



HURUNUI
District Council

Regulatory Committee

Meeting Agenda

9.30am Thursday 16 October 2014

In the Council Chambers, 66 Carters Rd, Amberley.

Community partnership in growth and wellbeing.

Regulatory Committee

Committee Membership:

Cr Marie Black (Chairperson)
Mayor Winton Dalley
Cr Julie Coster
Cr Gary Cooper
Cr Vince Daly
Cr Dick Davison
Cr Jason Fletcher
Cr Fiona Harris
Cr Jim Harré
Cr Judith McKendry

Quorum: no less than 5 members

The purpose of local government:

- (1) The purpose of local government is—
 - (a) to enable democratic local decision-making and action by, and on behalf of, communities; and
 - (b) to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.
- (2) In this Act, **good-quality**, in relation to local infrastructure, local public services, and performance of regulatory functions, means infrastructure, services, and performance that are—
 - (a) efficient; and
 - (b) effective; and
 - (c) appropriate to present and anticipated future circumstances.

(Local Government Act 2002 – Amendment Act 2012)

REGULATORY COMMITTEE MEETING

16 OCTOBER 2014

TIMETABLE

Time	Item
9.30am	Meeting commences.
10.30am	Morning tea.
11.00am	Meeting to conclude for the Finance, Audit and Risk Committee to begin.

ITEM	ORDER OF BUSINESS	Page
	<ul style="list-style-type: none">• Apologies: Cr Fletcher – Leave of absence.• Urgent Business• Conflict of Interest Declarations• Recording Device	
1	Minutes for Confirmation: 17 July 2014.....	1 - 5
2	Decision Items: Nil.	
3	Discussion Items: Nil.	
4	Information Items: 4.1 Update on the Food Act 2014.....	6 - 9
5	Public Excluded Session See over page for Public Excluded resolution.	

PUBLIC EXCLUDED SESSION

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

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 of this resolution	Page No.
Item 7.2 Targeted Tourism Rate Exemptions – October 2014	The report contains information which if released would affect the privacy of natural persons.	Section 48(1)(a)(i) and 7(2)(a).	119 - 120

HURUNUI DISTRICT COUNCIL MINUTES



Meeting Hurunui Council Regulatory Committee
Time and Date 17 July 2014 at 1.00pm
Venue Council Chambers, Carters Road, Amberley

Members Present Cr Marie Black (Chairperson), Mayor Dalley, Councillors Vince Daly, Dick Davison, Jason Fletcher and Fiona Harris.

In Attendance Hamish Dobbie (CEO) Judith Batchelor (Manager Environmental Services) Kerry Walsh (Technical Leader Building Consents) Liz Ashwin (Compliance Officer) Maree Hare (Committee Secretary).

Apologies Councillor Jim Harre (leave already granted)
 Councillors Gary Cooper, Julie Coster and Judith McKendry.
 THAT THE APOLOGIES BE ACCEPTED.
 Dalley/Davison CARRIED

Absent Nil

Conflict of Interest Declarations Nil

Urgent Business Nil

Minutes THAT THE MINUTES OF THE ORDINARY MEETING HELD ON 15 MAY 2014 ARE NOW CONFIRMED.

Black/Dalley CARRIED

1 DECISION ITEMS

1 1 Application for exemption from the Swimming Pool Act 1987 – N George

Mr George was present for the hearing.

The report from the Compliance Officer advised of a request from N George for an exemption from the Fencing of Swimming Pools Act for the pool on his property at 122 Georges Road Broomfield. The exemption application relates to two sets of double doors opening from the house to the pool. The following points were noted –

- The application is for an Exemption from clause 8 of the Act.
- The doors under consideration are non-compliant for a

number of reasons including opening into the pool area and not being fitted with self-closing and self-latching devices.

