



HURUNUI
District Council

Regulatory Committee

Agenda

11.30am, Thursday, 1 December 2016

Waipara Pavilion, Glenmark Domain,
Corner Church Road & Glenmark Drive,
Waipara.

Regulatory Committee

Community partnership in growth and wellbeing.

Committee Membership:

Cr Marie Black (Chairperson)
Mayor Winton Dalley
Cr Dick Davison
Cr Jason Fletcher
Cr Fiona Harris

Quorum:

The quorum of the Committee will be three (3) 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
THURSDAY, 1 DECEMBER 2016 AT 11.30AM

ITEM	ORDER OF BUSINESS	Pages
	<ul style="list-style-type: none">• Health and Safety briefing• Apologies• Announced Urgent Business• Conflict of Interest Declarations• Recording Device	
1	Minutes: Confirmation of the minutes of the meeting held on 10 November 2016.	4 - 8
2	Decision Items: 2.1 160101 & 160102 - Hutton - Appointment of Accredited Hearings Commissioner.	9 - 11
3	Discussion Items: There are no Discussion Items for this meeting.	
4	Information Items: There are no Information Items for this meeting.	
5	Public Excluded:	
6	Urgent Business:	

HURUNUI DISTRICT COUNCIL MINUTES



Meeting	Regulatory Committee
Time and Date	9.30am Thursday, 10 November 2016
Venue	St John Hall, Carters Road, Amberley

Members Present	Councillor Marie Black (Chairperson)(until 11.32am), Councillors Dick Davison, Fiona Harris and Jason Fletcher.
In Attendance	<p>Full Meeting: Cr Geoff Shier, Hamish Dobbie (Chief Executive Officer), Judith Batchelor (Manager Regulatory Services) and Kait Murray (Committee Secretary).</p> <p>Part Meeting: Sue Courtney (Team Leader – Compliance), Sean Quinn (Animal Management Officer), Sean Crocker (Senior Planner) and Scott Rose (Planner).</p>
Apologies	<p>Mayor Winton Dalley</p> <p>THAT THE APOLOGY BE GRANTED.</p> <p>Fletcher/Davison CARRIED</p>
Absent	
Conflict of Interest Declarations	Nil.
Urgent Business	<p>The Chairperson acknowledged the passing of former Cr Russell Black and all those present observed a minute of silence.</p> <p>She also took the opportunity to remind the Committee of the terms of reference and gave the Health & Safety briefing.</p>
1. Minutes	This being the inaugural meeting of the Regulatory Committee for the new triennium there are no minutes for confirmation.
2. DECISION ITEMS	There are no Decision Items for this meeting.
3. DISCUSSION ITEMS	There are no Discussion Items for this meeting.
4. INFORMATION ITEMS	
4.1 Animal Management –	The report from the Animal Management Officer gave an overview of the work performed by the Animal Management Officer since commencing

Training, planned activity & initiatives

employment with the Hurunui District Council on the 1 August 2016 and of the planned activity and initiatives that may be implemented over the next six months was received.

The Animal Management Officer took the report as being read and spoke to report, some of points noted from the report were –

- Training since beginning the role
 - Training and Support from Christchurch City Council has built on the previous experience with NZ Customs and UK Metropolitan Police.
 - Experience gained from training with Christchurch City Council with physically implanting microchip transponders into dogs.
- Planned activity and initiatives
 - Education and community contact through approachability.
 - Visual presence in the community, via a sign written vehicle.
 - Getting the website revamped with more relevant information available for the public.
- DogSmart School Programme
 - Involves a 45min presentation which is targeted at year 8 aged children and teaches children how to approach dogs.
 - Christchurch City Council have been running the programme for a couple of years.
 - Christchurch Animal Management team have developed and gifted the programme to the Animal Management Institute for members to access free of charge.
 - Feedback from other cities that have run the programme has been very good.
 - Cheviot Area School will be holding the first DogSmart School Programme in the district.

In response to a question regarding the programmes recognition of differences between city and rural dog environs, the Animal officer said the programme is essentially covering all bases, but may be delivered in a slightly different way for the rural community.

