

# HURUNUI DISTRICT COUNCIL MINUTES



<b>Meeting</b>	Council
<b>Time and Date</b>	9.30am, 28 September 2017
<b>Venue</b>	Council Chambers, 66 Carters Road, Amberley.
<b>Agenda</b>	<a href="http://www.hurunui.govt.nz/your-council/meeting-calendar/">http://www.hurunui.govt.nz/your-council/meeting-calendar/</a> (Scroll to the applicable meeting on the calendar.)

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<b>Members Present</b>	Mayor Winton Dalley (Chairperson) (from 10.19am) Councillors Marie Black, Vince Daly, Dick Davison, Jason Fletcher (from 9.43am), Fiona Harris, Julia McLean and Geoff Shier.
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<b>In Attendance</b>	Hamish Dobbie (Chief Executive Officer), Judith Batchelor (Manager Regulatory Services), Jason Beck (Manager Support Services), David Edge (Manager Infrastructure Services – Assets), (Dan Harris (Manager Infrastructure Services - Delivery), Alex Taylor (Communications Officer), Audrey van der Monde (Manager Public Services) and Graham Sutherland (Council Secretary).
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<b>Apologies</b>	Cr Anderson. Cr Fletcher for lateness. Cr Ward – leave of absence.
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THAT THE APOLOGIES BE ACCEPTED.

Harris/Davison

CARRIED

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<b>Affirmation</b>	Cr Shier read the affirmation as attached to the Council agenda.
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<b>Conflict of Interest Declarations</b>	Nil.
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<b>Recording Device</b>	A recording device was used for the purpose of the accuracy of the minutes.
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<b>Urgent Business</b>	<ul style="list-style-type: none"><li>Late Report – Amberley Craft Market Request</li></ul>
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THAT THE MINUTES OF THE COUNCIL MEETING HELD ON 24 AUGUST 2017 ARE CONFIRMED.

Black/Shier

CARRIED

### **Matters arising**

Cr Black asked when the committees membership matter would be addressed and Mayor Dalley said a workshop would be scheduled once all councillors were available as it was agreed that all councillors should be involved.

THAT THE PUBLIC EXCLUDED MINUTES OF THE COUNCIL MEETING HELD ON 24 AUGUST 2017 ARE CONFIRMED.

Black/Davison

CARRIED

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<b>2. Forward Programme</b>	<p>The Forward Programme for 2017 was provided for councillors' information.</p> <p>THAT THE INFORMATION BE RECEIVED.</p> <p>Black/Davison <span style="float: right;">CARRIED</span></p>
<b>3. Mayor's Diary</b>	<p>The Mayor's diary arrangements for the preceding period were provided.</p> <p>THAT THE INFORMATION BE RECEIVED.</p> <p>Black/Davison <span style="float: right;">CARRIED</span></p>
<b>4. Council's Working Groups/ Projects Status Report</b>	<p>The Council considered the table of working groups and projects and noted progress with each.</p> <ul style="list-style-type: none"> <li>• With respect to Queen Mary Hospital, Cr Davison said the Council had been through iterations regarding outside investment and said he understands that the Council would have a fresh look at wider investment in the site. The Chief Executive Officer said this would be part of the LTP process and the Manager Regulatory Services said officers were also looking at getting the Soldiers Block up to standard for public use.</li> </ul> <p><i>Cr Fletcher arrived at the meeting at 9.43am.</i></p> <ul style="list-style-type: none"> <li>• Cr McLean provided an update on the Amberley Pool project and said the Amberley Ward Committee held a second workshop the previous night where Steve Prescott from Ashburton and Graeme Abbot provided three options with costing elements and in principle as a group a recommendation would go to the Amberley Ward Committee next month and then to full Council. She said the information provided in the workshop was well received. The Manager Public Services asked councillors to keep an eye on the next Amberley Ward Committee agenda as there would be a full report going to that meeting, which would then come to the Council.</li> <li>• Cr Black advised that with respect to Together Hurunui, a NZ Police appointment for the governance group had been made, being Senior Sergeant Rob Ellis. Michelle Cole had also been appointed to the governance group as a mental health professional with experience working in the district, so the governance group now has good personnel on board.</li> </ul> <p>THAT THE INFORMATION BE RECEIVED.</p> <p>Black/Fletcher <span style="float: right;">CARRIED</span></p>
<b>5. DECISION ITEMS</b>	
<b>5.1 Code of Conduct – Amended Legislation Appendix</b>	<p>The Manager Public Services reported that the Local Government Act requires all local authorities to have a Code of Conduct for the elected members of the Council. The Code is to be reviewed by the Council every three years within the first 18 months after the beginning of each triennium. At its meeting on 24 August 2017, the Council reviewed and approved its Code of Conduct but noted that the legislation appendix required updating. The updated appendix was attached for approval.</p> <p>Cr Black asked if Community Board members had the same requirements placed on them by the Health and Safety at Work Act as for councillors. The Chief Executive Officer said that according to advice, they are not considered as</p>

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“officers” but this was not explicit and until the matter is tested in court, it would not be known for sure. The Manager Public Services said the biggest difference is that councillors have larger responsibilities across the Council for Health and Safety, whereas Community Board members have influence only for a small segment of the district. The Chief Executive Officer said that strict legal liability does not apply in the role as councillors as they are exempted from that, but elected members still have duties and responsibilities.