- The applicant is prepared to do substantial work to rectify some areas of non-compliance but if self-closing and self-latching devices were fitted the doors would still require an exemption because they open towards the pool.
- The option of fencing to eliminate the access to the pool through the doors in question has been discussed with the applicant and although it is not impossible to make the area compliant it would be problematic due to the proximity of door D2 to the edge of the raised deck.
- Mr George advised he has nothing further to add to the report.
- The Pool has passed previous inspections
- Councillors Black, Harris Coster and McKendry have visited the site.
- The possibility of setting a standard for self-closing devices was discussed but the Officer advised that people achieve the self-closing requirement by various ways and it would be difficult to have a set standard.
- If the Committee grants the exemption it is only from clause 8 of the Act and the onus will be on the owner to rectify other non-compliant items.

THAT THE COMMITTEE GRANTS THE EXEMPTION OF DOORS D1 PANEL A AND D2 PANEL A FROM CLAUSE 8 OF THE SCHEDULE, UNDER SECTION 6 OF THE FENCING OF SWIMMING POOLS ACT 1987 SUBJECT TO ALL OF THE FOLLOWING CONDITIONS:

- AN APPROVED STICKER BE AFFIXED TO THE DOORS.
- THAT DOORS COMPLYING WITH THE REQUIREMENT OF THE FENCING OF SWIMMING POOLS ACT 1987 ARE INSTALLED IN PLACE OF THE NON COMPLIANT DOOR SHOULD IT BE REMOVED IN THE FUTURE.

Daly/Harris

CARRIED

- Concerns were expressed regarding the practicalities of putting up a fence in some cases and it was noted that it is not impossible however in this instance a fence would have reduced the pathway along the side of the pool.

1.2 Application for exemption from the Swimming Pool Act 1987 – R M Gardiner

Mr and Mrs Gardiner were present for the Hearing

The report from the Compliance Officer advised of a request from R M Gardiner for an exemption from the Fencing of Swimming Pools Act for the pool on his property at 1051

Mount Cass Road Waipara.

- Noted that the application was previously heard by the Committee in February 2014 when it was declined however it has since been noted that the applicants had requested to be present at that Hearing.
- The application relates to a sliding door opening from the house into the immediate pool area and the exemption would be from Clause 10 only which states that doors must self-close.
- The Doors do have bolts in place at a high level and were signed off in the past on this basis.
- Self-closing and self-latching is difficult to achieve on an older Ranch Slider door.
- A site visit has been undertaken.
- The applicant is prepared to attach a self-latching device at the right height on the door however this would still leave the requirement of a self-closing device.
- Fencing would be problematic in this case but not impossible.
- The fitting of a self-closing device was discussed and it was agreed that it is difficult to get one that will work on an older door.
- The purchase of a new door was discussed and the applicant noted that the committee has previously granted exemptions for the same circumstances and suggested that when exemptions are granted it is difficult to define one application from another.

The applicant was reminded that as a pool owner he is in a position of responsibility and the committee need to consider each application on a case by case basis. The applicants agreed that if an exemption was granted the onus comes back to them.

THAT THE COMMITTEE GRANTS THE EXEMPTION FROM CLAUSE 10 OF THE SCHEDULE UNDER SECTION 6 OF THE FENCING OF SWIMMING POOLS ACT 1987 WITH THE FOLLOWING CONDITIONS

- THE DOOR IS SECURED WITH A LOCKABLE PATIO BOLT WHEN THE POOLS IS NOT IN USE.
- THAT A SELF LATCHING DEVICE IS FIXED TO THE DOOR AT THE REQUIRED HEIGHT.
- AN APPROVED STICKER IS AFFIXED TO THE DOOR.

