

MINUTES	MEETING	TIME
KĀPITI COAST DISTRICT COUNCIL	THURSDAY 11 JUNE, 2015	02.05 PM

Minutes of an additional meeting of the Kapiti Coast District Council on Thursday 11 June 2015, commencing at 2.05 pm in Council Chambers, Ground Floor, Kapiti Coast District Council, 175 Rimu Road, Paraparaumu.

PRESENT

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

ATTENDING

Ms	A-M	Ellison	(Member, Te Whakaminenga o Kāpiti)
Mr	E	Gregory	(A/g Chair, Waikanae Community Board until 2.35pm)
Ms	F	Vining	(Chair, Paraparaumu-Raumati Community Board)
Mr	J	Cootes	(Chair, Ōtaki Community Board)
Mr	S	McArthur	(Acting Chief Executive)
Mr	S	Mallon	(Group Manager, Infrastructure Services)
Mr	W	Maxwell	(Group Manager, Corporate Services)
Mr	K	Currie	(Group Manager, Regulatory Services)
Mr	D	Lew	(Research, Policy and Planning Manager)
Ms	S	Hutcheson	(Senior Policy Advisor)
Sgt	J	Muir	(Kāpiti Police)
Ms	A	Boston	(Ministry of Health)
Ms	J	Lloyd	(Team Leader, Environmental Health)
Ms	V	Starbuck-Maffey	(Democracy Services Manager - Minute-Taker)

The Mayor welcomed everyone to the meeting and read the Council blessing.

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APOLOGIES

There were no apologies.

It was noted that Cr Welsh was on leave of absence.

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DECLARATIONS OF INTEREST RELATING TO ITEMS ON THE AGENDA

There were none.

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PUBLIC SPEAKING TIME (FOR ITEMS RELATING TO THE AGENDA)

1. John Hayes, Chair of the Older Persons' Council spoke to a submission (circulated) in support of the Council's approach in the Local Approved (Psychoactive) Substances Policy (LAPP), with a focus on the impact of drug misuse on all residents including the elderly.

James Cootes arrived at 2.10pm.

2. Duncan McDonald, President of Grey Power Kapiti and resident, spoke to the item on the LAPP, he did not support the proposed site nor the sale of the items anywhere.

3. Dale Evans spoke to his submission (circulated) about the LAPP, and said that these products should not be sold anywhere and that the Council should take the issue back to central government.

4. A group of speakers from the agency Capital Training (Michael, Matt, Leo and Gabrielle) spoke about the LAPP, were opposed to legal highs and did not support Council's proposed outlet site.

4. Cr Holborow read out a statement about the LAPP on behalf of Cr Gavin Welsh who was on leave of absence. The statement explained his investigations with central government around the limits and applications of the legislation. He urged Council to support the LAPP for now, pointing out that saying yes to a particular single zone for an outlet did not mean Council condoned the products.

Eric Gregory left the meeting at 2.35pm.

5. Tony Lester spoke on behalf of the community group 'Go Underground' about Transpower's plans to upgrade transmission lines in Kapiti, supported the Notice of Motion on the agenda today and asked for Council support. He mentioned a petition from Waikanae residents and said the argument by Transpower that the costs of undergrounding were prohibitive was not based on accurate data.

6. Don Liddle convenor of 'Go Underground Waikanae' urged Council to support the Notice of Motion, citing other areas where undergrounding had occurred.

7. Helen Anderson spoke spoke in support of the Notice of Motion with a focus on adverse electromagnetic fields and health issues associated with upgrading of the lines.

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MEMBERS' BUSINESS

- (a) Responses to Public Speaking Time – these would be covered off during discussion of the items.
- (b) Leave of Absence - none was requested.
- (c) Matters of an Urgent Nature – there were none.