Cr Black asked about the wording used in the attached appendix and was informed that it was standardised wording used across the sector as a summary for legislative briefs for councillors at the beginning of the triennium. Mayor Dalley said councillors probably need to accept the position that this is untested in the courts and this standard approach is appropriate. The Chief Executive Officer said he can seek more up to date advice on this, including the situation of Community Board members, particularly if they had wider delegations.

THAT THE COUNCIL APPROVES THE AMENDMENTS TO THE LEGISLATION APPENDIX TO ITS CODE OF CONDUCT, AS ATTACHED TO THE REPORT.

Fletcher/Harris

CARRIED

*(The resolution was carried unanimously, thereby fulfilling the requirement for a 75% majority of members present.)*

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**5.2 Projects to be Carried Forward to the 2017/18 Year**

The Manager Support Services reported that with the completion of the 2016/17 financial year, Council staff had an opportunity to assess the final cost for particular items of Capital and Operational Expenditure. Due to various reasons, some projects were not able to be completed before the end of the financial year and the report listed those projects that staff and ward committees wished to be carried forward into the 2017/18 financial year. During the budget process, staff identified several projects that had been specifically deferred and these projects have formed part of the Capital Programme for 2017/18 already, therefore will not form part of the schedule.

The Manager Support Services addressed the list of budget items and noted that the November 2016 earthquake had an effect and there was a lot of deferred work as a result.

Mayor Dalley noted that ward amenity accounts usually have a number of carried forward amounts, for projects on reserves for example. The Manager Support Services said some ward committees like to keep their budgeted funds held for identified projects that may not be started or completed and this money will sit in their amenities funds, but are not identified as key projects to be carried forward. Cr Davison said that in Amuri there was an understanding that the Committee can accumulate funds for projects which may not be in the current year and this perhaps warrants another category. The Manager Support Services said that Amuri likes to ring fence those funds but for other wards it was not as tightly held and these amounts are already carried over in opening balances in those ward accounts.

Cr Daly asked about the Cheviot intake funding that was not on the list and the Manager Support Services said this was a deferred item in the Annual Plan and there was money sitting in the budget for this current year. In response to a question from Cr Daly about roadside construction, the identified carried

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forward is the unspent amount for Cheviot, so funding for Cheviot footpaths projects will come from those funds.

Cr Fletcher asked about a carried forward for the Hanmer Springs gardeners for the track network project. The Manager Support Services said the Manager Regulatory Services had alerted him to this as it was not on the list, but the Council can allow for this as a separate item for the Hanmer Springs amenity rates, which would be \$8,136 for gardeners wages and \$8,352 for materials.

In response to a question from Cr Shier about the likelihood of all this carried forward work being completed in the current financial year, the Chief Executive Officer said he asked his managers whether there was the capacity to do the work and they have assured him that they will get the work done. He said he applies strict discipline to the carried forward process.

In response to a question from Cr Daly regarding any projects taken out that would not get done, the Manager Support Services said there were projects under operational expenditure that were not done but they are not carried forward as this was not about creating slush funds, but was about identifying work that can be completed in this financial year.

THAT THE COUNCIL APPROVES THE LISTED PROJECTS BEING CARRIED FORWARD FROM THE 2016/2017 FINANCIAL YEAR TO THE 2017/2018 FINANCIAL YEAR AND RECORDED AS PART OF THE AMENDED BUDGET FIGURES FOR MONTHLY FINANCIAL REPORTING PURPOSES, SUBJECT TO THE INCLUSION OF \$16,488 FOR THE HANMER SPRINGS GARDENERS' WAGES AND MATERIALS FOR THE TRACK NETWORK PROJECT.

Fletcher/Shier

CARRIED

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*The meeting adjourned at 10.25am for the Council to be introduced to new Council staff, followed by morning tea and reconvened at 10.48am.*

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### **5.3 Statement of Proposal for Proposed Freedom Camping Bylaw**

The Policy Planner advised that the Council's Freedom Camping Bylaw (2011) was developed under the Local Government Act 2002 and has been under review in accordance with statutory timeframes. During the review, the Council resolved that a bylaw remained necessary; however it determined the Freedom Camping Act 2011 contained more appropriate bylaw-making powers. Following consultation with local committees, boards and stakeholders, a statement of proposal has been prepared for use in the consultation procedure required by the Freedom Camping Act and Local Government Act. It includes a proposed bylaw and corresponding minor amendments to the Reserves Management Plan. A summary of information had also been prepared to provide a high-level overview of the proposal.

Council direction was also sought regarding a funding request received from the Responsible Camping Forum to support its summer social media campaign.

The Policy Planner proceeded to explain the draft bylaw and consultation requirements and worked through the attached appendices. She said the consultation requirements were to use the Special Consultative Procedure under the Local Government Act and depending on the number of submitters either hear the submissions in an ordinary Council meeting or hold an extraordinary meeting. The Policy Planner said the proposal sets out the

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changes and why they are considered necessary. The Statement of proposal is requesting feedback on matters identified and appropriate measures to prevent negative effects like littering and there are measures to ensure consistency regarding bylaws and reserve management plans. The Policy Planner advised that the proposed bylaw had undergone a legal review and the drafted bylaw meets the legal requirements. The Policy Planner explained how in development, officers took a general approach to permitting activity around public toilets, prohibiting activity around towns and allowed areas where vehicles are self-contained. The Policy Planner noted that there was a late circulated appendix containing maps and identifying prohibited areas. Cr Daly said the identified area north of the Hurunui Bridge on State Highway 1 would not work as it was LINZ land involved and the Council cannot apply its authority there. The Policy Planner said there is a move to include LINZ and New Zealand Transport Agency land in future, but there was no timeline on that.

