



REGULATORY COMMITTEE

Open Minutes

Meeting Date: Tuesday 23 July 2019

Time: 3pm – 3.55pm

Venue Council Chamber
Hawke's Bay Regional Council
159 Dalton Street
Napier

Present Councillor Jeffery (In the Chair), Acting Mayor White, Councillors Boag, Dallimore, Hague, McGrath, Price, Tapine, Taylor, Wise and Wright

In Attendance Chief Executive, Director Corporate Services, Director Community Services, Director Infrastructure Services, Director City Services, Director City Strategy, Manager Regulatory Solutions, Corporate Services Procurement Lead, Manager Environmental Solutions, Environmental Management Officer, Waste Minimisation Lead, Communications Specialist, City Strategy Policy Planner, Community Services Senior Advisor Policy, Kennedy Park Manager

Administration Governance Team

Apologies

Councillors Price / Hague

That the apologies from Mayor Dalton and Councillor Brosnan be accepted.

Carried

Conflicts of interest

Nil

Public forum

Nil

Announcements by the Mayor

Nil

Announcements by the Chairperson

Nil

Announcements by the management

Nil

Confirmation of minutes

Councillors White / Taylor

That the Minutes of the meeting held on 11 June 2019 were taken as a true and accurate record of the meeting.

Carried

Questions from Councillors for Further Action

<i>Item</i>	<i>Requestor</i>	<i>Action</i>	<i>Responsible</i>
4	Cr Tapine	Notify the Councillors whether the number of dogs registered in the last quarter is the norm or whether there has been an increase.	Director City Services

AGENDA ITEMS

1. ADOPTION OF THE DRAFT STORMWATER BYLAW 2019 FOR PUBLIC CONSULTATION

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	772829
<i>Reporting Officer/s & Unit:</i>	Cameron Burton, Manager Environmental Solutions Kim Anstey, Planner Policy/Analyst

1.1 Purpose of Report

To seek Council approval of the draft Napier City Council Stormwater Bylaw 2019, the accompanying Statement of Proposal and to authorise officers to commence the special consultative procedure for adopting the bylaw.

At the Meeting

The Manager Environmental Solutions spoke to the report, noting that the proposed Bylaw addresses limitations in the current 2012 version. Previously Council was only empowered to act against high risk industries, but industries classed as medium or low risk can have unexpected issues, and without proper planning there could be contaminants from these sites going into the stormwater network.

It was noted that Bylaws can be difficult to enforce. Education will be the first tool used; where education is not effective the Bylaw can be used for enforcement through the Local Government Act. Council collaborate with the Hawke's Bay Regional Council for big spill events which occur in the environment beyond Council's stormwater network; under the Resource Management Act they have the ability to issue instant fines, prosecute, and to issue abatement notices to ensure compliance of both industrial operators and city residents.

There has been improved communication with the Regional Council and the stormwater education campaign has been a joint effort.

There was some discussion as to the best way to approach consultation for this Bylaw; councillors supported direct engagement with particularly affected business as part of the wider consultation.

The reviewed Bylaw will enable requirement of environmental management plans to be at the discretion of Council, for example at risk areas like the hard stand areas near the inner harbour or estuary. Further, any costs of Council to rectify a spill into the stormwater network can be passed onto the polluter rather than the rate payer as was previously the case.

Committee's recommendation

Councillors White / Hague

The Regulatory Committee:

- a. Confirm, in accordance with Section 155 of the Local Government Act 2002, that a Stormwater Bylaw is the most appropriate way of addressing the issues of:
 - i. Protection of the public stormwater system, and the land, structures, and infrastructure associated with that network from damage, misuse or loss.
 - ii. The ability to manage the development, maintenance and use of the public stormwater network, and the land, structures, and infrastructure associated with that network, and provide for the conditions on which connections to the public stormwater network may be made or maintained.
 - iii. Ensuring that discharges into the public stormwater network are appropriately managed, and do not damage the network or compromise the Council's ability to comply with any applicable network discharge consent and Council's water quality targets.
- b. Approve the review of the Draft Napier Stormwater Bylaw 2019 and the Statement of Proposal, and;
- c. Authorise Officers to proceed with public notification and the special consultative procedure as prescribed in the Local Government Act for adopting a bylaw.

Councillor Tapine Abstained

Carried

2. DELEGATION TO CHIEF EXECUTIVE TO APPROVE LIQUOR BANS FOR LARGE EVENTS

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	747876
<i>Reporting Officer/s & Unit:</i>	Rachael Horton, Manager Regulatory Solutions

2.1 Purpose of Report

The purpose of this report is to request delegated authority to be granted to the Chief Executive to allow for temporary liquor bans to be imposed during large events.

At the Meeting

The Manager regulatory Solutions spoke to the report, advising that it is proposed that delegated authority be provided to the Chief Executive (CE) to impose temporary liquor bans for practical reasons. Requests often come with an application for a special liquor licence which need to be acted on within a 20 day period; the Council meeting cycle does not always conform to that timeline. The CE already has the delegated authority to temporarily suspend a liquor ban.

The temporary liquor bans imposed by the CE will be advised to the Council via the quarterly report.

If the CE is not available the delegated authority would move to the acting CE. Applications for special liquor licences go to the District Licencing Committee.

It was noted there is no appeal process in place for declined applications.