- DogSafe Workplace Training
 - Involves a presentation which is targeted at working groups who go out into the community.
 - It is safe practices focused and teaches participants how to deal with potential dog issues.
- Reading to Dogs Programme
 - A library based programme targeted at children who are not confident in reading.

In response to a question the Animal Management Officer confirmed there is a requirement under the Dog Control Act that owners of menacing or dangerous dogs are to notify local authorities when they relocate.

	<p>In response to a question the Animal Management Officer confirmed he is qualified to implant microchips into any impounded dogs. He said currently the cost of Micro chipping done by the Animal Management Officer following an impound is recovered the impounding fees.</p> <p>The Animal Management Officer said work is currently being done on an emergency response plan in the event of a major disaster.</p> <p>THAT THE INFORMATION BE RECEIVED.</p> <p>Davison/Fletcher</p> <p style="text-align: right;">CARRIED</p>
4.2 Prosecution in relation to dog attack	<p>The report from the Manager Regulatory Services on the prosecution of a dog owner after an attack on a Leithfield resident on 21 November 2015 was received.</p> <p>The Manager Regulatory Services spoke to the report, some of points noted from the report were:</p> <ul style="list-style-type: none"> • The charges have been proved but there is no conviction. • Sentencing is yet to be undertaken. <p>THAT THE INFORMATION BE RECEIVED.</p> <p>Harris/Fletcher</p> <p style="text-align: right;">CARRIED</p>
4.3 Recreational Water Quality Report 2015-2016	<p>The report from the Team Leader – Compliance regarding the 2015/16 Recreational Water Quality Reports that are prepared each summer by Environment Canterbury to assess the microbial water quality at popular swimming sites throughout Canterbury were received.</p> <p>The Team Leader – Compliance spoke to the report, some of points noted from the report were:</p> <ul style="list-style-type: none"> • The water quality at SH7 Hurunui River has gone to Fair from last year's rating of Poor. • Permanent signage will be put in place to warn of water quality after rain. <p>In response to a question the Team Leader – Compliance confirmed rain affected water run off flowing into the river results in the water quality being rated as poor after heavy rain events. She said it is Council's duty to notify the public of the water quality.</p> <p>THAT THE INFORMATION BE RECEIVED.</p> <p>Harris/Davison</p> <p style="text-align: right;">CARRIED</p>
Adjournment	<p><i>The meeting adjourned from 10.35am and reconvened at 10.47am</i></p>
4.4 Fencing of Swimming Pools legislation change	<p>The report from the Manager Regulatory Services on the subject of the Building (Pools) Amendment Bill that takes effect on 1 January 2017 was received.</p> <p>The Manager Regulatory Services spoke to the report, some of points noted from the report were:</p> <ul style="list-style-type: none"> • Pool inspections are done under current legislation until the end of

the year.

- Audits on pools under the new legislation will be 3 yearly.

In response to a question the Manager Regulatory Services confirmed the work around cost implications of the legislation change is still to be done. She also confirmed that council and independent qualified pool inspectors would be engaged to certify that pools do comply or don't comply.

In response to a question the Team Leader – Compliance confirmed under the legislation changes, there will no longer be any need for exemptions to be considered by the Regulatory Committee, if an exemption is required the process will now be through the Building Consent process.

In response to a question the Team Leader – Compliance confirmed under the legislation changes to spa pool requirements for the committee including cover specifications and accessibility issues.

THAT THE INFORMATION BE RECEIVED.

Black/Davison

CARRIED

4.5 Submission on NES Assessing and Managing Contaminants in Soil to protect human health

The report from the Manager Regulatory Services on the Environment Canterbury submission lodged to the Ministry for the Environment (MF) on proposed changes to the National Environmental Standard (NES) Assessing and Managing Contaminants in soil to protect human health.

The Senior Planner spoke to the report, some of points noted from the report were:

- Council have accepted the submission made by ECan and have not made a submission of its own.

The Chief Executive Officer confirmed all councils in Canterbury make a contribution to ECan who provide technical assistance to councils on these matters.

The Manager Regulatory Services confirmed this is a highly complex issue and isn't actually changing NES itself.