The Policy Planner explained the key definition of making camp and Cr Daly said people can close up their van and make it look like they are only parked. The Policy Planner said they are allowed to just park as these are parking spaces as well, but there would be signs put up to inform people of the rules.

Cr Davison asked where people can freedom camp in a tent or non-self-contained vehicle and the Policy Planner said the lawyers advised to have tents and non-self-contained vehicles considered together. Cr Fletcher said this matter is unclear and it was agreed that tents should be specified for the prohibited areas in the attached schedules.

Cr McLean asked how people can find out whether they can or cannot camp in certain areas. The Policy Planner said there will be some applications and other information processes available. Cr McLean said there were only seven options allowed so the Council should make these obvious on its website so it is very clear, as no one will read the freedom camping bylaw.

Cr Fletcher noted that Hanmer Springs transfer station is accessible 24 hours a day for waste disposal facilities and this should be included in schedule 4.

The Policy Planner discussed the area behind the shops on Rutherford Recreation Reserve in Culverden and said it was originally approved by the Amuri Community Committee as a prohibited area due to security risk, however officers do not think there is cause, as the upgrade of the toilet area means there will be increased lighting and security cameras.

The Policy Planner said the area in Amberley that officers feel should be in the permitted table is the section in the carpark at the rear of the Council building, from 8pm to 8am and for self-contained vehicles only. Cr Fletcher said he fully endorsed this as the area falls within an hour of the airport and is an appropriate spot for travellers to park up and have a rest for the night. Cr Black asked if allowing this area would have flow on effects, as there was limited parking space and it may affect the function of the area. The Chief Executive Officer said there may be slight inconvenience if a few spaces were taken up, but there were other parking options available for regular users.

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Cr Davison said that in general he did not see this process as an alternative to people using established campgrounds, but as an opportunity for some to camp near toilets and to discourage anti-social behaviour by some freedom campers.

The Policy Planner advised that there were also comments received regarding concern around prohibiting residential areas, as this will capture family and friends staying in campers and also the matter of a legally parked camper with no one in it, but this would not be outside the rules. Cr Shier agreed that the matter regarding having a self-contained vehicle outside properties could potentially affect residents who have visitors staying, but hoped it would not be a problem if managed sensibly.

The Policy Planner provided examples of signage and said when officers bring back the bylaw after consultation, the signage types would be provided for feedback. Cr Davison said there should be positive signs directing people to where they can go.

The Policy Planner referred councillors to the request that had been sent to all local authorities and stakeholders, asking for funding to revamp the Responsible Camping website and to run a social media campaign about being responsible. In response to a question from Cr McLean, Mayor Dalley said there was no budget for this request and the Council would need to agree to where it would be funded from. He said the Council should make an in-principle decision first about whether to contribute. Cr Davison said he preferred that the Council does its own promotion in its own district. Cr McLean noted the Council had not contributed before but she was happy for a contribution to be made. Cr Black said she thought it was a good step forward as there was a lot of media interest in poor behaviour so a positive move to improve behaviour was useful. Mayor Dalley said as the Council and district takes pride in its tourism, it might be appropriate to contribute to this positive campaign. The Manager Regulatory Services said she would be able to fund this out of the Regulatory Services policy budget.

THAT THE COUNCIL AGREES TO CONTRIBUTE FUNDING OF \$2,000 TO THE RESPONSIBLE CAMPING FORUM'S 2017/18 SUMMER SOCIAL MEDIA CAMPAIGN AND DIRECTS OFFICERS TO RESPOND TO THE FORUM'S REQUEST ACCORDINGLY.

Shier/Fletcher

CARRIED

Mayor Dalley said the Council had been through this bylaw process carefully as every district was struggling with this issue and he said officers had done a good job of stepping through the process. He noted that some amendments had been agreed during the discussion as detailed below:

- Insert designated areas within Chisholm Crescent carpark (27 Chisholm Cres, Hanmer Springs) and the Amberley Council offices, south carpark (66 Carters Road, Amberley) to Schedule 2, Table 3 of the proposed bylaw. Update Schedule 3 (maps), the area-assessment and the interactive map as required;
  - Insert "tents prohibited" to all areas within Schedule 2, Table 3 of the proposed bylaw, excluding Glenmark Domain and the Scargill Motunau Reserve.
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- Insert the Hanmer Transfer Station to Schedule 4 of the proposed bylaw as a recycling bank location; and
  - Update the Statement of Proposal document to refer to the interactive map.

