

MINUTES REGULATORY MANAGEMENT COMMITTEE	MEETING HELD ON THURSDAY 02 OCTOBER 2014	TIME 10.00AM
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**MINUTES** of a meeting of the **Regulatory Management Committee**, held in the Council Chambers, 175 Rimu Road, Paraparaumu, on Thursday 02 October 2014 commencing at 10:00am.

PRESENT:

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

IN ATTENDANCE:

Mr	C	Pearce	(Member, Ōtaki Community Board)
Mr	P	Dougherty	(Chief Executive)
Ms	S	Foss	(Acting Group Manager, Regulatory Services)
Mr	S	Mallon	(Group Manager, Infrastructure Services)
Mr	S	McArthur	(Group Manager, Strategy & Partnerships)
Ms	T	Evans	(Group Manager, Community Services)
Mr	D	Lew	(Environmental Planning Manager)
Ms	K	Dorofaeff	(Principal Policy Planner)
Ms	E	Thomson	(Senior Policy Planner)
Ms	R	O'Brien	(Team Leader, Development Control)
Mr	N	Fowler	(Environmental Standards Manager)
Ms	J	Foote	(Team Leader, Animal Control)
Ms	C	Stevens	(Building Control Manager)
Ms	S	Haddleton	(Executive Secretary, Regulatory Services)

APOLOGIES

Cr	J	Elliot	
Ms	F	Vining	(Chair, Paraparaumu/Raumati Community Board)
Mr	J	Westbury	(Member, Waikanae Community Board)
Mr	C	Royal	(Maori Representative)
Mr	J	Best	(Member, Paraparaumu/Raumati Community Board)
Ms	K	Spiers	(Member, Paraparaumu/Raumati Community Board)

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

**RMC 02/10/42**  
**APOLOGIES**

**MOVED (Mayor/Ammundsen)**

That apologies be accepted from Cr Elliot, Fiona Vining, James Westbury, Caleb Royal, Jonny Best and Kathy Spiers.

**CARRIED**

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**RMC 02/10/43  
DECLARATIONS OF INTEREST**

Declarations of Interest – there were none.

**RMC 02/10/44  
PUBLIC SPEAKING TIME**

1. Erica Cooney read a submission on behalf of Paul Curry (submission tabled and circulated) who is a member of the Ramp Equal Action Coalition Team, as Mr Curry was unable to make it to the meeting. Ms Cooney spoke about concerns with the disability ramp at the Coastlands Aquatic Centre.

Ms Cooney also read a submission on behalf of Michelle Laurensen which raised concerns about the disability access to swimming pools on the Kāpiti Coast.

Ms Cooney also spoke herself, as a member of the Ramp Equal Action Coalition Team on her concerns with disability access at the Coastlands Aquatic Centre.

2. Mr Allan Smith spoke to items 8 and 9 on today's agenda (Proposed District Plan withdrawal of provisions and maps (SP-14-1327) and Proposed District Plan rules with immediate legal effect (SP-14-1326)). Mr Smith supported the two reports and hoped the Committee would approve them.
3. Dr Viola Palmer was not present to speak to her letter that was tabled on the effect of the Transpacific Partnership Agreement on local government and business interests. A response has been sent by the Council to Dr Palmer advising that due to workload and competing priorities, this issue was not a priority for the Council and that it is seen as a central government matter. Councillor's opinions were divided as to whether Council should provide a response. It was agreed that Councillors would discuss the matter further and liaise with staff.

**RMC 02/10/45  
MEMBERS' BUSINESS**

- (a) Public Speaking Time Responses

To Erica Cooney – Council would continue to work with the Community and REACT on this issue.

Ms Evans advised that the number of questions raised by Ms Cooney could not all be addressed today, but extended an invitation to Ms Cooney to meet in person to discuss the matters that she had raised.

- (b) Leave of Absence

**MOVED (Ammundsen/Bell)**

**That Mayor Ross Church be granted leave of absence for 16 and 21 October.**

**CARRIED**

- (c) Matters of an Urgent Nature - there were none.

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## **RMC 02/10/46**

### **CONFIRMATION OF MINUTES: 28 August 2014**

Ms Sharon Foss (Acting Group Manager, Regulatory Services) asked that an amendment be made to page 6 of the minutes. Ms Foss noted that at the meeting it was asked whether a report was still required on the Collmog Bridge. The Committee had agreed that a report was no longer required and this decision should be included to ensure accuracy of the minutes.

Further amendments were agreed:

- That the minutes be updated to record that Cr Cardiff was on leave of absence.
- That page 4 of the minutes be updated to clarify that the response about the number of disability car parks at Paraparaumu Beach was provided by Fiona Vining (Chair of the Paraparaumu/Raumati Community Board).
- That page 4 be amended to clarify that the Council had not made a submission to NZTA on the Expressway.
- That an update be made to page 6 to include a query raised as to whether gaining a building consent on Collmog Bridge would lead to further delays.

