



REPORT OF THE ORDINARY MONTHLY MEETING OF THE REGULATORY AND PLANNING COMMITTEE, HELD IN THE COUNCIL CHAMBERS, CIVIC ADMINISTRATION BUILDING, 29 CIVIC AVENUE, GORE, ON TUESDAY 11 AUGUST 2009, AT 4:04 pm

PRESENT His Worship the Mayor (Mr Tracy Hicks JP) (Chairman), Crs Bolger, Davis, Dixon, Gardyne (from 4.10 pm), Grant, Heller, Highsted and Sharp.

IN ATTENDANCE The Chief Executive (Mr Steve Parry), General Manager, Corporate Services (Mr Russell Duthie), General Manager, District Assets (Mr Paul Withers), Planning Consultant (Mr Keith Hovell), Roading Manager, (Mr Murray Hasler), Asset Manager, Utilities (Mr Ross Haslemore), HR/Administration Manager (Susan Jones), Library Manager (Mrs Jane Robinson), District Arts and Heritage Curator (Mr Jim Geddes), Building Control Manager (Mr Russell Paterson) and 8 members of the public in the gallery.

APOLOGIES Crs Dixey, Harvey and McLennan apologised for absence.

1. DRAFT BYLAW – KEEPING OF ANIMALS, BEES AND POULTRY IN AN URBAN ENVIRONMENT (22.20)

A memo had been received from the Chief Executive following the release in April of a draft Keeping of Animals, Bees and Poultry Bylaw. A total of five submissions had been received from individuals and one organisation. These had been circulated together with an analysis of all submissions.

Ms Jayne Marchant spoke in support of the submission she and Bruce Moffatt had lodged and made a suggestion that roosters be locked up during the hours of darkness. She also suggested the Council consider the lifestyle blocks in West Gore and for them to be excluded from the bylaw's coverage as was proposed for the blocks in East Gore.

Mr Ken Scott spoke to his submission and agreed with comments made about roosters by Ms Marchant.

Cr Gardyne now attended the meeting.

Mr Scott supported roosters being locked up if they were a nuisance to people. They had to be let out during the day but he was happy to have them locked up during darkness.

The Committee progressed through the analysis of submission received.

In response to Cr Dixon, the Chief Executive said a permit would be required to keep animals in the urban area.

The Chief Executive suggested anyone keeping roosters must have a sound proof and darkened enclosure on the property but if no complaint was received, then roosters may be housed outside.

He said if the Bylaw was adopted, then certain areas were to be excluded from its coverage. He recommended the Council approve the coverage included with the suggested amendments detailed in the analysis.

Mr Mulqueen said there did not seem to be a great deal of direction about bees in the Bylaw. He urged the Council to consider the importance of bees to the environment. He was a bee keeper.

In response to His Worship, the Chief Executive said one of the key features looked for with keeping bees in the urban area would be the consent of the adjoining property owner.

Cr Bolger agreed there was no point prohibiting bees, but they were different to goats and roosters. He suggested if there was a problem then perhaps the Council could order the hives to be relocated and have a limit on the number of hives able to be kept.

RECOMMENDED on the motion of Cr Davis, seconded by Cr Gardyne, THAT the Council adopt the draft Keeping of Animals, Bees and Poultry Bylaw in principle with amendments suggested and refer to August Council meeting for final ratification.



2. PRESENTATION FROM ENVIRONMENT SOUTHLAND (8.17.1)

Crs Ali Timms and Neil McPhail, Chief Executive, Ciaran Keogh, Consents Manager, John Engel and Karen Wilson, a Groundwater Scientist from Environment Southland were in attendance at the meeting. Ms Wilson provided a brief power point presentation on the Maitava Valley groundwater.

His Worship accepted there were challenges with the supply of water. He asked what, if any discussion or plans did Environment Southland have around priority of supply given there was not likely to be enough water for the province. Where did the priority lie for urban areas?

Mr Engel said there were priorities within the principles of the Resource Management Act. There was nothing in Environment Southland's current plans about water shortages but domestic supply was at the top. In terms of the future, Environment Southland had looked at what other Councils were doing. There had been a lot of debate about animal welfare and water supply in the 1990s but he did not have a good answer about the future.

Mr Keogh said the Maitava River water conservation order was crucial to the situation. It was acknowledged that it was a creature of its time and was preventing a sound use of the resource. Effectively it was working against storage and it was starting to limit all sorts of economic development in the region. He thought it was getting to the point of having to look at the bigger picture rather than the detail.

His Worship queried his comment about the conservation order.