THAT THE COUNCIL:

- RESOLVES THAT IT IS SATISFIED THE PROPOSED RESPONSIBLE FREEDOM CAMPING BYLAW MEETS THE REQUIREMENTS OF SECTION 11 OF THE FREEDOM CAMPING ACT 2011;
- ADOPTS THE STATEMENT OF PROPOSAL (APPENDIX 2) AND SUMMARY OF INFORMATION (APPENDIX 3) FOR PUBLIC CONSULTATION IN ACCORDANCE WITH SECTION 11 OF THE FREEDOM CAMPING ACT AND SECTION 83 OF THE LOCAL GOVERNMENT ACT 2002, FROM 2 OCTOBER TO 8 NOVEMBER 2017;
- APPROVES THE PROPOSED AMENDMENTS TO THE RESERVES MANAGEMENT PLAN FOR INCLUSION IN THE STATEMENT OF PROPOSAL IN ACCORDANCE WITH THE COUNCIL'S DISCRETION IN SECTION 41(9) OF THE RESERVES ACT 1977; AND
- AUTHORISES THE CHIEF EXECUTIVE OFFICER TO MAKE MINOR DRAFTING, EDITING AND/OR LAYOUT AMENDMENTS TO THE CONSULTATION DOCUMENTS PRIOR TO FINAL PRINTING AND PUBLICATION, IF NECESSARY; AND INCLUDING THE AMENDMENTS AGREED IN THE MEETING.

Davison/Fletcher

CARRIED

Cr Davison congratulated Policy Planner Rachel Elliot for her excellent work on this project.

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**5.4 St James  
Reclassification  
Project –  
Request to Add  
Hanmer  
Springs  
Community  
Board Member  
to Working  
Group**

The Policy Planner advised that the Hanmer Springs Community Board requested that a member of the Community Board be added to the working group to consider the St James Reclassification Proposal, so that the views and interests of the Hanmer Springs community are represented. For clarity, officers were also seeking that, following preparation of the submission, the working group has delegated authority to make a submission on behalf of the Council. The Policy Planner noted that subject to Council approval of an additional member, the Community Board has nominated Mary Holloway to join the working group.

THAT THE COUNCIL:

- AGREES TO ADD A MEMBER OF THE HANMER SPRINGS COMMUNITY BOARD TO THE WORKING GROUP THAT WILL CONSIDER THE ST JAMES RECLASSIFICATION PROPOSAL; AND
- AGREES THAT THE WORKING GROUP HAS DELEGATION TO MAKE A SUBMISSION ON BEHALF OF THE COUNCIL.

Daly/McLean

CARRIED

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**5.5 Setting a  
fee for Deemed  
Permitted  
Activities under**

The Policy Planner reported that the Resource Legislation Amendment Act 2017 (RLAA) is making a number of changes to the Resource Management Act 1991 (RMA). Included in these changes is the requirement and discretion for local authorities to issue Deemed Permitted Activities, of which there are two types;

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**the Resource  
Management  
Act 1991**

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Deemed Permitted Activity Boundary Activities and Deemed Permitted Marginal or Temporary Activities. It is proposed to charge \$235 for a Boundary activities and \$370 for Marginal or Temporary Activities.

Under section 36 of the RMA, territorial authorities may set fees for Deemed Permitted Activities; furthermore this section directs that fees may only be charged in accordance with section 150 of the Local Government Act 2002 (LGA) and using the consultative criteria set out in section 82 of the LGA. It was proposed to publicly notify the Deemed Permitted Activity Fees for three weeks – using various forms of media. A Statement of Proposal will be prepared and public submissions accepted, with submitters provided with an opportunity to have their submissions heard and considered by the Council.

The Policy Planner said the new deemed permitted activity fees approach was a simpler and faster process and the Council wanted to set fees to reflect the actual costs. For boundary activities, like a setback or recession plain breach, the Council would apply costs for one hour of planner processing and \$100 administration costs, as the information has to be lodged in Council records.

In response to a question from Cr Daly regarding what things are marginal or temporary breaches, the Policy Planner said the Act does not say and but it is where the effects are practically no different from effects that are permissible. For example, he said the effects for a 20 metre setback may be indiscernible at 19.9 metres and there would be Council discretion in this case rather than having to apply for a non-permitted activity consent. Mayor Dalley commented that this appeared to be moving back to effects-based rather than rules-based and it comes with a small cost. The Policy Planner said for these the fee would be \$370 as it would require more time, calculated at two hours and the \$100 administration fee. In terms of temporary activities, the Policy Planner said these would be of short duration and would subsequently be remedied, so it can be considered on a case by case basis.

Mayor Dalley noted on page 91 the deemed permitted activity relative to neighbours, only refers to one neighbour, not plural and he asked if this should be not just choosing one neighbour but all neighbours, if multiple properties are affected. The Policy Planner confirmed this was the case.

Mayor Dalley asked if the fees were reasonable in relation to other fees and charges and officers confirmed they were. The Policy Planner said it was a financial advantage for applicants who may otherwise have to go through a full consent process. In response to a question from Cr Fletcher regarding whether this sets any precedents, the Manager Regulatory Services said it does not set a precedent, but was just way to expedite these type of matters in a practical way on a case by case basis.

In response to a question from Cr Harris regarding the difference in fees, the Policy Planner said the boundary activity is a tick box exercise whereas it was a discretionary matter for the other, where there would be a report required and more officer time involved.

The Policy Planner noted that option 2 in the report is the recommended option and this includes a targeted consultation as detailed in section 82 of the Local Government Act, which was not the full Special Consultative Procedure which is prescribed in section 83.

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THAT THE COUNCIL AGREES TO THE PROPOSED FEES FOR DEEMED PERMITTED ACTIVITIES.