### **MOVED (Mayor/Lloyd)**

**That the amended minutes of the Regulatory Management Committee meeting dated 28 August 2014 are accepted as a true and accurate record of that meeting.**

### **CARRIED**

## **RMC 02/10/47**

### **MATTERS UNDER ACTION**

In considering Matters Under Action, the following points were raised:

- School travel planning – the Council was advised that at the Ōtaki underpass, the safety island has been crashed into four times in the last twelve months.
- A decision by the District Licencing Committee (DLC) has been appealed and it was agreed that these types of items be included in the Matters Under Action. A report from the DLC was being prepared and would also be provided to this Committee.
- Notified applications:  
Big Mac Slabs Furniture – Officer advice was that the hearing report was being circulated today (02 October 2014) and the hearing is scheduled for 22 October 2014.

Firewood Business on Tiekō Street – Public notification would appear today. A letter on firewood had been received by Councillor's and the Mayor would be responding.

Early Childhood Centre – The hearing has been deferred until the end of November 2014 due to the availability of noise experts.

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Waikanae Christian Holiday Park – This was a new application which sought to change the current entranceway to Weggery Drive. It will be a limited notification with notice being served on nine parties today, closing on 30 October 2014.

- Psychoactive substances – A draft paper is being prepared for presentation at the next meeting.

#### **RMC 02/10/48**

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

- The legislative update was noted.

#### **RMC 02/10/49**

#### **UPDATE 2 ON PROPOSED DISTRICT PLAN (SP-14-1323)**

Environmental Planning Manager Darryl Lew introduced new planner Katherine Dorofaeff and advised there would be an update on the proposed District Plan at each meeting.

The following discussion points were raised:

- Staff clarified that the purpose of the Waahi Tapu brochure, currently being prepared, was to clarify existing laws in plain English. It also includes some applicable heritage information that can be left with landowners and consent applicants.
- There is a similar brochure on the Hazardous Substances and New Organisations (HSNO) requirements. The Agency who administers this (ERMA) has brochures and such information available on their website.
- Waikanae Golf Club has concerns with the NZTA and access – particularly a private bridge with access being from Council land. It was raised that there should be a legal view provided to the Golf Club on the impact on the bridge and access to this land. This is on the agenda for the upcoming property subcommittee meeting. Mr Lew advised he has visited the Golf Club and has discussed the issue of a Waahi Tapu site on their property.

#### **MOVED (Welsh/Gaylor)**

**That the update report (SP-14-1323) be received.**

#### **CARRIED**

#### **RMC 02/10/50**

#### **PROPOSED DISTRICT PLAN WITHDRAWAL OF PROVISIONS AND MAPS (SP-14-1326)**

Darryl Lew introduced this paper and spoke of its significance as a key milestone in the Proposed District Plan process. Mr Lew referred to attachment one of the paper, confirming that this was not an extensive list, but a summary of the withdrawn provisions and there has been detailed work on the strike through provisions which will appear as a public notice and on the Council website.

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Katherine Dorofaeff advised that the paper sets out in general terms what is to be withdrawn and provided the Committee with an overview of the information provided in the report.

The following discussion points were raised:

- Withdrawal of the provisions occurs at the time of the public notice.
- The complicated nature of the process was noted - specifically that a change to one area of the plan could impact on other areas. If a Submission raises multiple points and if one point relates to a submission that has been withdrawn, that part of their submission would no longer proceed. If their submission addresses other parts of the plan or their submission points are only partly affected by the withdrawal, their submission will be valid and continue through the process. If their submission only related to coastal hazard areas, the submitter may want to become part of the process again when the new public process is set up, starting with the Coastal Advisory Group.
- Letters to all submitters will be issued in November 2014, clarifying which submissions are live and those that are not.
- A lot of work has been done to ensure that “all” objectives, policies, rules and map layers for withdrawal have been identified. If any have been inadvertently missed, it will be addressed.
- There is a provision on contaminated sites, these do not have immediate effect, but it was acknowledged that there may need to be some sort of variation on these in the future.
- The areas to be withdrawn have come from the independent review. The outcome of the review was a recommendation that the three areas should be withdrawn, others can be managed through the submission process.
- It was clarified that withdrawn provisions are removed from the Plan completely.

**MOVED (Cardiff/Bell)**

**That, in accordance with Clause 8 of Schedule 1 of the RMA, and as generally outlined in Attachment 1, the Committee resolve to withdraw from the Proposed District Plan those parts of the maps, objectives, polices and rules relating to:**

- **Coastal Hazard Management Areas**
- **Hazardous substances and facilities**
- **Priority Ares for Restoration**

**CARRIED**

**RMC 02/10/51**

**PROPOSED DISTRICT PLAN RULES WITH IMMEDIATE LEGAL EFFECT (SP-14-1327)**

Darryl Lew spoke on this report pertaining to section 86 of the Act which has the provisions that governs which rules have immediate effect within and plan.

