

<b>MINUTES REGULATORY MANAGEMENT COMMITTEE</b>	<b>MEETING HELD ON THURSDAY 23 APRIL 2015</b>	<b>TIME 10:04AM</b>
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**MINUTES** of a meeting of the **Regulatory Management Committee**, held in the Council Chambers, 175 Rimu Road, Paraparaumu, on Thursday 23 April 2015 commencing at 10:04am.

**PRESENT:**

Cr	D	Ammundsen	(Chair)
Mr	R	Church	(Mayor)
Cr	M	Bell	
Cr	J	Elliott	
Cr	P	Gaylor	
Cr	K	Gurunathan	
Cr	J	Holborow	
Cr	D	Scott	
Cr	G	Welsh	
Cr	M	Cardiff	
Cr	M	Scott	

**IN ATTENDANCE:**

Mr	P	Dougherty	(Chief Executive)
Mr	J	Best	(Deputy Chair, Paraparaumu-Raumati Community Board)
Mr	C	Royal	(Māori Representative)
Mr	E	Gregory	(Acting Chair, Waikanae Community Board)
Ms	S	Foss	(Acting Group Manager, Regulatory Services)
Mr	S	McArthur	(Group Manager, Strategy & Planning)
Mr	S	Mallon	(Group Manager, Infrastructure Services)
Mr	D	Lew	(Environmental Planning Manager)
Ms	K	Dorofaeff	(Principal Policy Planner)
Mr	N	Fowler	(Environmental Standards Manager)
Mr	T	Thomas	(Resource Consents Team Leader)
Mr	P	Ropata	(Compliance Officer)
Mr	T	Power	(Senior Legal Counsel)
Ms	S	Hutcheson	(Senior Policy Advisor)
Mr	B	Johnston	(Transport Safety Coordinator)
Ms	S	McCoy	(Business Analyst, Regulatory Services)
Ms	H	McGregor	(Executive Secretary, minutes)

**APOLOGIES**

Mr	J	Westbury	(Member, Waikanae Community Board)
Mr	C	Pearce	(Member, Otāki Community Board)
Mr	P	Edwards	(Chair, Paekākāriki Community Board)

The Chair welcomed everyone to the meeting, outlined Public Speaking Time rules and read the Council blessing. A special welcome was made to Cllr Michael Scott and Eric Gregory.

The Chair asked Darryl Lew, Manager Research, Policy and Planning to introduce new staff to the Regulatory Management Committee. Mr Lew introduced Sally Matich, Planning Technician who will be working primarily on District Plan matters.

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**RMC 15/04/78  
APOLOGIES**

**MOVED (Mayor/M.Scott)**

**That apologies be accepted from Mr James Westbury, Mr Colin Pearce and Mr Philip Edwards.**

**CARRIED**

**RMC 23/04/79  
DECLARATIONS OF INTEREST**

There were none.

**RMC 15/04/80  
PUBLIC SPEAKING TIME (for items relating to the agenda)**

There were two public speakers wishing to address items on the agenda:

1. Mr Dale Evans spoke to item 9 on today's agenda (Local Approved Products (Psychoactive Substances) Policy CS-15-1526) and read his submission (submission tabled and circulated). Mr Evans requested Council leadership to write to Associate Minister of Health Hon Peter Dunne on substances.
2. Ms Kathy Spiers spoke to item 9 on today's agenda (Local Approved Products (Psychoactive Substances) Policy CS-15-1526) on behalf of and as a member of the Paraparaumu/Raumati Community Board who are in opposition to Psychoactive Substances. The Board has an appreciation of what is being done by Council with central government.

**RMC 15/04/81  
MEMBERS' BUSINESS**

- (a) Public Speaking Time Responses – none were required

To Mr Dale Evans – Cllr Bell asked if Mr Evans would be submitting to the draft Long Term Plan (LTP). Mr Evans said it would be coming.

The Mayor advised that the Council has worked with central government, and he has spoken with MP Nathan Guy. Council is also working with Local Government NZ requesting that this issue be dealt by them at central government level. The Mayor said that the express concern of the Council is to prohibit legal highs in the community and Council is working as hard as it can to do this.

To Kathy Spiers – none.

- (b) Leave of Absence – none was requested.
- (c) Matters of an Urgent Nature - there were none.

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**RMC 15/04/82  
CONFIRMATION OF MINUTES**

An amendment to the attendees of the minutes was requested – Cllr Elliott noted that her name on page one incorrectly had only one ‘t’.

**MOVED (Gaylor/Holborow)**

**That the amended minutes of the Regulatory Management Committee meeting dated 12 March 2015 are accepted as a true and accurate record of that meeting.**

**CARRIED**

**RMC 15/04/83  
MATTERS UNDER ACTION**

The Matters Under Action update was noted. The following points were raised:

- Bruce Johnston, Transport Safety Coordinator, spoke to his report. It was noted by Councillors that the list of schools was not a complete list of schools within the area with regards to the School Travel Plan Implementation. It was agreed that future reports would include a full school list.

