

<b>MINUTES REGULATORY MANAGEMENT COMMITTEE</b>	<b>MEETING HELD ON THURSDAY 5 DECEMBER 2013</b>	<b>TIME 9AM</b>
--	---	---------------------

MINUTES of a meeting of the Regulatory Management Committee, held in the Council Chambers, 175 Rimu Road, Paraparaumu, on Thursday 5 December 2013 commencing at 9:07am.

PRESENT:	Cr	D	Ammundsen	(Chair)
	Mayor	R	Church	
	Cr	K	Gurunathan	
	Cr	J	Elliott	
	Cr	D	Scott	
	Cr	J	Holborow	
	Cr	M	Bell	
	Cr	P	Gaylor	
	Cr	M	Cardiff	
	Cr	G	Welsh	
	Mr	C	Royal	(Māori Representative) <i>(from 9.20am)</i>
IN ATTENDANCE:	Mr	P	Dougherty	(Chief Executive)
	Mr	S	Mallon	(Group Manager, Infrastructure Services)
	Mr	S	McArthur	(Group Manager, Strategy and Partnerships)
	Ms	T	Evans	(Group Manager, Community Services)
	Mr	M	McGlinchey	(Acting Group Manager, Finance)
	Mr	J	McDonald	(Paekākāriki Community Board)
	Mr	T	Power	(Senior Legal Counsel)
	Ms	A	Kenna	(Media Relationships Manager)
	Mr	N	Fowler	(Environmental Standards Manager)
	Mr	P	Ropata	(Compliance Officer)
	Mrs	T	Ferry	(Executive Secretary, Community Services)
	Ms	A	McLaughlin	(Democratic Services)

The Chair welcomed everyone to the meeting, outlined meeting guidelines and read the blessing.

#### **RMC 13/12/001 APOLOGIES**

##### **MOVED (Church/Cardiff)**

**That apologies be accepted from Mr Colin Pearce, Cr Tony Lloyd and Mr Caleb Royal for lateness.**

##### **CARRIED**

#### **RMC 13/12/002 30 MINUTES PUBLIC SPEAKING TIME**

1. Frankie Vidulich, Briar Hughes, Jayna McCardle and Kate Allan from Te Horo School spoke about the speed limit on School Road. They thanked the Council for reducing the speed limit on the road last year. They said they had used a radar gun to record the speed of cars driving past, and the reduced speed limit had been very effective.
2. Mr John Le Harivel spoke about two issues which he said had been raised in the last triennium. The first was regarding the subdivision at 14 Otaihanga Road, and the second was regarding the notional bridge across the Waikanae river. He gave a slideshow illustrating the points he wished to make and confirmed he wanted to ensure proper monitoring and consent conditions at the new development.

<b>MINUTES REGULATORY MANAGEMENT COMMITTEE</b>	<b>MEETING HELD ON THURSDAY 5 DECEMBER 2013</b>	<b>TIME 9AM</b>
--	---	---------------------

3. Ms Erica Cooney, on behalf of REACT (Ramp Equal Access Coalition Team) spoke of their disappointment at Council's decision to defer the installation of the ramp at the Coastlands Aquatic Centre to February 2014. She said the decision to delay was non-consultative, unethical and unlawful. There were questions and points of clarification from a number of Councillors.
4. Mr Peter Daniel stated he wished the debate on fluoridation to be re-opened. He said he had researched the topic extensively, and believed the information presented to Council from the Ministry of Health was inaccurate and biased in favour of fluoridation.
5. Ms Jackie Eliott referred to the Elected Members' bus tour on Tuesday 3 December, which included a visit to the Dog Pound. She was disappointed the dog Beau had been taken for a veterinary visit at the time of the visit. She referred to the length of time the dog had been held at the Pound, and the cost incurred. The Chair advised the matter was before the Courts and was therefore sub judice.

The Chair invited Mr Hertnon to speak, and he declined.

**RMC 13/12/003  
MATTERS UNDER ACTION**

Ms Evans spoke to the Matters Under Action report:

- She advised the results of the school traffic speed survey had been taken into consideration in the school's travel plan and curricular activities, and confirmed all schools had been approached to participate in the school travel plan programme. She said Mr Brent Cherry [Council's School Travel Planner] has a good working relationship with local police.
- She referred to the motorcycle on display in the foyer of Council administration building, advising it had been loaned to encourage people to recognise motorcycle training opportunities.
- Regarding the Collmog Bridge, she advised the latest dangerous building notice had expired on 29 November and the information requested had not been received. However the owner has not been infringed as Council is awaiting legal advice on whether to issue an infringement or to pursue prosecution. She confirmed Councillors would be informed of progress but any decision must be free of political influence. Mr Power agreed Council could be provided with an update re legal costs. With regard to recovering those costs, standard practise was for Council to get a costs award if successful. This is normally on a scale basis and therefore would be only a contribution towards total costs. Ms Evans agreed that when they next brief Council on this matter, a history will also be provided.
- The speed camera on Realm Drive will not be on a trailer, as this is battery powered and requires charging overnight. Rather, it will be solar powered. Roading staff have looked at both traffic volumes and speed, and advise the average speed is not above the limit. The issue appears to be that of traffic volume and type. Roading staff will report back to the Paraparaumu/Raumati Community Board on the issues and options as soon as possible. Mr Dougherty added he had discussed the matter with Inspector Paul Basham, who said if the survey showed speed to be an ongoing problem, Council could liaise with local police to have the traffic speed monitored.