Meetings were held with a number of lawyers from Simpson Grierson and with Richard Fowler QC, who came to a unanimous view of which types of rules have immediate effect and which do not – they are clarified in this paper.

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Katherine Dorofaeff gave a presentation on the areas that are impacted.

The following points were raised:

- The report clarifies which rules have immediate effect and those that do not.
- Rules that do not have immediate effect are still in the Plan, but do not trigger the need for resource consents until final decisions are made on the Plan.
- The rules with immediate effect apply from when the Plan was notified in November 2012. Rules that have immediate effect, that there are a submission on can be changed through the hearings process, so long as the submission relates to that particular rule.
- Council has issued two resource consents under the rules that have been withdrawn. In both instances consents were required for other reasons - there were other issues that needed to be resolved.

**MOVED (Bell/Gurunathan)**

**That the Committee adopt the changes to the list of rules having immediate legal effect as contained in Attachment 1.**

**CARRIED**

**RMC 02/10/52**

**REMOVAL OF DESIGNATION FOR THE WESTERN LINK ROAD (SP-14-1338)**

Emily Thompson spoke to this report. The report has been carried over from the meeting held 28 August 2014 and has had no changes since it was presented to the Committee.

**MOVED (Welsh/Gaylor)**

**That the Regulatory Management Committee approve the removal of the Western Link Road Designation from Part G and the relevant maps of the Operative Kāpiti Coast District Council District Plan.**

**CARRIED**

**RMC 02/10/53**

**ANNUAL REPORT ON DOG CONTROL POLICY AND PRACTICES 2013/14 (RS-14-1291)**

Sharon Foss (Acting Group Manager, Regulatory Services) introduced the report and introduced Julie Foote (Team Leader, Animal Control) who spoke to this report.

The report is an annual requirement. The Kāpiti Coast has hit a population of 7,000 dogs in the area. Key statistics have remained constant over the period, which has been helped by work being carried out as part of the Regulatory Open For Business project.

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At the end of the 2013/14 year all dogs classified as menacing and dangerous were in compliance of their classification, being de-sexed and microchipped.

The following points were raised:

- During the year, there were 1,876 complaints, with all reports being followed up and investigated on as required within current performance measures. It is difficult to differentiate, in current reporting which complaints are substantiated, however there is an opportunity to improve this in the future.
- A risk management matrix was trialed in the Animal Control area because of the high profile nature of any incidents and the subsequent safety concerns in the Community. The use of this matrix was proving very effective.
- Complaints about barking are common, and 400 have been received this financial year. A justified complaint would be where the barking occurred in a loud and persistent manner.
- Council does not pay private contractors to have stock on their property. Generally calls would be received at night time, and property owners would be asked to keep stock on their property until staff are able to identify where the stock belongs.
- The dog population in Kāpiti is high in relation to some other areas.
- 47 dogs were euthanized at a cost of \$85 per dog.

**MOVED (Welsh/Lloyd)**

**That the Committee receives report RS-14-1291 (Annual Report on Dog Control Policy and Practises 2013-2014).**

**CARRIED**

**RMC 02/10/54**

**OVERVIEW OF THE FOOD ACT 2014 (RS-14-1315)**

Nick Fowler (Environmental Standards Manager) spoke to this report, noting that a three year transition period was operative from March 2016, resulting in new operators being required to have a food control plan.

It was proposed that the fees required would be based on risk and the audit requirements – low risk activities and those that comply quickly would have a reduced rate.

Currently, around 15% of operators in Kāpiti have food control plans, and Council is proactively encouraging operators to have a plan in place to assist with the transition in March 2016.

The Act accommodates fundraising events, however legislative guidance, in relation to high risk food preparation at Markets it currently unclear – this will become a watching brief for staff.

The following points were raised:

- Preliminary discussions indicate it will be Council who sets the fees.

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- It was acknowledged that helping those with English as second language to comply may be difficult in some instances. Currently there are one or two ethnic operators with food control plans and plans are produced in other languages. Workshops on the requirements for some groups have been held.
- Ministry of Primary Industries contracts Public Health units, in cases of food poisoning, for example, who liaise with local authorities to follow up and investigate. Regional Public Health have Health Protection Officers who also investigate food-borne illness and the decision to prosecute or take action sits with them.

*Cr. Murray Bell left the meeting at 12.01pm*  
*Cr. Murray Bell returned to the meeting at 12.03pm*

**MOVED (Holborow/Scott)**

**That the Regulatory Management Committee notes the changes required by the Food Act 2014 to the work of Council in support of food operators within the district to comply with the new legislation.**

**That the Regulatory Management Committee notes that staff will keep the Committee informed on the implementation of the Food Act 2014, including the likely cost to be incurred, via further reports to this committee and/or the draft Regulatory Services Activity Management Plan being prepared as an input to the draft Long Term Plan.**

**CARRIED**

*The meeting closed at 12.09pm*

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Chairperson

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Date