

Minutes of an extraordinary meeting of the Gore District Council, held in the Supper Room, James Cumming Wing, Ardwick Street, Gore, on Thursday 21 September 2017, at 4.38pm.

**Present** His Worship the Mayor (Mr Tracy Hicks, JP), Crs Bolger, Gardyne, D Grant, P Grant, Reid and Sharp.

**In Attendance** The Chief Executive (Mr Stephen Parry), General Manager Regulatory and Planning (Dr Ian Davidson-Watts), Transport Manager (Mr Peter Standring), 3 Waters Asset Manager (Mr Matt Bayliss), HR/Administration Manager (Susan Jones), Planning Consultant (Mr Keith Hovell), 3 Waters Project Manager (Sam Bunting) and Communications-Promotions Manager (Sonia Gerken).

**Apologies** Crs Beale, Davis, Dickson, Highsted and Phillips apologised for absence.

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**1. RMA DELEGATIONS (SC112)**

A memo had been received from the Planning Consultant advising that changes to the delegations made by the Council under the Resource Management Act 1991 required updating as a result of recent amendments to the Act.

Cr D Grant asked if Peter Jones held a hearing commissioner's certification and whether he should be added to the list.

The Consultant said he had considered him and he could be added but thought it may be better to include him for specific hearings.

**RESOLVED on the motion of Cr D Grant, seconded by Cr P Grant, THAT pursuant to section 34A(1) of the Resource Management Act 1991 the Council appoint the following Councillors and certified Hearing Commissioner as Hearing Commissioners of the Gore District Council, with the delegations, as set out in the table attached in Appendix A,**

Cr Davis  
Cr Highsted

Cr Bolger  
Cr Dickson  
Mr David Pullar

**THAT** pursuant to section 34A(2) of the Resource Management Act 1991 the Council delegate to the Council's Consultant Planner, Keith Hovell, the delegations as set out in the table attached in Appendix A,

**THAT** pursuant to sections 34A(1) of the Resource Management Act 1991 the Council make delegations to Council staff, holding the positions, as set out in the attached Appendix A,

**AND THAT** pursuant to sections 34(1) of the Resource Management Act 1991 the Council make delegations to the Planning and Regulatory Committee as attached in Appendix B.

2017/96

**2. RESOURCE MANAGEMENT ACT FEES AND CHARGES STATEMENT OF PROPOSAL (SC1480)**

A memo had been received from the General Manager Regulatory and Planning advising that recent amendments to the Resource Management Act had created two new activities which required processing charges. These were boundary activities and marginal/temporary activities. The activities came into effect on 18 October 2017 and in order for the Council to charge for their processing, fees needed to be set. The fee proposed was \$210 (inclusive of GST).

In response to Cr Reid, the Consultant explained what a marginal activity was, for example, a person building a garage close to a boundary that was 400mm higher than it needed to be.

**RESOLVED** on the motion of Cr D Grant, seconded by Cr Bolger, **THAT** the Statement of Proposal for fixing of fees under the Resource Management Act 1991, section 36(3) be approved for public consultation pursuant to section 83 of the Local Government Act 2002.