In response to a question the Senior Planner confirmed that the NES will mean that management plans will be in place for certain circumstances.

THAT THE INFORMATION BE RECEIVED.

Harris/Fletcher

CARRIED

4.6 District Licensing Committee Update

The report from the Team Leader – Compliance, who is also the District Licensing Committee Secretary regarding the activities of the District Licensing Committee for the months of July 2016 to September 2016 was received.

The Team Leader – Compliance spoke to the report, one of the points noted from the update was:

- The Hanmer Springs Thermal Pools and Spa application went to ALAA and was declined.

THAT THE INFORMATION BE RECEIVED.

Harris/Davison

CARRIED

4.7 Update on the

The verbal report from the Manager Regulatory Services updating the

District Plan

committee on the District Plan was received.

- The Planner spoke to the new provisions regarding water supply for firefighting in rural situations. One of the points noted from the update was:
 - Implications are that some applicant's will be required to submit their plans and a checklist to the fire service for approval.
- The Manager Regulatory Services notified the Committee of a minor error to the District Plan that affects any residents in a flood zone wanting to make alterations to their dwelling. Legal advise has been sought and the correction will be made and publically notified.
- The Chief Executive Officer mentioned the announcement that the Resource Amendment Bill will be progressed in December and could be enacted in February and March 2017.
- The Manager Regulatory Services intends on running a District Plan workshop for the new Councillors before the end of the year.

THAT THE INFORMATION BE RECEIVED.

Davison/Harris

CARRIED

Cr Black left the meeting at 11.32am, having addressed the key issues on the agenda. Cr Davison assumed the chair for the remainder of the meeting.

6 URGENT BUSINESS Nil.

MEETING ENDED The meeting closed at 11.40am.

HURUNUI DISTRICT COUNCIL MEETING REPORT



To: Regulatory Services Committee

Date: 1 December 2016

Significant Decision: No

RC160101 & RC160102 – Hutton – Appointment of a Commissioner

Recommendation

THAT THE COUNCIL APPOINT DEAN CHRYSTAL OR JUSTINE ASHLEY AS AN INDEPENDENT HEARING COMMISSIONER PURSUANT TO SECTION 34A(1) OF THE RESOURCE MANAGEMENT ACT 1991, TO HEAR AND MAKE A DECISION ON THE SUBDIVISION AND LAND-USE CONSENTS FOR RC160101 & RC160102.

Executive Summary

Council has received a resource consent application from David Hutton for the subdivision of a 25.22 hectare site at 296 Amberley Beach Road, Amberley into a two allotments.

The subdivision proposed an undersized allotment (Lot 2) of 1.00 hectares in the northern corner of the site. The identified building platform on Lot 2 where a future dwelling would be constructed is located approximately 50 metres from the dwelling on the neighbouring property at 260 Amberley Beach Road in lieu of the required 100 metres. A review of the application determined that the position of the future dwelling on Lot 2 would have an adverse affect on the amenity and visual values enjoyed on the property at 260 Amberley Beach Road. The adverse effects were considered to be minor, therefore the written consent from the owners and occupiers of 260 Amberley Beach Road were required. The applicant engaged in consultation with the neighbour, but was unable to obtain the required written consent. The applicant requested that the applicant proceed as a limited notified consent. Pursuant to the Delegations Manual, Council Officers do not have delegation to make a decision on a limited notified resource consent application, so a decision on the application must be heard at a Resource Consent Hearing.

It was noted in the application that the Council and their Three Waters Engineering team have been negotiating with the applicant to include an easement in favour of the Council as part of this subdivision. Therefore the Council have an interest in the outcome of this application. The easement would be allow the redirection of stormwater from Amberley Beach Road to a waterway within the balance lot (Lot 1). To avoid any bias and ensure that the decision is impartial, it is recommended that the notified consent be heard before an independent commissioner only.

In accordance with Councils Delegations Manual, this report seeks the appointment a Commissioner to consider make a decision with regard to RC160101 & RC160102.

