

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 WEDNESDAY 15 APRIL 2009, AT THE CONCLUSION OF THE COMMUNITY SERVICES COMMITTEE

PLEASE NOTE THE DATE CHANGE

**Stephen Parry
CHIEF EXECUTIVE**

7 April 2009

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REGULATORY AND PLANNING COMMITTEE AGENDA

APRIL 2009

1. ZONING OF CENTRAL GORE INDUSTRIAL AREA

(Memo from Planning Consultant – 04.04.09)

↳ Much of the land bounded by the railway line, River Street and Oldham Street is zoned for industrial purposes. The industrial zoning also includes the area between Wigan Street and the railway, Miro Street, Rata Street and Rimu Street as far south as Bury Street, plus land on the state highway side of the railway between Hyde Street and Bury Street. The current zoning in the locality is shown on the plan attached.

↳ The extent of the area zoned for industrial purposes has not changed in 24 years, with the Gore Borough District Scheme using the same boundaries. Over that time however there has been a transition away from industrial use, with a range of commercial uses establishing, particularly at the northern end and fronting the state highway. The current mix of uses is shown on the attached printout from the rates data base, and the accompanying aerial photograph.

This part of town does not have the same amenity values as the central commercial area. Footpaths are of a “moderate” quality, there is no street furniture, places to sit, verandahs, or greenery, either in the form of street side planting or flowers hanging from buildings. It will therefore never compete with the central commercial area as an attractive pedestrian precinct shopping and social area. However, the continuing establishment of commercial activities in this locality highlights that there is a demand for this type of setting. Predominantly the commercial businesses locating there are characterised by generally large buildings with large areas of display or storage.

A recently approved resource consent to relocate a business from the Main Street into Tamworth Lane reinforces that some of this area is suitable for a mix of industrial and commercial activities, particularly the areas:

- North of Oldham Street; and
- The land fronting the state highway

Options available to the Council are:

- (i) Retain the status quo of Industrial Zoning – this will require any commercial activity to obtain resource consent approval to locate within the area. Provided that site standards (mainly parking and access) are met these consents are almost certainly to be approved.
- (ii) Rezone the land Commercial – this will enable commercial activities to locate there, but exclude industrial use.
- (iii) Rezone the land for a mixture of industrial and commercial activities. Such a hybrid or mixed use zone could have the following activities as permitted:

(5) Mixed Use zone

- (a) ~~Agriculture~~;
- (b) Animal Boarding Activity;
- (c) Car parking;
- (d) Commercial Activity;
- (e) Commercial Recreation Activity;
- (f) Communal Activity;
- (g) Day Care Activity;
- (h) Education Activity;
- (i) Essential Services;
- (j) Health Care Activity;
- (k) Industrial Activity;
- (l) Land Development, provided that it complies with NZS 4404:2004 Land Development and Subdivision Engineering;
- (m) Service Station;
- (n) Veterinary Clinic

The changes shown with cross-out and underline are the differences between the existing industrial zoning and what is seen as appropriate in the area.

Some guidance is required from the Council as to what action, if any, it wishes to take.

If a rezoning is preferred then the plan change procedure will be adopted. Consultation will be required with various statutory agencies and land owners affected. The matter will be discussed in-house and final report prepared for the Council for adoption. That is likely to take two months to action and report back to the Council.

If a mixed use zoning approach is adopted then further consideration will be required by the Council as to the types of conditions that should apply within the area. For example, should the commercial or industrial zone rules for height apply, or, should the financial contribution rule where there is non-compliance with parking requirements apply in this area? If this option is progressed then these issues can be dealt with as part of the formal report to adopt a plan change for notification.

I consider it appropriate to adopt the mixed use zone approach for the reasons that:

(i) There is a high mix of activities in those parts of the industrial zone north of Oldham Street and fronting the state highway. The area is neither industrial nor commercial in character.

(ii) There are no new adverse effects arising from the establishment of commercial activities in the area that could adversely impact to a noticeable degree on any residential use or other noise sensitive activity in that locality.

