application Suspended	Application Reactivated	Decision Issued	Working Days
SC 01/2008	CT Tremaine	282 Waimumu Road	31-Jan-08			12-Mar-08	28
SC 02/2008	GP & BJ Swney and KO Diprose	Gold Creek Road East Chatton	14-Feb-08	14-Feb-08	12-Mar-08	04-Apr-08	16
SC 03/2008	Brydone Hill Farm Ltd	Pioneer Highway Brydone	18-Feb-08	18-Feb-08	10-Mar-08	12-Apr-08	24
SC 04/2008	Marine Reach - Youth with a Mission	Waimumu Road	18-Feb-08			12-Mar-08	17
SC 05/2008	BA & ME Miller	452 Otama Road	19-Feb-08			26-Feb-08	5
SC 06/2008	Alister Wilson	Strauchon and Pope Road Croydon Bush	11-Mar-08			01-Apr-08	13
SC 07/2008	Peter and Susan Hayward	219 Diamond Peak Road	11-Mar-08			01-Apr-08	13
SC 08/2008	Dean and Harvey Perkins	Crawford Road	11-Mar-08			01-Apr-08	13
SC 09/2008	MP & L Walsh	293 Humphries Road	13-Mar-08			10-Apr-08	18
SC 10/2008	Norana Lilies Ltd	1 Pourakino Place GORE	29-Apr-08			21-May-08	16
SC 11/2008	GL McIntyre	Sandy Knowes Road Waikaka	21-Apr-08			16-May-08	
SC 12/2008	LA Baker	443 Waddle Road Waikana	21-Apr-08	21-Apr-08	28-Apr-08	21-May-08	17
SC 13/2008	David J Mair	41 River Road Gore	17-Apr-08	17-Apr-08	Still awaiting information		
SC 14/2008	IW & WJ Shanks	Wentworth Street/Boundary Road Gore	02-Apr-08	02-Apr-08	06-May-08	09-Jun-08	22
SC 15/2008	JE & PJ Forrest	4 Kaka Street Gore	11-Apr-08			25-Jun-08	51
SC 16/2008	Long View Gore Ltd	Eversfield Rise/Ruia Street Gore	22-Apr-08	29-Apr-08	03-Jun-08	26-Jun-08	21
SC 17/2008	P & N Matheson	2 McKellar Street Gore	17-Apr-08			16-May-08	20
SC 18/2008	AH & SM Oliver	219 Waimumu Road Upper Charlton	23-Apr-08			21-May-08	19
SC 19/2008	NW & CA Wilson	157 McKinnon Road Whiterig	07-May-08			03-Jun-08	18
SC 20/2008	RJ & J Laverock and J & A Marr	54 Koa Street & 17 Margaret Street	10-May-08			03-Jun-08	16
SC 21/2008	CJ Laing	Coalpit Road Pukerau	14-May-08			25-Jun-08	29
SC 22/2008	RA Shanks	Crawford Road Waikana	13-May-08			03-Jun-08	14

Subdivision Consents 2008

File Number	Applicant	Address of Property	Date Received	Application Suspended	Application Reactivated	Decision Issued	Working Days
SC 23/2008	Ocean Spring Products 2007 Ltd	Pease Street McNab	20-May-08			16-Jun-08	18
SC 24/2008	Arawata Assets Ltd and BJ McKone, PS McKone & FMV McCrimmon	Mersey Street and Main Street Gore	25-May-08	27-May-08	05-Jun-08	26-Jun-08	17
SC 25/2008	Croydon Downs Ltd	Reaby Road Croydon	31-May-08			26-Jun-08	18
SC 26/2008	RS Wilson	River Road	27-May-08			08-Jul-08	29
SC 27/2008	AM & CA Graeve	66 Duthie Road Waimumu	10-Jun-08			14-Jul-08	24
SC 28/2008	T Stewart	Racecourse Road Charlton	17-Jun-08			23-Jul-08	26
SC 29/2008	ME Ferguson	9A Duke Street	25-Jun-08			26-Jun-08	1
SC 30/2008	TL & DE Affleck Family Trust	Robertson Road North Chatton	27-Jun-08	Still awaiting LINZ response			
SC 31/2008	JS Meek	Frank Street	15-Jul-08			14-Aug-08	22
SC 32/2008	LG & HK Dickie and MJ Millard	Knowsley Park Road Waiarikiki	25-Jul-08				
SC 33/2008	GC & PM Morrison	Waikaka Road	25-Jul-08				
SC 34/2008	C & JM Goulding & OE Hewlett	7 Ardwick Street	7-Aug-08			14-Aug-08	5
SC 35/2008	GF & MJ McKeown	26 Walker Street	12-Aug-08				
SC 36/2008	Aitken Joinery Ltd	40 Ordsal Street	31-Jul-08				

2. STOPPING OF UNFORMED LEGAL ROAD

(Memo from Planning Consultant – 27.08.08)

The Council has received a subdivision consent from T L & D E Affleck Family Trust which owns various parcels of land adjacent to Robertson Road, North Chatton. They wish to provide for a family member to take over part of the farm block, including land containing a house at 192 Robertson Road, being Lot 1 containing 25.6975 ha on the attached Scheme Plan. The residue land, being Lot 2 containing 2.6533 ha, will be amalgamated with adjoining land to the west.

In preparing this application the applicants have determined that:

- (i) a shed erected many years ago is located partly on the unformed legal road; and
- (ii) a woolshed erected about ten years ago is located partly on legal road and partly on the adjoining title owned by the applicants.

These buildings are shown on the inset diagram on the Scheme Plan and also on the extract of the aerial photograph attached.

The location of buildings across property boundaries is contrary to section 75 (2) of the Building Act 2004 which requires all land containing a building to be held in the same ownership. The current subdivision process provides an opportunity to rectify the situation.

The applicants have indicated that they are willing to enter into negotiations with Council to acquire the legal road. As the legal road serves only land owned by the applicants no other person has a potential interest in it. Under these circumstances the road is capable of being stopped under the provisions of the Public Works Act 1981.

Attached is a Terralink plan showing how the land will be allocated to the two new lots being created.

A Council resolution is required to enable the road to be stopped and sold.

RECOMMENDATION

THAT the Council agree to the closing of the paper road at 192 Robertson Road and its transfer to the owner(s) of the adjoining land,

THAT action be taken as required by the Public Works Act 1981 to provide for the stopping of the paper road.

3. REGULATORY BULLETIN

(Memo from Chief Executive – 01.09.08)

Attached is a schedule of building consents issued for August 2008, together with comparisons with the previous two years.

A schedule of resource consents issued to 1 September is also attached.

RECOMMENDATION

THAT the information be received.