Background

Council has received a resource consent application from David Hutton for a two lot subdivision at 296 Amberley Beach Road, Amberley. The

subdivision (RC160101) would divide the 25.22 hectare site into Lot 1 of 24.22 and Lot 2 of 1.00 hectares (undersized allotment). The application proposed a 3.0 hectare no-build consent notice area adjacent to the boundary with the Lot 2.

The subdivision will also establish an easement in favour of the Hurunui District Council, to establish and maintain a swale. The swale is required to be built across the property to convey roadside stormwater from Amberley Beach Road to the watercourse running in the interior of the site.

Land-use consent (RC160102) seeks to erect a future dwelling on the undersized allotment being Lot 2. The identified building platform where the future dwelling would be constructed is located approximately 50 metres from the dwelling on the neighbouring property at 260 Amberley Beach Road in lieu of the 100 metres required under the Operative Hurunui District Plan (ODP) and the Proposed Hurunui District Plan as Amended by Decisions 2016 (PDP). The designated building platform will also be positioned 54m from the front boundary with Amberley Beach Road, in lieu of the 75 metre setback.

I have reviewed the application and determined that the position of the future dwellings on proposed Lot 2 would not maintain the visual dominance of open space anticipated within the General Management Area (ODP) and Rural Area (PDP). The departure in setback would also adversely affect the amenity values enjoyed within the receiving environment. I have determined that the adverse effects were minor.

Where adverse effects are minor or more than minor, but not less than minor, the application must be notified. I have determined that the adverse effects would be localised to immediate vicinity, and any adverse noise, bulk and location effects would only affect the visual and amenity values enjoyed on the property at 260 Amberley Beach Road. I advised the applicant that the owners and occupiers of 260 Amberley Beach Road were affected by the proposal and that the written consent from this party/ies was required before Council could continue to process the application as a non-notified subdivision and land-use consent.

The applicant engaged in consultation with the neighbour at 260 Amberley Beach Road, but was unsuccessful in obtaining their written consent. The applicant has requested that the application proceed as a limited notified consent.

During the processing timeframe and applicants' consultation with the neighbour at 260 Amberley Beach Road, the Council has adopted and notified the Proposed Hurunui District Plan as Amended by Decisions 2016 on the 15 October 2016. Given that the subdivision was submitted prior to the notification of the Proposed Hurunui District Plan, the Non-Comply assessment status would not change, however the Proposed Hurunui District Plan as Amended by Decisions 2016 has immediate legal effect.

At present Council is required to consider all resource consent applications against both the Operative District Plan and The Proposed Hurunui District Plan as Amended by Decisions 2016 (PDP). The PDP is currently within a

period where objections can be made on the objectives, policies and rules approved by the Council. Until it is clear whether Council would receive an objection to the proposed plan or not, Council must give weighting to each District Plan to confirm whether one should be considered more over the other. An assessment of the weighting given would be provided within the Planners report to be presented prior to the hearing.

Pursuant to the Delegations Manual, Council Officers do not have delegation to make a decision on a limited notified resource consent application. Therefore this report seeks the appointment of a Commissioner, to consider and make a decision with regard to RC160101 & RC160102.

Discussion

The Council's Delegation Manual requires that the application can be heard by a Commissioner with suitable expertise from the "Approved Commissioners List." Dean Chrystal and Justine Ashley are accredited commissioners and are included within the "Approved Commissioner List."

Financial Considerations

The cost of the hearing including the fixed fee payment is at the expense of the applicant.

Policy and Plan Implications

There are no inconsistencies with policies and plans associated with this decision.

Risks

There are no risks associated with the proposed recommendation.

Options

Option 1: Do Nothing

This is not an option as it will not meet Councils' statutory obligations under Section 31 of the Resource Management Act 1991.

Option 2: Appoint an Independent Commissioner to hear and determine the consent.

This option would involve appointing one independent commissioner to hear and determine the consent. The benefit of using a hearings commissioner is that they have extensive experience in resource management processes and decisions. Mr Dean Chrystal and Miss Justine Ashley are on the approved commissioners list and are familiar with the Council's Operative District Plan having heard a number of resource consents for this Council previously. This option would result in additional expenditure on the applicant, who is responsible for all costs associated within the notification of the application.