(iii) There appears to be a shortage of land within the commercial centre of Gore available for redevelopment.

(iv) There is an opportunity to put in place specific conditions that should apply to all commercial activities in the area, creating a level playing field for all, and certainty as to the conditions they will need to comply with.

RECOMMENDATION

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

north of Oldham Street and that portion fronting the State Highway to enable a mixture of commercial and industrial uses,

AND THAT he report 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

(Memo from Planning Consultant – 01.04.09)

Environment Southland has notified a variation to the Proposed Regional Water Plan introducing a new policy and rule applying to agricultural effluent ponds. A copy of the proposed variation provisions is attached.

Problems with the design and performance of ponds treating dairy shed effluent are ongoing. Poor design results in discharges into the ground and nearby waterways and offensive odours. Arising from that Environment Southland has determined that all effluent treatment ponds should require resource consent approval.

The desire of Environment Southland to act on this issue is supported. However, there are potential difficulties in what is proposed. For example:

1. The policy limits actions to the location, design and construction of effluent ponds. Provision should also be provided at a policy level for ongoing maintenance.
2. The rule requires that ponds be located at least 50 metres from property boundaries and 200 metres from dwellings on adjoining properties. The rule fails to recognise that in some cases the adjoining property could be narrow, and a dwelling “not on the adjoining property” could be located within 200 metres of the pond. It would have no protection.

If the purpose of the buffer is to avoid odour problems then a distance of 200 metres “downwind” is likely to be inadequate. A greater separation is likely to be justified for large ponds or where ponds are located near built up areas.

3. The rule requires ponds to be located at least 100 metres from potable water abstraction points. That may not be adequate where municipal supplies are sourced, nor provide adequate protection for the recharge of associated aquifers.
4. One part of the rule requires “all practical measures to be taken to prevent” discharge or leakage from the ponds. This is uncertain and not enforceable.

The rule status is proposed to be “restricted discretionary”. That limits the issues Environment Southland will have regard to. For

example, they do not include potential odour issues, and the characteristics of any site that can channel odour towards any dwelling or township. Given the matters above, “discretionary” status may be more appropriate.

In order to protect the Council’s interests as a water abstractor, and to protect the amenity of areas surrounding effluent ponds, it is proposed to lodge a submission to the variation. Submissions close on 1 May 2009. The Chief Executive has delegated authority to lodge a submission.

Following feedback from Council technical staff a submission will be prepared and lodged. If any Councillors seek input into the submission then they should contact me.

RECOMMENDATION

THAT the report be noted.

New agricultural effluent pond provisions for inclusion in the Proposed Regional Water Plan 2009:

Policy 41 - Adverse effects of agricultural effluent ponds

To avoid adverse effects on water quality and minimise other adverse environmental effects by ensuring that agricultural effluent ponds are appropriately located, designed and constructed.

Explanation

Agricultural effluent contains high levels of pathogens, nitrogen and other contaminants. This means that there is a significant risk to water quality and public health if deficiencies in the design and construction of an agricultural effluent pond results in a discharge to groundwater or surface water.

The adverse effects of agricultural effluent ponds on water quality can be avoided by the adoption of appropriate design and construction standards such as those contained in the *Environment Southland Code of Practice for Design and Construction of Agricultural Effluent Ponds*. To ensure these standards are met, agricultural effluent ponds need to be properly designed by persons with experience in the design and oversight of construction of this type of pond. In addition, the construction of a pond requires an experienced contractor with adequate heavy equipment. In order to ensure compliance with appropriate standards, the construction of all new agricultural effluent ponds will require resource consent from the Council.

To further minimise risks to water quality and public health, agricultural effluent ponds should not be located in close proximity to surface water bodies, artificial watercourses, the coastal marine area or potable water abstraction points. Buffer distances have therefore been included in the relevant rule. The proximity of agricultural effluent ponds to registered drinking-water supplies, installed subsurface drains and groundwater will also be considered through the resource consent process.