<b>MINUTES REGULATORY MANAGEMENT COMMITTEE</b>	<b>MEETING HELD ON THURSDAY 5 DECEMBER 2013</b>	<b>TIME 9AM</b>
--	---	---------------------

*Legislative update*

- There are a number of changes to regulatory activities coming up, including changes to the Building Amendment Act. A QA system has been set up to keep Council's processes compliant with legislation.
- The new District Licensing Committee has been established, in line with the updated Sale and Supply of Alcohol Act. The Chair is Cr Diane Ammundsen.
- The Food Bill is progressing very slowly through Parliament. Council will proceed to review the food safety bylaw without waiting for new legislation. The bylaw review had been deferred on the expectation the Bill would have been enacted before now.
- The Resource Management Amendment Act 2013 was passed in September 2013. The most significant impact is that of time frames for decision making on resource consent applications. Council will have to review its capacity to process consents accordingly.
- The Fencing of Swimming Pools Act 1987 is currently under review; one significant change is that councils will be required to inspect pools a minimum of every five years rather than every three.

Clarification was sought regarding the QA systems referred to. Ms Evans confirmed these were internal improvements, made as a result of the recent review of the regulatory area. Two appointments were made and staff have a list of priorities within the regulatory team. She confirmed annual surveys have been done around the building consent process, but they want to move to a system where feedback is sought as soon as the process is complete. This will ensure the information received is current and relevant, and can increase Council's understanding of people's perception around culture and behaviour.

Ms Evans confirmed the DLC Chair would be remunerated at a rate of \$78 per hour and other Committee members at \$51 per hour.

**RMC 13/12/004  
MEMBER'S BUSINESS**

(a) Public Speaking Time Responses

Ms Evans addressed Mr Le Harivel's concerns around resource consent procedures, stating the team has much better capacity than previously and the system is much more robust around monitoring and enforcement.

Ms Evans referred to the suggestion that the pool ramp was to be installed on 3 December. Although Council had that date as an ideal target, it was never officially confirmed that would be the installation date. Regular updates have been provided to those groups and agencies working with the disabled; there was no contingency plan re the ramp installation because no alternatives exist. A number of companies are involved in the design and construction and their staff will not be available over the Christmas period. Coastlands Aquatic Centre staff will also need to be trained on the ramp's safe and effective operation. The ramp will be in the water as much as possible and when not in use will be kept on the concourse. She reconfirmed Council's commitment to delivering the ramp and having it installed as soon as possible.

Mr Dougherty addressed the question of fluoridation, saying Council had resolved to carry out further consultation as to whether to continue. A paper will be presented in January 2014 proposing options on how to progress i.e. stand-alone consultation vs

<b>MINUTES REGULATORY MANAGEMENT COMMITTEE</b>	<b>MEETING HELD ON THURSDAY 5 DECEMBER 2013</b>	<b>TIME 9AM</b>
--	---	---------------------

consultation as part of the Annual Plan process. Regarding a referendum, he suggested it would cost some thousands. He said previous submitters had indicated they did not want a referendum; also it would not reach people in rented properties.

Mr Power referred to the recent Hamilton fluoridation matter, saying that case had been based around a potential conflict of interest, where a member of the Council was on the District Health Board which covered the area in which the fluoride decision was made. That was different to the situation in Kāpiti.

Mr Power then referred to the dog which had been impounded for 14 months, explaining that much of that time had been due to delays caused by the defendant. He said Councillors should be careful about findings of the court being perceived to be subject to political interference. He also confirmed that when a destruction order is subject to appeal, as in this case, it is standard practice to hold the animal.

(b) Leave of Absence

There were no requests for a leave of absence.

(c) Matters of an Urgent Nature

There were no matters of an urgent nature.

(d) Declarations of Interest

There were no declarations of interest.

**RMC 13/12/005**

**APPLICATION FOR EXEMPTION UNDER SECTION 6 OF THE FENCING OF SWIMMING POOLS ACT 1987 – 19 WAIRERE GROVE, PARAPARAUMU (CS-13-1051)**

Ms Evans and Mr Ropata spoke to the report. Ms Evans explained that people can apply to be exempt from fencing requirements for pools. Compliance officers inspect the pool, and there are criteria around exemptions. Mr Ropata sought questions and then referred to the recommendations:

**MOVE (Cardiff/Gaylor)**

**That the Council 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 spa pool at 19 Wairere Grove, Paraparaumu, 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:**
  - **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;**

<b>MINUTES REGULATORY MANAGEMENT COMMITTEE</b>	<b>MEETING HELD ON THURSDAY 5 DECEMBER 2013</b>	<b>TIME 9AM</b>
--	---	---------------------

- the cover must be made of material that can withstand the weight of at least 60kg 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 13/12/006  
BYLAWS REVIEW (CS-13-1050)**

Mr Nick Fowler spoke to this report, noting that Dog Control and Food Safety bylaws were about to be reviewed. Ms Evans confirmed that fees were set via the Annual Plan process.

**MOVED (Holborow/Bell)**

**That the Regulatory Management Committee notes the schedule of bylaw reviews to take place over the next two years (included as Attachment A to Report CS-13-050) and notes the reviews of the Food Safety and Dog Control Bylaws will be reported back to the Committee in the first half of 2014.**

**CARRIED**

*The meeting closed at 11.22am*

.....  
Chairperson

.....  
Date