

HURUNUI DISTRICT COUNCIL MINUTES



Meeting	Regulatory Committee
Time and Date	9.30am, Thursday, 7 December 2017
Venue	Council Chambers, Carters Road, Amberley

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

In Attendance Hamish Dobbie (Chief Executive Officer), Judith Batchelor (Manager Regulatory Services), Sean Crocker (Policy Planner), Nicola Kirby (Policy Planner), Stephanie Chinn (Policy Planner), Monique Eade (Policy Planner) and Kait Murray (Committee Secretary).

Apologies

Leave of Absence

Conflict of Interest Declarations Cr Fletcher declared his involvement as a contractor for Council engaged to carry out the two bylaws being dealt with in items 2.4 Consultation on the Proposed Responsible Freedom Camping Bylaw and 2.5 Review of the Dog Control Policy and Bylaw 2008.

Item 2.6 RC170163 - 7 Seven 7 - To appoint a hearing panel. Cr Black noted that as she is one of the elected commissioners Mayor Winton Dalley would be taking the chair for this item in the appointment for a commissioner to the hearing panel.

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

Urgent Business Making Good Decisions (MGD) Panel Recertification course.

Late Reports The Manager Regulatory Services confirmed the late reports should be considered by the Committee at this meeting as the subject matter needs to be in the public arena, needs to be resolved and the outcome of both reports cannot wait until the first meeting of the Regulatory Committee in 2018 on 8 February.

The separately circulated late appendices relate to item:

2.4 Consultation on the Proposed Responsible Freedom Camping Bylaw.

Late reports items are:

2.6 RC170163 - 7 Seven 7 - To appoint a hearing panel.

2.7 Gore Bay cliff stability.

THAT THE COMMITTEE ACCEPT THE TWO LATE REPORTS AND SEPARATELY

 CIRCULATED APPENDICES.

Fletcher/Davison

CARRIED

1. Minutes

THAT THE MINUTES OF THE ORDINARY MEETING HELD ON 12 OCTOBER 2017 BE CONFIRMED.

Davison/Dalley

CARRIED

THAT THE MINUTES OF THE PUBLIC EXCLUDED SESSION HELD ON 12 OCTOBER 2017 BE CONFIRMED.

Davison/Dalley

CARRIED

The meeting dealt with the agenda items in order of importance, but the items are recorded in these minutes as they were numbered on the agenda.

2. DECISION ITEMS
**2.1 Unformed Legal
Roads Policy**

The Policy Planner gave a brief overview of the report. She said a draft Unformed Legal Roads (ULR) Policy was presented to the 12 October 2017 Regulatory Committee meeting. It was decided to form a working group to consider the policy in-depth. The working group session took place on 9 November 2017.

In response to a question relating to situations where access on a ULR is restricted by adjoining land owners; the Policy Planner confirmed ULR's are able to be grazed by adjoining land owners. She explained if access was obstructed by a physical barrier or similar, Council Officers would approach the land owner in relation to removing the obstruction. The Chief Executive Officer added that in extreme circumstances the licence to occupy could be revoked if adjoining land owners refuse to remove the obstruction.

The wording of "obstruction" and its reference to the locked gate issue, was raised with the Chief Executive Officer confirming the definition of Encroachment. Committee members agreed they were comfortable with the wording in section 4.3 Encroachment and the definition of it.

The Policy Planner confirmed there is no obligation on Council to maintain or remediate a ULR following a washout or natural event,

In response to a question regarding adjoining landowners proposal to form a track or road on or that crosses a ULR. The Chief Executive Officer confirmed a licence to occupy would be required for this purpose.

The issue of formed roads which have been used as a road for (in some instances) quite some time, but are now not on any maintenance schedule so are thought of as an ULR was raised. The Chief Executive Officer confirmed that ULRs are able to be used for access. The discussion that ensued from this topic resulted in it being clear there are other roads in the district that have been formed but are not recognised on the roading schedule and are not maintained as such. The discussion ended with an observation that issues of this nature could be addressed by the Infrastructure Committee. The Chief Executive Officer pointed out that Section 7 formation of roads details how formed roads can be applied for.