Agricultural effluent ponds can also have other adverse environmental effects such as the diversion of flood waters and odour issues. Buffer distances have therefore been included in the relevant rule to address these effects. Further consideration of these effects will occur through the resource consent process.

Rule 49 – Agricultural effluent ponds

- (a) The construction of any agricultural effluent pond is a restricted discretionary activity provided the following conditions are met:
- (i) all practicable measures are taken to prevent the discharge or leakage of contaminants to water, or onto or into land in circumstances where they may enter water, both during construction of the pond and once the pond is completed;
 - (ii) a plan is prepared identifying the volume and nature of the liquid that will enter the pond and the options considered to reduce this volume.
 - (iii) the pond is not within 50 metres of any surface water body, artificial watercourse or coastal marine area;
 - (iv) the pond is not within 200 metres of any residential dwelling on an adjoining landholding or 50 metres of a property boundary;
 - (v) the pond is not within 100 metres of any potable water abstraction point.

The Council will restrict its discretion to the following matters:

1. the design and construction of the pond and ancillary structures and the adequacy of the methods to be used to protect its embankments from damage by stock and machinery;

2. the proximity of the agricultural effluent pond to surface water bodies, artificial watercourses, installed subsurface drains, groundwater, bores, registered drinking-water supplies, the coastal marine area, trees, stop banks, residential dwellings, places of assembly, urban areas, property boundaries and sites of cultural significance;
 3. the height of the embankments and placement and orientation of the agricultural effluent pond relative to flood flows and stormwater run-off;
 4. the adequacy of the plan identifying the volume and nature of the liquid that will enter the pond and the options considered to reduce this volume;
 5. information and monitoring requirements, including installation of monitoring devices.
- (b) The construction of any agricultural effluent pond that cannot meet conditions (iii) to (v) in Rule 49(a) is a discretionary activity.
- (c) The construction of any agricultural effluent pond that cannot meet conditions (i) and (ii) in Rule 49(a) is a prohibited activity.
- (d) The construction of any agricultural effluent pond required as a condition of a discharge permit, where the application for the permit was lodged with the Council between 1 June 2007 and the date on which this rule is publicly notified, shall be deemed to be authorised by this rule as a restricted discretionary activity subject to the conditions contained in that discharge permit.

Explanation

This rule gives effect to Policy 41, which provides that adverse effects on water quality arising from agricultural effluent ponds are to be avoided and other adverse environmental effects minimised. Policy 41 and this rule are both primarily focused on water quality effects but also address other adverse effects such as the diversion of flood waters and odour issues. All new agricultural effluent ponds will require resource consent to enable the Council to assess and control the adverse environmental effects that may arise from agricultural effluent pond construction.

Part (a) of the rule makes agricultural pond construction a restricted discretionary activity provided certain conditions are met. Condition (a)(i) specifies that all practicable measures must be taken to prevent the discharge or leakage of contaminants in order to prevent potential degradation of water quality. To comply with this condition it will be necessary for agricultural effluent ponds to be designed, and the construction supervised, by a suitably qualified person to an appropriate standard such as the *Environment Southland Code of Practice for Design and Construction of Agricultural Effluent Ponds* or equivalent. These requirements will therefore be imposed through appropriate resource consent conditions.

Condition (a)(ii) requires the preparation of a plan identifying the volume and nature of liquid that will enter the pond and the options considered to reduce this volume. This is required to ensure that ponds are sized appropriately and there is minimal risk of ponds becoming full and overflowing.

If Conditions (a)(i) or (ii) cannot be met, the construction of an agricultural effluent pond is a prohibited activity given the high risk of adverse environmental effects.

Conditions (a)(iii) to (v) set out recommended minimum buffer distances for agricultural effluent ponds. However, it is recognised that it may not be possible or necessary to comply with these buffer distances in all situations. If the buffer distances contained in conditions (a)(iii) to (v) cannot

be met, the construction of an agricultural effluent pond is a discretionary activity so that the Council can consider the application without its discretion being limited.