THAT THE COUNCIL RESOLVES TO PUBLICLY NOTIFY THE PROPOSED DEEMED PERMITTED ACTIVITY FEES FOR THREE WEEKS UNDER THE CONSULTATIVE PROCEDURE IN SECTION 82 OF THE LOCAL GOVERNMENT ACT 2002, AS DESCRIBED IN OPTION 2 IN THE AGENDA REPORT.

THAT THE COUNCIL HEAR ANY SUBMISSIONS AND MAKE ANY NECESSARY AMENDMENTS BEFORE ENACTING THE FEES.

Fletcher/Black

CARRIED

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**5.6 Regulatory Services Refunds Policy**

The Policy Planner reported that the Remissions, Refunds and Waivers Policy relates to the resource and building consent functions of the Regulatory Services team. The policy sets out when a partial or full refund of fees can be considered. The policy is overdue for a review and refresh and the last update was in 2007. It is not in the current policy format and contains outdated service references. On review, officers consider that the content of the policy is mostly still relevant, but could be presented in a more readable and less repetitive format. The reviewed policy was attached as Appendix 2 to the report.

Cr Davison noted that the Finance, Audit and Risk Committee received this report and had no issues. The Manager Regulatory Services said the fund was never oversubscribed and it was a good process.

THAT THE COUNCIL APPROVES THE REVIEWED REGULATORY SERVICES REFUNDS POLICY AS ATTACHED TO THE AGENDA REPORT.

Davison/Shier

CARRIED

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**Presentation: Civil Defence for Elected Members**

**Civil Defence Brief for Elected Representatives – Allan Grigg, Emergency Management Officer and Neville Reilly, Group Controller, Canterbury Civil Defence and Emergency Management.**

The presentation covered the structure of Civil Defence and Emergency Management (CDEM) and the role of elected members. The Emergency Management Officer said the role of elected members in an event is not related to the declaration powers, as elected members cannot declare their own powers, which is a fundamental democratic principle. The Controller will be the holder of authority. The declaration is made by the mayor, elected representative, or Chair of the Group Committee and Controllers cannot declare. The Mayor or councillors cannot direct and coordinate. The Group Controller must direct and Coordinate while local Controllers direct and coordinate as well but must follow the Group Controllers' direction

The role of elected members is governance and it needs to be across the four "R's" as follows:

- Reduction – how council decision making considers the impact of hazards and risks;
  - Readiness – consulting communities about how they prepare to cope through an emergency and how the council prepares to respond to it
  - Response – supporting communities through information sharing between them and the EOC to inform response planning and decisions
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- Recovery – supporting communities through information sharing between them and the Recovery Management Team to inform recovery planning and decisions.

In response to a question from Cr Davison, the Emergency Management Officer said there was a separate declaration process for recovery and the emergency period includes some recovery processes, but not full the recovery process.

Neville Reilly said he wanted to acknowledge the leadership of Mayor Dalley and Councillors and all staff in the Hurunui EOC during what was a very significant event. He said it was a real challenge to manage and things do not always go smoothly. He also wanted to acknowledge the Controllers as they had limited training but performed very well and will be so much better for all that experience gained. Neville Reilly said he received feedback about how challenging the experience was and how much more engaged they were now.

Cr Davison said the recovery was a much more difficult and long term process and how to focus on this and give it appropriate attention was the challenge now. Neville Reilly said he considered there were shortcomings in the process as it is expected that local authorities would run the recovery, but the real issue is getting money to do work and this should go to Councils rather than be managed through government departments. He said this was a national recovery and he thought it would have been better at getting public resources to the right places. He suggested there is a need to make the legislation better.

Cr Davison said a lot of the recovery has been a voluntary effort and much of it not through state agencies, as people have different processes for coping. He said most have worked out that recovery is more complex than the emergency itself. Mayor Dalley said the recovery will go on for a long time but it also starts immediately. He said the Council had two water schemes out of action and there appeared to be a conflict between response control and recovery processes and the stages when the declaration ceased and recovery started. He said recovery was going on right from the start in terms of everyone involved, dairy sheds were getting fixed, water teams were out in the field and there were cases of utilities teams not getting access to where they needed to go to aid recovery.

The Emergency Management Officer said that given there had been a lot of significant events in the last 10 years, there may need to be a national recovery team, a small number of professional people that comes in to focus on this. Neville Reilly said the psycho-social issues were also a big problem to address.

Cr Daly said the problem can be that the victims of the earthquake may have to pay for it when costs land on Councils. Mayor Dalley agreed and said government funding is a significant issue, where there were successes with money provided and local agencies being allowed to get on with the work but also examples of government providing money, but then keeping tight control over its use. He said there needs to be a fundamental change in how this done in future. The Chief Executive Officer said there was a third issue where the government makes no funding available and it makes the situation even more difficult. He agreed this was a national matter that needs attention.

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Cr Black said her own experience of the recovery is that it is a long term event and money has not come as expected, or as promised in some instances. She said the CERA model was looked to as an example where it was well resourced and managed, and while no events are the same, there was a similar expectation of that kind of recovery support, which has not eventuated.

Mayor Dalley said this is the current model and a review is sitting waiting for the outcome of government formation and there will potentially be a different model for the future. The Emergency Management Officer acknowledged this but said if a decision to change is made, it may take a long period yet before implementation.

