

MINUTES REGULATORY MANAGEMENT COMMITTEE	MEETING HELD ON THURSDAY 28 AUGUST 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 28 August 2014 commencing at 10:00am.

PRESENT:

Cr	D	Ammundsen	(Chair)
Cr	J	Elliott	
Cr	P	Gaylor	
Cr	G	Gurunathan	
Cr	J	Holborow	
Cr	T	Lloyd	
Cr	D	Scott	
Cr	G	Welsh	
Mr	R	Church	(Mayor)
Mr	C	Royal	(Māori Representative)

IN ATTENDANCE:

Mr	C	Pearce	(Ōtaki Community Board)
Ms	F	Vining	(Chair, Paraparaumu-Raumati 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)
Mr	D	Lew	(Environmental Planning Manager)
Ms	E	Thomson	(Senior Policy Planner)
Mr	A	Guerin	(Resource Consents and Compliance Manager)
Mr	B	Cherry	(School Travel Planner)
Ms	C	Stevens	(Building Control Manager)
Ms	V	Starbuck-Maffey	(Democratic Services Team Leader)

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

RMC 14/08/32 APOLOGIES

There were no apologies.

It was noted that Cr Bell and Cr Cardiff were on leave of absence.

RMC 14/08/33 DECLARATIONS OF INTEREST

Declarations of Interest – there were none.

RMC 14/08/34 PUBLIC SPEAKING TIME

- Ms Joy Svendsen spoke to a powerpoint presentation as a member of the Community Liaison Group with the Expressway project. The slides showed progress with construction. With reference to item 8 on today's agenda she recommended that Council wait until October 2014 before making a decision about the designation in view of uncertainty around the general election results and the impact this may have on the Expressway project
- Dale Evans spoke to his submission (circulated) about a range of issues, including (1) concrete pads in Manly St which had been removed. (2) why was a concrete contractor from outside the District engaged? (3) Were the Councillors appointed to the panel for the Code of Conduct investigation paid for this work? Who decided to use Peter Chemis? (4)

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Was there a discount card for staff? (5) How many carparks had been issued to staff and were staff required to pay for these? (6) Aquatic Centre – had there been 650,000 visits per annum? How often had the ramp been used? Had any damage been caused by the new ramp? Had there been any impact on the pool’s warranty due to the installation of the ramp? Had the ventilation system impacted on performance? Were there any other faults, or any problems with the roof lashings? (7) With regard to his recent use of the disabled carpark space outside the Council building in spite of not being there on Council business Mr Evans explained he had done this in order to draw attention to the shortage of such parking spaces at Paraparaumu Beach.

3. Cr Nigel Wilson spoke as a Greater Wellington Regional Councillor about item 8 on the agenda and urged Council to wait until after the elections and the designation lapsed. In response to a query, it was clarified that GWRC had not made a submission to NZTA on the Expressway because there was¹ a range of opinions at GWRC.
4. Bos O’Sullivan said he did not support the Expressway but still urged Council not to revoke the designation today, as there may be a change of government policy and many local people now had employment with the project.
5. Rita Pomare supported the comments of the previous speaker.
6. Bianca Begovich spoke about the WLR designation and asked that Council delay any decision until after the general election.
7. Mark Harris spoke as the Secretary of Save Kapiti, complaining that the report at agenda item 8 had not been released until Monday 25th August 2014 after the Labour Party said it would review the decision to build the Expressway. Under LGOIMA he requested all drafts of the report. He also said that this Committee did not have the delegation to make this decision today. He urged Council to delay the decision.

Due to the high level of interest in agenda item the Chair signalled that with the agreement of the meeting consideration of this item would be brought forward in the agenda. The meeting agreed.

**RMC 14/08/35
MEMBERS’ BUSINESS**

(a) Public Speaking Time Responses

The speakers who raised issues to do with the designation would have these dealt with when the report was considered.