2017/97

The meeting concluded at 4.48pm

General

Appendix A

	Chief Executive, General Manager Regulatory and Planning	Hearing Commissioners	Planning Officer, Policy and Planning Officer	Planning Consultant
<b>Matters under the Resource Management Act 1991</b>				
Determination of existing uses [RMA S10]	✓	✓		✓
Authority to sign certificates in respect of the subdivision of land being acquired or disposed of by the Council.	✓			
Requesting information from any person believed to be breaching obligations under the RMA [RMA S22]	✓		✓	✓
Provide the Minister with information requested [RMA S27]	✓		✓	✓
Provide an estimate of the additional fees likely to be imposed. [RMA S36]	✓		✓	✓
Fix and require the payment of a charge in addition to those fixed by the Council [RMA S36(3), S36(5), 149ZD]	✓		✓	✓
Remit the whole or any part of any charge of a kind referred to in section 36 that would otherwise be payable [RMA S36AAB(1)]	✓		✓	✓
Waive and/ or extend time limits [RMA S37]	✓	✓	✓	✓
Appointment as an Enforcement Officer [RMA S38]	✓		✓	✓
Exercise powers in relation to hearings [RMA S40, S41]	✓	✓		✓
Directions to provide evidence prior to a hearing [RMA S41B]	✓	✓		
Making of directions and requests before or at hearings [RMA S41C]	✓	✓		
Striking out of submissions (RMA S41D)	✓	✓		
Protection of Sensitive Information [RMA S42]	✓	✓	✓	✓
Waive compliance regarding distribution of reports [RMA S42A(5)]	✓	✓		
Lodge a submission in relation to a proposed National Environmental Standard [RMA S44]	✓			
Amend district plan to give effect to National Environmental Standards [RMA S44A]	✓			✓
Lodge a submission in relation to a National Policy Statement [RMA S46A and S49]	✓			
Amend district plan to give effect to National Policy Statements [RMA S55]	✓			✓
Considering of information in relation to a boundary activity being a permitted activity [RMA S87BA]	✓		✓	✓
Whether to issue a notice stating that an activity is a permitted activity [RMA S87BB]	✓		✓	✓

	Chief Executive, General Manager Regulatory and Planning	Hearing Commissioners	Planning Officer, Policy and Planning Officer	Planning Consultant
Determining requests to refer a resource consent to the Environment Court [RMA S87E]	✓			
Lodging a resource consent [RMA S88(1)]	✓			
Determining an application incomplete and returning to the applicant [RMA S88(3)]	✓	✓	✓	✓
Determining not to proceed with notification or hearing of an application pending lodging of further consents [RMA S91]	✓	✓	✓	✓
Determining whether to return an application suspended for 130 or more working days [RMA S91C]	✓		✓	✓
Requiring further information to be provided and commission reports [RMA S92] and setting a timeframe for the provision of the information [RMA S92A].	✓	✓		
Requiring further information for any resource consent application, postpone until information received, request explanation of alternatives, consultation etc and commission reports [RMA S92]	✓		✓	✓
Determining all notification matters [RMA S95A, S95B, S95C, S95D, S95E, S95F, S95G]	✓	✓	✓	✓
To make submissions to another consent authority in respect of a consent application [RMA S96]	✓			
Adopt an earlier submission closing date [RMA S97]	✓		✓	✓
Determining whether a prehearing meeting is held and the persons who are invited or required to attend [RMA S99]	✓	✓	✓	✓
Determining whether to decline the consideration of an application or submission of a person required to attend a prehearing meeting and that person does not attend [RMA S99(8)]	✓	✓		
Determining whether mediation is held on a resource consent [RMA S99A]	✓	✓		✓
Conduct mediation and report on the outcome [RMA S99]	✓	✓		✓
Determining whether a hearing on an application for a resource consent is necessary [RMA S100]	✓	✓	✓	✓
Delegation of powers to hear and determine a notified resource consent to a Hearing Commissioner [RMA S100A]	✓			
To fix hearing dates and issue appropriate notices [RMA S101]	✓		✓	✓
Determining whether a joint hearing is not required with other authorities. [RMA S102]	✓	✓	✓	✓
To make decisions on joint applications with other authorities [RMA S102]	✓	✓		

