



REPORT OF THE ORDINARY MONTHLY MEETING OF THE REGULATORY AND PLANNING COMMITTEE HELD IN THE COUNCIL CHAMBERS, 29 CIVIC AVENUE, GORE ON THURSDAY 14 APRIL 2009, AT 4.09pm.

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

IN ATTENDANCE The Chief Executive (Mr Stephen Parry), General Manager, District Assets (Mr Paul Withers), General Manager, Corporate Services (Mr Russell Duthie), Corporate Support Officer (Mrs Tracey Millan) and three members of the public in the gallery.

APOLOGIES Crs Grant, Highsted and Davis apologised for absence.

1. ZONING OF CENTRAL GORE INDUSTRIAL AREA (11.14)

A memo had been received from the Planning Consultant regarding the zoning of the central Gore industrial area together with a plan, aerial photograph and printout from the rates data base of the area.

The Consultant updated the meeting on what had happened since the report was prepared. As part of any plan change it had been necessary to consult the affected land owners. A letter and questionnaire had been sent to 60 land owners. To date 15 replies had been received and all were supportive of the action to be taken. There had been no negative comment.

Two landowners had raised an issue regarding where the rezoned southern boundary should be. It was to originally end at Oldham St. After inspection, the Consultant agreed the boundary should include the area between Oldham and Hyde Street where Hire Services was situated. He wished to amend the recommendation to include that area.

The Consultant said he would report back at the April Council meeting on all replies received.

In response to Cr Heller, the Consultant advised that agriculture had been deleted from the mixed zone use as agriculture was termed as normal farming type operations. It was appropriate to be included on the outskirts, but not in the centre of town.

RECOMMENDED on the motion of His Worship, seconded by Cr Heller, THAT the Council direct the Planning Consultant to initiate actions under the Resource Management Act 1991 to rezone that portion of the industrial zone between the railway and River Street as far south as Oldham Street and that portion fronting the State Highway to enable a mixture of commercial and industrial uses,

AND THAT he report back to the Council as soon as practicable, following consultation with affected land owners and occupiers, on changes required to the district plan to achieve that rezoning.

2. AGRICULTURAL EFFLUENT PONDS (46.24.4)

A memo had been received from the Planning Consultant advising that Environment Southland had notified a variation to its Proposed Regional Water Plan introducing a new policy and rule applying to agricultural effluent ponds, together with a copy of the proposed variation provisions.

Cr Bolger declared an interest and excluded himself from discussions.

The Consultant advised since the report had been prepared a meeting had been held and the draft would be finalised over the next few days. A copy of the Draft would go in the agenda for the next Council meeting and Councillors could advise him in the next day or so if they wanted to see the draft or provide some input to it.

Cr McLennan suggested the following rule changes:

Page 7, paragraph 4, line 1, agriculture “*effluent ponds should not be located*”. He thought it should read “*will not*”.

Page 8, Explanation, paragraph 2, line 2, “*All practical measures are taken*” should read “*all measures are taken*”. The Planning Consultant agreed.

Cr McLennan also referred to the rule on page 8, paragraph (b). He suggested that (i) to (v) should be a prohibited activity.

The Consultant said the rule set out was for a restricted discretionary activity with a very limited number of things being

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looked at, and very specific distances put in as to proximity to surface water and residential dwellings. He felt the list was too short. It did not protect use of the protect water supply or the water supply used by industry.

He thought each case would need to be looked at on its merits and the restricted discretionary status with that list should go. All ponds should be discretionary so that each case could be assessed on a case by case basis, particularly where there was an impact on the ground water supply used by the Council.

In response to Cr McLennan, the Consultant said the purpose of the rule on page 9, part (d) meant if a landowner held a consent issued prior to 2007 they could continue until their consent was due for renewal, as consents were for 10 years.

Cr Gardyne agreed with the Consultant that there was nothing to relate the quantity of water being removed for municipal or residential purposes. He also thought the soil type involved would have an impact.

In response to Cr Gardyne, the Consultant advised that the issues had been flagged and he would provide him with a copy of the draft submission at the conclusion of the meeting.