Harris/Davison

CARRIED

1.3 Application for exemption from the Swimming Pool Act 1987 – Charles Wiffen Ltd

The report from the Compliance Officer advised of a request from Charles Wiffen Ltd for an exemption from the Fencing of Swimming Pools Act for part of the pool fence on his property at 1693 Parnassus Road Cheviot

The Officer tabled some further photographs from the site visit and advised that –

- The exemption application is from Clauses 4 and 8 – 10 of the schedule and relates to doors and windows opening from the house into the pool area.
- Noted that the doors and window are non-compliant because they do not open away from the pool area; they need to be fitted with a self-latching device at a height of 1.50m above the ground and need to self-close. The windows should be restricted to opening 100mm.
- All the doors and windows are fitted with bolts at a high level.
- The officer recommended that it would be reasonable to require the windows to be fitted with a device to restrict the opening to a maximum of 100mm and that no exemption be granted from Clause 4 of the schedule.
- There was also a non-compliant gate to the pool area however Mr Wiffen has attended to this.
- A site visit took place in June
- A Door plan was considered and it was suggested that the best outcome to achieve the highest level of compliance would be to replace Door D1.
- Doors D1 and D2 – agreed that it is reasonable to require a compliant latch to the door panels however an exemption would still be required for the opening direction of the doors.
- Mr Wiffen agreed to permanently lock door D3 as it is seldom used but it was noted that it would still require self-closing and self-latching devices.
- The Applicant advised that he is happy with the recommendation and is prepared to fit self-closing and self-latching devices on the doors.
- A definition of permanently closed means a door that can only be opened with the aid of a tool kit. A key does not meet this standard.
- A summing up of the exemption stated that the French doors will have one fixed panel and one with a self-closing device. The door from the living room will have a self-closing device and the door from the billiard room

will be permanently fixed shut.

- Noted that fencing would be possible in the instance however it would be a big fence and it would still leave two doors non-compliant.
- The responsibilities of both parties were explained to the applicant and he agreed noting that the exemptions are for two doors opening the wrong way however they still need self-closing and self-latching devices fitted.
- The compliance status of the windows was queried and the applicant advised that these will be made compliant assuring the committee that he will meet the requirements.

THAT THE COMMITTEE GRANTS THE EXEMPTION FROM CLAUSE 8 OF THE SCHEDULE FOR DOORS D1, AND D2 UNDER SECTION 6 OF THE FENCING OF SWIMMING POOLS ACT 1987 WITH THE FOLLOWING CONDITIONS –

- THAT THE DOORS REMAIN LOCKED AT ALL TIMES WHEN THE POOL IS NOT IN USE.
- THAT APPROVED STICKERS BE AFFIXED TO THE DOORS.
- THAT DOORS COMPLYING WITH THE REQUIRMENTS OF THE FENCING OF THE SWIMMING POOLS ACT 1987 ARE INSTALLED IN PLACE OF THE NON-COMPLIANT DOORS SHOULD THEY BE REMOVED IN FUTURE.

Fletcher/Daly

CARRIED

2 DISCUSSION ITEMS

There were no Discussion Item reports for this meeting.

3 INFORMATION ITEMS

There were no Information Item reports for this meeting.

4 PUBLIC EXCLUDED SESSION MINUTES

The meeting agreed that there would be no discussion on the Public Excluded Minutes.

THAT THE MINUTES OF THE PUBLIC EXCLUDED SESSION OF THE 15 MAY MEETING BE SIGNED AS A TRUE AND ACCURATE RECORD.

Fletcher/Daly

CARRIED

5 URGENT BUSINESS

There were no Urgent Business items for this meeting.

MEETING ENDED

The meeting closed at 3.05 pm

HURUNUI DISTRICT COUNCIL MEETING REPORT



To: Regulatory Committee

Date: 16 October 2014

Update on the Food Act 2014

Recommendation THAT THE INFORMATION BE RECEIVED.

Executive Summary The Government has recently enacted the Food Act 2014. This Act replaces the Food Act 1981 and will change the way in which food premises are regulated in the Hurunui District.

This report is to update the Committee on the significant changes that will occur.

Background

The Food Act 2014 was enacted on 6 June 2014 and is administered by the Ministry of Primary Industries (MPI).

When the Act comes fully into force (no later than 1 March 2016) it will replace the Food Act 1981. After this time, food businesses will transition in groups into the new rules over a staggered three year period. At the end of the three year period, the Food Hygiene Regulations 1974 will be revoked.