	Chief Executive, General Manager Regulatory and Planning	Hearing Commissioners	Planning Officer, Policy and Planning Officer	Planning Consultant
To determine whether two or more applications are sufficiently unrelated so that it is unnecessary to hear and decide the applications together [RMA S103]	✓	✓	✓	✓
To consider and make a decision on a resource consent application [RMA 104, 104A, 104B, 104C, 104D]	✓	✓		✓ See FN <sup>1</sup>
Subdivision consent not to be granted in certain circumstances [RMA S106]	✓	✓		
Imposing and amending bonds [RMA S108A]	✓		✓	✓
Refund of financial contributions [RMA S110]	✓			
Lodge an appeal to the Environment Court in respect of resource consent [RMA S120]	✓			
Fix a longer period where any resource consent lapses [RMA S125]	✓	✓		✓
Cancelling a resource consent [RMA S126]	✓	✓		✓
Processing of an application for the change or cancellation of any condition of consent, including determining whether an application needs to be notified [RMA S127]	✓	✓	✓	✓
Changing or cancelling any condition of resource consent [RMA S127]	✓	✓		✓ See FN <sup>1</sup>
To determine whether to serve notice on a consent holder of Council's intention to review the conditions of consent [RMA S128]	✓	✓		✓
To exercise the Council's discretions relating to the notification, submissions and hearing of a review of any resource consent [RMA S130]	✓	✓	✓	✓
Decisions on review of consent conditions [RMA S132(1)]	✓	✓		✓ See FN <sup>2</sup>
Cancel a consent [RMA S132(3), S132(4)]	✓	✓		
Making minor amendments to a consent decision [RMA S133A]	✓	✓	✓	✓
Refuse to accept surrender of whole or part of a consent [RMA S138]	✓	✓		✓
Determining a request for a Certificate of Compliance [RMA S139]	✓	✓		✓
Requesting further information in relation to requests for a certificate of compliance [RMA S139(4)]	✓		✓	✓
Determining a request for an Existing Use Certificate [RMA S139A]	✓	✓		✓

FN<sup>1</sup> Where the matter was not notified, or where it was notified and there are either no submissions, any requests to be heard have been withdrawn or all submissions opposing are resolved.

FN<sup>2</sup> Where either no written approvals are required or all affected persons have given their written approval.

	Chief Executive, General Manager Regulatory and Planning	Hearing Commissioners	Planning Officer, Policy and Planning Officer	Planning Consultant
Requesting further information in relation to requests for an Existing Use Certificate [RMA S139A(3)]	✓		✓	✓
Request the Minister to call in a plan change or variation [RMA S143]	✓			
Respond to the Minister on Environmental Protection Agency recommendations [RMA S147(4)]	✓			
Recommendations to the Minister on membership of a Board of Inquiry [RMA S149K(2)]	✓			
Commenting on a draft decision or draft report of a Board of Inquiry [RMA S149Q(4)]	✓			
Amending District Plan on direction of a Board of Inquiry or Environment Court [RMA S149W(2)]	✓			✓
Processing matters where directed by the Environmental Protection Agency or Environment Court [RMA S149W, S149Z]	✓		✓	✓
Issuing a notice of requirement [RMA S168A]	✓			
Requesting further information and processing requirements [RMA S169]	✓	✓	✓	✓
Discretion to include a requirement in the District Plan [RMA S170]	✓			✓
Consider any requirement and submission for a designation and make a recommendation to the requiring authority [RMA S171]	✓	✓		✓ See FN <sup>1</sup>
Appeal on requiring Authority decisions [RMA S174]	✓			
Outline Plan waivers [RMA S176A(2)(c)]	✓	✓	✓	✓
Request changes to an Outline Plan [RMA S176A(4)]	✓			✓
To appeal to the Environment Court where a requiring authority does not make requested changes to an Outline Plan. [RMA S176A(5)]	✓			
Consider a requirement to alter a designation to minor extent [RMA S181(3)]	✓	✓		✓
Refusal to amend the District Plan to remove a designation that is more than minor [RMA S182(5)]	✓	✓		✓
Fix a longer period for the expiry of a designation [RMA S184, S184A]	✓	✓		✓
Authority to lodge notice of requirement for a heritage order. [RMA S189A]	✓			
Determining all notification matters for an heritage order [RMA S189A]	✓		✓	✓
Requesting further information and processing a requirement for a heritage protection order [RMA S190]	✓		✓	✓
Consider a requirement by a heritage protection authority and submissions lodged and make a recommendation to the authority [RMA S191]	✓	✓		✓ See FN <sup>1</sup>