Part (d) of the rule acknowledges that conditions attached to the discharge permits for the disposal of farm dairy effluent from 1 June 2007 onwards largely address the matters addressed by Rule 49(a). Some of these permits have yet to be exercised and the associated agricultural effluent ponds constructed. Such ponds have therefore been excluded from the rule to avoid double regulation.

New definitions to be included in the Glossary of the Proposed Regional Water Plan 2009:

Agricultural effluent pond

A pond used for the storage or treatment of agricultural effluent but does not include a structure with a capacity equal to or less than 22.5 cubic metres.

Place of assembly

Means any building or land used for public and/or private assembly or meeting of people and includes libraries, churches, halls, marae, clubrooms, community centres, conference centres, recreational facilities, chartered clubs and premises with a club license and other similar establishments.

3. BRIEFING ON TENTS/MARQUEES

(Memo from Building Control Manager – 04.04.09)

Concern has been raised given recent publicity both locally and Southland wide regarding the Building Act requirement to apply for building consent for various tents and marquees.

The details of Schedule 1 exempt works are attached and are listed as items (f) and (fa).

Any tent/marquee with a larger floor area than the exempt sizes or to be erected for a longer period than the timeframes stated is not classed as exempt, so a consent is required.

The only other exemption that can be considered is under item (k), where consideration on a case by case basis will be given if a client presents a plausible scenario to the BCA.

The Southland Times article referred to the Gore District Council as gaining substantial revenue from this type of consent. The current fee of \$160 is not excessive in comparison with several other Councils in the region. The fee includes standard PIM and processing costs and allows for one site inspection.

The main considerations to evaluate when processing an application are:

- (a) gas heaters and gas barbeques inside marquees,
- (b) number of occupants,
- (c) number and width of clearly marked exits,
- (d) toilet provision,
- (e) access for people with disabilities,
- (f) emergency lighting,
- (g) fire resistant materials and furnishings,
- (h) audible alarm for evacuation,
- (i) the provision of fire extinguishers.

For a major event such as the Waimumu field days a concession can be negotiated to provide safe, site coverage for all trade exhibitors and the general public. Safety is the most important aspect of this type of event given that various hospitality marquees are usually on-site providing food and beverage to shareholders/customers etc.

The correspondence sent out to several businesses recently was instigated by myself as a proactive approach to make customers aware of the Building Act requirements regarding tents and marquees.

RECOMMENDATION

THAT the information be received.

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

(Memo from Chief Executive and Senior Regulatory Officer – 31.03.09)

1.0 Introduction

1.1 During the review of Council bylaws conducted last year a need for a new bylaw to control the keeping of animals in an urban environment was identified. These animals are not dogs (for which we have a dedicated Dog Control Bylaw) or cats but rather what would traditionally be regarded as farmed livestock such as sheep, cattle, horses, poultry and bees.

1.2 At the time of the bylaw review, it was decided in consultation with the Chief Executive to hold the new bylaw in abeyance and concentrate on reviewing and saving the existing bylaws that the Council already had in place. This report now examines the need for a bylaw and identifies the problems in the community that require addressing.

2.0 Background

2.1 Section 145 of the Local Government Act 2002 (the Act) provides for the adoption of bylaws to:

- (a) Protect the public from nuisance;
- (b) protect, promote, and maintain public health and safety; and
- (c) minimise the potential for offensive behaviour in public places.

2.2 Section 146 of the Act makes specific provision for the establishment of a bylaw to regulate the keeping of animals, bees and poultry.

2.3 In considering the adoption of a bylaw under this section, Council must follow the procedure set out in Sections 155 – 157 of the Act. This entails:

- (a) the Council determining whether a bylaw is the most appropriate way of addressing the perceived problem;
- (b) the Council determining whether the proposed bylaw:

- (i) is the most appropriate for of bylaw; and
- (ii) gives rise to any implications under the New Zealand Bill of Rights Act 1990.

