

HURUNUI DISTRICT COUNCIL MINUTES



Meeting Regulatory Committee
Time and Date 9:30am, Thursday, 10 August 2017
Venue Council Chambers, Carters Road, Amberley

Members Present Core Members: Councillor Marie Black (Chairperson), Mayor Winton Dalley, Councillors Dick Davison, Jason Fletcher and Fiona Harris.
Non Core Members: Councillors Vince Daly, Geoff Shier and Michael Ward.

In Attendance Hamish Dobbie (Chief Executive Officer), Judith Batchelor (Manager Regulatory Services), Sean Crocker (Senior Planner), Nicola Kirby (Policy Planner), Darrin Low (Animal Management Officer), Kelly Marchant (District Licensing Secretary), Stephanie Chinn (Policy Planner), Scott Rose (Policy Planner), Andrew Brown (Team Leader Compliance) and Kait Murray (Committee Secretary).

Apologies Nil.

Absent

Conflict of Interest Declarations

Recording Device A recording device was used for the purpose of the accuracy of the minutes.

Urgent Business Nil.

1. Minutes THAT THE MINUTES OF THE ORDINARY MEETING HELD ON 11 MAY 2017 BE CONFIRMED.
Black/Harris CARRIED

2. DECISION ITEMS

2.1 Resource Consent RC170077 – To appoint a Commissioner or panel of commissioners

The Policy Planner presented the report on behalf of the Senior Planner. She said a two lot subdivision at 95 Stringers Road, Broomfield was approved subject to conditions requiring an esplanade strip along the boundary with the Waipara River. The applicant has objected to the condition requiring the esplanade strip. The objection is not supported by Council, therefore a commissioner/s must be appointed to hear the objection.

The perception of impartiality and independence in regard to the Officers recommendation to appoint the Councillors as commissioners was questioned. The Manager Regulatory Services explained the role of the RMA commissioner as an accredited commissioner, and pointed out that both

Councillors are accredited commissioners, who have the required skills to be objective and impartial in the role.

In response to a question regarding the cost of an elected member sitting as a commissioner and the cost of the appointment of an independent commissioner, the Manager Regulatory Services confirmed that the independent commissioner sets their own fee and an elected member payment for the role as Commissioner is determined by the Remuneration Authority.

Mayor Dalley took the chair while the motion was put.

THAT THE COMMITTEE APPOINT COUNCILLOR MARIE BLACK AND COUNCILLOR DICK DAVISON AS ACCREDITED COMMISSIONERS TO HEAR AND MAKE A DECISION ON THE OBJECTION TO THE CONSENT CONDITIONS.

Fletcher/Harris

CARRIED

Abstained Cr Black and Cr Davison

2.2 Draft policy on drone use over land owned by Hurunui District Council

The Policy Planner gave a brief overview of the report. She said in August 2016 the Regulatory Committee agreed for Council Officers to draft a new policy for drone use on Council land in the district and the Committee requested that the officer seek input from the Ward Committees / Community Boards and Reserve Advisory Groups before presenting a draft policy back to the Committee.

She said consultation is now complete and the report presents a summary of the consultation results. Highlighted are main themes, points of interest and concerns, along with officer comment. The Committee was asked to receive the results of the consultation, and make determinations on officer recommendations to alter the draft policy as a result of consultation.

In response to a question regarding how the policy will be policed, the Policy Planner explained the expectation of the Civil Aviation Authority (CAA) is that Council would take a more educational approach. She said CAA recommend that any immediate threat, inappropriate, unsafe or dangerous behaviour be reported directly to the Police.

In response to a question regarding communication of the policy to the public, the Policy Planner explained the various options which includes publicity on the Council website in addition to websites available to Drone users and social media.

The Manager Regulatory Services explained the purpose of the policy is to eliminate the need for drone operators to get approval from Council every time they wish to fly their drone on Council land.

In response to a question regarding the Culverden airstrip not being handled in the same way as the Hanmer Springs airfield, the Policy Planner explained that the Culverden airstrip is not listed as aerodrome and therefore there are no specific rules for flying in proximity to this and other private airfields in the district.

The Policy Planner was asked to provide further information regarding the 10 metre buffer, Cr Fletcher pointed out that footage taken over the pools by drones is of value to the pools and questioned if the 10metre buffer was sufficient in this instance. The Manager Regulatory Services confirming the setback and buffer zone could be reconsidered when the policy is reviewed in 24 months time.