Mr Keogh said there were things in the order that could be looked at to make more water available.

From a philosophical view point, His Worship asked what the approach was in respect of errant water users and wondered how much effort and resources were being put into pushing people up rather than down.

Cr Timms said Environment Southland had been "behind the eight ball" for a long time and there were a number of consents and conditions that it had not been able to ensure were being complied with. Through the LTCCP process a good indication had been received from the rural community that they were unhappy with the Council's approach. More resources had been put into monitoring and compliance. The Council had got tougher with people. However, when an issue got to the

environment court the level of fines imposed was beyond the Council's control.

His Worship asked what sort of effort was going into educating people.

Cr Timms replied the Council was working on land sustainability and an additional officer had been appointed to deal solely with dairy farmers.

Mr Engel added there were two Land Sustainability Officers appointed in 2000 and the Council now had four. There were other staff also who were involved with education.

Mr Keogh acknowledged the Council had been struggling and restorative justice was a way forward for some situations. The Council was keen to ensure a constructive response rather than a punitive one which seemed to work against the objectives trying to be achieved. He offered to conduct a workshop with Councillors on the Maitava groundwater situation.

Cr McPhail thought Environment Southland's role was to work with the community. He referred to a recent case involving the Invercargill City Council and the years of work undertaken with that Council by Environment Southland.

Cr Grant asked when it was likely that there was going to be a shortage of water, why Environment Southland was issuing consents for large water takes.

Mr Engel said water was not evenly spread throughout the region. There would be areas that would run out of water for "luxury use" which would be the areas restricted. Providing for domestic use and health and wellbeing, water would still be available. Consents were only granted for a maximum of 10 years. They had to be applied for again and there was no guarantee that they would be granted.

Cr Grant asked if the Maitava Valley was an area for water harvesting at some time in the future. There were some very big flows that could be harvested.

Mr Keogh said it was a strategy for the future and part of the review Environment Southland would be undertaking. It was a whole new debate.

Mr Engel added water harvesting was not a cheap option. Environment Southland's plans did allow for water harvesting but there were factors to consider.

Mr Keogh said Southland was more water short than Canterbury. There were some management issues pending.

Cr Gardyne asked if Environment Southland was only notified about discharge when there was an application made.

Mr Engel said any query was referred to the Dairy Liaison Officer but an application may not be received for 12 months.

Cr Gardyne said there seemed to be a water grab going on and he understood Environment Waikato had a tiered system for water consents. He said Environment Southland seemed to be processing applications when they should be held over pending review of its policy. It concerned him that Environment Southland was not deferring applications. The Gore District Council had been asked to approve applications for large water takes but adequate information had not been provided to allow it to make a fair assessment.

Mr Keogh said Environment Southland had no way of assessing a stocking plan. It could only look at the effects of the activity which put the Council in a new and complex area. All it could do was manage the water and in a way that did not compromise the urban supplies.

The Library Manager departed the meeting.

Mr Engel said when someone applied for a consent there was a soil and moisture test taken. Environment Southland knew the amount of water likely to be required. If the consent was granted, there was a seasonal limit imposed.

Cr Davis recalled comments made recently by the Minister of Economic Development, Mr Gerry Brownlee, and the large number of resources available in Southland. She had heard comments about the availability of water into the future. If Mr Brownlee was correct and Venture Southland projected an additional 14,000 people into the area, there was a need to at least maintain what was already here. With the projected industries that may be established, where would the water come from. People were asking why the water resource was not being future proofed.

Mr Keogh said he had just submitted a paper to Crown Minerals about the prospective industries that may be established in Southland. Following the last Shared Services Forum, there was a suggestion for consideration of the "big picture".



Mr Engel said the water being allocated was that which rained on the province. If the water was not taken it would not be available next year. Future proofing was difficult and there were no grounds in the RMA to restrict water based on possible future uses.

Cr Grant said the country needed some sort of land use plan that banned errant land use changes.

Mr Keogh said Environment Southland had to be flexible but it did need to have a better grip of the bigger picture.

Cr Sharp said irrigation was one thing and stock water was another.

Mr Keogh said stock water was important, but domestic water supply was first.

His Worship thanked the representatives for attending the meeting and thought the offer of a workshop to discuss water issues in depth would be accepted.

The representatives from Environment Southland departed at 5.18 pm

3. MANAGEMENT OF RAILWAY LAND (11.1.4)

A memo had been received from the Planning Consultant advising that the now publicly owned rail industry in New Zealand was now a single entity with the legal name of the New Zealand Railways Corporation. The trading name was KiwiRail. The Corporation would monitor various Council planning documents and also third party developments near the railway to ensure that rail operations were not compromised. A brochure had been produced, a copy of which had been circulated.