2.4 If the Council decides to proceed with introducing a bylaw, the Council must then use the special consultative procedure for public consultation.

2.5 In analysing the requirements of 2.3(a) this report considers:

- (a) the perceived problem;
- (b) the significance of the problem;
- (c) the desired outcome; and
- (d) options available to address the problem.

3.0 The Problem

3.1 Over the years people have had a variety of stock in urban areas that at times have caused issues such as:

- wandering stock
- noise
- odour complaints
- damage to property
- public safety

3.2 There has been no effective way to control the keeping of stock in the past and staff dealing with the issues have had little or no power to enforce any conditions or restrictions.

4.0 The Significance of the Problem

4.1 The problems caused by stock are varied. A primary concern is animals being kept in urban areas with inadequate fencing which allows the animals to escape and wander around streets causing a hazard to traffic.

4.2 Additionally wandering stock can venture onto other private property causing a general nuisance by fouling and eating vegetation in gardens.

4.3 Odour from stock being kept in neighbouring paddocks can be offensive in a residential environment.

4.4 In one particularly notable case, rodents being kept as pets were found to be wandering without restraint or supervision around a local neighbourhood.

5.0 Desired Outcome

5.1 Given the nature of the problem outlined in Section 4, the desired outcome is to have control over what and where stock may be kept in urban areas within the District.

6.0 Identification of Options

6.1 As part of its decision making process, Council is required by Section 77 of the Act to identify and assess all reasonable practicable strategies that could provide the desired solution.

6.2 The inability to control the keeping of animals, bees or poultry under the District Plan or Health Act 1956 indicates that the development of a bylaw would be effective in allowing control.

6.3 The key reasons for pursuing the development of a bylaw to address the keeping of animals, bees and poultry are:

- (a) control of what type of animals can be kept in an urban area;
- (b) control of where animals may be kept;
- (c) control to ensure animals are securely fenced within the property
- (d) enforcement of conditions should animals become a nuisance (to residents or members of the public); and
- (e) provide Council officers with the power to proactively manage any problems.

7.0 Other Considerations

New Zealand Bill of Rights Act

7.1 When developing a bylaw the Council must consider any implications under the New Zealand Bill of Rights Act 1990. Bylaws must not destroy or unnecessarily interfere with the public right without producing a corresponding benefit.

7.2 The proposed bylaw is specifically targeted to have control over the keeping of animals, bees and poultry in urban areas minimising the unintended effects on the community while

reasonably addressing the problem of animals being kept in an urban area.

7.3 It is not considered that implementing this bylaw would be contrary to the New Zealand Bill of Rights Act.

8.0 Summary

8.1 A bylaw is considered the most appropriate mechanism to control the keeping of animals, bees and poultry in an urban area. This decision (that a bylaw is the most appropriate method of dealing with the problem identified) is not affected by the Council's significance policy and the Council has sufficient information to make the required determination.

8.2 A draft bylaw is attached for the Committee's consideration. Once approved, the bylaw will be released for public consultation. It is anticipated that this bylaw will give effect on 1 July 2009.

RECOMMENDATION

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.

**GORE DISTRICT COUNCIL
KEEPING OF ANIMALS, POULTRY AND BEES BYLAW 2009**

The Local Government Act 2002 allows the Council to control the keeping of animals, poultry and bees within the District. This bylaw is made pursuant to Sections 145 and 146 of the Local Government Act 2002 and Section 64 of the Health Act 1956.

1. Title, Purpose and Commencement

This bylaw shall be known as Keeping of Animals, Poultry and Bees Bylaw 2009.

This bylaw shall come into force on 1 July 2009.

