



**REPORT OF THE ORDINARY MONTHLY MEETING OF THE REGULATORY AND PLANNING COMMITTEE HELD IN THE COUNCIL CHAMBERS, 29 CIVIC AVENUE, GORE ON TUESDAY 12 FEBRUARY 2008, AT 5:17 pm.**

**PRESENT** His Worship the Mayor (Mr Tracy Hicks JP), Cr McLennan (Chairperson), Crs Bolger, Davis, Dixey, Dixon, Gardyne, Grant, Harvey, Heller, Highsted and Sharp.

**IN ATTENDANCE** The Chief Executive (Mr Steve Parry), General Manager, District Assets (Mr Neil Jorgensen), General Manager, Corporate Services (Mr Russell Duthie), Parks and Recreation Manager (Mr Ian Soper), Roading Manager (Mr Murray Hasler), Asset Manager, Utilities (Mr Ross Haslemore), Corporate Support Officer (Mrs Jo Waddell) and two members of the public in the Gallery.

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**1. IMPROVING PUBLIC SAFETY UNDER THE DOG CONTROL ACT**  
(34.4.1)

A memo had been received from the Chief Executive, together with a copy of the policy options document about improving public safety under the Dog Control Act 1996 released by the Minister of Local Government, Hon Nanaia Mahuta. The document listed nine specific options which the Minister was seeking feedback on before 31 March, with one of them, a specific proposal put forward from the Council about the round up and faster destruction of unregistered dogs. The Chief Executive suggested a Working Party be appointed to discuss and debate the policy options and develop responses on the issues.

Cr McLennan felt a Working Party was the best way for the Council to deal with the situation and asked for Councillors to volunteer to be part of it.

Cr Davis agreed that the Council's dog control contractor should be included on the Working Party and thought a mix of rural and urban views would be helpful.

**RECOMMENDED on the motion of Cr Bolger, seconded by Cr Dixey, THAT a working party comprised of Crs Davis, McLennan and Sharp, the Chief Executive and the Council's dog control contractor be formed to prepare a response to the Minister of Local Government's policy options on improving public safety under the Dog Control Act 1996,**

**AND THAT a draft submission should be referred back to the Committee for endorsement prior to its dispatch to the Minister's office.**

2. REVIEW OF COUNCIL BYLAWS (22.17)

A comprehensive report from the Chief Executive had been received outlining the Local Government Act's requirement for Councils to review its bylaws. All current bylaws made before 1 July 2003 would be automatically revoked on 1 July 2008. The Council was required to determine whether it wanted to make new bylaws to regulate the same subject areas before this date.

**RECOMMENDED on the motion of Cr Davis, seconded by Cr Bolger, THAT the Council approve the revocation of bylaws detailed as follows in Appendix 2:**

**APPENDIX 2**

Bylaws to be Revoked Pursuant to Section 293 (3) of the Local Government Act 2002

NAME OF BYLAW	RATIONALE FOR REVOCATION
Gore Borough Council Animal Traps Bylaw 1988	Superceded by 1994 bylaw.
Gore Borough Council Building Bylaw 1984	Superceded by a new Building Code and new fees and charges.
Gore Borough Council General Bylaw No 11, 1986 Model Bylaw based on New Zealand Standards operating at that time. The Bylaw encompasses: Chapter 1 – Introductory Chapter 2 – Public Places Chapter 3 – Licensing and Control of Apartment Buildings and Boarding Houses Chapter 4 – Mobile or Travelling Shops and Hawkers and Itinerant	This Bylaw has in part been superceded by more modern Bylaws (ie refuse, cemeteries, parks and reserves and dogs). Some of the other chapters - ie Billiard Rooms and Licensing and Control of Apartment Buildings and Boarding Houses are not presently applicable in the Gore District. In the instance of keeping of animals, poultry and bees, as well as water supply, specific proposals for new Bylaws