In response to a question regarding the production of a map to assist drone users, the Manager Regulatory Services confirmed a map could be added to the Council website showing locations of where drone use would be permitted on Council land. All other Council land would require Council approval to fly a drone over.

The Chief Executive Officer provided further clarification regarding the CAA Rules which state permission must be sought from the property owner to fly the drone over their land. He used the example of the Culverden airstrip to illustrate how the permission could be sought, saying in this instance the land is Council reserve. He said the areas around the airstrip are leased and if someone wanted to fly a drone over the leased land they would have to get the permission of the lessee; if someone wanted to fly a drone over the airstrip they would need the permission of the CAA; if someone wanted to fly a drone over the remaining land on the reserve, they would need the permission of Council.

In response to a question regarding the weight limit of a drone in the policy, the Manager Regulatory Services confirmed that the suggestion of an inclusion of a weight restriction came about from a Ward Committee discussion regarding toy drones.

In response to a question regarding the fire ban in the policy, it was confirmed that the CAA already have set restrictions around emergency situations and the flying of drones. Cr Fletcher raised concern that its inclusion could impede and incident response. The Policy Planner explained the rationale of its inclusion within the policy and agreed the wording regarding drone use at such time needs attention. She said it would be reviewed and amended before presenting the policy to Council for final agreement.

The Committee considered each of the decisions required by the Policy Planner, the outcome of each decision or question is detailed below the question for the ease of the reader.

DECISION REQUIRED: Whether to include advisory note directing drone operators to be aware of private airfields and the potential for there to be manned aircraft in the vicinity.

The Committee agreed to include an advisory note.

DECISION REQUIRED: That the Committee agrees that signage is not necessary at this stage, and agrees with the Officers approach to publicising the new policy.

The Committee agrees that signage is not necessary and agrees with the Officers approach to publicising the new policy. Council officers are asked to identify hotspots where signage could be installed.

DECISION REQUIRED: Whether to include a 2kg weight restriction on drones able to be flown under the policy as a permitted activity (excluding operators flying with Part 102 certification).

The Committee agrees that there is no need for a weight restriction on drones able to be flown under the new policy at this stage.

The Committee discussed the merits of an additional information section at the beginning of the policy, saying it would be helpful to understanding the policy and assist drone users with the policy's application.

DECISION REQUIRED: That the Committee notes the decisions of the Amberley Ward Committee and Reserve Advisory Groups with regards to amenity reserves, and that the Committee makes a recommendation on the district reserves.

In response to a question regarding the purpose of excluding the list of reserves within the Amberley Ward, the Policy Planner explained the motivation and the desire of the Amberley Ward Reserve Advisory Group representatives in more detail. The Policy Planner highlighted the conditions of permitted activity imposed by the policy and said she considers they provide adequate controls in terms of impacts to neighbouring residential land users, and reserves.

The Committee agreed the specific exclusion of reserves with playgrounds within Amberley Ward was unnecessary due to playgrounds specifically being included within the policy.

DECISION REQUIRED: Does the Committee agree with the revised wording/revised focus on animal habitats?

The Committee agreed with the revised wording/revised focus on animal habitats.

DECISION REQUIRED: Does the Committee agree with the inclusion of a buffer around playgrounds?

The Committee agreed with the inclusion of a buffer around playgrounds.

The Manager Regulatory Services provided further clarification on the definition of the policy, saying under the CAA rules drone operators need to get the permission of property owners, and the policy is put in place to stop drone owners having to get permission every time they want to use a drone on Council land.

The Chief Executive Officer highlighted the point of the playground exclusion is about out of control drones and the danger of those to children rather than stopping drones with cameras, he said it's a matter of safety.

DECISION REQUIRED: Does the committee agree with the wording change?

The Committee agreed with the wording change from private residence to private property.

THAT THE COMMITTEE RECEIVE THE SUMMARY OF INFORMATION GATHERED FROM WARD CONSULTATION.

THAT THE COMMITTEE AGREE TO THE PROPOSED POLICY (WITH ANY ALTERATIONS AGREED AT THIS MEETING) AND THAT IT IS PRESENTED TO COUNCIL FOR FINAL AGREEMENT.

