

MINUTES REGULATORY MANAGEMENT COMMITTEE	MEETING HELD ON THURSDAY 13 MARCH 2014	TIME 9.00AM
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MINUTES of a meeting of the **Regulatory Management Committee**, held in the Council Chambers, 175 Rimu Road, Paraparaumu, on **Thursday 13 March 2014 commencing at 9:00am.**

PRESENT:

Cr	D	Ammundsen	(Chair)
Cr	M	Bell	
Cr	M	Cardiff	
Cr	J	Elliott	
Cr	P	Gaylor	
Cr	J	Holborow	
Cr	D	Scott	
Cr	G	Welsh	
Mr	C	Royal	(Māori Representative)

IN ATTENDANCE:

Mr	P	Dougherty	(Chief Executive)
Ms	T	Evans	(Group Manager, Community Services)
Mr	S	Mallon	(Group Manager, Infrastructure Services)
Mr	C	Pearce	(Ōtaki Community Board)
Ms	F	Vining	(Chair, Paraparaumu/Raumati Community Board)
Mr	N	Fowler	(Environmental Standards Manager)
Ms	J	Lloyd	(Environmental Health Team Leader)
Ms	J	Pearson	(Transport Safety Coordinator)
Mr	B	Cherry	(School Travel Planner)
Ms	C	Stevens	(Building Control Manager)
Ms	T	Ferry	(Executive Secretary Community Services)

The Chair welcomed everyone to the meeting and read the blessing.

**RMC 14/03/014
APOLOGIES**

MOVED (Welsh/Bell)

That apologies be accepted from Mayor Ross Church, Cr Tony Lloyd, Cr Gurunathan, Mr Jack McDonald, Chair of Paekākāriki Community Board and Mr James Westbury, member of Waikanae Community Board.

CARRIED

**RMC 14/03/015
30 MINUTES PUBLIC SPEAKING TIME**

1. Mr Dale Evans

Mr Evans circulated a paper and asked questions regarding the Collmog Bridge, animal control, monitoring the Chief Executive's performance and the kiosk at Maclean Park.

Cr Elliott asked how many signatures had been received on the petition. Mr Evans stated it was in the vicinity of 1500.

Mr Pearce sought clarification on the kiosk, question 4, whether Mr Evans meant "quality surveyor" or "quantity surveyor". Mr Evans confirmed he meant quality surveyor.

MINUTES REGULATORY MANAGEMENT COMMITTEE	MEETING HELD ON THURSDAY 13 MARCH 2014	TIME 9.00AM
--	---	------------------------

Cr Scott asked whether Mr Evans was aware of any action taken by the Paraparaumu/Raumati Community Board on the matter of the kiosk. Mr Evans said he was unaware of any action to date, although he understood Board members would be attending the Paraparaumu Beach market this weekend.

Members' business was moved forward in order to deal with public speaking time responses.

**RMC 14/03/016
MEMBERS' BUSINESS**

(a) Public Speaking Time Responses

Ms Evans advised the first three questions in Mr Evans' document would be addressed in writing. Regarding the kiosk, she confirmed:

- The figure of \$60,000 was not a quote, but an estimate obtained for the information of the Community Board;
- A contestable process will be followed if the work is to proceed; and
- There had been a fire. The building is insured, with an excess of \$100,000. No insurance claim has been made to date.

Cr Scott stated he had spoken to local builders who estimated a maximum of \$20,000 for the work required. He felt the higher figure had influenced the decision making process, and a formal estimate should have been obtained.

Ms Vining advised that since the Paraparaumu/Raumati Community Board meeting of 18 February 2014, the Board had arranged to be at the Paraparaumu Beach market from 8am – 12 noon on Saturday; a Board member would be speaking to participants at the Youth Fest; and the Board were holding a public meeting next week (location to be confirmed). She said the Board had contacted Grey Power for comment and confirmed consultation will have happened before the next PRCB meeting.

- (b) Leave of Absence - there were none.
- (c) Matters of an Urgent Nature - there were none.
- (d) Declarations of Interest - there were none.