2. Objective

- (1) This bylaw controls the keeping of pigs, livestock, poultry, bees and other birds and animals in localities where the keeping of them is, or is likely to become, a nuisance or a threat to public health or safety.
- (2) This bylaw is made under Sections 145 and 146 of the Local Government Act 2002 and Section 64 of the Health Act 1956.
- (3) Nothing in the bylaw shall derogate from any provision of, or the necessity for compliance with, any statute, regulation, rule of law or permission relating to the welfare or keeping of any animals, poultry or bees.

3. Definitions and Interpretation

For the purpose of this bylaw the following definitions shall apply:

Animal means livestock, poultry and any other vertebrate animals of any age or sex that is kept in a state of captivity or is dependent upon human beings for its care and sustenance.

Authorised Officer means any person warranted by Council in accordance with Section 177 of the Local Government Act 2002 to enforce this bylaw.

Chief Executive means the Chief Executive of the Gore District Council.

District Plan means the operative Gore District Plan.

Livestock includes any age or sex of any cattle, sheep, deer, horse, donkey, hinny, mule, goat, thar, alpaca, llama, bison or any other herd animal.

Nuisance shall have the meaning assigned to it by Section 29 of the Health Act 1956 and its amendments.

Person includes a corporate sole and also a body of persons, whether corporate or unincorporated.

Poultry means any chickens, geese, ducks, pigeons, turkeys, guinea-fowl, peafowl, game birds and domestic fowls of all descriptions including roosters.

Premises means any land, dwelling, storehouse, warehouse, shop, cellar, yard, building, or part of the same, or enclosed space separately occupied, and all lands, building, and places adjoining each other and occupied together shall be deemed to be the same premises.

Public place means any place that, at any material time, is under the control of the Council and is open to or being used by the public, whether free or on payment of a charge, and includes any road whether or not it is under the control of the Council. It also includes every reserve, park, domain and recreational grounds under the control of the Council.

Rural area means rural living zones as defined in the District Plan.

Urban area means any residential, industrial or commercial zone as defined in the Gore District Plan.

4. Keeping of Animals Generally

No person shall:

- (a) keep any animal that is or is likely to be a nuisance or a threat to public health or safety;
- (b) keep any animal in conditions that are or are likely to be a nuisance or threat to public health of safety;
- (c) keep, or allow any animal in a public place in a manner that is or is likely to be a nuisance or a threat to public health or safety;
- (d) slaughter an animal or dismember, handle, process or dispose of the carcass or remains of an animal on any property or premises so as to cause or be likely to cause a nuisance or threat to public health or safety;
- (e) use for the purposes of human habitation any portion of any building used as a stable or for the housing or sheltering of animals, unless that habitable area is separated from that part of the stable or building used for the housing or sheltering of animals by a passageway or breezeway at least two metres wide and open to the exterior of the building at each end or a firewall with no interconnecting doorways;
- (f) The following stock are not permitted to be kept in any urban area:

- Pigs
 - Cattle and/or calves
 - Goats
 - Roosters
- (g) All gates shall be padlocked;
- (h) A maximum of 2 horses may be kept on any one property in an urban area;
- (i) The minimum area for keeping of horses shall be not less than 1012m² for each horse (1/4 acre);
- (j) Leading or riding any horse on any footpath, berm or reserve is not permitted;
- (k) Horses must not be left tethered in any unfenced areas;
- (l) Fresh water (preferably a running water supply) must be available at all times;
- (m) All land where stock are kept shall be 'mucked out' on a regular basis so as not to cause a nuisance to neighbouring properties, and all manure removed from the site;
- (n) Stock must not be able to reach over any fence. This may require land to be double fenced;
- (o) The fencing must be adequate to ensure that the animal cannot escape. All fencing will be checked by an authorised officer before any approval to keep animals on that land is granted.
- (p) Electric fences, hot wires and barbed wire fencing is not permitted in any urban area; and
- (q) Dead animals must be removed immediately. Failure to do so will result in the Council arranging removal with costs being charged to the landowner

