



REPORT OF THE ORDINARY MONTHLY MEETING OF THE REGULATORY AND PLANNING COMMITTEE HELD IN THE COUNCIL CHAMBERS, 29 CIVIC AVENUE, GORE ON TUESDAY 14 NOVEMBER 2006, AT 4:52 pm.

PRESENT Cr McFadzien (Chairperson) Crs Bolger, Davis, Dore, Harvey, Hellier, McIntyre, McLennan, Sutherland and Turnbull.

IN ATTENDANCE The Chief Executive (Mr Steve Parry), General Manager, District Assets (Mr Neil Jorgensen), Parks and Recreation Manager (Mr Ian Soper), Roothing Manager (Mr Murray Hasler), Asset Manager, Utilities (Mr Ross Haslemore), Arts and Heritage Curator (Mr Jim Geddes), Planning Consultant (Mr Keith Hovell), Corporate Support Officer (Mrs Jo Waddell), and one member of the public in the Gallery.

APOLOGIES His Worship the Mayor and Cr Ogg apologised for absence.

1. MONITORING OF RESOURCE CONSENT PROCESSING (11.14.1)

A memo from the Planning Consultant had been received about the 2005/2006 survey conducted by the Ministry for the Environment with regard to monitoring of the resource consent process by all local authorities in New Zealand.

Cr McFadzien said consents were slowly dwindling and he thought it was excellent that those who required a resource consent paid the costs with no contribution from rates.

RECOMMENDED on the motion of Cr McLennan, seconded by Cr Sutherland, THAT the Council note the results of the survey.

Cr Bolger noted the monitoring strategy would include monitoring of the environment.

The Planning Consultant advised that Environment Southland would provide the report to local authorities which would be

sufficient to meet the requirements under the Resource Management Act.

The Chief Executive said the Council should be satisfied with the results of the review as the staff involved had also been immersed in the District Plan at the same time.

2. COMPOSITION OF RMA HEARING PANELS (11.7)

A memo had been received from the Planning Consultant about amendments to the Resource Management Act 1991 that had taken effect from 9 August 2006. As a result, in relation to hearings for resource consent applications, requirements and requests for plan changes, any person sitting alone as a Commissioner, or any chairperson of a hearing panel must be accredited. The Council's Hearing Commissioner Mr David Pullar would be able to consider non notified resource consents and sit alone where a hearing was required, however there was a need to consider an alternative Commissioner. Three options were available for the Council, as follows:

1. Use its own resources (Councillors).
2. Use the resources of other Council in Southland (either Councillors or staff).
3. Appointing additional Hearing Commissioners, although there were none available within Southland.

Cr McFadzien congratulated Cr Harvey, Cr Davis and the Planning Consultant for becoming accredited.

Cr Hellier thought the first option was the cheapest but he felt the Council needed to look at all three options. He wondered if Mr Pullar was unavailable and there was necessity for a Commissioner, could someone be approached from Dunedin.

The Planning Consultant agreed there would be several available from Dunedin.

Cr Davis agreed with Cr Hellier and thought if a contentious issue arose, it would be desirable to have a Commissioner available and she felt it would be in the Council's best interests to appoint one as it could be more cost effective in the long term.

Cr Dore spoke about Mr Marquet, an absolute expert in this field and completely unbiased. He believed it was vitally important to have a person who understood the process and he favoured the outside influence.

Cr McIntyre asked if the Council had to choose only one option.

The Planning Consultant replied it would be preferable to have a regime in place that covered all three recommendations. He added that if the Council wished to have a panel of hearing commissioners available, many senior solicitors had not completed accreditation.

Cr McIntyre queried what would happen if the Councillors who were accredited were not re-elected at the 2007 election.

Cr Harvey recommended other Councillors getting the accreditation.

Cr McLennan suggested the issue be left until the next Council meeting and a report be provided with a list of people who could be a Commissioner.

Cr McLennan recommended THAT the matter be held over until the next Council meeting with names to be provided of those available to sit as a Hearing Commissioner.

Cr McFadzien said the next item on the agenda had two appointed members that could be used.

Cr McLennan believed Cr Davis had raised a good point about independency needed.

The recommendation was seconded by Cr Sutherland.

The Chief Executive said that 98% of the issues raised would be dealt with at local level with the odd exception needing an independent Commissioner from outside the region. He believed that not all notified consents would need an independent Commissioner and the Committee needed to spend its time dealing with the matter rather than locating and identifying a Hearing Commissioner.

Cr Bolger thought the recommendation needed to be reworded and he thought that perhaps a name did not need to be included at this stage.

The Planning Consultant advised if there was an objection on a consent, it needed to be dealt with within a month, therefore making it difficult to have to wait for a Council meeting to appoint a Commissioner.

Cr Bolger clarified that any Councillors with the accreditation could be approached for the role of Commissioner.

Cr McLennan withdrew his recommendation.

RECOMMENDED on the motion of Cr Bolger, seconded by Cr Hellier, THAT any accredited Councillor be appointed as a Hearing Commissioner and charged to undertake the following responsibilities:

- 1. To be a member of a hearing panel (where required) to consider resource consent applications requirements and requests for plan changes,**
- 2. To be a member of a hearing panel to consider objections on procedural matters relating to resource consents, and objections relating to conditions on approved resource consents,**

AND THAT matters deemed to be contentious be actioned by Commissioner(s) from outside the Southland region.

3. PROPOSED STOPPING OF A PORTION OF BOUNDARY ROAD, EAST GORE (P/F)

A memo had been received from the Chief Executive, together with copies of two objections in respect of the proposed stopping of the unformed portion of Boundary Road that ran between Hamilton and Wentworth Street in East Gore. In an earlier report on the Committee Agenda, the Council had been asked to consider the appointment of Councillors to a hearing panel to consider resource consent applications of a complex nature. This issue had differing views on whether the unformed portion of Boundary Road should remain as a legal road, therefore it was suggested that the Council appoint a hearings panel to consider both the road stopping proposal and the subdivision resource consent application.

RECOMMENDED on the motion of Cr Hellier, seconded by Cr Bolger, THAT the Council appoint Hearing Commissioner, David Pullar, the Chairman of the Planning and Regulatory Committee, Cr Davis and Cr Harvey as its panel to hear both objections received to the proposed stopping of a portion of Boundary Road and the application for a subdivision resource consent submitted by P S and J R Ware.

4. REVIEW OF GAMBLING VENUE POLICY (54.12)

A memo had been received from the Chief Executive about the periodic review required on the Gaming Venue Policy, together with information relating to venues and gaming machines in the Gore District.

RECOMMENDED on the motion of Cr Sutherland, seconded by Cr Davis, THAT the Council publicly announce its intention to continue with its current Gambling Venue Policy via conducting a special consultation process as required by Section 102 of the Gambling Act 2003.

The Arts and Heritage Curator departed the meeting at 5:17 pm

5. REGULATORY BULLETIN (11.5.1/2.14.2)

A summary of building consents issued for October 2006, together with comparisons for the previous two years had been received. Also circulated, was a schedule of resource consents issued to 31 October 2006.

RECOMMENDED on the motion of Cr Hellier, seconded by Cr Bolger, THAT the information be received.

The meeting concluded at 5:18 pm.