Report Prepared by:


Sean Crocker
Senior Planner

Report Reviewed by:


Judith Batchelor
Manager Regulatory Services

Officer in Attendance:

The report author will be in attendance to speak to their report.

Committee Name	REGULATORY COMMITTEE
Type of Committee	Council Committee
Subordinate to	Council
Subordinate Committees	None
Legislative basis	Committee reconstituted by the Council as per Schedule 7, Section 30 (1) (A), LGA 2002. Committee delegated powers by the Council as per Schedule 7, Section 32, LGA 2002
Membership	<ul style="list-style-type: none"> • The Mayor (1) • Four councillors (4)
Delegations	<p>The Council delegates to the Committee responsibility for governance in the following areas:</p> <ul style="list-style-type: none"> • Resource Management: <ul style="list-style-type: none"> ○ Resource Management Act 1991 ○ Relevant sections of part xxi Local Government Act 1974 relating to private roads and private ways (<i>roading parts of the 1974 Act are still in force</i>) • Dog and Stock Control: <ul style="list-style-type: none"> ○ Dog Control Act 1996 ○ Impounding Act 1955 • Health: <ul style="list-style-type: none"> ○ The Health Act 1956 ○ Food Act 2014 ○ Auctioneers Act 1928 • Sale of alcohol: <ul style="list-style-type: none"> ○ Sale and Supply of Alcohol Act 2012 ○ Winemakers Act 1981 • Swimming pools: <ul style="list-style-type: none"> ○ Fencing of Swimming Pools Act 1987 • Building: <ul style="list-style-type: none"> ○ Building Act 1991/ Building Act 2004 • Litter: <ul style="list-style-type: none"> ○ Litter Act 1979 • Parking: <ul style="list-style-type: none"> ○ Transport Act 1962 • Freedom Camping: <ul style="list-style-type: none"> ○ Freedom Camping Act 2011 <p>Governance in the above areas will include:</p> <ul style="list-style-type: none"> • Monitoring activities. • Preparation of submissions to relevant bills, discussion and policy documents, for recommendation to the Council. • Variations to budgets within the Long Term Plan provisions. • Approval of tenders for contracts (within the delegations of this committee), within budget which exceed officer authorisation. • Waiver of fees and charges.

Limits to Delegations

- To determine the policy, planning and strategic direction with regard to the District Plan, including Council initiated and private plan changes; and 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 under the above Acts.
- Policy, planning and strategic direction in the governance areas identified above.

Matters that cannot be delegated by the Council include:

- the power to make a rate.
- the power to make a bylaw.
- the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan.
- the power to adopt a long-term plan, annual plan, annual report or strategic plan.
- the power to appoint a chief executive.
- the power to adopt policies required to be adopted and consulted on under this Act in association with the long-term plan or developed for the purpose of the local governance statement.
- the power to adopt a remuneration and employment policy.

Significance Consideration

(Guidelines from Hurunui District Council's 'Significance and Engagement' Policy)

The Council, in considering each matter, must be:

- a. Satisfied that it has sufficient information about the practicable options and their benefits, costs and impacts, bearing in mind the significance of the decisions.
- b. Satisfied that it knows enough about and will give adequate consideration to the views and preferences of affected and interested parties bearing in mind the significance of the decisions to be made.

Questions

- a. Does the Council have sufficient information about the issue, proposal, decisions or other matter?
- b. Does the issue, proposal, decisions or other matter:
 - Affect all or a large portion of the community in a far-reaching way?
 - Have a potential impact or consequence on the affected persons (being a number of persons) that is substantial?
 - Have financial implications on the Council's resources that would be substantial?
 - Generate (or would be expected to generate) a high degree of controversy?
 - Have any impact on Council's capacity to undertake its statutory responsibilities?
 - Fail to flow logically or consequentially from a decision in the Council's Long Term Plan?

Evaluation

Council officers preparing these reports will have regard to Council's policy on significance. Councillors will make the final assessment on whether the subject under consideration is to be regarded as being significant or not. Unless the Council explicitly determines that the subject under consideration is to be deemed significant then the subject will be deemed as not being significant.