	Chief Executive, General Manager Regulatory and Planning	Hearing Commissioners	Planning Officer, Policy and Planning Officer	Planning Consultant
Appeal to the Environment Court against an heritage protection authority's decision under sections 193 or 194 [RMA S195]	✓			
Consider and determine a request to make a minor modification to a heritage protection order [RMA S195A(3)]	✓	✓		✓
Refusal to remove a heritage order from the District Plan if more than minor [RMA S196]	✓	✓		✓
Responding to a request to submit a requirement for a designation or heritage protection order to the Environment Court [RMA S198C]	✓			
Processing and reporting to the Environment Court on a requirement for a designation or heritage protection order [RMA S198D]	✓		✓	✓
Processing a requirement for a designation or heritage protection order being determined by the Environment Court [RMA S198J]	✓		✓	✓
Submission to the special tribunal on a Water Conservation Order [RMA S205]	✓			
Submission to the Environment Court on a Water Conservation Order [RMA S210]	✓			
Issue, vary or cancel a consent notice. [RMA S221]	✓		✓	✓
The issue of a completion certificate including extension of a period for the completion of work [RMA S222]	✓		✓	✓
The approval of a Survey Plan including the cancellation of covenants and conditions relating to easements [RMA S223]	✓		✓	✓
Issue of completion certificates including the approval of any bonds [RMA S224]	✓		✓	✓
Authority to certify survey plans for the issue of titles under S226(1)(e) [RMA S226]	✓	✓		✓
Creation of esplanade strips, conditions etc [RMA S232]	✓	✓		✓
Variation or cancellation of esplanade strip [RMA S234]	✓	✓		✓
Creation of esplanade strips by agreement [RMA S235]	✓	✓		✓
Access strips agreement [RMA S237]	✓	✓		✓
Access strips agreement [RMA S237B]	✓	✓		✓
Closure of strips to public [RMA S237C]	✓	✓		✓
Transfers to the Crown or Regional Council [RMA S237D]	✓			
Cancellation of amalgamation conditions and restrictive covenants [RMA S240, S241]	✓	✓		✓
Consent to the surrender, merging or variation of an easement or to the revoking of any condition [RMA S243]	✓	✓		✓

	Chief Executive, General Manager Regulatory and Planning	Hearing Commissioners	Planning Officer, Policy and Planning Officer	Planning Consultant
Representation at appeal hearings [RMA S274]	✓			
Seek that the Environment Court review a decision or rehear proceedings [RMA S294]	✓			
Apply to Environment Court for a declaration and all steps incidental to seeking that declaration [RMA S310, S311]	✓			
Seek and/or respond to an enforcement order [RMA S314, S316]	✓			
Seek and/or respond to an interim enforcement order [RMA S320]	✓			
Seek and/or respond to a change or cancellation of an enforcement order [RMA S321]	✓			
Issuing of enforcement or abatement notices [RMA S17, S322]	✓			✓
Decide to cancel an abatement notice [RMA S325A]	✓			✓
Issue an excessive noise direction [RMA S327]	✓			✓
Power to take preventative or remedial action (Emergency Work) [RMA S330]	✓		✓	✓
Power of entry for inspection [RMA S332]	✓		✓	✓
Power of entry for survey [RMA S333]	✓		✓	✓
Power to return property [RMA S336(2)]	✓			✓
Issuing of infringement notices [RMA S343C]	✓			✓
Processing objections lodged to any decision [RMA S357, S357A, S357AB, S357C, S357CA]	✓		✓	✓
Deciding on objections lodged to any decision [RMA S357, S357A, S357AB, S357C, S357CA]	✓	✓		
Processing of objections to fees and charges [RMA S357B]	✓		✓	✓
Consideration of objections to fees and charges [RMA S357B]	✓	✓		✓
Identifying persons directly affected by a proposed plan change or variation [RMA First Schedule CI 5A(2)]	✓	✓	✓	✓
Adopt an earlier closing date for submissions to a proposed plan change or variation [RMA First Schedule CI 7]	✓		✓	✓
Determining which submitters, and any other person, who are invited to meet to resolve any matter relating to a proposed plan [RMA First Schedule CI 8AA(1)]	✓	✓	✓	✓
To fix hearing dates and issue appropriate notices [RMA First Schedule CI 8B)	✓		✓	✓
Amending minor errors to an operative district plan [RMA First Schedule CI 20A]	✓		✓	✓