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*The meeting adjourned for lunch at 12.42pm and reconvened at 1.14pm.*

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**Presentation:  
Health and  
Safety at Work  
Act 2015**

**Health and Safety Presentation – Team Leader Human Resources.**

The Team Leader Human Resources gave a presentation focused on the Health and Safety at Work Act 2015, which came into force on 4 April 2016. He said there were three areas of particular significance, a Person Conducting a Business or Undertaking (PCBU), supply chains and officers. He said a PCBU is currently owned by the ‘employer’ and moves the focus on from ‘do I have a duty’, to if and how that duty has been discharged and more about the impact/influence of a PCBU upon workers and others. The Team Leader Human Resources said the PCBU needs to prevent exposure to hazards and consider how to keep hazards under control in the workplace.

The Team Leader Human Resources said elected members have responsibility but not liability under the Act and Cr Davison commented that this may be immaterial as members would have moral responsibility for the safety of employees. The Team Leader Human Resources said it was clear as to who has responsibility and it was a positive duty. He said everyone has duties and now it was a matter of what they are and how to discharge them. He said the matter of what was reasonably practicable, is the litmus test and cost factors are way down the bottom in terms of mitigation. He said an officer is a body corporate or any person compatible with a director of a company, so the Chief Executive Officer, elected members and senior managers who have influence as a whole on the organisation are covered in this respect.

Cr Davison said Health and Safety was health as well as safety and asked how far does the Council go with interfering with the health of staff. The Team Leader Human Resources said that as soon as people are at work, the Council has a responsibility and suggested it was also a matter of happy people being safe and healthy people. He said it was also about mental health and the Council has an Employee Assistance Programme, has initiatives like wellness week and there is also some discretion in the code of conduct for staff. The Team Leader Human Resources said the organisation was currently looking at drug and alcohol testing as well and Cr Fletcher said he would advise that the Council do more than just look at the matter, as it was becoming an important issue in the workplace. The Team Leader Human Resources said it was a difficult area to manage effectively and involves considerations of influence and impairment, as well as the rights of staff.

Mayor Dalley thanked the Team Leader Human Resources for the presentation.

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## 6. DISCUSSION ITEMS

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Nil.

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## 7. INFORMATION ITEMS

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### **7.1 November 2016 Earthquake - Civil Defence Response Review**

The Emergency Management Officer advised that a review report had been written summarising the findings of a large number of debriefs/reviews for the response to the November 2016 earthquake event. The review recommendations were included in the report, with the review report attached as an appendix. Measures/improvements that have already been undertaken since the earthquake response had also been captured in this report.

Cr Davison noted that this whole matter was about dealing with people and said his recollection was that sometimes things worked very well and sometimes people were tripping over each other. He asked how much involvement there was from psychologists, given it was very much a people management matter and dealing with people under stress. The Emergency Management Officer said there was zero involvement in the response itself, which Cr Davison suggested may be a mistake as the Council needs to try to understand how to deal with people from day one in an emergency event and there needs to be some sort of psychological input. The Emergency Management Officer said a lot of training and preparation is informed by psychology, but there was no direct involvement in an emergency event. Mayor Dalley said it was the subject of submissions that this kind of support was not there, as the Civil Defence Act disrupts and overrides normal social infrastructure in terms of communications and structure for the community and it takes a long time to get things in place afterwards. He said there were already societal support structures in place, like for the recent drought for example, that look after the community on a daily basis, so wondered why in an emergency, these structures that operate normally all the time are disrupted.

Cr Black said in an emergency state with people running on adrenaline, it was about knowing and understanding relationships and there were no simple answers, but when dealing with people in an emotional state, more can be done in this area. Cr Davison said his point was about having psychologists in the room to observe and advise at the time. Cr McLean agreed that understanding the adversity experienced by the community meant it was important to have people as the central focus of the response.

Mayor Dalley said the majority of recommendations in the report were common sense, but he had some issues and corrections to information reported that was not accurate. He said his corrections did not affect the recommendations but rather the accuracy of the reporting.

In response to a question from Cr Shier about the end user of this report, Mayor Dalley said it was a Council paper and not necessarily for external use, but was to look at what was great in the response and what was not. He said the Council cannot review the current structure at this stage as it did not know the result of the legislation review that was ongoing. The Chief Executive Officer said the Council asked for an internal review to see what lessons there were, as he said some things go well and some things do not, so the Council wants to learn from the experience.

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The Emergency Management Officer said the Council needs to find a way to share information with the public and with stakeholders and whether they get this document or another document that gives feedback specific to them, was not agreed yet. He said this was presented for councillors' feedback first and he would take direction from there. Cr McLean asked if all recommendations were being actioned and the Emergency Management Officer said they were either being done now or being built into his work plan.

Cr Black noted that there were some references to individual names in the document and wondered if all names should be removed for privacy reasons. The Emergency Management Officer agreed and said he would also make sure feedback was captured right, and noted that this was the interpretation of three different people's work. He acknowledged there needed to be better wording in some respects, particular around referring to some feedback as hearsay for example. Mayor Dalley noted on page 113 the comment that a local declaration could have been made earlier and he said absolutely it could have been made earlier, but no criticism of the timing was intended.

Cr Daly said that as councillors, they could be proactive to help the Emergency Management Officer to get people keen and forward to him any names of people interested in taking on local roles. The Emergency Management Officer said the issue is whether in a years' time after memories dull a bit, there would be the same level of engagement in the community.