Harris/Dalley

CARRIED

Adjournment

The Committee adjourned for morning tea at 11am and reconvened at 11:11am.

2.3 Road Naming –
73 - 79 Carters Road,
Amberley

The Planner gave a brief overview of the report. He said a Council Officer, under delegated authority, approved resource consent (RC160066) on the 12 May 2017. The application sought to subdivide the properties at 73 to 79 Carters Road, Amberley into 6 commercial lots. The applicant, being Hurunui District Council, would like to name the new road that will be created to access the lots. The Amberley Ward Committee recommended

the proposed names to Council at the 6 June 2017 meeting.

He said the suggested road name, Anderson Street, has significance to Hurunui District as Mollie Anderson was a pioneer in the New Zealand recycling industry. She was a founding member of Hurunui Recycling that operated on part of the subdivision site for many years.

THAT THE AMBERLEY WARD COMMITTEE RECOMMENDS TO THE COUNCIL THAT IT ACCEPTS THE PROPOSED ROAD NAME:

- 'ANDERSON STREET' FOR THE AREA IDENTIFIED AS 'ROAD A'

IDENTIFIED ON THE PLAN FOR THE NEW ROAD CREATED IN THE SUBDIVISION OF 73 - 79 CARTERS ROAD, AMBERLEY.

Davison/Harris

CARRIED

3. DISCUSSION ITEMS

There were no discussion items for this meeting.

4. INFORMATION ITEMS

4.1 Animal Management Officer Update

The Animal Management Officer presented the report and gave a brief overview of the training, deployments, planned activity and initiatives since commencing employment in February 2017. Some of the points noted from the report were:

- All but two dogs that have been picked up have been returned to their owners.
- The Animal Management Officer plans to routinely travel around the district on set days and a set route.
- Dog signage is severely lacking in Hanmer Springs. All other areas in the district have sufficient signage.
- The education process is ongoing with dog owners specifically around walking dogs on leads and picking up after dogs.
- The implementation of the DogSmart, DogSafe and Reading to Dogs programmes are all under consideration.
- The Animal Management Officer confirmed afterhours contractors are based in Hanmer Springs and Amberley, he encourages people to contact the Council with any dog complaint, saying times and dates when reporting issues are used to customise patrols.

In response to a question regarding communication, the Animal Management Officer confirmed social media and Facebook are very useful and used regularly to publicise found dogs, leash and prohibited areas.

In response to a question regarding the dog pound and its suitability. The Animal Management Officer confirmed the pound in its current state isn't a nice place for dogs. The Manager Regulatory Services added the dog pound replacement or rejuvenation should be considered as part of the Long Term Plan.

In response to a question regarding education of urbanites who move to the country, the Animal Management Officer confirmed he plans to have a regular fact sheet on the Council's Dog Control Policy and Dog Control Bylaw and the Dog Control Act 1996 on the Council website to assist with

education.

When the option of contracting out the impounding service to a boarding kennel was raised, the Manager Regulatory Services confirmed that contracting the impounding service to a boarding kennel is difficult especially when issues arise with a dog that has been impounded due to barking or a biting incident or is impounded for an extended amount of time. She also added that the Dog Control Act 1996 stipulates the Council is responsible for the provision of pound facilities. She confirmed the Dog Control Bylaw is up for review this year.

THAT THE INFORMATION BE RECEIVED.

Harris/Fletcher

CARRIED

4.2 District Licensing Committee Update

The District Licensing Secretary presented the report and gave a brief overview of the activities of the District Licensing Committee (DLC) for the months of January 2017 to June 2017. Some of the points noted from the report were:

- In May two temporary licences were issued, which was out of the ordinary.
- The Committee has operated within its budget.

In response to a query regarding the DLC costs incurred for the financial year. The Manager Regulatory Services confirmed the wage and salary costs of Council staff are allocated to the Wage and Salary cost centre within the DLC costs.

THAT THE INFORMATION BE RECEIVED.

Harris/Davison

CARRIED

4.3 Marine and Coastal Area Act 2011

The Manager Regulatory Services gave an overview of the report. She said the Marine and Coastal Act 2011 (MACA) came into force in 2011 and replaced the Foreshore and Seabed Act 2004. The new Act implemented a “no-ownership” regime over the marine and coastal area (with some limited exceptions) and introduced mechanisms to recognise Maori customary rights in that area. These are: participation rights in certain conservation processes; protected customary rights (PCR) and customary marine title (CMT).