RECOMMENDED on the motion of Cr Sharp, seconded by Cr Grant, THAT the report be noted.

4. SOUTHLAND WETLANDS WORKING PARTY (11.1.4)

A report from the Planning Consultant had been received together with a copy of a report to Environment Southland from the Southland Wetlands Working Party.

RECOMMENDED on the motion of Cr Davis, seconded by Cr Sharp, THAT the report be noted.



5. WATER SUPPLY FOR FIRE FIGHTING IN RURAL AREAS (8.17.1)

A memo had been received from the Planning Consultant advising that a New Zealand Standard had come into force in July 2008 which set out the requirements for water storage, for fire fighting purposes, for house outside of reticulated water areas. A review of the document had highlighted a deficiency in the district plan as there was no requirement to provide a supply of water for fire fighting purposes outside of areas with water reticulation.

The Consultant advised since the report had been prepared, senior staff had met and discussed some of the issues facing the Council. Work had started a number of years ago on preparing a Bylaw on subdivision and land development and he said the work should now be accelerated. It was hoped to have a report available for consideration to the Council in about two months. He suggested the information be received in the meantime.

RESOLVED on the motion of Cr Sharp, seconded by Cr Bolger, THAT the information be received

AND THAT the Council await a report on the proposed Bylaw.

In response to Cr Gardyne, the Consultant said there were provisions for supplying water for fire fighting purposes.

6. ZONING OF CENTRAL GORE INDUSTRIAL AREA (11.14)

A memo had been received from the Planning Consultant about the proposal to amend the zoning of the industrial land bounded by the railway land, River Street and Hyde Street to allow for commercial activities in that area, together with a plan showing the area to be rezoned. The plan differed from that previously presented. A copy of the proposed district plan provisions had also been circulated.

RESOLVED on the motion of Cr Grant, seconded by Cr Davis, THAT the Council resolve to publicly notify Plan Change Mixed Use Zone as set out in the map provided and plan provisions tabled.

7. UPDATE ON STAGE 3 – GORE MULTISPORTS COMPLEX – INDOOR EVENTS CENTRE (37.22.3)

An update from the Building Control Manager on Stage 3 had been provided which highlighted the continued slant and

implication that the Council's Regulatory Department would delay the issuing of a Code of Compliance.

The issues that have to be considered before a Code of Compliance can be considered were:

- All works to be completed
- Full sign offs for all specialised systems installed to be provided eg fire alarm systems, extraction fans etc.
- Electrical Works Certificate supplied
- Structural Engineer sign off supplied
- Disability provisions catered for
- All signage as required
- Building consent endorsements complied with
- All consent related fees to be paid in full

Occupation and use of the building would only be allowed upon issue of a Code of Compliance. A Certificate of Public Use may only be considered if the BCA was satisfied the safety of public users would not be compromised.

Cr Gardyne referred to the consent fees having to be paid and with some still outstanding, he asked whether that would be a criteria in issuing a Code of Compliance.

His Worship advised it would not in this case.

The Manager advised part of it related to the current value of the building which had been quoted at \$3 million however, the value lodged was less than that. It was something that would have to be resolved.

In response to Cr Sharp, the Manager was unaware of a completion date.

The Manager said a consent was issued for the value of works. If it was \$2 million and the value was now \$3 million, then there would be a difference for building consent fees.

His Worship said there had been additional costs incurred by the Council along the way that had been agreed to be parked until the project had been completed.

Cr Davis suggested a full and final balance sheet should be provided by the Trustees before the Council made any decisions. It did that for any organisation that sought a grant or waiver of fees.



His Worship said if the Council got to the point that a consent was being held up pending the value of works, then he said the Council would want all the information to be provided.

Cr Gardyne thought the Council could be satisfied that there would be such a request, and he wondered if the Council should delay seeking payment of the consent fees until the Code of Compliance had been issued.

Cr Grant disagreed. The Council may never get its money.

The Chief Executive said the fact that the project had been conducted in an unconventional manner in that there was a start and the fees parked and a hearing with the Council as to whether the fees should be reduced. He believed the fees could be debated by the Council but ultimately it was up to the Council to either insist the fees be paid by the Trust or the ratepayers would be left to pay them. The Building Control Department was user pays and there had been real costs incurred with the project. In terms of getting the project consented and up and running, he thought a code of compliance could be issued.