Clarification was also requested on the funding for delivery of the School Travel Plan in the LTP and whether it has been reduced – Sean Mallon advised that the budget for school travel remains the same.

- Tony Thomas, Team Leader Resource Consents, provided an update on Resource Consents additional to the report:
  - El Rancho – approval was provided on 13 April 2015;
  - Takahe Farms – the hearing is now to take place in June 2015 rather than May 2015 as noted in the report;
  - Nga Manu Bird Sanctuary – the hearing is expected to take place in June 2015.

*Sean Mallon and the Mayor left the meeting at 10:36am.*

Mr Caleb Royal asked how well Council staff are equipped to Te Tiriti O Waitangi with regards to consent applications as well with regards to the agenda item 10 Regulatory Services Open for Business Update. Mr Thomas confirmed that Treaty considerations is an obligation that is dealt by staff for every resource consent report and as such it is standard procedure to cover those aspects. The District Plan covers the Treaty comprehensively and the Treaty is entrenched within the Resource Management Act.

*The Mayor returned to the meeting at 10:39am.*

Cllr Elliott and Cllr M Scott enquired about the complaint which had been brought to the Waikanae Community Board about staff parking at Ryman's. The Community Board had requested from Resource Consents information on what provisions had been made, and the terms of consent, with regards to staff and residents parking as Parata Street was being heavily used for parking by Ryman's staff. Mr Thomas agreed to look into this matter and report back.

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- Sam Hutcheson, Senior Policy Advisor spoke to the Local Approved Products Policy (agenda item 9) and Local Alcohol Policy Updates adding there was nothing further to report.
- Nick Fowler, Environmental Standards Manager, provided an update on the operations of the District Licensing Committee.

**RMC 15/04/84**

**MATTERS UNDER ACTION – REGULATORY LEGISLATION UPDATE**

The legislative update was noted.

**RMC 15/04/85**

**APRIL 2015 UPDATE ON THE PROPOSED DISTRICT PLAN (SP-15-1545)**

Darryl Lew, Research, Policy and Planning Manager, and Katherine Dorofaeff, Principal Policy Planner, introduced the report, noting the external engagement activities.

There was clarification on the rational of the Rural Issues Group and its subcommittee the Pilot Study Group.

*Pat Dougherty left the meeting 10.49am and returned at 10:50am.*

In 2013 approximately 250 submissions were received on issues related to rural matters. In November 2014 these submitters organized themselves into the Rural Issues Group (RIG). Around twenty of those members meet once a month. A sub-committee was then formed from that group – the Pilot Study Group – which is made up of four landowners who have been working collaboratively with the Council since January 2015 on access to their land. There is agreement now to access those properties for ecological assessments and the Pilot Study Group will continue to work together to get access to other properties when required.

It was noted that suitably qualified Council appointed experts have been accompanying iwi mentors on waahi tapu site visits and it was acknowledged by Councilors that feedback from these visits were positive.

Further points for noting were:

- Provision for coastal matters has been separated out from this report. There has been some slippage with timeframes. Engagement with the RIG was completed two weeks ago and will now be incorporated into the plan. New timeframes will be brought back to the next meeting.
- Additional submitter engagement and prehearing meetings, and informal discussions prior to formal RMA process are being encouraged.

*Clr Elliott left the meeting at 11.02am and returned at 11:03am.*

**MOVED (M.Scott/Gaylor)**

**That report (SP-15-1545) be received.**

**CARRIED**

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*The meeting adjourned at 11:04am and reconvened at 11.17am.*

**RMC 15/04/86**

**LOCAL APPROVED PRODUCTS (PSYCHOACTIVE SUBSTANCES) POLICY (CS-15-1526)**

Sam Hutcheson, Principal Policy Advisor introduced the amended report which follows further consultation with the community. She noted that Darryl Lew and Stephen McArthur were supporting and also in attendance was NZ Police Sergeant Jackie Muir and Ministry of Health representative Andrea Boston. The Chair noted that Newstalk ZB were in attendance and were recording the meeting. The following points were raised:

- Terminology in the report has been modified from 'anywhere' to 'suitably zoned';
- 'Psychoactive substances' and 'legal highs' are the words used by Council with community communications to ensure it is clear to them they are drugs;
- Senior Legal Counsel Tim Power advised that the Local Approved Products (Psychoactive Substances) Policy (LAPP) area cannot be defined in such a way that it would be impossible to set up a retail outlet. If a policy was adopted it is possible that challenge by judicial review proceedings by a person of 'standing' could take place.
- The Act does not require Council to adopt a policy; however challenges could be possible should there not be a policy.
- Choosing to wait for the Ministry of Health regulations before passing a policy carries some risk should a potential retailer apply.
- Council staff have worked very closely with Police with regards to the areas proposed.

