

<b>MINUTES</b> <b>REGULATORY MANAGEMENT</b> <b>COMMITTEE</b>	<b>MEETING HELD ON</b> <b>THURSDAY 23 JULY 2015</b>	<b>TIME</b> <b>10:00AM</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 July 2015 commencing at 10:00am.

**PRESENT:**

Cr	J	Holborow	(Acting Chair)
Cr	M	Bell	
Cr	J	Elliott	
Cr	P	Gaylor	
Cr	K	Gurunathan	
Cr	D	Scott	
Cr	G	Welsh	
Cr	M	Cardiff	
Cr	M	Scott	(arrived at 11.16am)
Mr	R	Church	(Mayor) (left at 12.15pm)

**IN ATTENDANCE:**

Mr	J	Best	(Deputy Chair, Paraparaumu-Raumati Community Board)
Mr	C	Pearce	(Member, Otāki Community Board)
Mr	C	Royal	(Māori Representative)
Mr	P	Dougherty	(Chief Executive)
Mr	S	McArthur	(Group Manager, Strategy and Planning)
Mr	K	Currie	(Group Manager, Regulatory Services)
Mr	S	Mallon	(Group Manager, Infrastructure Services)
Mr	W	Maxwell	(Group Manager, Corporate Services)
Mr	D	Lew	(Environmental Planning Manager)
Mr	T	Thomas	(Team Leader, Resource Consents)
Mr	D	MacIntyre	(Communications)
Ms	K	Dorofaeff	(Principal Policy Planner)
Ms	H	McGregor	(Executive Secretary, Minutes)

**APOLOGIES**      Mr J Westbury      (Member, Waikanae Community Board)  
                          Cr D Ammundsen      (Chair)

The acting Chair welcomed everyone to the meeting, outlined Public Speaking Time rules and invited Mr Caleb Royal to read the Council blessing in Te reo.

**RMC 15/07/104**  
**APOLOGIES**

**MOVED (Gaylor/Mayor)**

**That apologies be accepted from Mr James Westbury, and Cllr Michael Scott for lateness.**

**CARRIED**

It was noted that Cllr Ammundsen was on leave of absence.

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It was noted that Waikanae Community Board member Mr Westbury has not been in attendance for a number of committee meetings. It was agreed that the Mayor would communicate directly with the Community Board about their committee representation.

The Chair asked Mr Nick Fowler, Environmental Standards Manager to introduce his new staff. Mr Fowler introduced Ewa Zagrobelna, who works as an Animal Control Officer on a casual basis, and also advised there were three other newly appointed part-time or casual officers who will attend future meetings.

**RMC 15/07/105**

**DECLARATIONS OF INTEREST RELATING TO ITEMS ON THE AGENDA**

There were none.

**RMC 15/07/106**

**PRESENTATION: DRAFT SUBMISSION ON NES FOR PLANTATION FORESTRY**

Mr Darryl Lew, Manager, Research Policy and Planning introduced Ms Janeen Kydd-Smith who is the PDP lead for the Chapters 3 and 7. Ms Kydd-Smith spoke to the presentation.

The following points were discussed:

- Forestry quarrying volume of material limits would be larger than what is in the current PDP.
- Discussions were held with the PDP Rural Issues Group where they advised their need to avoid duplication of rules and standards between district responsibility and regional responsibility;

*Clr Bell left the meeting at 10.29am and returned at 10.33am*

- It was noted that Councillors would be sent a copy of the presentation. Further information and clarity over the areas of activity between Regional Council and Local Council would be provided at the ECD meeting on Thursday 30 July.
- Concern was raised about the long term impact on landscape vistas and whether landowners would be required to replant after the two standard forestry rotations. These concerns were noted and will be in the submissions but would be dealt with by the Regional Council.
- Erosion susceptible zones would require resource consent and conditions could be imposed. It is a Regional Council function to control erosion.
- The best practice standards for mechanical land preparation for replanting, including preparing the road to the area requires clarification to define responsibility between regional and local Councils.
- For land not in the high erosion zone the Local Council would have no ability to put on financial contributions with regards to damage to roads. This disparity between certain earthworks has been identified, and also noted by other Councils. It was noted that the Council already has good working relationships with forestry management companies and damage to roads are managed well.

It was agreed that Council would make a submission on the consultation document on the proposed National Environmental Standard for Plantation Forestry (NES-PF) to MPI by the 11 August.

The draft submission will be updated and provided at the ECD Committee meeting on Thursday 30 July.

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*Clr Welsh and Clr Elliott left the meeting at 11.01am and returned at 11.03am.*

**RMC 15/07/107**

**PUBLIC SPEAKING TIME (for items relating to the agenda)**

There were no public speakers wishing to address items on the agenda.

