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# Regulatory and Consents Committee

## OPEN MINUTES

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Minutes of a meeting of Regulatory and Consents Committee held in the Council Chambers, 15 Forth Street, Invercargill on Thursday, 29 June 2017 at 9.03am.

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### PRESENT

<b>Chairperson</b>	Gavin Macpherson
<b>Councillors</b>	Brian Dillon
	Paul Duffy
	Darren Frazer
	Neil Paterson

### IN ATTENDANCE

Group Manager, Environmental Services, (Bruce Halligan), Environmental Health Manager (Michael Sarfaiti), Team Leader, Building Solutions (Michael Marron), Team Leader, Resource Management (Marcus Roy), Policy Analyst (Robyn Rout), Publications Specialist (Chris Chilton) and Committee Advisor, (Alyson Hamilton).

**1 Apologies**

Moved Cr Dillon, seconded Cr Paterson and **resolved:**

**That the Regulatory and Consents Committee accept the apologies for non-attendance from Mayor Tong and Councillor Keast.**

**2 Leave of absence**

There were no requests for leave of absence.

**3 Conflict of Interest**

There were no conflicts of interest declared.

**4 Public Forum**

There was no public forum.

**5 Extraordinary/Urgent Items**

There were no Extraordinary/Urgent items.

**6 Confirmation of Minutes**

**Resolution**

Moved Cr Frazer, seconded Cr Dillon **and resolved:**

**That the minutes of Regulatory and Consents Committee meeting held on 17 May 2017 be received as a true and correct record.**

**Reports for Recommendation**

**7.1 Objection to Disqualification from owning a dog - Scott Skilling**

**Record No: R/17/6/12107**

Michael Sarfaiti (Environmental Health Manager) advised that due to the failure of Mr Scott Skilling being present at the meeting and on advice from Council's Legal Advisor, the Committee agreed this report and the associated hearing be deferred to the next meeting of the Committee scheduled for Tuesday, 15 August 2017 which will allow Mr Skilling a further opportunity to speak in support of his objection to disqualification from owning a dog.

**Resolution**

Moved Cr Dillon, seconded Cr Frazer **and resolved:**

**That the Regulatory and Consents Committee:**

- a) **Defers the report titled "Objection to Disqualification from owning a dog - Scott Skilling" to its next meeting scheduled 15 August 2017.**

## 7.2 Proposed Amendment to the Dog Control Rules in Otautau

**Record No: R/17/5/10914**

Robyn Rout, Policy Analyst, presented the report.

Ms Rout advised this report proposes an amendment the Dog Control Bylaw and the Dog Control Policy altering the dog control rules in Otautau.

Ms Rout advised the dog access rules for the Southland District are outlined in the Policy and the Bylaw. These documents currently state that in the Alex McKenzie Memorial Arboretum (the Arboretum) in Otautau, dogs are required to be on a leash.

Ms Rout explained the Otautau Community Board has requested that a change be made to the dog access rules in the Arboretum, that dogs be allowed to exercise, without being on a leash, in the west part of the Arboretum.

The Committee was advised dog owners have expressed concerns regarding lack of suitable dog exercise areas in the Otautau township. Ms Rout added there are currently two designated dog exercise areas both of which are part of the railway reserve. Feedback from the public has been received that these areas are not particularly suitable for exercising dogs as they are bordered by a railway line with irregular traffic, and there is also an adjacent busy road.

Staff sought endorsement from the Committee for both the draft Policy and Bylaw, and comment on whether it would be more appropriate to notify the public that an amendment has been made, or consult with the public about this amendment.

Following discussion the Committee agreed that the draft Bylaw and Policy be released for public consultation and endorses the Statement of Proposal that is included in the report.

The Committee sought confirmation from staff on the location of the public toilets at the Arboretum suggesting that if they are located within the proposed dog exercise area that the facility be fenced off. Staff to clarify and action this request if required.

### **Resolution**

Moved Cr Dillon, seconded Cr Paterson **and resolved:**

**That the Regulatory and Consents Committee:**

- a) **Receives the report titled “Proposed Amendment to the Dog Control Rules in Otautau” dated 19 June 2017.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**

- d) **Determines that the proposed Bylaw is the most appropriate way to address the perceived problem, and the most appropriate form of bylaw.**
- e) **Determines that the Bylaw only imposes reasonable limits on the rights and freedoms contained in the New Zealand Bill of Rights 1990, which can be reasonably justified in a free and democratic society.**
- f) **Endorses the draft Dog Control Bylaw and draft Dog Control Policy and EITHER:**
  - ~~a) Recommends to Council that the draft Bylaw and Policy be adopted (this would involve notifying members of the public in Otautau after the change has been made); OR~~
  - b) i) **Releases the draft Bylaw and Policy for consultation; AND**
  - ii) **Endorses the Statement of Proposal that is included in the report.**

### 7.3 Proposed Amendments to the Freedom Camping Bylaw

**Record No: R/17/6/12832**

Robyn Rout, Policy Analyst, and Mr Rob Scott (Chairperson, Lumsden Community Development Area Subcommittee) were in attendance for the report.