Some of the points noted from the report were:

- There have been numerous applications for PCRs and/or CMT made since MACA came into force with the majority of these being lodged in the weeks preceding the close of the statutory application period on 3 April 2017.
 - Obligations of the Council receiving a CMT application are not clear. But, that the majority of obligations under MACA apply only after the rights are formally recognised.
 - Under the RMA the protection of PCRs are a matter of national importance that must be “recognised and provided for” in accordance with section 6 of that Act. She said that in considering a resource consent the provisions of MACA must be taken in to account.
 - Council through its solicitors Buddle Findlay, have filed a notice to
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the High Court of its intention to appear as an interested person under section 104 of the MACA in relation to the application for recognition orders lodged with the Court by Te Upoko o Ngai Tū-Ahu-Riri on behalf of Ngai Tū-Ahu-Riri hapu.

The Chief Executive Officer provided further information saying over 300 applications have been made, through two channels, a recognition order issued by the High Court (High Court proceedings) and the Crown (direct engagement). He said it takes a while to get through the court as there are some cross over applications. He said the claims are quite complex.

In response to a question regarding where the Council sits, the Chief Executive Officer said the Council are an interested party and are interested in the proceedings. He confirmed there are two claims across the district.

THAT THE INFORMATION BE RECEIVED.

Davison/Harris

CARRIED

4.4 National Environmental Standard for Plantation Forestry – additional submission

The Policy Planner presented the report containing details of the National Environmental Standard (NES) for Plantation Forestry – additional submission.

Some of the points noted from the report were:

- In 2015 the Ministry for Primary Industries (MPI) sought submissions on the proposed National Environmental Standard for Plantation Forestry, and the Council made a submission.
- MPI is proposing to include a provision which will give Councils the ability to charge for the monitoring of permitted activities that are specified in an NES for Plantation Forestry.
- The timeframe for making submissions was short, the matter was discussed with the available members of the 2015 working group (Councillors Black and Daly), who agreed that it would be beneficial to have the charging mechanism present in the NES for Plantation Forestry.
- The Council's additional electronic submission supporting the proposed provision was made on 16 June 2017.

In response to a question regarding how this would be triggered. The Policy Planner explained the process for logging operators and how it would be triggered through their usual operations.

In response to a question regarding the inclusion of the NES into the District Plan, the Manager Regulatory Services confirmed the NES and the new District Plan would not be in contradiction to the NES. She confirmed that the legislation allows the direct inclusion of the NES into the District Plan.

The Manager Regulatory Services confirmed that a report will be presented back to the Committee before going to mediation.

THAT THE INFORMATION BE RECEIVED.

Fletcher/Daly

CARRIED

5 PUBLIC EXCLUDED

PUBLIC EXCLUDED SESSION

THAT THE MEETING MOVE INTO PUBLIC EXCLUDED SESSION AND THE GENERAL SUBJECT OF THE MATTERS TO BE CONSIDERED WHILE THE PUBLIC

IS EXCLUDED, THE REASON FOR PASSING THIS RESOLUTION IN RELATION TO THE MATTERS AND THE SPECIFIC GROUNDS UNDER SECTION 48 (1) OF THE LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987 FOR THE PASSING OF THIS RESOLUTION ARE AS FOLLOWS:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Grounds under section 48 (1) for the passing this resolution
Item 5.1 Minutes of the PE Session of the 11 May 2017	The minutes may contain information which if released would affect the privacy of natural persons.	Section 48(1)(a)(i) & Section 7(2)(a).
Item 5.2 Consent Compliance Firth Amberley	The report may contain information which if released would affect the privacy of natural persons and; The making available of that information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial.	Section 48(1)(a)(i) & Section 7(2)(a) & Section 6(1)(a)(i).

Fletcher/Davison

CARRIED

THAT THE MEETING RESUME IN OPEN SESSION AND THAT THE MATTERS DISCUSSED IN PUBLIC EXCLUDED SESSION REMAIN CONFIDENTIAL, EXCEPT FOR THOSE MATTERS APPROVED FOR RELEASE.

Fletcher/Davison

CARRIED

6 URGENT BUSINESS

MEETING ENDED

The meeting closed at 12.34pm.