KCDC 15/06/379

NOTICE OF MOTION FOR COUNCIL MEETING OF 11 JUNE 2015: KAPITI COAST DISTRICT COUNCIL SUPPORT FOR GO UNDERGROUND WAIKANAĒ

Discussion included the following points:

- Cr Gurunathan as submitter of the Notice of Motion was invited to speak and explained the history of his involvement and the origins of the community group Go Underground which was supported by the Waikanae Community Board.
- Transpower were insisting they did not need resource consent as the work involved only a small increase but in fact it was a 50% increase on the capacity of the conductor.
- There was precedence for transmission lines to be undergrounded, with an international standard applying.
- Construction of residences over undergrounded lines was not allowed so electromagnetic radiation (EMF) was an issue.
- It was too late to factor undergrounding into the construction of the Expressway.
- The only resource implication for his proposal was some staff time, although the question of who would pay for undergrounding was pertinent in any discussion. Council was not being asked to put up any funding at this point. The intent of the Notice of Motion was to open the door to a multiparty dialogue so should support.
- Although the Waikanae area was most affected the issue was of relevance north and south in the District.
- There was discussion and clarification around the rules regarding notification and non-notification of activities, and the requirement for resource consents and Council's role in the process.

MOVED (M Scott/Elliott)

That KCDC facilitates a meeting between KCDC, Transpower, NZTA, GWRC, and Go Underground to examine the question of whether there are other

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possibilities to the current Transpower proposal for upgrading the Hayward A and B lines, where they pass through the township of Waikanae.

CARRIED unanimously

MOVED (Gurunathan/M Scott)

This Council appeals to Transpower to uphold the values of good corporate citizenship and use the discretion available to it under s95A of the Resource Management Act to publicly notify the maintenance/upgrading of its conductors going through Waikanae, should a resource consent be required.

CARRIED unanimously

KCDC 15/06/380

LOCAL APPROVED PRODUCTS (PSYCHOACTIVE SUBSTANCES) POLICY (SP-15-1574)

Principal Policy Advisor Sam Hutcheson, and Research, Policy and Planning Manager Darryl Lew presented the report, confirming that it was not legally viable to ban the sale of the products. The intent of the draft policy was to reduce harm by restricting the location of retail outlets and a single site was being proposed.

- The clearest message from submissions was that people did not want the outlet near their homes or near educational or retirement facilities. Changes had been made to the draft policy to further distance the outlet from educational facilities, and ensure that any outlet was situated on the ground floor. The rationale for the proposed site was to ensure it was visible to the community and the Police (who endorsed the site).
- Submissions made in Public Speaking Time today were compelling and confirmed agencies and individuals did not want the products sold at all and suggested that the proposed site was the wrong place. The factors that made the site the preferred one were explained in detail.
- Sergeant Jacquie Muir (Kapi-Mana Police) was invited to speak and explained the Police attitude, drawing on the experience with alcohol as a parallel example (in view of a lack of data on psychoactive substances). By limiting the outlets (number, access and size) and increasing the visibility of the site, the harm done by alcohol consumption can be mitigated and this approach could also be taken with psychoactive substances. The proposed site was in an area that Police patrol and travel along on a daily basis. She confirmed that people do tend to buy the products at sites but take them away to consume elsewhere.
- It was confirmed that Elected Members did not want these products anywhere in the community but were faced with the reality that they did not have the power to ban the products outright. If Council did not approve the policy today, and once the Regulations were in place, then it would be possible for outlets to be set up anywhere in the District.

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- Andrea Boston from the Ministry of Health confirmed that the Regulations would be released in November 2015 to give communities the opportunity to stipulate where the products could be sold. Products would still have to go through a stringent and lengthy testing regime before they could be released on the market. She commented that in terms of absolute harm to youth, alcohol was significantly worse than legal highs.

Cr Bell left the meeting at 3.48pm and returned at 3.50pm.