<p>Traders  Chapter 5 – Licences for Vehicle Stands on Streets  Chapter 6 – Removal of Refuse  Chapter 7 – Water Supply  Chapter 8 – Control of Advertising Signs  Chapter 9 –Scaffolding and Deposit of Building Materials  Chapter 10 – Amusement Devices and Shooting Galleries  Chapter 11 – Nuisances  Chapter 13 – The Keeping of Animals, Poultry and Bees  Chapter 14 – Cemeteries and Crematoria  Chapter 15 – Public Libraries  Chapter 16 – Public Swimming Pools  Chapter 17 - Parks and Reserves  Chapter 18 – Billiard Rooms  Chapter 20 – Control of Noise  Chapter 21 – Restriction of Access to Private Swimming Pools</p>	<p>addressing specific problems, will be presented to the Council in the next couple of months for consideration.</p>
<p>Gore Borough Council Building Bylaw, Amendment No.2 1989</p>	<p>Superceded by a new Building Code and new fees and charges.</p>
<p>Gore Borough Dog Control Bylaw 1986  Gore District Dog Control Bylaw 1992, Amendment No.1 1994  Gore District Dog Control Bylaw 1996  Gore District Dog Control Bylaw 1996, Amendment No.2 1997</p>	<p>All superceded by Gore District Dog Control Bylaw 2004.</p>
<p>Gore District Council Control of Drinking in Public Places Bylaw 1995  Gore District Council Control of Drinking in Public Places Bylaw, Amendment No.1 1998</p>	<p>Declared ultra vires by the District Court and has since been replaced by the Gore Liquor Ban Bylaw 2005.</p>
<p>Gore Borough Council Bylaw No.11, Amendment No.1 1984</p>	<p>Relates to library subscriptions for Non-Borough residents. Superceded by the Council's Fees and Charges Policy.</p>
<p>Gore Borough Council Public Places Bylaw 1999, Amendment 1989</p>	<p>Deals with damage to Council property on reserves and streets. The need for retention of this bylaw will be covered in analysis provided on roading and parks and reserves bylaws.</p>

Gore Borough Council Revocation Bylaw No.1 1987	Revokes the SBC signs Bylaw 1986, controlling advertising signs on State Highway 1 and 94. The Gore District Plan now governs and controls these matters.
Gore Borough Council Restriction of Access to Private Swimming Pools Bylaw 1984	Now governed by the Fencing of Swimming Pools Act 1987.
The Mataura Borough Mobile or Travelling Shops and Itinerant Traders Bylaw 1985	Superceded by GDC Policy.
The Mataura Borough Land Subdivision Fees Bylaw 1985	Superceded by GDC Policy.
The Mataura Borough Fire Protection Bylaw 1985	Superceded by the Gore District Council Fire Prevention (Vegetation) Bylaw 2005.
The Mataura Borough Traffic Control Bylaw 1985	Superceded by the Parking and Traffic Bylaw 1996 and Amendments.
The Mataura Borough Fire Certificate Fees Bylaw 1985	Now governed by the Council's Fees and Charges Policy, which is reviewed annually.
The Mataura Borough Building Bylaws 1985	Superceded by a new Building Code.
The Mataura Animal Traps Bylaw 1985	Superceded by the Gore District Council Animal Traps Bylaw 1994.
The Mataura Borough (Dog Control) Bylaw No.5 1982	Superceded by the Gore District Dog Control Bylaw 2004.

Cr Highsted noted on Page 10 there was an error with the Mataura Borough Mobile or Travelling Shops and Itinerant Traders bylaw 1985 which stated it was now governed by the Fencing of Swimming Pools Act 1987.

The Chief Executive advised it should read "*Superceded by GDC Policy*".

**RECOMMENDED on the motion of Cr Dixey, seconded by Cr Davis, THAT the Council not create a new bylaw for parks and reserves after the Parks and Reserves Bylaw 1990 is automatically revoked on 1 July 2008,**

**THAT the Council:**

- i) **Note the recent promulgation of new regulations under the Animal Welfare Act 1999, restricting the sale and use of leg-hold traps.**
- ii) **Note that the Animal Welfare Traps Bylaw 1994 was automatically revoked on 31 December 2007 and will not be replaced.**