**RMC 14/03/017
PRESENTATION FROM LOCAL ALCOHOL POLICY (LAP) STATUTORY PARTNERS**

The Chair invited to the table members of the Kāpiti Coast District Licensing Committee, Ms Samantha Sharif, Ms Hilary Wooding and Mr Michael Dodson. She gave the apologies of DLC members Mr Trevor Knowles and Mr Phillip Parkinson. She also welcomed to the table Senior Sergeant Mark Buttar, Alcohol Harm Prevention Manager; Medical Officer of Health Dr Steven Palmer; Ms Sam Hutcheson, Senior Social Wellbeing Advisor; Mr Nick Fowler, Environmental Standards Manager; and Ms Julie Lloyd, Environmental Health Team Leader.

Ms Hutcheson gave a presentation introducing the Local Alcohol Policy, outlining the background and summary of work done to date. Senior Sergeant Buttar gave the apologies of Senior Sergeant Anita Dixon and Detective Inspector Paul Basham. He then spoke to the NZ Police's presentation on the Sale and Supply of Alcohol Act 2012, outlining the objects of the Act, key changes to legislation and statistics on alcohol links to crime and harm. Dr Palmer gave a presentation from Regional Public Health looking at key health and other

MINUTES REGULATORY MANAGEMENT COMMITTEE	MEETING HELD ON THURSDAY 13 MARCH 2014	TIME 9.00AM
--	---	------------------------

issues in the community caused and affected by alcohol, and possible scenarios for Kāpiti. He commented that young people from the District frequently travel to Wellington to socialise, which posed problems due to the distance and lack of public transport available, particularly in the early hours of the morning. He felt this should be thought through.

The Chair invited questions and the panel responded accordingly:

Cr Scott left the meeting 10.09am and returned at 10.17am.

- Regarding educating the public, Sergeant Jackie Muir said the Kapiti Police had sent a link to the Health Promotion Agency website to all school principals in Kapiti for them to disseminate; they also hand out pamphlets over the counter at the Kapiti Police Station;
- Ms Hutcheson said the Council was supporting a range of best-practice initiatives e.g. the Youth Council. Dr Palmer said it is important to acknowledge that NZ, and Kāpiti, has an alcohol problem. A report from WHO has indicated the way to address the problem is through a variety of strategies around availability. Snr Sgt Buttar said the long term aim is to change the culture, but immediate steps to reduce harm can be taken through the LAP;
- Snr Sgt Buttar did not know of any international statistics to compare with the NZ data that had been collected;
- Dr Palmer said the key strategy around access to various strengths of alcohol (e.g. RTDs, spirits vs wine) was in the pricing. For young people the most popular alcohol is RTDs and low priced beer; heavy drinkers in other ages tend to purchase the cheapest options;
- Ms Hutcheson said the Psychoactive Substances Act had not been given a high priority; it is felt the area where significant change can be made is around alcohol. Dr Palmer said processes are still being developed around the Act and regulations are likely to be delayed until next year, to give Territorial Authorities more time to put into their LAPs. Ms Hutcheson added there were only a small number of outlets in the District and she was not aware of any issues. Ms Evans will look at Council's work programme and advise when the policy work was likely to be done;
- Ms Hutcheson said she was involved in discussions with other communities re their LAPs and was collecting data so as to have a discussion on what is best for the community. She confirmed the LAP would be aligned with those of Levin and Porirua;
- Sgt Muir felt earlier closing hours would not change the problem, as some young people were drinking as soon as school finished in the afternoon. She said some parents were mortified when their children were found intoxicated; others did not seem to care;
- Regarding the definition of "responsible drinking" Dr Palmer felt personal responsibility could not be relied on, as judgement was the first value to decline even with only one or two drinks. It is generally agreed those who purchase alcohol after 9pm have the intent of drinking in an irresponsible manner. Police are using the 9pm closing time as a test, and will be appealing the Lower Hutt LAP which says larger stores can sell alcohol until 11pm. