

MINUTES	MEETING	TIME
KĀPITI COAST DISTRICT COUNCIL	TUESDAY, 17 MARCH 2015	10.00 AM

Minutes of a meeting of the Kāpiti Coast District Council on Tuesday, 17 March 2015, commencing at 10.00 am in Council Chambers, Ground Floor, Kāpiti Coast District Council, 175 Rimu Road, Paraparaumu.

PRESENT

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

ATTENDING

Mr	E	Gregory	(Acting Chair, Waikanae Community Board)
Mr	P	Edwards	(Chair, Paekākāriki Community Board)
Mr	P	Dougherty	(Chief Executive)
Ms	T	Evans	(Group Manager, Community Services)
Mr	S	McArthur	(Group Manager, Strategy & Planning)
Mr	D	Lew	(Manager, Research Policy & Planning)
Mr	S	Mallon	(Group Manager, Infrastructure Services)
Mr	W	Maxwell	(Group Manager, Corporate Services)
Ms	J	McDougall	(Communications Manager)
Ms	S	Hutcheson	(Senior Policy Advisor)
Mr	T	Power	(Senior Legal Counsel)
Ms	L	Hutchinson	(Cadet, Democratic Services)
Ms	S	Moynihan	(Executive Secretary - Minute-Taker)

The Mayor welcomed everyone and read the Council blessing.

KCDC 15/03/226

APOLOGIES

There were no apologies received.

KCDC 15/03/227

DECLARATIONS OF INTEREST

There were no declarations of interest.

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KCDC 15/03/228

PUBLIC SPEAKING TIME (FOR ITEMS RELATING TO THE AGENDA)

The following submitters spoke to their submissions (circulated) regarding the Draft Local Approved Products (Psychoactive Substances) Policy;

- Mr Derek Townsend
- Mr Michael Woods
- Mr Duncan McDonald
- Mr Colin Pearce
- Ms Karen Whibley
- Cr K Gurunathan
- Ms Deborah Morris-Travers
- Ms Jill Stansfield (Ms Leanna Hutchinson read out her submission)
- Mr Warwick Halcrow
- Mr David Anton

KCDC 15/03/229

MEMBERS' BUSINESS

- (a) Leave of Absence
There were no leave of absences requested.
- (b) Matters of an Urgent Nature
There were no matters of an urgent nature.

KCDC 15/03/230

HEARING OF SUBMISSIONS TO THE LOCAL APPROVED PRODUCTS POLICY (PSYCHOACTIVE SUBSTANCES) (WHERE THE SUBMITTER INDICATED THEY WISH TO SPEAK)

The Chair welcomed the submitters and explained the process. The hearing concerned the draft Local Approved Products (Psychoactive Substances) Policy (LAPP). Due to Government policy the Council can develop a policy to restrict the areas where they may be sold, to reduce the potential for psychoactive substances to harm users and communities, but cannot prohibit their sale.

Derek Townsend

Derek spoke on behalf of his family and as a member of Kāpiti Grey Power. He believes no one wants these substances to be sold in Kāpiti and Kāpiti Grey Power strongly opposes the policy. Local properties and businesses would end up having 'intoxicated' people hanging around the area, which could be difficult to police. A location close to the current Police Station would be more suitable. He urged the Council to do all in its power to get the law changed.

Summary of Discussion Points Raised by Elected Members:

- *Where were such substances already being sold?*

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- *Was the submitter aware of the legislative requirements council must operate under? The Council are not in favor of approving these products, but are under legislation are required to allow the sale.*

The Submitter commented as follows:

- *A store at Paraparumu Beach.*
- *Understands Government requirement.*

Michael Woods

Mr Woods stated that the previous comment was incorrect regarding a legal requirement to designate an area. He quoted the legislation: Section 66, paragraph 3 “No territorial authority is required to have a local approved products policy.”

Mr Woods believes that this outlet will become the only outlet between Porirua and Levin as there are no other places acceptable, and as such it will encourage people to congregate in the area. The location is meant to be removed from schools, places of worship however Whitireia polytechnic and Church will be nearby. He requested the Council not allow such an outlet at all.

Summary of Discussion Points Raised by Elected Members:

- *The statement was corrected – “We are advised under the legislation”.*
- *It was reiterated that the issue was that if a zone was not designated, the Ministry of Health could allow sales anywhere in the district, and it was important not to relinquish the ability to have any influence.*
- *Had Whitireia made a submission?*
- *Had boundaries been altered regarding Whitireia to which Ms Evans stated information was in the report to the Regulatory Management Committee.*
- *Available premises were required under the law.*
- *Ms Evans responded that there had been no applications to move into new premises nearby, from any Church or School, however it will be investigated whether this scenario could change.*

The Submitter commented as follows:

- *If all the Councils around New Zealand objected to this law, then Government may not be able to enact it.*

Duncan McDonald

Mr McDonald spoke as President of Kāpiti Coast Grey Power and as the Chair of the residents’ group in the retirement village located in the proposed area. It was understood that the Council needed to appoint a location, but he did not believe the Kāpiti Road, Te Roto Drive area appropriate. The preferred area was the top of Kāpiti Road and State Highway One area.

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Summary of Discussion Points Raised by Elected Members:

- *The new location being proposed at Amohia Street (ex Lawnmower shop) was queried.*
- *Mr McDonald was thanked for his submission; the Council is working hard to resolve the issue of having to provide outlets for the sale of psychoactive substances, as Council does not want these products to be available in the District.*
- *The Chair thanked the Ministry of Public Health and Police representatives for attending today. He repeated that the Council wanted to resolve this issue as soon as possible, but as the Public could see, it was not an easy process.*

Colin Pearce

Mr Pearce understood that if the Council did not designate a zone, then the Government may allow the substances to be sold anywhere. He tabled a petition from Ōtaki residents and reaffirmed his desire for the Council to support the revoking of the law to sell these products.

Summary of Discussion Points Raised by Elected Members:

- *It was pointed out that the blanket banning of these substances is difficult, as their ingredients can be altered at any time.*
- *A copy of the petition would be made available to all members of the Council in order for them to consider it.*

The Submitter commented as follows:

- *Mr Pearce asserted that the temporary ban on the sale of these substances has so far reduced their harm to the public.*

Karen Whibley

Ms Whibley spoke to her “We Say No” petition from the Makarini Street Neighbourhood Forum, and distributed a copy. A new overbridge/walkway has been designed by NZTA to connect the community of Makarini Street, due to the Expressway cutting through the area. With this in mind they are now planning for cleaner safer streets, and crime prevention. Having psychoactive substances being sold nearby will be counter-productive. The Forum requests the Council reject this option.

Summary of Discussion Points Raised by Elected Members:

- *It was asked where the Neighbourhood forum would suggest be a better location.*

The Submitter commented as follows:

- *Ms Whibley reiterated her opposition to these substances being available anywhere. As Paraparaumu is going through a process of creating a new welcoming township and gateway, anywhere near where people are welcomed is a bad idea and their availability in Paraparaumu at all is not desirable.*

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K Gurunathan

Cr Gurunathan spoke to a petition he had agreed to present as a Paraparaumu, Raumati Ward Councillor. He requested that Council give the petition due deliberation (copy tabled).

Summary of Discussion Points Raised by Elected Members:

- *Clarification was requested around whether the petition was a 'We Say No' petition (related to, or the same as, the other petitions tabled today).*

The Submitter commented as follows:

- *Cr Gurunathan confirmed the petition was a 'We Say No' petition.*

Deborah Morris-Travers

Ms Morris-Travers spoke on behalf of the Paraparaumu-Raumati Community Board (PRCB). She acknowledged the work done by Council staff as the issue was not a simple one. Council is required by law to allow the sale of a harmful product. The Community Board has been asked to consider a location, but has also listened to the views of its community and its quite clear they don't want these substances sold here. She noted that the Law Commission has called for a review of the sale of all drugs in New Zealand, and would suggest that if psychoactive substances were properly assessed they would be banned. The Community Board doesn't want to forgo the ability to allow the community to choose where they want an outlet to be based. However, as all of our community are against the idea, the PRCB strongly submit that Council should do all it can to not allow their sale here.