RECOMMENDED on the motion of His Worship, seconded by Cr Gardyne, THAT the report be noted.

3. BRIEFING ON TENTS/MARQUEES (2.14.3)

A memo had been received from the Building Control Manager about concerns raised over recent publicity both locally and Southland wide regarding the Building Act requirement for building consent being required for various tents and marquees.

Cr Gardyne thought the rules and regulations could strangle an event, such as the Waimumu field days. There was no differentiation between amateur and professional events.

The Chief Executive said the fees the Council might wish to charge could be discussed at the next Council meeting. The Building Control Manager was in the process of preparing a fees and charges draft which would include a discount package deal so that events like the Waimumu field days would not penalised too harshly.

In response to Cr Harvey, the Chief Executive was not sure what fees other Councils charged. He thought the key issue was the public liability for organisers. For insurance purposes the real onus and incentive was to make sure it was compliant when

attracting crowds under its control. He was not too concerned about what other Councils were doing. It had just gone through a rigorous assessment process and needed to demonstrate what it was doing under various categories of structures that required consents.

RECOMMENDED on the motion of Cr Dixey, seconded by Cr Harvey, THAT the information be received.

4. PROPOSED BYLAW: KEEPING OF ANIMALS, POULTRY AND BEES IN AN URBAN ENVIRONMENT (22.20)

A memo had been received from the Chief Executive and Senior Regulatory Officer regarding a new proposed bylaw on the keeping of animals, poultry and bees in an urban environment.

In response to Cr Dixon, the Chief Executive said the Dog Control Officer did police stock issues. Wandering stock were picked up and impounded, but the Council did not have means of controlling any nuisance arising. It would like to be able to deal more effectively with matters in the form of a licensing process to regulate what would not normally be seen to be usual activity in an urban area.

The Chief Executive added the bylaw had been modelled, although adapted, on standard bylaws from the New Zealand Standards Association. The hotwire and electric fences had been excluded on page 19, (P), because of potential issues with the like of toddlers climbing up fences. It was only a draft for the Council to critique.

In response to Cr Harvey, Cr Dixon and His Worship, the Chief Executive clarified that residents could not keep stock in an urban area unless a license was obtained. If a license was obtained 15 pigs would be the maximum number able to be kept. He thought clarification was required to clause 5 regarding the keeping of pigs.

Cr Gardyne thought there were inconsistencies in the bylaw for different animals. He could not understand why pigs were allowed in an urban area.

The Chief Executive said this was the opportunity for the Council to advise what it wanted in the bylaw.

In response to Cr Dixon, the Chief Executive said the designation areas of the bylaw needed to be changed to exclude the showgrounds.

Cr Dixey thought the bylaw was for the keeping of animals, not for animals that would be in the district for a temporary period.

Cr Dixon said he had heard of residents who kept pigs as pets within their homes.

Cr Gardyne suggested excluding pigs and excluding the banning of hotwire.

His Worship thought it might be appropriate for the bylaw to be finetuned and referred back to the next Council meeting.

RECOMMENDED on the motion of Cr Dixon, seconded by His Worship, THAT the Council resolve pursuant to Section 146 of the Local Government Act 2002, that the adoption of a bylaw is the most appropriate way of addressing the control of the keeping of animals, bees and poultry in an urban area,

AND THAT the Council approve the release of the draft Gore District Council Keeping of Animals, Bees and Poultry Bylaw 2009 for public consultation, subject to amendments to be advised at the next April Council meeting.

5. RESOURCE MANAGEMENT (SIMPLIFYING AND STREAMLINING) AMENDMENT BILL 2009 (54.9.1)

A memo had been received from the Chief Executive along with a copy of the submission that had been forwarded to the Select Committee.

RECOMMENDED on the motion of Cr Harvey, seconded by His Worship, THAT the submission be received and endorsed.

6. REGULATORY BULLETIN (2.14.3/11.5.2)

A memo had been received from the Chief Executive together with a schedule of building consents issued for March 2009 and comparisons for the previous two years. A schedule of resource consents issued to 1 April had also been circulated.

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

The meeting concluded at 4.44 pm.