To Dale Evans – a written response to Mr Evans’ question would be provided later. Cr Holborow indicated she was not remunerated additionally for the Code for Code of Conduct matter and neither was Cr Cardiff. Regarding the question about the Chief Executive not receiving any salary increase at his last performance review, this question had already been answered in a public forum and in writing (and the answer was no he had not).

Cr Scott asked how many disability carparks there were at Paraparaumu Beach?² Fiona Vining, Chair of the Paraparaumu-Raumati Community Board informed the meeting there is only one disability carpark and this issue had been discussed by the Board.

(b) Leave of Absence

MOVED (Gaylor/Mayor)

That Cr Amundsen be granted leave of absence for 1-26 September inclusive.

CARRIED

¹ This section amended as per RMC Meeting 02 October 2014.

² This section amended as per RMC Meeting 02 October 2014.

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

RMC 14/08/36

REMOVAL OF THE DESIGNATION FOR THE WESTERN LINK ROAD FROM THE OPERATIVE DISTRICT PLAN (SP-14-1190)

Senior Policy Planner Emily Thomson and Group Manager Strategy and Partnerships Stephen McArthur spoke to the report, making the following points in response to public speakers' concerns:

- The land formerly intended for the WLR had been sold, construction for the Expressway was well underway, and in any case the WLR designation was not exactly the same alignment as the Expressway.
- The decision today was intended to be purely procedural. Ms Thomson said that this report had been contemplated back in March and work on it had started in July; it was not related to any political developments.
- Ms Thomson clarified that the designation lapsed in October 2015, not 2014.
- There was no urgency to make this decision today but there was also no valid reason under the Resource Management Act to have the designation when there was no intention to construct this road.
- The WLR designation was for a local road, so NZTA would not be able to use it anyway. The Regulatory Management Committee (RMC) did have the delegation to make the decision today. The Council had been the designated authority for decisions associated with the WLR.
- The Council had debated long and hard at the time about the decision to join the Expressway Alliance and had made the decision to do so to have the best chance of ensuring that the community's interests were taken into consideration.
- If there was a political decision to halt the Expressway, Council would face serious uncertainties in respect of its Town Centres project.
- The previous WLR budgets had allowed only for Stage 1 which was going to be 90% subsidised by NZTA. This subsidy no longer existed and there was no allocation for the WLR in the Long Term Plan budgets. Council would also have to repurchase the land.
- The WLR design was intended to go around sand dunes, but with the Expressway construction those sand dunes no longer existed, so there was no question of reviving the original WLR design.
- It would be possible to revisit this decision at the RMC meeting on 2 October. However if it was not removed from the current District Plan landowners could be restricted in what they could do.

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MOVED (Welsh/Gaylor)

That the report SP-14-1190 be let lie on the table, until the next meeting of the Regulatory Management Committee on 2 October 2014.

CARRIED

*The meeting adjourned at 11.09am and reconvened at 11.29am.
Cr Elliott left the meeting.*

**RMC 14/08/37
CONFIRMATION OF MINUTES: 17 July 2014**

Cr Lloyd asked that the meeting attendance be amended to reflect his attendance.

The meeting asked whether a report was still required on the Collmog Bridge. Acting Group Manager Regulatory Services Sharon Foss confirmed that Council had granted a building consent for the bridge and she acknowledged the work of staff Claire Stevens, Russell Brook and Leon Smith in getting to this point. In view of this progress it was confirmed that a report was no longer required. Mr Pearce asked how long the owners have to action the building consent associated with the repair work on the bridge (buttresses and structural spans) and how long they have to complete the work. Ms Foss advised that the building work must commence within 12 months and the work must be completed within two years. Mr Pearce explained the reason for his questions was to highlight that it could potentially be another three years before the bridge was able to be used.³ Ms Foss also noted that there was good progress being made with progressing an analysis of food licensing issues raised by Mr Barris.