Summary of Discussion Points Raised by Elected Members:

- *The progress with the Law Commission review was queried.*

The Submitter commented as follows:

- *Central Government may not be willing to initiate a full review as recommended by the Law Commission, and these substances are being sold already in Kāpiti, only illegally. In terms of the draft LAPP, there was some sense in the proposed location, but if a school moves to the area, then the draft policy needs to be reviewed. (Although there has not been any formal application received from St Patricks' school as yet.)*

Jill Stansfield

Ms Stansfield was unable to speak to her submission and had requested it be read out. She wished to give her support to the draft document as it sought to limit the harm to the Community once they come back to the open market for sale. She suggested another 'sensitive' category be added of retirement sites, and that any future businesses planned for that area be investigated (ie Childcare centres). Having intoxicated people near a new freeway could end in disaster.

The meeting adjourned at 11.04am and reconvened as 11.44am.

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Warwick Halcrow

Mr Halcrow spoke as a local business owner in the proposed area. There is a Department of Corrections facility, Whitireia Polytechnic, Kāpiti Training, Kāpiti Youth Quest, and a drug/alcohol rehabilitation centre, all located near to the area proposed. It would necessitate him having to relocate his business due to the proximity of any proposed outlet as people would be 'scared away'.

Summary of Discussion Points Raised by Elected Members:

- *Would local business owners rent buildings to be used for the sale of psychoactive drugs?*

The Submitter commented as follows:

- *Mr Halcrow spoke of a petition that has been signed by local businesses and suggested most would not allow such use of their buildings and in fact some had already drawn up clauses in their lease documents.*

David Anton

Mr Anton is a business owner in the proposed area. He organised the petition amongst all local businesses which he tabled. He recognises that Council need to find a site to designate, but believes that as it will be the only site in Paraparaumu, many will travel and congregate there. There are no known drug tests for such substances and local construction projects could mean a potential for someone to be seriously injured, or put others at risk, while under the influence.

Summary of Discussion Points Raised by Elected Members:

- *How many of the local properties were owner-occupied?*

The Submitter commented as follows:

- *Mr Anton replied he had visited the majority, and spoken to owners and they did not want these products sold in the area. He did not know the number of owner-occupied.*

KCDC 15/02/231

PUBLIC SPEAKING TIME (COVERING OTHER ITEMS NOT ON THE AGENDA)

There were no other public speakers.

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The Mayor thanked the submitters and asked Mr Lew to summarise the next steps.

Mr Lew stated there would be a briefing to Council followed by deliberation by the Regulatory Management Committee, then a decision. There was an issue around the possibility that these substances may already be being sold locally and Council were under obligation to inform the authorities.

The Mayor responded that he would meet with the local police representative to discuss this matter. However Senior Sergeant Jacquelyn Muir advised she had enough information to follow-up on this issue.

Regarding the location of Whitireia Polytechnic being close to the proposed area, there had not been any submission received from them. Council should consider the letter from the Chairperson of the local Parish Council, advising that the Parish has recently purchased land to construct on in the area, as a submission. If Council receive resource consents from schools, churches, etc to locate to the area in the future, these should be considered in future deliberations. Council has followed consultative process and advertised widely regards the draft proposal.

Councillors requested that local MPs, Minister Peter Dunne, Minister Nathan Guy, and representatives from Ministry of Health be invited to the next Resource Management Committee meeting on 23 April as an opportunity for them to have their say on how they see the legislation working, and to see how a local Council is trying to apply it.

The meeting was closed at 12.25pm

Signed / / 2015
Mayor Ross Church, Chair