5. Special Requirements for Keeping of Pigs

- (1) No person shall keep any pig in any conditions or in any manner that is or is likely to be a nuisance or a threat to public health or safety.
- (2) No person shall keep any pig in any urban area.
- (3) No person shall keep more than 15 pigs.
- (4) Except with the written permission of the Chief Executive or any authorised officer, no person shall:

- (a) keep any pig on any landholding less than 4000 square metres;
 - (b) keep pigs where there is less than 500 square metres of land available for each pig;
 - (c) site a building housing pigs, pig swill or manure within 50 metres of any dwelling or building used for the storage or sale of food for human consumption; and
 - (d) site a building housing pigs, pig swill or manure within 20 metres of any adjoining property boundary.
- (5) Except with the written permission of the Chief Executive or an authorised officer, every building housing pigs shall comply with the following requirements:
- (a) the roof of the sleeping-pen shall be watertight;
 - (b) the walls of the sleeping-pen shall be constructed so as to prevent the accumulation of filth thereon and to afford a surface easily cleaned, and for no less than 600 millimetres from the floor shall be constructed of concrete or other approved impervious material finished to a smooth even surface with all internal angles rounded;
 - (c) the floor of the sleeping-pen shall be constructed of concrete graded to a fall of 1 in 25 to an approved outfall; and
 - (d) the floor of any feeding-pen shall be constructed of concrete graded to a fall of 1 in 25 to a channel drain, which discharges to an approved catchpit or settling tank.
- (6) The owner of any pig must keep any building housing pigs, and all drain, tanks and other areas associated with that building, in a clean condition.
- (7) All troughs from which pigs are fed must be of properly constructed concrete, sheet iron, hardwood or other material approved by an authorised officer. All troughs must be watertight and kept in a clean condition.
- (8) Feeding places for pigs must be of sufficient size to minimise pollution of the surrounding ground.
- (9) All manure and effluent from any building housing pigs shall be disposed of by some approved means in such a manner so as not to be a nuisance or a threat to public health or safety.
- (10) All food intended for pigs shall be contained in an impervious container with a close fitting cover sufficient to prevent access by flies and vermin or the escape of offensive odours.

6. Special Requirements for Keeping of Livestock

- (1) Unless in receipt of a permit from the Council, no person shall keep any livestock in any urban area or within 100 metres of any urban area.
- (2) Any person permitted to keep livestock in an urban area shall ensure that the premises where the livestock are kept meet such conditions as may be prescribed by the Chief Executive or authorised officer.

7. Special Requirements for Keeping of Poultry and Other Birds

- (1) In any urban area, within 100 metres of any urban area:
 - (a) no person shall keep any rooster or cockerel;
 - (b) no person shall keep any more than 12 head of poultry unless in receipt of a permit from the Council;
 - (c) no person shall construct or maintain any poultry house, poultry run, aviary or pigeon coop within 2 metres of any adjoining property boundary and within 10 metres of any dwelling on any adjoining property unless in receipt of a permit from the Council.
- (2) No person shall keep any poultry except in a properly constructed rain-proof poultry house to which a poultry run may be attached;
- (3) Every poultry run shall be enclosed to confine the poultry;
- (4) Every poultry house, poultry run, aviary or pigeon coop shall be maintained in good repair in a clean condition free from any offensive smell or overflow and free from vermin.

8. Special Requirements for Keeping of Bees

- (1) Unless in receipt of a permit from the Council, no person shall keep bees in any urban area or within 100 metres of any urban area.
- (2) Any licence granted under Clause 8(1) may prescribe conditions relating to the location and number of hives able to be kept on any premises or place within an urban area or within 100 metres of an urban area of the District.
- (3) Bees may be kept in a rural area provided the hives are not located within 50 metres of any adjoining property boundary.

9. Application for Permit

- (1) Applications for permits required under clauses 6, 7 and of this Bylaw shall be made on the form supplied by the Council and

shall provide such information in respect of the application as the Council may reasonably require.

