

Report of a meeting of the Regulatory and Planning Committee, held in the Council Chambers, 29 Bowler Avenue, Gore, on Tuesday 9 October 2018, at 5.03pm

**Present** His Worship the Mayor (Mr Tracy Hicks, JP), Cr Highsted (Chairman), Crs Beale, Bolger, D Grant, P Grant, Dickson, Gardyne, Phillips, Reid and Sharp.

**In Attendance** The Chief Executive (Mr Stephen Parry), General Manager Regulatory and Planning (Dr Ian Davidson-Watts), General Manager Infrastructure (Mr Ramesh Sharma), Parks and Recreation Manager (Mr Ian Soper), Transport Manager (Mr Peter Standring), 3 Waters Asset Manager (Mr Matt Bayliss), HR/Administration Manager (Susan Jones), Project Manager Infrastructure (Mr Hashem Ramezan-zadeh) Communications/Marketing Manager (Sonia Gerken), Principal Planner/Consultant (Mr Keith Hovell), Animal Control Officer (Mr David McKewen, Junior Planner (Ms Fran Davies) and one member of the public in the gallery.

**Apology** Cr Davis apologised for lateness.

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**1. ANIMAL CONTROL ACTIVITIES REPORT FOR AUGUST 2018**

The Committee perused a report from the Animal Control Officer.

*Cr Davis attended the meeting from 5.04pm*

In response to Cr Highsted, the Officer said the conference he attended had been worthwhile in terms of the focus on animals during civil defence emergencies.

In response to Cr Dickson asking if the animals causing issues were registered and chipped, the General Manager Regulatory and Planning said some of the dogs were registered and it was as case of not being well looked after by the people they had been left with. Others were not registered.

**RECOMMENDED on the motion of Cr Bolger, seconded by Cr Reid, THAT the report be received.**

## 2. REPORT FROM BUILDING CONTROL MANAGER – AUGUST-SEPTEMBER 2018

The Committee perused a report from the Building Control Manager for August and September, together with building consent statistics for those two months.

**RECOMMENDED on the motion of Cr D Grant, seconded by Cr Dickson, THAT the report be received.**

## 3. PLANNING DEPARTMENT REPORT

A planning report had been provided by the Planning Consultant and junior Planner and was perused by the Committee.

In response to Cr Phillips, the junior Planner advised Spark had been looking for a mobile phone tower site in north and south Gore. The company would come back to the Council shortly about possible locations and to ensure it met the requirements under the District Plan.

In response to Cr Highsted about the change in upstairs reception hours, the General Manager said feedback had been very good and there had been no adverse reaction.

Cr Dickson believed consents for mobile phone towers did not need to be notified.

The Planning Consultant said there was a national environment standard for mobile communication standards and if a company complied with the standards in the District Plan then notification was not required. Technology had now changed to an extent that most towers easily complied with the national environmental standard. There were very few that needed to go through a notified process.

**RECOMMENDED on the motion of Cr Davis, seconded by Cr Phillips, THAT the report be received.**

## 4. REGULATORY SERVICES REPORT

A regulatory services report had been provided by the senior Regulatory Officer and was perused by the Committee.

**RECOMMENDED on the motion of Cr D Grant, seconded by Cr P Grant, THAT the report be received.**

## 5. SUBDIVISION AND LAND DEVELOPMENT BYLAW (SC0107)

A report had been received from the General Manager Regulatory and Planning and the Planning Consultant advising that the Subdivision and Land Development Bylaw 2011 had become operative in 2002. The report sought approval to proceed with a reviewed version of the Bylaw to meet the provisions of the Local Government Act 2002.

In mid-2017, targeted consultation had been undertaken with surveyors, builders and developers to assist in determining the best approach for a review of the 2011 Bylaw. There was almost a total preference for a closer alignment to the NZS4404 document and the review had been undertaken on that basis.

A copy of the current and proposed Bylaws had been circulated with the agenda.

Section 4.2.5 of the proposed revised Bylaw provided for the mandatory installation of rainwater tanks as part of new buildings constructed within the Gore and Mataura reticulated areas. Given climate change predictions of longer periods between heavier rainfall events and the historic record of water restrictions within the Gore and Mataura urban areas, it was prudent for residents and businesses to adopt some self-help approaches to the supply of water on their sites, particularly in relation to the outdoor use of water for washing vehicles and windows and watering of lawns and gardens. Such water did not need to be treated and the provision of on-site storage would enable continual watering of gardens when restrictions were imposed. When not in use on-site, such storage would facilitate slow release to reduce the peak flow impact of rainfall events. That provision had been promoted/encouraged in the Reticulated Services Policy 2011. Water stored on-site within the reticulated areas was not intended for human consumption or use within dwellings. Rather, the intent was to provide a gravity supply for outdoor use in a manner that suited the property occupier. That did not preclude the voluntary use of on-site water usage for domestic use, but certain treatment requirements would apply.

Over the past 17 years, an average of 20 new dwellings and four commercial or industrial buildings had been built each year within the Gore and Mataura reticulated areas. Depending on the size of tanks, costs were estimated to be in the range of \$3,000-\$5,000 per installation. The Consultant advised for residential areas, a review of rainfall data for Gore concluded that the optimum size of tank appropriate for dwellings, regardless of their size, was 3,000 litres.