	Chief Executive, General Manager Regulatory and Planning	Hearing Commissioners	Planning Officer, Policy and Planning Officer	Planning Consultant
Requesting further information and the commissioning of a report in relation to a request for a Plan Change [RMA First Schedule Cl 23]	✓		✓	✓
Modifying a request for a Plan Change [RMA First Schedule Cl 24]	✓			✓
Determining that a request for a plan change will be considered as a resource consent [RMA First Schedule Cl 25(3)]	✓	✓		✓
<b>Matters under other legislation</b>				
Procedural matters relating to road stopping in terms of the Tenth Schedule [LGA 1974]	✓		✓	✓
Authority to lay out or form of any private road or private way, or grant or reserve a right of way over any private way [LGA 348]	✓		✓	✓
Certificates under the Overseas Investment Act 1995	✓		✓	✓
Certificates of Compliance under the Sale of Liquor Act 1989 for the purpose of an application under that Act	✓		✓	✓
Dispensations Under the Gore District Subdivision and Development Bylaw	✓			

## Delegations to administration staff

	Senior Regulatory Officer	Regulatory Administrators
<b>Matters under the Resource Management Act 1991</b>		
To provide Minister with information requested [RMA S27]	✓	✓
Fix and require the payment of a charge in addition to those fixed by the Council [RMA S36(3), S36(5), 149ZD]	✓	
Remit the whole or any part of any charge of a kind referred to in section 36 that would otherwise be payable [RMA S36AAB(1)]	✓	
Appointment as Enforcement Officer [RMA S38]	✓	
Protection of sensitive information [RMA S42]	✓	✓
The approval of a Survey Plan including the cancellation of covenants and conditions relating to easements [RMA S223]	✓	✓
Issue of completion certificates including the approval of any bonds [RMA S224]	✓	✓
Issuing an excessive noise direction [RMA S327]	✓	
<b>Matters under other legislation</b>		
Procedural matters relating to road stopping in terms of the Tenth Schedule [LGA 1974]	✓	✓
Authority to lay out or form of any private road or private way, or grant or reserve a right of way over any private way [LGA 348]	✓	
Certificates under the Overseas Investment Act 1995	✓	

## Delegations to other Council staff

	General Manager Infrastructure <sup>3</sup>	Three Waters Manager <sup>4</sup>	Transport Manager <sup>5</sup>	Building Control Manager	Building Control Officers	Parks and Recreation Manager <sup>6</sup>
<b>Matters Under the Resource Management Act 1991</b>						
Requesting information from any person believed to be breaching obligations under the RMA [RMA S22]	✓	✓	✓	✓	✓	✓
Appointment as an Enforcement Officer [RMA S38]	✓	✓	✓	✓	✓	✓
Lodging a resource consent [RMA S88(1)]	✓					✓
To make submissions to another consent authority in respect of a consent application [RMA S96]	✓					
Lodge an appeal to the Environment Court in respect of resource consent [RMA S120]	✓					
Issuing a notice of requirement [RMA S168A]	✓					✓
Representation at appeal hearings [RMA S274]	✓					
Seek and/or respond to an enforcement order [RMA S314, S316]	✓					✓
Seek and/or respond to an interim enforcement order [RMA S320]	✓					✓
Seek and/or respond to a change or cancellation of an enforcement order [RMA S321]	✓					✓
Issuing of enforcement or abatement notices [RMA S17 and S322]	✓					✓
Decide to cancel an abatement notice [RMA S325A]	✓					✓
Issue an excessive noise direction [RMA S327]	✓					
Power to take preventative or remedial action (Emergency Work) [RMA S330]	✓	✓	✓	✓	✓	✓
Power of entry for inspection [RMA S332]	✓	✓	✓	✓	✓	✓
Power of entry for survey [RMA S333]	✓	✓	✓	✓	✓	✓
Power to return property [RMA S336(2)]	✓					
Issuing of infringement notices [RMA S343C]	✓					✓
<b>In relation to trimming, maintenance and felling of trees under Rule 4.12.3 of the District Plan on private land</b>						

<sup>3</sup> In relation to the assets and associated operational activities of the Council

<sup>4</sup> In relation to the 3 Waters assets and associated operational activities of the Council

<sup>5</sup> In relation to the roading and other transport assets, and associated operational activities, of the Council

<sup>6</sup> In relation to activities on or affecting parks and reserves, and in relation to the trimming, maintenance and felling of trees under Rule 4.12.3 of the District Plan

	General Manager Infrastructure <sup>3</sup>	Three Waters Manager <sup>4</sup>	Transport Manager <sup>5</sup>	Building Control Manager	Building Control Officers	Parks and Recreation Manager <sup>6</sup>
Determining an application incomplete and returning to the applicant [RMA 88(3)]						✓
Requiring further information for any resource consent application, postpone until information received, request explanation of alternatives, consultation etc and commission reports [RMA S92]						✓
To determine a non-notified resource consent application [RMA S104, S104C]						✓
Changing or cancelling any condition of resource consent [RMA S127]						✓
To determine whether to serve notice on a consent holder of Council's intention to review the conditions of consent [RMA S128]						✓
Decisions on review of consent conditions [RMA S132]						✓
Consider a request for a Certificate of Compliance [RMA S139]						✓
<b>Matters under other legislation</b>						
Procedural matters relating to road stopping in terms of the Tenth Schedule [LGA 1974]	✓		✓		✓	
Authority to lay out or form of any private road or private way, or grant or reserve a right of way over any private way [LGA 348]	✓		✓		✓	
Dispensations Under the Gore District Subdivision and Development Bylaw	✓					

## Appendix B

### Planning and Regulatory Committee

**REPORTING TO** Council

**CONSTITUTION** Eleven Councillors - Mayor ex officio

**MEETING FREQUENCY** Six weekly or as required

#### **OBJECTIVE**

To ensure the maintenance and planned improvement of the quality of the natural and physical environment of the district primarily by the use of appropriate planning and implementation techniques to ensure sustainable management of those resources.

#### **SCOPE OF ACTIVITY**

Resource Management Act documents and processes, (but excluding hearings within the jurisdiction of the Hearings Commissioners).

Environmental health

Building inspection

Health Act licensing

Liquor Licensing

Dog Control licensing

Bylaws

Animal control

Noise

Nuisances

Pollution control

Public safety and health

Amusement devices

Litter

Public accommodation

Reserve Management Plans

#### **POWER TO ACT UNDER THE RESOURCE MANAGEMENT ACT**

1. Appointment of Hearing Commissioners [RMA 34A(1)]

2. Determine whether there are exceptional circumstances that warrant not all persons being accredited [RMA S39B]
3. Lodging a resource consent [RMA S88(1)]
4. Request the Minister to call in a plan change or variation [RMA S143]
5. Issuing of Notices of Requirement [S168A]
6. Including requirements in proposed Plan. [S170]
7. Alteration of a designation. [S181(1)]
8. Appeals against the whole or any part of a decision of a requiring authority [RMA S174].
9. Application to extend the period after which a designation lapses [RMA S184].
10. Request for change to outline plans [RMA S420].
11. Consent of Council where Council is the requiring authority [RMA S176].
12. Consideration of objections on any decision to fees and charges [RMA S357, S357A, S357B, S357C, S357D].

#### **POWER TO ACT - GENERAL**

1. Appeals against bylaw decisions.
2. Appeals against liquor licensing decisions.

#### **POWER TO RECOMMEND**

1. To determine any matter within the policy and scope of the activities above.
2. To authorise prosecutions and other actions in the District Court.
3. To lodge objections or submissions to an application for an on-licence, off-licence or club licence under the Sale and Supply of Liquor Act 2012.
4. The relevant parts of the Council's Plan, Annual Plan, Annual Report and Budgets.
5. Changes to bylaws and adoption of new bylaws.
6. The levels of fees and charges within the Committee's jurisdiction and not delegated to staff, ie dog registration fees and planning charges.
7. Any other matter within the scope of the activities.