**AND THAT the Solvent Abuse Bylaw 1995 not be replaced when it is automatically revoked on 1 July 2008.**

#### **CEMETERIES BYLAW 2000**

**RECOMMENDED on the motion of Cr Harvey, seconded by Cr Grant, THAT pursuant to Section 155 (1) of the Local Government Act 2002, the Council resolve that a bylaw is the most appropriate way of addressing the perceived problems identified in Section 2 of this report,**

**AND THAT a new bylaw, prepared under the Local Government Act 2002, be submitted for consideration at the March meeting of the Planning and Regulatory Committee.**

#### **DOG CONTROL BYLAW 2004**

**RECOMMENDED on the motion of Cr Highsted, seconded by Cr Bolger, THAT pursuant to Section 155 (1) of the Local Government Act 2002, the Council resolve that a bylaw is the most appropriate way of addressing the perceived and real problems identified in Section 2 of this report,**

**AND THAT an amended bylaw prepared under the Local Government Act 2002, be submitted for consideration at the March meeting of the Planning and Regulatory Committee.**

#### **GORE SKATEBOARD BAN BYLAW 2007**

Cr Davis asked if any of the neighbouring businesses to the skate park would be involved in any consultation.

The Chief Executive advised that once the Council had made a decision on which bylaws would be amended, the amendment would be submitted for consideration at the March Committee meeting, then a Statement of Proposal would be provided for public consultation and submissions invited. He hoped to have everything finalised by June 2008.

**RECOMMENDED on the motion of Cr Harvey, seconded by Cr Davis, THAT pursuant to Section 155 (1) of the Local Government Act 2002, the Council resolve that a bylaw is the most appropriate way of addressing the perceived and real problems identified in Section 2 of this report,**

**AND THAT a reviewed Skateboard Ban Bylaw be submitted for consideration at the March meeting of the Planning and Regulatory Committee.**

#### **HEAVY MOTOR VEHICLE TRAFFIC RESTRICTIONS BYLAW 1990**

**RECOMMENDED on the motion of His Worship, seconded by Cr Dixey, THAT pursuant to Section 155 (1) of the Local Government Act 2002, the Council resolve that a bylaw is the most appropriate way of addressing the perceived and real problems identified in Section 2 of this report,**

**AND THAT an amended bylaw be prepared under the Local Government Act 2002, and Section 72 of the Transport Act 1962, be submitted for consideration at the March meeting of the Planning and Regulatory Committee.**

#### **LONG GRASS/OVERHANGING FOLIAGE BYLAW 1991**

**His Worship moved THAT pursuant to Section 155(1) of the Local Government Act 2002, the Council resolve that a bylaw is the most appropriate way of addressing the perceived and real problems identified in Section 2 of this report,**

**AND THAT an amended bylaw prepared under the Local Government Act 2002, be submitted for consideration at the March meeting of the Planning and Regulatory Committee.**

Cr McLennan hoped the amended bylaw would allow the Council to address the problem with untidy vacant sections.

The Chief Executive believed that would be a separate issue and would require its own bylaw.

Cr McLennan was happy with that as long as it was addressed.

**The recommendation was seconded by Cr Sharp.**

## **PARKING AND TRAFFIC BYLAW 1996 AND AMENDMENTS**

**RECOMMENDED** on the motion of Cr Bolger, seconded by Cr Harvey, **THAT** pursuant to Section 155(1) of the Local Government Act 2002, the Council resolve that a bylaw is the most appropriate way of addressing the perceived and real problems identified in Section 2 of this report,

**AND THAT** an amended bylaw prepared under the Local Government Act 2002, be submitted for consideration at the March meeting of the Planning and Regulatory Committee.

## **REFUSE BYLAW 2003**

**RECOMMENDED** on the motion of Cr Bolger, seconded by Cr Highsted, **THAT** pursuant to Section 155(1) of the Local Government Act 2002, the Council resolve that a bylaw is the most appropriate way of addressing the perceived and real problems identified in Section 2 of this report,

**AND THAT** an amended bylaw prepared under the Local Government Act 2002, be submitted for consideration at the March meeting of the Planning and Regulatory Committee.

## **TRADE WASTE BYLAW 2001**

**RECOMMENDED** on the motion of Cr Harvey, seconded by Cr Grant, **THAT** pursuant to Section 155(1) of the Local Government Act 2002, the Council resolve that a bylaw is the most appropriate way of addressing the perceived and real problems identified in Section 2 of this report.