- (2) A permit issued under Clause 6, 7 or 8 is subject to conditions set by the Council. Any breach of such conditions or other terms or restrictions shall be in breach of this bylaw. Any permit may be revoked by the Council for breach of conditions or, in the event of change of circumstances relating to the premises, the owner or occupier thereof or the animals kept or remaining on such premises.
- (3) No permit shall be granted to the owner or occupier of any premises if such premises by reason of inadequate fencing, size, location or detrimental effect on any other premises would be inappropriate for the keeping of animals concerned.
- (4) All applications for permits must be accompanied by written consent of adjoining property occupiers and owners in respect of the land on which the animals are proposed to be kept.
- (5) If the property or land upon which the animals are proposed to be kept is leased or rented, the written consent of the property owner is required before any consideration for a permit will be given. A copy of such consent must be forwarded to the Council.

10. Alteration or Removal of Unauthorised Works

- (1) Council may remove or alter any poultry house, poultry run, aviary, pigeon coop or any other structure used to house or contain birds of any nature that has been constructed or is maintained in a condition which is contrary to the terms of this bylaw or the Building Act 2004.
- (2) Council may remove or alter any pen, shed, cage or other structure used to house or contain any animal(s) or bees that has been constructed or is maintained in a condition which is contrary to the terms of this bylaw or the Building Act 2004.
- (3) The cost incurred in removing or altering the structure concerned shall be recoverable as a debt against the owner of that structure or the owner of the land on which the structure was placed or located.

11. Keeping of Rodents as Pets

- (1) The keeping of rodents (rats, mice, ferrets and the like) is not strictly prohibited, but these types of pets shall be contained at all times within the property on which they are kept. They shall be kept in cages (or contained within the dwelling) at all times and are not permitted to roam free.

12. Impounding of Animals

- (1) Council have the ability to impound any animal which is wandering or in breach of this bylaw without warning.
- (2) Any animal impounded will be kept for 7 days.
- (3) Every effort will be made to contact the owner to advise that their animal has been impounded.
- (4) Council will recover all costs associated with the impounding of the animal. These costs are defined in Council's Fees and Charges.
- (5) After 7 days the animal will either be sold to defray costs or destroyed.

13. Temporary Pound

- (1) Council have the ability to acquire any land in an emergency situation to house any impounded animal. The landowner will be reimbursed for the cost of keeping/feeding the animal.

11. Offences and Penalties

- (1) Every person who breaches the bylaw commits an offence and is liable on summary conviction to the penalty set out in Section 242(2) of the Local Government Act 2002

The foregoing Bylaw was duly adopted at a meeting of the Gore District Council on the Day of June 2009 and ordered to come into force on the 1st day of July 2009.

The common seal of the
Gore District Council was
hereunto affixed this
day of June 2009 in
the presence of

Tracy Hicks, Mayor

Stephen Parry, Chief Executive

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

(Memo from Chief Executive – 03.04.09)

As Councillors will be aware a seminar profiling the changes to the Resource Management Act was hosted by Dunedin based law firm Anderson Lloyd on 19 March. The seminar which was conducted in the Council Chambers and also attended by Clutha District representatives highlighted the key contents of the Resource Management (Simplifying and Streamlining) Amendment Bill 2009 and some of the sections which may pose issues to the Gore District Council

Consequently it was agreed that a submission should be forwarded to the Local Government and Environment Select Committee. The Council's Planning Consultant, Mr Keith Hovell, Anderson Lloyd Partner, Mr Michael Garbert and the Chief Executive met to agree on the contents of the submission.

- ↳ Enclosed please find the submission that has been forwarded to the Select Committee. As stated at the outset of the submission the points raised are focused on what is deemed to be areas that could pose problems for the Gore District Council and also undermine the objectives of the Bill.

RECOMMENDATION

THAT the submission be received and endorsed.

6. REGULATORY BULLETIN

(Memo from Chief Executive – 04.04.09)

Attached is a schedule of building consents issued for March 2009, together with comparisons with the previous two years.

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

RECOMMENDATION

THAT the information be received.