A question was raised relating to a licence to occupy and the expectation of retrospective applications. The Chief Executive Officer confirmed that the Council does recognise historic occupations of unformed legal roads. The Policy Planner highlighted section 4.7 in the policy which states that the

Council accepts historic/informal use of unformed legal roads for grazing and does not intend to proactively insist upon formal licences.

Instances where a ULR is on the boundary of an adjoining property were highlighted, which also raised concern that section 4.9 Pest Management states that; Adjoining land owners have responsibility for pest management and control on unformed legal roads. The Chief Executive Officer noted that section 4.9 also states The Council accepts its obligation for pest management under the Canterbury Regional Council Pest Management Plan, unless occupied by an adjoining landholder. After a short discussion Committee members confirmed they were comfortable with that.

In response to a question regarding the situation where an occupier may have planted crop or trees on the ULR which then obstructs access. The Chief Executive Officer confirmed a landowner would be in breach of the Licence to Occupy. A licence to occupy will not, under any circumstances, grant the licensee exclusive use and/or possession of the land parcel.

THAT THE COMMITTEE APPROVES THE ADOPTION OF THE UNFORMED LEGAL ROADS POLICY (AS REVISED BY THE WORKING GROUP).

Davison/Harris

CARRIED

2.2 NZPI Conference
– Elected Member
Attendance

The Manager Regulatory Services presented the report, which outlines the focus of this year's New Zealand Planning Institute (NZPI) Conference; Breaking New Ground. She said that no elected members attended the conference in 2017. If elected members were to attend there will be staff and elected members attending the 2018 Conference. Cr Davison and Cr Black and Cr Shier expressed an interest in attending.

The Manager Regulatory Services reiterated that two of those interested in attending are accredited commissioners. Cr Shier said on that basis he would be happy to withdraw his interest in attending the conference.

The Manager Regulatory Services confirmed that a report will be put to council for the appointment of additional accredited commissioners.

THAT THE COMMITTEE DECIDED TWO ELECTED MEMBERS ATTEND THE NEW ZEALAND PLANNING INSTITUTE CONFERENCE IN MARCH 2018 IN TAURANGA AND APPROVE THE ATTENDANCE OF THOSE COUNCILLORS.

Dalley/Fletcher

CARRIED

THAT THE COMMITTEE APPROVE THE ATTENDANCE OF CR BLACK AND CR DAVISON TO THE NEW ZEALAND PLANNING INSTITUTE CONFERENCE IN MARCH 2018 IN TAURANGA.

Dalley/Harris

CARRIED

2.3 Dangerous,
Insanitary and
Affected Building
Policy

The Policy Planner gave a brief overview of the report. She said The draft Dangerous, Insanitary and Affected Building Policy will replace the [Earthquake-prone, Dangerous and Insanitary Building Policy 2011](#).

The review takes into account changes to the Building Act that came into force on 1 July 2017 via the Building (Earthquake-prone buildings) Amendment Act 2016. The key change is the removal of the requirement for Council to have a policy for earthquake prone buildings. The requirement for Council to have a policy covering dangerous and insanitary buildings remains.

The Act requires any review of the policy be adopted in accordance with the

special consultative procedure under section 83 of the Local Government Act 2002.

Cr Black asked the committee for their level of comfort around the significance consideration of the report being detailed as low. The Manager Regulatory Services confirmed the significance of the report was considered by officers as low due to prior existence of the policy in question that has a section removed, due to the changes in the Building Act.

In response to a question regarding council's responsibility relating to dangerous dams. The Chief Executive Officer confirmed they are the responsibility of ECAN not Council. He added that all building consents for dams are processed by ECAN.