**RMC 15/07/108**

**MEMBERS' BUSINESS**

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

*Clr Gurunathan left the meeting 11.04am and returned at 11.06am.*

(b) Leave of Absence

**MOVED (Welsh/Bell)**

**That leave of absence be granted to:**

**Clr Gaylor for the period 29 August to 7 September 2015, and Clr Holborow for the period 25 September to 12 October 2015.**

**CARRIED**

(c) Matters of an Urgent Nature

It was requested that members stand when speaking to help with demarcation and for Councillors to resume sitting wherever freely available spaces were at the Council board table.

It was agreed to discuss seating arrangements outside of the meeting. It was noted that members can stand up when they are speaking if they wished to.

**RMC 15/07/109**

**CONFIRMATION OF MINUTES: 11 June 2015**

**MOVED (Gaylor/Cardiff)**

**That the minutes of the Regulatory Management Committee meeting dated 11 June 2015 are accepted as a true and accurate record of that meeting.**

**CARRIED**

**RMC 15/07/110**

**MATTERS UNDER ACTION**

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

- Bruce Johnston, Transport Safety Coordinator, spoke to his report.

*Colin Pearce left the meeting at 11.14am and returned at 11.16am.*

A recent newspaper article about protesters outside Raumatī Beach School keeping the footpath safe for children was raised for information.

*Clr M Scott joined the meeting at 11.16am.*

It was noted how well organised the Transport Forum for Older Persons had been. It was agreed that Mr Johnston would write a letter of thanks to Mana Buses.

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It was suggested that cycle bells for the hearing impaired could be provided alongside the Be Bright cycle light campaign. Mr Johnston advised that bells were given out but feedback received was that bells startled groups. The preference appears to be to speak or shout out.

- Tony Thomas, Team Leader Resource Consents, provided an update on Resource Consents, additional to the report:
  - Takahe farms – the decision has been released and is with the Objector.
  - Notice of Requirement to alter the M2PP Expressway Designation at the Peka Peka intersection – this application is now formally in the notification period as it was notified on a limited basis on 21 July 2015.
  - APN Billboard – the decision on whether to publicly notify the application or not is not yet out but expected soon.
  - Waimeha Neighbourhood Development Plan – clarification was provided on the submissions received. It was noted a Commissioner has been appointed and is encouraging applicant and submitters to agree on a way forward without the need for a hearing.

#### **RMC 15/07/111**

#### **MATTERS UNDER ACTION – REGULATORY LEGISLATION UPDATE**

The legislative update was noted. The following points were raised:

- Weathertight Homes Resolution Services Amendment Bill – there was discussion on whether claims have been budgeted for and if there was any indication of the number of claims so far. A report would be provided to the Audit and Risk committee in public excluded session.

*The meeting adjourned for lunch at 11.27 and reconvened at 11.47am.*

#### **RMC 15/07/112**

#### **KAPITI COAST DISTRICT COUNCIL SUBMISSION ON THE BUILDING ACT EMERGENCY MANAGEMENT PROPOSAL (RS-15-1637)**

Kevin Currie, Group Manager Regulatory Services introduced and spoke to the report. The following points were raised:

- Clarification was requested on how the proposed changes to the Act would apply to marae being used as a gathering point in an emergency. Three years waiting for an assessment would be too long for Iwi. It was noted that in an emergency many buildings could be part of the civil defence response plan, including marae. This would be a separate matter not dealt under this proposal but would be within the following item on the agenda, the Submission on the Building (Earthquake Prone Buildings) Amendment Bill. This proposal relates to powers the Council can have in case of emergencies which can be exercised immediately but there would still be the 3-year timeframe to complete. In a serious emergency, such as like the Christchurch earthquake, marae would need to be assessed along with everyone else affected.

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

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That the Regulatory Management Committee approves the submission to the Ministry of Business Innovation and Employment on the Building Act Emergency management proposals as detailed in Appendix One of RS-15-1637.

**CARRIED**

**RMC 15/07/113**

**SUBMISSION ON THE BUILDING (EARTHQUAKE PRONE BUILDINGS) AMENDMENT BILL (RS-15-1639)**

Kevin Currie, Group Manager Regulatory Services introduced the report, noting that this Bill is the mechanism by which we are able to notify owners of earthquake prone buildings of specified timeframes for risk assessment and prioritisation. The implications for buildings as marae, schools, medical centres and buildings on key access routes are all included as part of this proposal.

**MOVED (Holborow/Welsh)**

That the Regulatory Management Committee notes the submission on the Building (Earthquake Prone Buildings) Amendment Bill attached as Appendix One to Report RS-15-1639.