Cr Fletcher noted the comments in the report regarding the Land Search and Rescue (LSAR) comments about perhaps not utilising their skills as much as possible. He said this relates to national teams coming in to assist and whether if the review direction heads that way, it is about teaching locals that they need to be open to these people coming in to help. The Emergency Management Officer commented that LSAR have all the technical skills but not necessarily the psychosocial skills sometimes needed to help reduce stress levels for local people. Mayor Dalley said this was an extension of what he was saying earlier, that there are a variety of people coming in with a range of skills, but it comes in over the top and tries to dictate to local people, so there would always be a tension. Cr Fletcher said they still need guidance from local institutions but incoming people have different command and control processes that may conflict with this. Mayor Dalley that that in effect, these organisations carry on and do it because they believe they need to. However he said those overarching controls need to empower local organisations to do what they are experts at, rather than disempowering them and this was essentially about good people management.

Cr Harris said she noticed in a lot of the reported conversations there was talk about who has the "power" but it is really the "responsibility" and sometimes when power is referred to all the time, it creates a certain attitude is response, as opposed to responsibility to lead. She suggested that if the terminology refers to responsibility rather than control and power, it affects the way people come into that role as well as those interacting with the responders.

Mayor Dalley noted on page 114 the comment about an invalid assumption regarding the hierarchy of control and said it is clear there is a hierarchy and that Hurunui controllers have authority to exert over the response, but the Group Controller can come in over top. He said this is not always clear in

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practice, as he remembered talking to the local controller who was told by the Group Controller that they cannot do a certain action. He said in practice, local controllers are fully subservient to Group. The Emergency Management Officer noted that local controllers were making decisions each day that were not going through the Group Controller, so there is some autonomy.

The Chief Executive Officer said officers were working on the recommendations and will report back on those, so this was an opportunity for initial discussion, to make corrections and then go out to sectors with the learnings. He said there was another sector meeting coming up soon and officers were trying to get regular meetings established. He said the intention was to present this information to be received, with corrections and feedback noted and officers will then report back on progress with the recommendations.

Mayor Dalley said in terms of engagement, the Council may need give some thought to what goes out to stakeholders. He suggested that the elected members send in feedback to the Emergency Management Officer and he will make corrections and remove references to names as agreed. The Chief Executive Officer said the report does not have views from the local controllers included and he would like to see a section on this, as there will be important learnings from them too.

Mayor Dalley noted the comments about the local controller working in Waiau and said he believed he did an excellent job, did what needed to be done and made some wise decisions. Mayor Dalley said he opposed the idea put forward in the report that he had excessive delegation and thinks his steady influence on the community and the confidence he inspired in the community, was of great benefit. The Emergency Management Officer said this was a reference to him doing a great job over the delegation and the model of leaving a controller in place locally for a long period is something to pick up as a recommendation.

Mayor Dalley also noted that the agriculture sector was a big part of the response and held regular conference calls and sector meetings. He said it was important for that sector to have some credibility within Group level or national civil defence, so rather than people out in the field making requests not being responded to, they can be accepted as legitimate and credible requests.

It was agreed that members would send any corrections to the Emergency Management Officer and officers would continue to work with stakeholders.

THAT THE INFORMATION BE RECEIVED.

Fletcher/Daly

CARRIED

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**7.2 Hurunui-Waiiau Zone Committee Update**

The Council Secretary provided an update on recent activity of the Hurunui-Waiiau Zone Committee. Cr Daly gave a further oral update and noted the Hurunui recreation water quality survey and its conclusion that water quality deterioration at the SH7 river bridge was confirmed as bird population faecal bacteria and at SH1 it was swimmable most of the time. Cr Daly said there was a good report on the economic profile of the district and a braided river Immediate Steps funding project to control black-backed gulls, as they were having an effect on local populations of terns, as well developing as an island in the river to support nesting areas.

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THAT THE INFORMATION BE RECEIVED.

Davison/Shier

CARRIED

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**7.3 Update from the Finance, Audit and Risk Committee**

The Council considered the update from the Finance, Audit and Risk Committee meeting on 14 September 2017. Cr Davison spoke to the report and summarised the items and discussion.

THAT THE INFORMATION BE RECEIVED.

Davison/Shier

CARRIED

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**7.4 Update from the Regulatory Committee**

The Council considered the update from the Regulatory Committee meeting on 21 September 2017. Cr Black spoke to the report and summarised the items. She noted the annual dog control statistics were presented and an update provided on compliance matters. The Committee also participated in a Resource Management Act webinar.

THAT THE INFORMATION BE RECEIVED.

Davison/Shier

CARRIED

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**7.5 Update from the Infrastructure Committee**

The Council considered the update from the Infrastructure Committee meeting on 21 September 2017. Cr Daly spoke to the report and summarised the items and discussion. He reported that the Committee received a good presentation on stormwater presentation and the Manager Infrastructure Services - Assets would provide that to other councillors, as it was worth watching.

THAT THE INFORMATION BE RECEIVED.

Davison/Shier

CARRIED

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**Urgent Business**

**Amberley Craft Market – Request to Operate Pop Up Market**

The Manager Regulatory Services circulated this late report and noted that there was some uncertainty about whether it had been submitted earlier, although officers could not find evidence of it and the event was now not far away, therefore the matter required urgent Council attention.

THAT THE MATTER OF URGENT BUSINESS BE ACCEPTED AND THE COUNCIL AGREES TO DEAL WITH IT AT THIS MEETING.