When the definition within the policy, of insanitary was queried, the Chief Executive Officer confirmed the definition of Insanitary from, section 123 of the Building Act.

THAT THE COMMITTEE AGREE TO RECOMMEND THE DRAFT POLICY TO COUNCIL FOR APPROVAL.

Davison/Harris

CARRIED

THAT THE COMMITTEE AGREE TO RECOMMEND TO COUNCIL THE STATEMENT OF PROPOSAL IS ADOPTED AND PUT OUT FOR PUBLIC CONSULTATION UNDER SECTION 83 OF THE LOCAL GOVERNMENT ACT 2002.

Davison/Harris

CARRIED

2.4 Consultation on the Proposed Responsible Freedom Camping Bylaw

The Policy Planner presented the report, some of the points noted from her overview were:

- 19 submissions have been received on the Council's Proposed Responsible Freedom Camping Bylaw.
- Additional analysis is required to assess the appropriateness of some of the proposed prohibited sites. This is a requirement under the Freedom Camping Act 2011.
- The preferred option is to prepare a more detailed area assessment analysis and re-notify this ahead of hearing the submissions. This would delay the process but ensure Councillors have the appropriate information to make an informed decision.

The Policy Planner explained the main issues expressed in the submissions and the recent High Court proceedings and the importance of ensuring the area assessment is thorough and council are prepared to stand by it.

In response to a query relating to the work required by community in relation to further analysis. The Policy Planner further explained other local authorities' approaches to further analysis. The Manager Regulatory Services confirmed the approach will involve the Policy Planner and the Manager Regulatory Services assessing the areas before further approaching the ward committees if required. She said the ward committees may need to be further approached in a situation where, due to the Act, their wishes previously expressed are not able to be fulfilled.

The Policy Planner explained the overnight parking restrictions of self contained vehicles. She said there are specific places in the district where self contained vehicles are able to park overnight.

The Chief Executive Officer provided a simple overview of the bylaw and the

process so far. He said if there is no bylaw then anyone can park anywhere at anytime. He said council officers went to the community for their wishes and the bylaw has been drafted to include the wishes of the community. He said the proposed bylaw has struck a legal snag and in order to address the issue council officers want to carryout analysis themselves then, community by community if the analysis differs from the community's wishes.

Clarification was given that the bylaw is specific to land under council control only i.e. roads, reserves and the like.

It was noted that the next round of conversations with communities needs to include explanations why areas are or are not prohibited for freedom camping. The Policy Planner provided examples of some qualifying issues that would enable an area to be prohibited; examples included safety reasons or persistent litter issues.

The committee discussed the public notification portion of the recommendation, and decided to remove that section. The public notification would be undertaken after the area analysis has been completed and discussed with the ward committees.

THAT THE COMMITTEE AGREE TO DELAY THE HEARING OF SUBMISSIONS AND; COUNCIL OFFICERS REVIEW AND PREPARE A REVISED AREA ANALYSIS BEFORE BRINGING IT BACK TO THIS COMMITTEE AT THE NEXT MEETING.

Harris/Davison

CARRIED

2.5 Review of the Dog Control Policy and Bylaw 2008

The Policy Planner took the report as being read, she said control of dogs in the District is currently governed by the Dog Control Act 1996 (the Act or DCA) and resultant Hurunui District Council Dog Control Policy 2008 (the Policy) and the Hurunui District Council Dog Control Bylaw 2008 (the Bylaw). These documents are requirements of the Act and are due for review.

The Policy Planner outlined the proposed steps for initiating the review, pre-consultation engagement and the other considerations and the recommendation that a full review is undertaken.

In response to a question relating to the pound and its rejuvenation, the Manager Regulatory Services confirmed the pound's location is one of the issues relating to the pound. She said it is an opportune time to look at all these issues. She also confirmed there is budget available for the rejuvenation of the pound and there have been a number of occasions where other pound facilities have been used.