- It was clarified that once the regulations were released, a retailer could apply for a licence immediately, and 'park' it waiting for the products to pass their testing regimes. Or a retailer could set up an outlet selling other products and then add psychoactive substance products to the range once they are available.
- There was a range of community programmes in place by various agencies to educate the community about the effects of these and other substances and promote healthier lifestyles.
- It was agreed that Council must ensure zero tolerance of policy breaches and ensure that a monitoring and enforcement programme was robust when these products come onto the market. However, enforcement was the responsibility of the Police and Health.
- If the policy was constructed in such a way as to constitute a ban, this would be in breach of the legislation and Council would be at risk of a judicial review.
- A Councillor raised a procedural issue, referring to the previous resolution by the Regulatory Management Committee to oppose the sale of the products and lobby the government to ban them outright. The recommendation proposed today, if voted on, seemed to directly contradict this previous resolution and how would this affect Councillors' voting? It was suggested that the motion today was seeking to ban the sale of products in the District as much as possible under the legislation and so procedurally did not appear to be contradictory.
- An additional motion was moved and seconded which would see Council taking no action to facilitate the sale of any substances under the Act. Mr McArthur said the new motion appeared to be directly opposite recommendations 11 and 12, so it would not be possible to vote for both this new motion and the recommendations 11 and 12.
- Reference was made to a United Nations Conference in Bangkok in April which discussed the trade of materials using to manufacture illegal drugs and the manufacture of synthetic drugs, so Kapiti was not the only community facing these difficult decisions. If the new motion was supported that would mean that anyone with a licence could sell the products anywhere in the District.
- There was discussion about the potentially complex legal implications and public perceptions of the new motion if it was passed.

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- Some Councillors believed that Council should continue to lobby the government for an outright ban of the products and not adopt the Policy. Other Councillors believed that it was better to have a Policy which restricted the sale of the products to one site in the District rather than the situation which would arise without a policy where the products could be sold anywhere in the District. It was clarified that without a Policy Council could not otherwise restrict the number and location of any outlets.
- It was agreed that Council would continue to lobby central government.

MOVED (Elliott/D Scott)

That Council take no action that will facilitate the sale of any substances that are under the jurisdiction of the Psychoactive Substances Act 2013 in the District of Kapiti.

A division was requested:

For the motion: Cr Gurunathan, Cr Holborow, Cr D Scott, Cr Elliott

Against the motion: Cr Bell, Cr Cardiff, Cr M Scott, Cr Gaylor, Cr Ammundsen, the Mayor

LOST

MOVED (Cardiff/Bell)

That Council adopts the Local Approved Products (Psychoactive Substances) Policy 2015 (attached to report SP-15-1574 as Appendix 6 of SP-15-1526) providing a 200 metre buffer for the proposed St Patrick's School.

A division was requested:

For the motion: the Mayor, Cr M Scott, Cr Gaylor, Cr Ammundsen, Cr Holborow, Cr Cardiff, Cr Bell

Against the motion: Cr Elliott, Cr D Scott, Cr Gurunathan

CARRIED

The meeting adjourned at 4.50pm and reconvened at 5pm.

KCDC 15/06/381

APPLICATION FOR TERRITORIAL AUTHORITY CONSENT FOR ADDITIONAL CLASS 4 GAMING MACHINES AT AN EXISTING VENUE (RS-15-1581)

Group Manager Kevin Currie and Julie Lloyd presented the report, explaining the nature and extent of Council's role and that a decision needed to be taken today.

Cr David Scott believed declared an interest as he was a member of both clubs but this was not believed to be material.

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MOVED (Bell/D Scott)

That the Council gives Territorial Authority consent to the application by Kapiti Club Incorporated to operate additional gaming machines at the venue to a maximum of 24 gaming machines, subject to the Kapiti Club Incorporated merging with the Paraparaumu Memorial RSA Incorporated.

CARRIED

KCDC 15/06/382

AMENDMENT TO THE GOVERNANCE STRUCTURE – MEMBERSHIP OF THE CHIEF EXECUTIVE EMPLOYMENT AND PERFORMANCE COMMITTEE (CEPEC) (CORP-15-1594)

Vyvien Starbuck-Maffey Democracy Services Manager spoke to the report explaining that if Council agreed to change the membership of the Chief Executive Performance and Employment Committee to include all Councillors this would require an amendment to the Governance Structure and Delegations document.

MOVED (M Scott/Mayor)

That Council agrees to discharge the current Chief Executive Performance and Employment Committee (CEPEC);

That Council agrees to reconstitute the Chief Executive Performance and Employment Committee (CEPEC) with a membership comprising the Mayor and all Councillors;

That Council approves the consequent amendment to the Governance Structure and Delegations document as at Appendix 1 of report Corp-15-1594.

CARRIED

KCDC 15/06/383

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

There were no other public speakers.

The meeting was closed at 5.10pm.

Signed / / 2015
Mayor Ross Church, Chair