## **FIRE PREVENTION (VEGETATION) BYLAW 2005**

**RECOMMENDED** on the motion of His Worship, seconded by Cr Bolger, **THAT** pursuant to Section 155(1) of the Local Government Act 2002, the Council resolve that a bylaw is the most appropriate way of addressing the perceived and real problems identified in Section 2 of this report,

**AND THAT** an updated bylaw prepared under the Local Government Act 2002, be submitted for consideration at the March meeting of the Planning and Regulatory Committee.

## **GORE DISTRICT COUNCIL SPEED LIMITS BYLAW 2005**

**RECOMMENDED** on the motion of Cr Harvey, seconded by Cr Heller, **THAT** pursuant to Section 155(1) of the Local Government Act 2002, the Council resolve that a bylaw is the most appropriate way of addressing the perceived and real problems identified in Section 2 of this report,

**AND THAT** an amended bylaw prepared under the Local Government Act 2002, be submitted for consideration at the March meeting of the Planning and Regulatory Committee.

## **GORE DISTRICT ROADING BYLAW 1997**

**RECOMMENDED** on the motion of Cr Bolger, seconded by Cr Davis, **THAT** pursuant to Section 155(1) of the Local Government Act 2002, the Council resolve that a bylaw is the most appropriate way of addressing the perceived and real problems identified in Section 2 of this report,

**THAT** an amended bylaw prepared under the Local Government Act 2002, be submitted for consideration at the March meeting of the Planning and Regulatory Committee,

**AND NOTE THAT** a dedicated bylaw for stock droving on Council roads will be produced once the Road Controlling Authorities Forum has completed the development of a Model Bylaw.

### **3. GORE DISTRICT TRADE WASTE BYLAW 2008 (22.11)**

A memo had been received from the Chief Executive, together with a copy of the draft Trade Waste Bylaw 2008 and a statement of proposal for public consultation. The bylaw would be revoked on 1 July 2008 under the Local Government Act 2002 and it was necessary for the Council to have the customised process completed before that date.

**RECOMMENDED** on the motion of Cr Dixey, seconded by Cr Grant, **THAT** the Council approve the draft Trade Waste Bylaw and accompanying Statement of Proposal for public consultation, pursuant to Sections 148(2) and 156 of the Local Government Act 2002.

Cr Gardyne queried how long existing trade waste consents ran for.

The General Manager, District Assets replied there were two types of consents – Permitted, which were long running and conditional, which had limited timeframes.

Cr Gardyne wondered if some consents moved from permitted to prohibited could result in industries not being aware of what was permitted.

The General Manager advised the conditional consent holders would be given details of what had changed to their individual consents and those who dumped permitted waste would be updated with any changes. He was not sure if that would actually affect anyone.

In response to Cr Gardyne, the General Manager advised paints, formaldehyde and waste from photo processing were all covered under the bylaw which was used to prevent hazardous trade waste being discharged into the Council's sewerage system. Embalming at a funeral parlour was a different process and if Cr Gardyne wished he could amend the bylaw.

Cr Gardyne said he would prefer a report on it.

The General Manager advised the bylaw was just a draft and if there were concerns about funeral parlours putting prohibited waste into the system, it would be discovered.

Cr Bolger asked how certain the Council was about identifying anyone who discharged prohibited waste without a conditional consent.

The General Manager responded that the Council did not have the resources to monitor discharge into the sewerage system but if something out of the ordinary was noticed, the bylaw allowed for action to be taken to remedy it.

The Chief Executive added that bylaws were for the Council's insurance purposes. The bylaws that would be preserved would go out to the community in April for feedback once the Council had agreed to any amendments at the March Committee meeting.

#### 4. REGULATORY BULLETIN (11.5.1/2.14.2)

The Committee perused a summary of building consents issued for December 2007 together with comparisons for the previous two years. Also circulated, was a schedule of resource consents issued to 25 January 2008.

**RECOMMENDED on the motion of Cr Harvey, seconded by His Worship, THAT the information be received.**

The meeting concluded at 5:45 pm