The General Manager said the updated Bylaw was the first part of a suite of changes as a result of water conservation measures and climate change. The updated bylaw included mandatory water tanks for all new developments, but did not affect existing buildings. It would focus on green infrastructure which included using natural resources such as rain gardens, swales and hard areas. That would be required by new developments. It would limit the impact on the stormwater network. Green infrastructure did not require a lot of repair work in the event of a major emergency and there were also biodiversity benefits. There were benefits to the ratepayers as a result. He added the bylaw in its refined state would be referred back to the Council in a final draft for approval and then notification to the public by the Council. It was the start of a process which was quite complex and would affect builders and developers as opposed to the wider community.

Cr Highsted referred to green infrastructure and asked if there were opportunities for retrofitting things like rain gardens? The General Manager said the current Bylaw

limited that to new opportunities but there could be other mechanisms that could be included.

The Consultant expected a groundswell of people wanting to retrofit certain elements. He said there had been a lot of input from other Council staff. The Council needed to confirm that there was a need for a Bylaw. The format mirrored the New Zealand Standard and the approach of other Councils. The Bylaw had been based on New Zealand Standard 4404 and had been modified to reflect the Southland context and the Gore setting and issues. It was a very technical document with the target audience being developers, buildings and their tradies, surveyors and designers etc. The updated document had omitted water metering. The current Bylaw required water supply infrastructure to be designed to enable water meters to be installed if required at a later date. However, it was mandatory for water meters to be installed as part of commercial and industrial developments.

The Consultant profiled key issues of public interest that had been detailed in the report.

In response to Cr Highsted, the Consultant explained the thinking around size of minimum water tanks. There were also issues with the areas of hard surfaces and the volume of water run-off. The Bylaw included provision that required a certain level of permeable surfaces on all sites.

Cr Beale referred to some pending developments and doubted there would be any grassed areas included on the redeveloped sites. The Consultant said to date there had been water storage put in place for agricultural businesses that had recently relocated out of zone. Some used the water stored for cleaning machinery.

In response to Cr P Grant asking about treatment for harvested drinking water, the Consultant said it applied to urban areas, but he was not certain there was anything to compel people to treat that water for drinking. The Chief Executive said it was designed to supplement water use for washing vehicles, watering gardens etc.

In response to Cr Dickson asking if tanks overflowed, the Consultant said if ground conditions were suitable the Bylaw required the stormwater to be disposed of to ground. He expected people wanting to connect to the Councils' stormwater system would not be the preferred option.

The Consultant said the Bylaw would go through the standard consultation process and any submissions received would be heard by a panel to consider them. Depending on the number of submissions received, a hearing could be held prior to Christmas.

In response to Cr Highsted, the Communications Manager advised a communications plan was being drafted and there would be information for distribution to the public.

**Cr D Grant recommended THAT the Council resolve under section 155 of the Local Government Act 2002:**

- (i) a bylaw is the most appropriate way of addressing problems perceived by the bylaw; and
- (ii) the proposed bylaw is the most appropriate form of bylaw.

**THAT** the Council determine the approach to be adopted for the provision of rainwater tanks for residential and non-residential developments,

**THAT** the Council, subject to decisions made in recommendation 3, resolve to undertake public consultation on the proposed review of the Subdivision and Land Development Bylaw,

**THAT** the following new clause, be included in the proposed Bylaw,

***6.3.18 Water Meters***

***Water services to residential properties are required to be designed to facilitate the installation of a water meter at a future date.***

***Properties used for commercial and industrial purposes are required to be metered.***

***Where water meters are installed they shall be of a type approved by the Council and shall be included at the connection and located beyond the gate valve.***

**AND THAT** a sub-Committee comprising Crs Highsted, Davis and Bolger, with Cr Dickson as an alternate member, be formed to consider and determine submissions the proposed review of the Subdivision and Land Development Bylaw prior to recommending formal adoption by the Council.

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

In response to Cr Highsted asking whether there should be different tank sizes for different sized properties, the Consultant said a 3000 litre tank was the preferred option as minimum tank size. If there was a particular exception, it would be dealt with on a case by case basis.

Cr Highsted referred to in-filling and given a certain area of town permitted more intense subdivision, how would the hard-standing provisions cover that off? The Consultant said there would be a minor inconsistency between the Bylaw and District Plan but if someone wanted to build to the maximum area then consideration needed to be given to how the stormwater would be disposed of and that would require discussions with the Council and a possible dispensation under the Bylaw. The dispensations under the Bylaw were not like those under the RMA. The Council had provided Managers with delegations to deal with those matters in a manner they saw fit. It would not be through a lengthy process as was required by the RMA. At the time the District Plan was reviewed, there would be a need to review the figures again and possibly tweak them. There were other Bylaws that needed to be reviewed as

well to ensure there was consistency across all documents. The Subdivision Bylaw was about mandating how stormwater would be disposed of.

**The recommendation was put and it was carried.**

The meeting concluded at 5.54pm