Cr Davis asked if any other project had had that opportunity, such as the fly tower.

The Chief Executive confirmed it did not.

Cr Highsted asked if the meeting had been held yet following the LTCCP hearing.

His Worship advised it would be held in the next few days.

Cr Heller thought the Council would be opening up a can of worms if it demanded the project have its consent fee reconsidered.

His Worship said the Council had the opportunity to make that call if it wished to not go down that track.

Cr Gardyne thought that would be premature.

Cr Gardyne moved THAT the technical aspects be signed off and all matters relating to fees be deferred.

Cr Bolger said it was a big call. The situation was there were consent monies owed to the ratepayers of the District by the Trust. If the money was not received then the ratepayers would be out of pocket. Before any decision was made to waive

anything the Council had to know where the money was coming from. He was not supporting the recommendation. He did not want to frustrate the project and wanted to see it up and running.

The recommendation was seconded by Cr Heller.

Cr Grant wanted to know what the figure owed to the Council was. He knew there would be angry ratepayers and angry netball players. How much should be given away. The Council did not do it for anyone else. The fly tower was a very good example.

Cr Davis would not support it on the basis of fairness. The Council did not know the full and final figure of what the value of the project was. If the wind farm and fly tower or anyone else had come to the Council with a variation in values the Council would want all the fees. It would be setting a very big precedent. The Council needed to be extremely careful and other projects undertaken by hard working people in the district had paid their fees upfront and in full.

Cr Sharp was concerned about giving something away when the Council had no idea what the total owed was.

Cr Heller referred to reports that the outstanding amount was \$24,000.

His Worship said what was being considered was the value of the consent when it was lodged and what the value of the finished project was likely to be. He asked what it may be.

The Building Control Manager was unsure about the value of works, but the outstanding consent and peer review fees were in the order of \$29,000.

His Worship asked how difficult it would be to get the finished value of works.

The Manager advised it could be done.

His Worship said he and others were incredibly frustrated with the project. He wanted to see it going.

Cr Grant was against it and wanted to see a figure before any decision was made.

The Chief Executive suggested a report could be provided to the Council meeting on 25 August.



The Planning Consultant now departed the meeting.

Cr Gardyne reiterated that the code of compliance could be issued once all technical issues were signed off and all fees relating to the project be deferred for discussion at a later date. He did not want a public backlash if the Council was sitting on the issue of fees when the building could be open and operational.

Cr Highsted moved as an amendment THAT the technical aspects be signed off and all matters relating to fees be deferred,

AND THAT the Council consider a report from staff on the issue of all fees outstanding and make a decision on those fees as a matter of priority.

The amendment was seconded by Cr Davis.

Cr Bolger questioned why it needed to be done now. Why not wait until the compliance was finalised.

His Worship said there was an expectation and anticipation in the community for the project to be completed and opened as soon as possible. He did not think that was unfair. In some ways it was unique.

Cr Dixon questioned if the Trust had enough money to finish the project and if not, how did it hope to run it next year.

His Worship said that was information the Council was not privy to.

Cr Highsted said there had been criticism levelled at the Trustees but the Council should not be seen as frustrating the project.

The amendment was put and it was carried. The amendment then became the recommendation, was put and it was carried.

8. DOG CONTROL ISSUES (34.4.1)

A memo had been received from the Chief Executive following publicity afforded to wandering and aggressive dogs in the Gore District. The problems had been given prominence in the Dog Control Contractor's monthly reports.

The issue of wandering and aggressive dogs had also been debated at the recent Local Government New Zealand conference where a remit had been put forward by Invercargill City Council and endorsed by delegates at the annual general meeting. A copy of the remit had been circulated.

A letter from Pam Norman had also been circulated promoting the establishment of designated and properly fenced dog parks.

The Dog Control Contractor, Mrs Rae Evans was in attendance at the meeting and spoke about a desexing programme being implemented and the benefits of such a programme that the Dunedin City Council had instigated.

RECOMMENDED on the motion of Cr Sharp, seconded by Cr Davis, THAT the Council give consideration to establishing a Dog Control Working Party to investigate policy initiatives that could be introduced to address identified dog control problems in the Gore District.

Crs Davis, Sharp and Grant were appointed to the Working Party.

9. 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 June 2009 and comparisons for the previous two years. A schedule of resource consents issued to 1 July had also been circulated.

RESOLVED on the motion of Cr Dixon, seconded by Cr Grant, THAT the regulatory bulletin be received.

The meeting concluded at 6.04 pm