It was also highlighted that this would also be an opportunity to educate the public and owners, about various issuedincluding those who are poor owners and repeat offenders who continue to flout the bylaws.

Some concern was raised relating to aspects of the criteria relating to the Responsible Dog Ownership programme and their appropriateness for rural dog owners and the impact of the introduction of a responsible dog ownership programme would have on registration fees, which are already very low.

The Manager Regulatory Services confirmed there are issues with the current bylaw around enforcement and education.

The discussion then moved to infringements relating to persistent offenders who do not pickup after their dogs and the requirement or not, for evidence in order to substantiate a complaint. It was highlighted there is a need for

responsibly strengthening that within the bylaw and policy.

In response to a query relating to the statistics contained within the report and if comparisons have been made with other rural councils. The Policy Planner confirmed that the current report doesn't compare statistics from other rural councils, and agreed statistics from other rural councils relating to the effectiveness of education programmes and would be useful information for the Committee.

The Committee discussed the various options for the scope of the review with the majority endorsing option 3.

THAT THE COMMITTEE AGREE TO REVIEW THE DOG CONTROL POLICY 2008 AND DOG CONTROL BYLAW 2008, CONFIRMING THE SCOPE OF THE REVIEW AS OPTION 3, FULL REVIEW AND PROVIDES PRELIMINARY DIRECTION TO COUNCIL OFFICERS TO INVOLVE THE WARD COMMITTEES AND CARRYOUT ANALYSIS OF THEIR WISHES BEFORE BRINGING THAT BACK TO THIS COMMITTEE.

Davison/Fletcher

CARRIED

One against (Mayor Dalley)

2.6 RC170163 - 7
Seven 7 - To appoint
a hearing panel

Cr Black vacated the chair during this item. Mayor Winton Dalley took the chair while this item was being considered and the vote taken.

The Senior Planner presented the report, he said the applicant 7 Seven 7 Limited seeks consent to construct two holiday homes at 2 Oregon Heights, Hanmer Springs. The property size is less than the minimum area required for two holiday homes on one site.

He further explained that the applicant is preparing information that may be presented to council which may result in the necessity for requiring a hearing panel. He said this report is brought before the committee at this meeting in the interest of providing good customer service due to the committee's next scheduled meeting being February 2018. He confirmed the Hearing Panel may not be required, but if it is, it is likely to be needed during January 2018.

THAT THE COMMITTEE APPOINT A PANEL OF ONE ELECTED COMMISSIONER AND ONE OF THE APPROVED COMMISSIONER TO HEAR AND MAKE A DECISION ON LAND-USE CONSENT RC170163.

Dalley/Fletcher

CARRIED

2.7 Gore Bay Cliff
Stability

The Policy Planner gave a brief overview of the report. She said a landslip occurred at the neighbouring property during a storm in 2014. The primary hazards are landslip and rockfall. She said the current agreement with camp ground management is that the area is used for caravan storage and no camping in that area.

Cr Daly reported he had contacted the local advisory group who confirmed that 10 metres would take the unusable area into the main camp. He said that a more realistic setback would be 3-5 metres.

The matter of the distance of the setback being modified from 10 metres to 3-5 metres was debated. With the outcome being that it is possible a rockfall could reach the 10 metre limit. Cr Daly outlined some of the remedial work that has been done in an effort to divert water away from the cliff edge, which includes a swale drain that has been put in some time ago. He also highlighted that the swale drain diverts the water to the Buxton and

protects the properties below during times of heavy rain or wet weather.

The Policy Planner confirmed the current camp ground management is aware the camp sites under the cliffs are not to be used until they are deemed safe to do so. She also confirmed the professional engineers recommend the setback be set to 10 metres.

The discussion moved to the financial impact to the local advisory group if the area of the camp is reduced with agreement that the issue should be addressed. But it was stressed, this is a matter of safety and the progression of the distance of the setback, given the level of protection deemed appropriate for the site.