Davison/Harris

CARRIED

The Manager Regulatory Services reported that a request was made by the Amberley Craft Market for a pop up event on Thursday 26 October 2017 in either the area beside the Amberley Public Toilets or Chamberlain Park. Thursday 26 October is the same date as the Christmas Country Fete. The pop up market is proposed to have approximately 8-10 stallholders with parking on the street for both sites. No second hand goods or food is included and the market is proposed to be set up at 8.00am and being open from 9.00am to 3.00pm, with pack up completed by 4.00pm.

The Manager Regulatory Services said officers considered that having this on the site near the toilets and the Council building, on what was a busy meeting day, would create parking and congestion difficulties. With respect to the

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Chamberlain Park site, officers advised that development work would be going on at the park and this may create some difficulty also, so the recommendation was that the request be declined.

Cr McLean said the reason for these stalls for a one-off event was because they feel they cannot afford the fee charged at the Fete, so it was seen as an alternative way to take advantage of increased activity on that day. She said she would like the Council to find a way to accommodate these stallholders as it was also an incentive for people to stop in Amberley and have a look around. Cr Fletcher said he did not think it would be a one-off request and it was taking advantage of the marketing work done by the Fete.

Cr Shier said one of the Council's strategic directions is more growth in business and tourism and he said the Council should find some way for this to happen in that context. He said it was only for one day and was trying to get as many people as possible to stop in Amberley. He acknowledged the traffic will be high, but it would not fill the town and was very temporary, as visitors may stop for a few things then head up to the Fete. Cr Shier said that overall the impacts would be less than minor and temporary, so the Council should find a way to make it happen, as this group was part of the fabric of Amberley.

Cr Davison said Culverden had a long and convoluted history around the Fete and alternative markets. He said this idea was taking advantage of someone else's private enterprise and he said they can do it on a private property site if they wish. He favoured declining the application for this year and suggested that they get organised for next year in a manner that does not impact on parking and congestion. He said that given the history in Culverden, this sort of initiative needs to be discussed and organised well in advance.

Cr Harris said the Council was being asked if the market can use the Council carpark area or Chamberlain Park, not whether they can have the market at all. She said this would be a very busy day and was likely to be a solid stream of traffic flowing through the area. Cr Black said she did not think the Council carpark site was appropriate and there was not a lot of available space and parking around Chamberlain Park either.

Mayor Dalley said the Council had a new strategy and an entity to encourage local businesses to work together, so he did not know if they have talked to other businesses and whether they had a conversation with the Fete people. He wondered if a more considered process was better and he did not want to put this community in the same position as the Culverden community had been through, so he encouraged this group to work with other affected parties. Mayor Dalley said he did not consider the Council carpark site as suitable and had mixed views about whether it would work on Chamberlain Park, given work going on and limited parking space.

Cr Harris said it was the group's responsibility to find a suitable site and if it wants to promote Amberley then they will find a site in Amberley, but they could think about other sites like in Waipara for example. Mayor Dalley said the matter today was about whether the Council would allow the market in the two sites identified. He said whether or not the Council supports the recommendation, it does not stop them from finding an alternative site.

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Cr McLean sought clarification regarding whether a section of Chamberlain Park can be closed off and it was noted that an area at the front could be roped off to allow 8-10 tents. The Manager Regulatory Services said they would need resource consent under the District Plan as a temporary event and may need carparking. The Manager Infrastructure Services - Delivery said officers working on Chamberlain Park were confident that they could keep people safe as the work area would be roped off and the main activity was moving hardfill material by wheelbarrow at that stage of the project.

Cr Davison suggested the group could approach carpark sites on commercial land on the other side of Carters Road, as that would not need Council approval.

THAT THE COUNCIL DECLINES THE REQUEST FROM THE AMBERLEY CRAFT MARKET TO USE THE COUNCIL PROPERTY BESIDE THE AMBERLEY PUBLIC TOILETS FOR A POP UP MARKET ON 26 OCTOBER 2017.

Davison/Black

CARRIED

Cr Black suggested that this proposal show respect to a growing business concept, with respect to the Fete, and that out of courtesy they discuss this with the Fete owner regarding what they are planning to do, particularly given there was new business investment and this proposal was aiming to capitalise on the marketing and promotion done by the Fete. Cr Davison said he was strongly against this due to history of Fete issues in Culverden and giving a message to the new Fete owner that the Council was facilitating competition on its land, would not send a good message, so he was opposed to the application at this stage. Mayor Dalley said he did not want to see community conflict on this and thinks this proposal should be managed through a new process of being collegial.

Moved Cr McLean, seconded Cr Shier, the following motion: *“That a section of Chamberlain Park be roped off and made available to the Amberley Craft Market for a pop-up market on 26 October 2017.”*

The motion was put and LOST, 3:4 on a show of hands.

Mayor Dalley said there was strong feeling about this matter but he said councillors can work with the group and see if they can work with businesses and other events to make something happen. He said there might be short term disappointment on this matter, but a more collegial approach would potentially be good for everyone. He noted that the Council had a fund to support events and wants to work with groups and organisations. He said this was about supporting events in other areas, working in a mutual promotional way and for mutual benefit.

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**Meeting Ended**

The meeting ended at 2.59pm.

The next ordinary meeting will be on 26 October 2017.

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