MOVED (Gaylor/Holborow)

That the minutes of the Regulatory Management Committee meeting dated 17 July 2014 are accepted as a true and accurate record of that meeting/

CARRIED

**RMC 14/08/38
MATTERS UNDER ACTION**

- School Travel Planner Brent Cherry provided an update on his activities, and confirmed that a new Road Safety Coordinator would be recruited soon. He was invited to address the Waikanae Community Board and Cr Lloyd agreed to facilitate this invitation.
- Resource consents – Andrew Guerin provided an update on consents. Cr Scott asked for more regular updates on the consents associated with early childhood centres as he believed this could become a bigger issue.
- Psychoactive substances – the Chair asked that this matter be added to the MUA list.

³ This section was amended as per RMC Meeting 02 October 2014.

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RMC 14/08/39

MATTERS UNDER ACTION – LEGISLATION UPDATE

- Acting Group Manager Regulatory Services Sharon Foss clarified the timeframes around the introduction of the Food Act. She confirmed there would be a report brought to the RMC in due course.
- Environmental Planning Manager Darryl Lew confirmed that the intent was to provide an update to the Committee every time a legislative amendment came through. Some of the updates were most relevant to those councillors who were hearing commissioners. He invited Elected Members with any questions to please approach staff.

MOVED (Gaylor/Mayor)

That the legislation update be received.

CARRIED

Cr Elliott returned to the meeting at 11.50am.

RMC 14/08/40

UPDATE ON PROPOSED DISTRICT PLAN (SP-14-1294)

Environmental Planning Manager Darryl Lew spoke to this report and said that this was the first of what would be regular updates provided to the Committee. Members of Te Whakaminenga o Kāpiti would also receive the same updates. A Proposed District Plan (PDP) update newsletter was also being provided to the community, submitters and media. He summarised activities:

- Over the next few months most of the work would be internal. He tabled a new document (circulated) detailing new guiding principles with GWRC. A working party had been set up with GWRC to look at issues of overlap between the regional plan and the PDP. The guiding principles had been agreed but now GWRC had come back with changes.
- He clarified the threshold of responsibilities between Council and GWRC in respect of streams. GWRC was responsible for flood management on the main Kapiti waterways and also freshwater management including any discharge into fresh water.
- Caleb Royal commented it was good to see the Council working with GWRC but asked about iwi representation on that working party.
- Mr Lew explained timeframes about coastal provisions being withdrawn. The provisions of the operative plan were still current, including coastal structures such as sea-walls.
- There was some discussion about the composition of the Coastal Advisory Group and it was confirmed that surrounding councils will be invited to participate.
- Regarding the submission process for the PDP if Councillors were approached by any non-submitters they were invited to alert staff.
- It was clarified that any councillors who become accredited as hearing commissioners would still preserve their status as commissioners regardless of what happened at the 2016 triennial elections.

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MOVED (Welsh/Holborow)

That the updated report be received.

CARRIED

RMC 14/08/41

**IMPACTS OF NEW LEGISLATION IN PARTICULAR RESOURCE MANAGEMENT ACT
CHANGES (SP-14-1227)**

MOVED (Welsh/Mayor)

- That the Regulatory Management Committee notes the changes to the Resource Management Act (1991) in 2011 and 2013 will necessitate changes in delegations for the Regulatory Management Committee and staff and requests a report that makes the necessary changes to the governance structure and relevant staff warrants.
- That the Council's delegations for hearing commissioners are amended so that only accredited Hearing Commissioners can be appointed to hear and make decisions on notified resource consents, reviews of resource consents, applications to change or cancel resource consent conditions, proposed policy statements and plans and any hearing of an objection under section 357C of the Resource Management Act (1991).
- That the Regulatory Management Committee notes that changes are required to the resource consent procedures and that staff are making the necessary changes to implement the new requirements.
- That the Regulatory Management Committee notes that staff will keep the Committee updated on the implementation of the Resource Management Act (1991) amendments, including costs incurred via further reports to this Committee.
- That the Regulatory Management Committee notes that a report outlining options for the urban tree provisions will be prepared for a Regulatory Management Committee meeting before the end of 2014.

CARRIED

The meeting closed at 12.17 pm

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Chairperson

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Date