



HURUNUI
District Council

Regulatory Committee

Agenda

9.30am, Thursday, 12 October 2017

Council Chambers, Carters Road, Amberley.

Community partnership in growth and wellbeing.

Regulatory Committee

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, 12 OCTOBER 2017 AT 9.30AM**

9.30am	Meeting begins
10.30am	Morning tea
12.30pm	Meeting concludes

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 21 September 2017	4 – 7												
2	Decision Items: 2.1 Proposed District Plan Change 1 2.2 Unformed Legal Roads Policy	8 – 15 16 - 39												
3	Discussion Items: There are no discussion items for this meeting													
4	Information Items: 4.1 District Licensing Committee Update 4.2 Pool Fencing Inspections in 2017 under the Building Act	40 - 41 42 - 44												
5	Public Excluded: 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 1987 FOR THE PASSING OF THIS RESOLUTION ARE AS FOLLOWS:													
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">General subject of each matter to be considered</th> <th style="text-align: center;">Reason for passing this resolution in relation to each matter</th> <th style="text-align: center;">Grounds under section 48 (1) for the passing of this resolution</th> <th style="text-align: center;">Pages</th> </tr> </thead> <tbody> <tr> <td>Item 5.1 Minutes of the PE Session of the 21 September 2017</td> <td>The minutes may contain information which if released would affect the privacy of natural persons.</td> <td>Section 48(1)(a)(i) & Section 7(2)(a).</td> <td style="text-align: center;">45- 47</td> </tr> <tr> <td>Item 5.2 Verbal update on District Plan Mediation</td> <td>The report may contain information which if released would affect the privacy of natural persons.</td> <td>Section 48(1)(a)(i) & Section 7(2)(a).</td> <td></td> </tr> </tbody> </table>		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	Pages	Item 5.1 Minutes of the PE Session of the 21 September 2017	The minutes may contain information which if released would affect the privacy of natural persons.	Section 48(1)(a)(i) & Section 7(2)(a).	45- 47	Item 5.2 Verbal update on District Plan Mediation	The report may contain information which if released would affect the privacy of natural persons.	Section 48(1)(a)(i) & Section 7(2)(a).	
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6	Urgent Business:													

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- Their water surface area is less than 5m²
 - Their sides are a minimum of 760mm high (without the lid)
 - They have no steps permanently attached
 - They have a complying lockable lid.

Spa pools are still being inspected and are being recorded as exempt if they meet these requirements. Once we have confirmed that a spa pool is exempt it will not be inspected in the future.

**Building Act
enforcement tools**

The incorporation of the pool fencing legislation into the Building Act enables the use of the Building Act's enforcement provisions, which are stronger and more efficient than was available under the Fencing of Swimming Pools Act 1987.

Of particular use is the option to issue a 'Notice to Fix' under section 164 of the Building Act. A Notice to Fix is a mandatory directive which requires the recipient to take specific actions within a set timeframe.

Failure to comply with a Notice to Fix is an offence for which the Council can issue an infringement notice. Prosecution, or seeking a court order to carry out the work (and recover costs from the owner) are also options under the Building Act.

For this round of pool fencing inspections we have decided that where a non-compliant fence is found, a letter will be sent in the first instance detailing the work required and giving a one month time frame to complete it. If the work is not carried out within that month a Notice to Fix will be issued.

The exception to this will be where the non-compliance has previously been brought to the attention of the pool owner and has not been addressed.

This is in line with the Council's Complaints, Compliance and Enforcement Policy. The effectiveness of this approach will be reviewed after this year's round of inspections.



Andrew Brown
Team Leader – Compliance

Report Prepared by:



Judith Batchelor
Manager Regulatory Service

Report Reviewed by:

Officer in Attendance: The report author will be in attendance to speak to this 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.