

REPORT OF THE ORDINARY MEETING OF THE REGULATORY AND PLANNING COMMITTEE HELD IN THE COUNCIL CHAMBERS, 29 CIVIC AVENUE, GORE ON TUESDAY 23 APRIL 2013, AT 5.13PM.

PRESENT His Worship the Mayor (Mr Tracy Hicks JP) (Chairperson), Crs Beale, Bolger, Davis, Dixon, Gover, D Grant and P Grant, Sharp and Watt.

IN ATTENDANCE The Chief Executive (Mr Stephen Parry), General Manager, Corporate Services (Mr Russell Duthie), General Manager, District Assets (Mr Paul Withers), Parks and Recreation Manager (Mr Ian Soper), Roading Manager (Mr Murray Hasler) 3 Waters Asset Manager (Ms Sarah Dowling), Planning Consultant (Mr Keith Hovell), Communications Co-ordinator (Mrs Sonia Gerken), Corporate Support Officer (Mrs Tracey Millan) and two members of the public in the gallery.

APOLOGIES Crs Highsted and Redhead apologised for absence.

His Worship called for any conflicts of interest. None were received.

1. REGULATORY BULLETIN (11.5.2/2.14.3)

A memo had been received from the Chief Executive along with a schedule of building consents issued for March 2013, together with comparisons of the previous two years. A schedule of landuse consents issued as at 11 April, road closures and stopping had also been received.

RECOMMENDED on the motion of Cr Dixon, seconded by Cr P Grant, THAT the information be received.

2. PROCESS USED FOR CLASSIFYING A DOG AS MENACING UNDER THE DOG CONTROL ACT 1996 (34.10)

A memo had been received from the Chief Executive setting out relevant provisions of the Dog Control Act 1996 following a number of objections lodged by owners to the classification of their dogs as menacing under section 33 of the Dog Control Act 1996. The increase in objections received had prompted questions from some quarters about whether the Council's current practices were appropriate and whether any change was warranted.

The Chief Executive said it was about trying to find a balance between being reasonable while safeguarding the public's safety. There had been a recent spate of menacing dog classifications that had been appealed. He was mindful that it was not too much of an inconvenience for an owner to have its dog classified as menacing if it meant keeping the public safe. It did not however want to be trigger happy either. Guidance was required to modify the practice. One area that could be better would be to have the animal control contractor accompanied by an administration staff member at interviews with dog owners to keep an accurate record of what was discussed.

He had had discussions with the General Manager, Corporate Services, who ultimately made the decision on classification and he thought that subject to that modification, the current process was satisfactory.

His Worship agreed that two Council representatives being present was a good idea. It was also vitally important that the dog owner was well informed about the process. It was an opportunity to improve the knowledge of the dog owner about its rights and processes regarding a menacing dog. The situation often got emotional and a publication provided to the owner to read and understand what would happen going forward was a good idea.

Cr D Grant endorsed the Chief Executive's comments about two representatives being present. It backed up the process.

Cr Davis agreed. It was also important that the dog owners were clear about the process going forward. Cr Highsted had chaired a number of hearings around the issue and felt strongly about the owner being informed of the process.

Cr Watt asked what other local authorities' processes were.

The Chief Executive said he did not know what other local authorities did specifically, however he knew from research that the number of dog attacks was on the increase nationally. It was a modern day problem. The public's tolerance had lowered. The Council was the regulatory body that had to find a balance between sometimes what was an emotionally charged situation between a dog owner and complainant.

RECOMMENDED on the motion of Cr Davis, seconded by Cr Gover, THAT the report be received,

THAT two Council representatives, including one administrative staff member, be present at each interview with the dog owner,

THAT an information document explaining the menacing dog classification process be produced and provided to dog owners,

AND THAT Council staff confer with other local authorities about what processes they use for classifying dogs as menacing, that could fit into the Council's processes.

3. RESOURCE MANAGEMENT ACT DISCUSSION DOCUMENTS (54.9.1)

A memo had been received from the Planning Consultant regarding two recent Government released discussion documents on reforming the RMA.

RECOMMENDED on the motion of Cr D Grant, seconded by Cr Watt, THAT the Council endorse the submissions lodged in relation to the recent RMA discussion documents.

4. DESEXING OF PIT BULL TERRIER TYPE DOGS (34.10)

A memo had been received from the Chief Executive in response to discussion held at the previous Operations Committee meeting about whether the Council could enforce desexing of pit bull type dogs. He had undertaken to investigate the matter and report back with a preferred approach.

In response to His Worship, Cr Watt said the report provided the information he had requested. He asked for confirmation that a dog owner had a right to object to a menacing classification.

The Chief Executive said a dog owner could object and that was when the process would be worked through to arrive at a conclusion.

In response to Cr P Grant, the Chief Executive said if the Council believed a dog was of a pit bull breed, it attracted an automatic menacing classification, but the owner had appealing rights. There was no behavioural aspect involved. It was a type of dog aspect.

RECOMMENDED on the motion of Cr P Grant, seconded by Cr Davis, THAT the report be received and noted.

5. SOUTHLAND ENERGY STRATEGY (50.49.2)

A memo had been received from the Planning Consultant to enable any discussion Councillors may wish to have prior to the formal consideration of issues at the 6 May meeting of the Venture Southland Joint Committee that His Worship the Mayor would attend.

His Worship said it was good, right and proper that Councils join together in promoting energy efficiency and good use of energy. He thought an energy strategy that the Council was involved with should it as an enabler for business development

and energy efficiency within businesses. He thought there was an opportunity for the Shared Services Forum to be involved.

The Planning Consultant said the regime being looked at was being modelled on the Wastenet set up. The idea was in the first instance to share information with the Council of what was happening elsewhere before jumping in and spending money.

Cr Davis said Wastenet required money to deliver services for southland. All Councils paid significantly. She was a little concerned with how it would be funded. It could be an enabler if homes were involved. There were too many unknowns.

His Worship said he would take Cr Davis's points to the meeting. There were a lot of questions that required answering.

Cr Bolger concurred with the concerns of Cr Davis around the Wastenet model. He would feel more confident if it was a Venture Southland initiative rather than joint Council.

His Worship said Venture Southland would be an ideal vehicle.

RECOMMENDED on the motion of Cr Davis, seconded by Cr Watt, THAT the Council note the direction being recommended to the Venture Southland Joint Committee to implement the Southland Energy Strategy and provide any guidance that may be appropriate to His Worship the Mayor who will attend that meeting.

The meeting closed at 5.32pm.