*Clr Bell left the meeting at 11:51am and returned to the meeting at 11:54am.*

- The Mayor noted that he had invited MP Nathan Guy to attend this meeting, however the invitation was declined.
- It was also noted that implements or products used for the delivery of drugs would come under compliance by Health Protection Officers. It was noted that regulations for the products are in place but that it is the testing of products which is taking time causing delay. This is separate from the regulations for retail.
- Although nearby residents and business expressed concern about outlets generating increased crime within their vicinity this was not the experience when interim licences had been provided.
- The Police expressed support for the policy and that their approach is about preventing harm and reassuring the community; having more zoned areas increases the risk of harm due to increased accessibility therefore they believe it appropriate to adopt the Council policy;
- Parking requirements would apply to the retailer under the District Plan.
- The Ministry of Health representative advised that provision for the sale of psychoactive substances must be provided, that it is limiting the harm and supporting the limitation in number of areas.
- Retailers previously traded under an interim licence would need to apply for a new licence.

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There was discussion on amending the first recommendation of the report however this was withdrawn and it was agreed by Councillors to support and accept the recommendation in its original format.

**MOVED (Bell/Mayor)**

**That the Council continue to lobby Central Government to ban the sale of psychoactive substances.**

**CARRIED**

*Clr Elliott left the meeting at 12.53pm and returned at 12:55pm.*

It was noted that:

- There is a 28 day notice period following any regulation passed by Central Government;
- Potential retailers are expected to be able to apply for a licence sometime in June.

After robust discussion Councillors decided they did not wish to vote on either CS-15-1526 recommendation 40 or 41 but instead moved an additional separate motion to let it lie on the table until the next Council meeting on 4 June 2015.

**AMENDMENT**

**MOVED (Gurunathan/Welsh)**

**That this matter be left on the table until the Council meeting on 4 June 2015.**

A division was requested:

- For the motion: Clr D. Scott; Clr Elliott; Clr Gurunathan; Clr Holborow; Clr Bell; Clr Welsh; Clr Gaylor.
- Against the motion: Clr M. Scott; the Mayor; Clr Ammundsen; Clr Cardiff.

**The motion was CARRIED**

*The meeting adjourned for lunch at 1:16pm and restarted at 1:46pm.*

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**RMC 15/04/87  
REGULATORY SERVICES OPEN FOR BUSINESS UPDATE (RS-15-1536)**

Sharon Foss, Acting Group Manager Regulatory Services spoke to this report.

*Clr Gaylor returned to the meeting at 1:52pm*

It was agreed that staff would share with Councillors the regulatory operational protocols and rights with regards to whale stranding. It was suggested that a factsheet or brochure detailing these arrangements for the public would be useful.

**MOVED (D. Scott/Mayor)**

**That the Regulatory Management Committee notes the information contained in the Regulatory Services Open for Business Update as detailed in Appendix 1 of RS-15-1536.**

**CARRIED**

*Clr Bell left the meeting and Clr M Scott returned to the meeting at 1:57pm.*

*Clr Ammundsen left the meeting at 1:58pm and Clr Holborow presided as Chair.*

**RMC 15/04/88  
APPLICATION FOR EXEMPTION UNDER SECTION 6 OF THE FENCING OF SWIMMING  
POOLS ACT 1987 – 75 SEAVIEW ROAD, PARAPARAUMU (RS-15-1551)**

Peter Ropata, Compliance Officer Regulatory Services spoke to this report, asking Committee to consider an application for an exemption under Section 6 of the Fencing of Swimming Pools Act 1987 in respect of a portable spa pool at 75 Seaview Road, Paraparaumu.

*Clr M. Bell returned to the meeting at 1:59pm.*

**MOVED (Mayor/Welch)**

**That the Regulatory Management Committee approve the application for exemption under Section 6 of the Fencing of Swimming Pools Act 1987 and not require a fence to be placed around a portable pool at 75 Seaview Road, Paraparaumu, subject to the conditions being complied with:**

- **The pool has a height of 760mm or greater above ground or deck level and no objects are positioned so as to allow a young child to climb onto the cover; and**
- **The property has suitable barriers in place to prevent a child up to the age of six years gaining access from outside the property, and the lockable spa cover meets the set criteria as stated below:**
  - **the cover is lockable and able to be kept locked when the pool is not being used or supervised;**
  - **the locks cannot be opened or released by a child up to the age of six years;**
  - **the cover cannot be lifted more than 100mm above the top of the spa, when locked in place;**
  - **the cover must be made of material that can withstand the weight of at least 60 kgs to ensure that it would withstand the weight of a child up to six years;**
  - **the cover must be constructed of a suitable material and not allow water to pond on top of it;**
  - **the cover and locks must be maintained in a good state of repair; and**

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- suitable warning stickers/signs be placed on the cover to advise that it must be locked in place when the pool is not being used or supervised.

**CARRIED**

**RMC 15/04/89  
PUBLIC SPEAKING TIME (covering other items if required)**

There were none.

*The meeting closed at 2.00pm*

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Chairperson

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Date