In response to questions from councillors it was noted that Council doesn't have control over the waste created by special events; it is the responsibility of the event organisers to submit a waste management plan, and organise private contractors to remove waste. While there is an action captured in the Waste Management and Minimisation Plan (WMMP) to work with the community and event organisers to facilitate better recycling and food and beverage packaging at events, an event application cannot be declined due to an insufficient waste management plan; Council can only educate and advise.

Committee's recommendation

Councillors Taylor / White

The Regulatory Committee:

- a. Approve the request to grant delegated authority to the Chief Executive to allow for temporary liquor bans to be imposed for large events.

Carried

3. HASTINGS DISTRICT AND NAPIER CITY COUNCIL'S JOINT LOCAL ALCOHOL POLICY (LAP)

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Sale and Supply of Alcohol Act 2012
<i>Document ID:</i>	769251
<i>Reporting Officer/s & Unit:</i>	Rachael Horton, Manager Regulatory Solutions

3.1 Purpose of Report

The purpose of this report is to obtain a resolution from Council on setting a date at which the Hastings District and Napier City Council's Joint Local Alcohol Policy (LAP) comes into force.

At the Meeting

The Hastings District and Napier City Council's Joint Local Alcohol Policy (LAP) has taken some time to develop.

Through the process of developing this policy there were locations identified for which it was felt that density control would facilitate better community outcomes, such as Flaxmere, Camberley and Maraenui. The Maraenui community are in support of the LAP.

In discussion a Councillor noted that that communities should not be singled out and treated differently under this policy due to demographics. A strength based model for communities should be used, not a deficit one.

It was foreshadowed that a Notice of Motion may be brought to the next Council meeting to consider further lobbying of the Minister of Justice for an urgent review of the Sale and Supply of Alcohol Act 2012 behind the LAP, due to the continued alcohol related harm occurring in the community. This would be in addition to the two Remits at the Local Government New Zealand Conference over the last two years.

It was noted that the LAP would mean licenced cafes could stay open until two o'clock in the morning. Any implications on current and potential inner city residents needs to be considered.

Committee's recommendation

Councillors White / Boag

The Regulatory Committee:

- a. Receive the report of the Manager, Regulatory Solutions titled "Hastings District and Napier City Council's Joint Local Alcohol Policy (LAP)".
 - b. Resolve that in accordance with section 90 of the Sale and Supply of Alcohol Act 2012:
 - i. The Local Alcohol Policy is publicly notified
 - ii. The Local Alcohol Policy comes into force on 21 August 2019
-

-
- iii. The Local Alcohol Policy hours provision in Section 5 of the Local Alcohol Policy comes into force on 21 November 2019.
 - c. That a preliminary review be considered in three years after the policy becomes operative with a compulsory full review required within six years of the enforcement date.
 - d. That a research working party of the key agencies is developed to start gathering evidence to support the full review of the policy in six years as required by the Sale and Supply of Alcohol Act 2012.
 - e. That a **DECISION OF COUNCIL** is required urgently to allow the notification and further actions to implement the joint Hastings District and Napier City Council's Local Alcohol Policy to take place as scheduled by 21 August 2019.

Carried

**Council
Resolution**

Councillors White / Boag

That Council:

- a. Receive the report of the Manager, Regulatory Solutions titled "Hastings District and Napier City Council's Joint Local Alcohol Policy (LAP)".
- b. Resolve that in accordance with section 90 of the Sale and Supply of Alcohol Act 2012:
 - i. The Local Alcohol Policy is publicly notified
 - ii. The Local Alcohol Policy comes into force on 21 August 2019
 - iii. The Local Alcohol Policy hours provision in Section 5 of the Local Alcohol Policy comes into force on 21 November 2019.
- c. That a preliminary review be considered in three years after the policy becomes operative with a compulsory full review required within six years of the enforcement date.
- d. That a research working party of the key agencies is developed to start gathering evidence to support the full review of the policy in six years as required by the Sale and Supply of Alcohol Act 2012.

Carried

4. CITY STRATEGY REGULATORY ACTIVITY REPORT - 4TH QUARTER

Type of Report:	Information
Legal Reference:	N/A
Document ID:	773730
Reporting Officer/s & Unit:	Rachael Horton, Manager Regulatory Solutions

4.1 Purpose of Report

To provide an information update on the regulatory activity in the city in each quarter. The report attached covers the fourth quarter from 1 April until 30 June 2019.

At the Meeting

In response to questions from Councillors, the following points were clarified:

- Councillors will be notified whether the number of dogs registered in this period is typical.
- The Parkmate app is a payment tool rather than an enforcement tool, so should not make a difference to the amount of parking infringement notices issued.
- The number of dogs euthanised in this quarter is very low considering the discretion Council has to euthanise under legislation. It is unclear how Napier's euthanasiation statistics compare to other parts of the country.
- There has been increased utilisation of available freedom camping areas due to growth in this sector rather than inappropriate management of the existing sites. Any potential increase to the allocated sites could be reconsidered by the new Council..

Committee's recommendation

Councillors Wise / Tapine

The Regulatory Committee:

- a. Receive the Quarterly City Strategy Regulatory Activity Report for the period 1 April 2019 to 30 June 2019.

Carried

The meeting closed at 3.55pm

Approved and adopted as a true and accurate record of the meeting.

Chairperson

Date of approval