The recommendation was not adopted in order to consider the options for the protection to be put to the Cheviot Ward Committee and the Port Robinson Reserves Advisory Group for their consideration.

THAT THE COMMITTEE RESOLVED THAT A 10 METRE SETBACK BE IMPOSED FROM THE TOE OF THE CLIFF AT 31 MOODY ST, GORE BAY UNTIL THE PORT ROBINSON RESERVES ADVISORY GROUP CONSIDER THE OPTIONS AS DETAILED IN THE REPORT.

Dalley/Davison

CARRIED

Adjournment

The Committee adjourned for morning tea at 10.50am and reconvened at 11.10am.

3. DISCUSSION ITEMS

There were no discussion items for this meeting.

4. INFORMATION ITEMS

4.1 Formation of Climate Change Working Group

The Manager Regulatory Services took the report as read.

She highlighted the following points for the information of the Committee:

- A regional Climate Change Working Group has been formed. The working group reports to the Canterbury Policy Forum.
- Hurunui District Council has a representative on this group.
- The inaugural meeting took place on 9 October 2017.
- Reports back to this committee will be included in agendas of future meetings.

The Chief Executive Officer confirmed the working group is reporting to the Canterbury policy forum he said the working groups cannot make binding decisions. He further explained the decisions made by the various forums and their purpose is to provide.

The Manager Regulatory Services added that the working groups do submit and councils have a choice of if the submission is supported or not. She said the submissions are bought before the Council.

THAT THE INFORMATION BE RECEIVED.

Black/Harris

CARRIED

4.2 Motunau Beach

The Policy Planner took the report as read. Some of the points highlighted by the Policy Planner from the report for the information of the committee

Cliff Assessment

were noted as:

- Key causes are wave action from the sea below.
- It is difficult to predict the level of erosion, but 0.8 is the average amount.
- There is no expectation for significant long term effects for the properties.

The earthquake on 14 November 2016 caused part of the cliff to collapse near 3 Pegasus Crescent, Motunau Beach, part of the cliff also experienced ground cracking.

This cliff has always been prone to coastal erosion and there are dwellings seaward of the coastal hazard lines. The Council commissioned Kirk Roberts Consulting to undertake an assessment of the coastal cliff erosion / stability at 35 The Parade. The Chief Executive Officer confirmed no new hazard lines have been identified by this report.

Clarification was sought regarding the media release, the Policy Planner confirmed a media release has been prepared for release today, and wasn't done on 30 November 2017 as detailed in the report. She said affected residents have been contacted and links to the agenda and this report have been sent to them.

THAT THE INFORMATION BE RECEIVED.

Fletcher/Harris

CARRIED

6 URGENT BUSINESS

Making Good Decisions (MGD) Panel Recertification course

The Manager Regulatory Services explained Cr Black's Panel recertification is due. She said Opus Environmental Training Centre delivers the "Making Good Decisions (MGD) Programme" on behalf of the Ministry for the Environment. The purpose of MGD is to help councillors, community board members, and independent commissioners make better decisions under the Resource Management Act 1991 (RMA). It provides RMA decision-makers with the skills needed to run fair and effective hearings, and to make informed decisions.

She explained there is a requirement under the RMA that hearing panels are made up of accredited commissioners and she is asking for approval from the committee for Cr Black's attendance on the Panel Recertification course in Christchurch, scheduled for April 2018.

A brief discussion regarding the course content, commitment required, course costs and budget available took place, with the Manager Regulatory Services suggesting she get expressions of interest from councillors for the foundation course scheduled to take place in Christchurch during April 2018.

THAT THE COMMITTEE APPROVES THE ATTENDANCE OF CR BLACK TO THE MAKING GOOD DECISIONS PANEL RECERTIFICATION COURSE.

Fletcher/Davison

CARRIED

MEETING ENDED

The meeting closed at 12.23am.