The purpose of the Food Act 2014 is to restate and reform the law relating to the trade in food, by achieving the safety and suitability of food for sale, by the provision of "risk based measures" that minimise and manage risks to public health.

The new Act classifies all premises that sell food into groups depending on the risk involved. Businesses that are higher risk from a food safety point of view will operate under more stringent food safety requirements and checks than lower risk food businesses.

Generally, where there is a high risk to public health, premises will be subject to "Food Control plans" and premises where there is a lower risk will be subject to a "National Programme".

Food that is sold by persons for fund raising for charitable, benevolent, philanthropic or cultural purposes is exempt from the Act providing that the fund raising activity does not exceed 20 occasions in any year. Food that is exchanged for other goods or services as part of a personal relationship between individuals that is not commercial in nature is also exempt.

Territorial Authorities have a specific role in the food safety regime that includes provision of advice, dissemination of information relating to the safety and suitability of food, the enforcement of the Act within its District and the role of a recognised agency of Ministry of Primary Industries.

Food Control Plans

A “Food Control Plan” (FCP), is a plan designed for a particular food business to identify, control, manage and eliminate or minimise hazards, for the purpose of achieving safe and suitable food. In most cases a FCP is based on a Ministry of Primary Industries template or model. A FCP is designed specifically to ensure that a person who trade in food, takes responsibility for the safety and suitability of that food.

Examples of premises subject to FCP are:

- Any food business, that prepares or manufactures food for direct retail sale to consumers – includes: Bakeries, Supermarkets, Retail Butchers, Fishmongers, and Premises that process meat, poultry or fish products beyond primary processing. (Primary processing is regulated by the Animal Products Act 1999). Manufacturers of Dairy products (other than premises that are regulated under the Animal Products Act 1999).
- Any food business, that prepare or manufacture and serve meals, snacks and beverages for the consumers immediate consumption – includes: Restaurants, bars, cafes, hospitals, takeaways (fish and chips), catering venues, mobile shops, kiosk or stands, home food delivery, residential care facilities (rest homes) and educational facilities where catering services are provided.

The inclusion of premises such as hospitals, residential care facilities and educational facilities is new and will constitute additional work for Council.

National Programmes

National Programmes are set out in 3 categories – level 3, level 2 and level 1- in the order of lessening risk.

They won’t have to register a written plan, but will have to make sure they are following the requirements for producing safe food that will be set out in regulations. This includes having to register their business details, keep minimal records and have periodic checks.

Examples of premises subject to National Programme are:

- Level 3: Breweries, Manufacturers of Energy Drinks, Sports Beverages, Food additives, Grain Processors, Service stations and Processors of Herbs or spices.
- Level 2: Speciality Bread Bakeries, Food service provided to pre-school children in a centre-based service setting (crèches and kindergartens), Manufacturers of confectionery and Snack food products, Processors of nuts and seeds (includes coffee roasters), Manufacture of condiment type foods (sauce and preserves), and the Manufacture of frozen fruit and vegetables.
- Level 1: Honey extraction and packing (other than export - covered by Animal Products Act 1999), Horticulture production and packing operations, Produce Wholesalers, Fruit and Vegetable retailers (other than producers that sell direct to consumers), Retailers of hot beverages (coffee), Retailers of packaged ice cream, and transporters or distributors of food products (includes temperature controlled transport, cold stores and warehouses).

The inclusion of “Food service provided to pre-school children in a centre-based service setting (crèches and kindergartens)” and “Horticulture production and packing operations” is new and will constitute some additional work for Council, but not to the same extent as a FCP.

Exempt Premises

There are some food sectors which are not required to operate under a Food Control Plan or National programme.