**CARRIED**

**RMC 15/07/114**

**APPLICATION FOR EXEMPTION UNDER SECTION 6 OF THE FENCING OF SWIMMING POOLS ACT 1987 – 64 SIMS ROAD, TE HORO (RS-15-1629)**

It was agreed to discuss this item before the Update on the Proposed District Plan agenda item.

Peter Ropata, Compliance Officer introduced and spoke to the report. The following points were raised:

- Clarification was requested as to whether Councillors still accompany site inspections. Mr Ropata confirmed that there were two types of exemptions, spa pools and doors opening to pool areas. The Committee chairperson has in the past attended the door site visits but never to his knowledge for spa pools site visits.

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

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 64 Sims Road, Te Horo, subject to the following 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:

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- 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
- 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 15/07/115**

**JULY 2015 UPDATE ON THE PROPOSED DISTRICT PLAN (SP-15-1615)**

Darryl Lew, Environmental Planning Manager introduced Katherine Dorofaeff who presented the update. The following points were raised:

- The committee requested indications of any future Environmental Court action. It was acknowledged that some current matters could potentially get to Court, however as the submitter engagement phase runs until March 2016 any figures now would be speculative.
- Staff have been doing everything possible to resolve matters and avoid going to the Environmental Court as court action is costly and not good for relationships. Engagement includes drop-ins for submitters, individual hearings, and a mediation-type process to reach a resolution.
- It was noted that a presentation was provided to Council on 26 February which indicated areas of difficulty on engagement. This presentation would be distributed again for information.
- The Council's decision to release a draft Urban Tree Variation Plan has been successful in receiving considerable amounts of, and useful, feedback. The feedback period closes Friday 24 July and a briefing of that feedback will be presented to ECD Committee on Thursday 30 July. Following that briefing there will be two further opportunities to consider all options, on the 11 August and the 27 August.
- There was discussion on the effect of the Urban Tree Variation on small sections where trees were marked as saved or preserved. Trees planted on small sections by previous owners could restrict even further the size of useable land, or sunlight being blocked. This feedback was noted. Any further specific information can be raised through the website submission process before close off tomorrow.

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*The Mayor left the meeting at 12.15pm.*

- Mr Dave MacIntyre confirmed that letters were drafted by the Communications team in conjunction with the project team and sent to parties who could be affected by the Urban Tree Variation. The intent was to let people know that they may have protected trees on their properties.
- There was discussion on the timeframe for feedback ending on Friday 24 July and whether the date could be changed to allow the community more time to submit. It was noted that interested parties could attend the 11 August meeting and that the only immovable date was 4 September under the RMA requirements.
- Ms Christine Foster was introduced to the committee to clarify coastal hazards Section 32 which she confirmed they have been receiving feedback on. This will be analysed, with issues collated, then a Section 32 completed.
- It was noted that the list of external engagement activities provided in the report did not include the group CRU who had placed an advertisement in the local newspaper. It was confirmed that equal opportunities were being provided to the community. It was noted that CRU have submitted through the correct submission process.

*Clr Gurunathan left the meeting at 12.29pm.*

- It was noted that any submitter who did not submit in the time period would not be classed as a submitter and cannot therefore submit any further. There were a small number of people staff were identifying to help them with this process.

*Clr Welsh left the meeting at 12.36pm and returned at 12.38pm.*

- There has been discussion with landowners and the community to explain the differences with regards to what trees can't be cut down now, and what will happen in the future – there is complexity since the legislative changes and options would be provided to Councillors on the 30 July.
- The appointed Commissioners for the panel hearing expected to be in April 2016 will be the Chair, Alistair Aburn; independent Commissioner David MacMahon; an appointed iwi commissioner; and two places for elected accredited members. Appointments will be required at least three months prior to the hearing.
- The Chair acknowledged on behalf of the Committee the significant amount of work done by staff on this project and noted Council's appreciation.

**MOVED (Welch/Bell)**

**That the update report SP-15-1615 be received.**

**CARRIED**

**RMC 15/07/116**

**PUBLIC SPEAKING TIME (covering other items if required)**

1. Mr Stephen Welch spoke on the fixed charges for water supply and the multiple service charges he has received.

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**RMC 15/07/117**

**MEMBERS' BUSINESS**

- (a) Public Speaking Time Responses (covering other items) – Wayne Maxwell, Group Manager Corporate Services responded that these charges were policy based and relate to SUIPs (separately used inhabitable parts of a unit). CRAG would be the forum to review this policy if required. The next review is expected to be at the end of this financial year.

*The meeting closed at 1.02pm.*

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Chairperson

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Date