Ms Rout advised the purpose of the report is to propose an amendment to the Freedom Camping Bylaw 2015, proposing to alter the freedom camping area in Lumsden.

Ms Rout informed the current rules permit self-contained camping anywhere within the town boundary on Council controlled land for a maximum of three days in any 30 day period.

Ms Rout advised the Lumsden Community Development Area Subcommittee (CDA) is requesting that Council amend the Bylaw for Lumsden, in time for the next summer season.

- Ms Rout explained the CDA plans to encourage self-contained freedom campers to park in designated areas outside of the immediate railway station area, by guiding campers there through on-site signage. Moving the self-contained campers to nearby sites will allow more capacity (around the immediate railway station area) for non-self-contained campers around the toilet and wash facilities.

Ms Rout sought Committee endorsement that the draft Bylaw be released for public consultation in accordance with the special consultative procedure. Ms Rout explained the requirements include:

- that Council must adopt a statement of proposal;
- that the statement of proposal is made widely available;
- that those interested in the proposal are provided with a reasonable opportunity to present their views;
- that the public must be able to provide feedback over a minimum of a one month period;

- that people have the right to make an oral submission to Council.

Ms Rout added that should the Committee endorse the amended Bylaw and recommend it be released for public consultation, the local community will have opportunity to submit on the proposal and to be heard by Council.

Mr Rob Scott (Chair, Lumsden CDA) responded to members queries relating to laundry facilities, which he advised are currently not available in the township however there is a possibility for private enterprise in the future. It was noted the local Camping Ground has advertised in the Freedom Camping area showering and washing facilities at a cost.

Members queried current numbers of Freedom Campers in the area and Mr Scott responded advising of twelve to fifteen tents/vehicles over the previous 2 nights however it is anticipated these numbers will reduce over the winter period.

### **Resolution**

Moved Cr Duffy, seconded Cr Frazer **and resolved:**

**That the Regulatory and Consents Committee:**

- a) Receives the report titled “Proposed Amendments to the Freedom Camping Bylaw” dated 14 June 2017.**
- b) Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) Determines that the amendment to the Bylaw is necessary to protect the area, and to protect the health and safety of the people who may visit the area, and to protect access to the area.**
- e) Determines that the amendment to the Bylaw is the most appropriate and proportionate way to address the perceived problem in relation to the area, and the most appropriate form of bylaw.**
- f) Determines that the amendment to the Bylaw only imposes reasonable limits on the rights and freedoms contained in the New Zealand Bill of Rights 1990, which can be reasonably justified in a free and democratic society.**
- g) Endorses the proposed amendment to the Freedom Camping Bylaw 2015.**
- h) Endorses the Statement of Proposal that is included in the report.**
- i) Releases the proposed amendment for public consultation in accordance with Special Consultative Procedure.**



## Reports

### 8.1 Alcohol renewal applications backlog

**Record No:** R/17/5/11477

Michael Sarfaiti, Environmental Health Manager, presented the report.

Mr Sarfaiti advised concerns have been raised by licensees regarding the length of time for their alcohol renewal applications to be processed, and suggesting that more resources may be required for alcohol licensing.

Mr Sarfaiti advised staff agreed with these concerns and a priority has been placed on processing the applications with Licensing Inspectors undertaking to clear the backlog by 30 June 2017 this year.

Mr Sarfaiti explained there are two main reasons for this backlog:

- (a) Council is one of a small number of councils that have discounted the national alcohol licensing fees (30% reduction in the annual fee) creating a lean business unit. This was welcomed by the industry, following previous Annual Plan submissions about concerns about the statutory increase in alcohol licensing fees in 2015. The consequence of this is a backlog of renewal applications; however it is to be emphasised that the backlog has no adverse effect on licensees, as under the Sale and Supply of Alcohol Act, they are able to continue to trade under their existing licence while their renewal is processed.
- (b) There have been significant increases in the volume of alcohol licensing work from 2015 to 2016 - 36% increase in special licences, 43% increase in new licensees (mainly transfers), 65% increase in new managers applications.

The Committee noted an increase of premises renewal applications i.e. 69 premises in 2016, compared to 15 in 2015.

Mr Sarfaiti advised the current list of outstanding renewal applications mainly requires responses from the Licensees on various issues prior to staff being able to complete the application.

### Resolution

Moved Cr Paterson, seconded Cr Dillon **and resolved:**

**That the Regulatory and Consents Committee:**

- a) **Receives the report titled “Alcohol renewal applications backlog” dated 13 June 2017 as information.**

The meeting concluded at 10am

CONFIRMED AS A TRUE AND CORRECT  
RECORD AT A MEETING OF THE  
REGULATORY AND CONSENTS COMMITTEE  
HELD ON THURSDAY, 29 JUNE 2017.

**DATE:**.....

**CHAIRPERSON:**.....