Examples of these premises are:

- Accommodation providers (where food is provided for up to 10 persons per night or the provision of breakfast only);
 - Home based early childhood education services or Early childhood education service providers that undertake minimal food handling – like cut apple or pre-packed biscuits;
 - Food trading by a person, on not more than 1 occasion per year- like a garage sale;
 - Small scale catering at remote venues – like a climbing hut;
 - Food provided by a Club, Organisation or Society that is incidental to their main function – example- a sausage sizzle at a match;
 - Direct sale of produce to consumers (gate sales);
 - Retailers of shelf stable “manufacturer packaged”, food.
-

New Work

The implications of the Food Act 2014 for Council will include the registration of all required premises on Food Control Plans, the provision of information relating to safe food, the audit of Food Control plans, inspection of premises, and the enforcement of the Act.

New work for Council’s Environmental Health officers involves Hospitals, Hospices, Rest Homes, Corporate or commercial catering, catering at educational facilities (schools and pre-schools), Horticultural packing operations and the Transporters or Distributors of food products; that are based within the Council District.

The concept of FCP is not new. Some Hurunui food premises have been operating a voluntary FCP and have been subject to audit by Environmental Health Officers. The task immediately in hand is to extend the number of premises operating under this system and to identify new premises that will require regulation under this Act during 2016.

It is expected that the relationship between Council and Ministry of Primary Industries will change with a formal recognition of Council’s role as an Agency for the continued administration of the Food Act 2014.

Consultation

Ministry of Primary Industries will be developing regulations, tools and guidance over the next few months. There will be extensive consultation during the development time giving the public the opportunity to have their say on the detail of the new food safety system. The period of formal public consultation is likely to be at the end of the year or early 2015 and will be open for around three months.

Fees

The Act provides for Council, by resolution, to fix fees to recover direct and indirect reasonable costs of registration, verification, and compliance and monitoring activities.

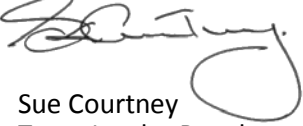
Enforcement

The Act provides for the issue of infringement notices for offences against the Act. This aspect is also new for Territorial Authorities.

Report Prepared by:


Eric Donald
Environmental Health Officer

Report Reviewed by:


Sue Courtney
Team Leader Regulatory

Officer in Attendance:

The Environmental Health Officer will be in attendance to speak to his report.

The Regulatory Committee has delegated authority to act in the following areas:

- Resource Management:
 - Resource Management Act 1991
 - Relevant sections of part xxi Local Government Act 1974 relating to private roads and private ways (*roading parts of the 1974 Act are still in force*)
- Dog and Stock Control:
 - Dog Control 1996
 - Impounding Act 1955
- Health:
 - The Health Act 1956
 - Food Act 1981
 - Auctioneers Act 1928
- Sale of liquor:
 - Sale of Liquor Act 1989
 - Winemakers Act 1981
- Swimming pools:
 - Fencing of Swimming Pools Act 1987
- Building:
 - Building Act 1991/ Building Act 2004
- Litter:
 - Litter Act 1979, including waivers of fees and charges in accordance with council policy

To determine the Council's policy, planning and strategic direction with regard to the District Plan including Council initiated and private plan changes.

To make decisions on District Plan changes exclusive of making them operative.

To approve commissioners and/or panels of elected members for resource management hearings.

To conduct statutory hearings on regulatory matters including

- Dog and Stock Control
- Health
- Sale of Liquor
- Swimming Pools
- Building
- Litter

Policy, planning and strategic direction with regard to:

- Dog and Stock Control
- Health
- Sale of Liquor
- Swimming Pools
- Building
- Litter
- Resource Management advocacy (external to the organisation)

Approval of submissions to relevant bills, discussion and policy documents relating to the responsibilities of the committee.

Matters that must be processed by way of recommendations to the Council include:

- Special Consultative Procedures, part 6, Section 83, Local Government Act 2002
- Bylaws, part 12, Section 293 Local Government Act 2002
- Making operative District Plan changes
- Decision to notify Reviewed District Plan and make operative
- Amendment to fees and charges relating to all activities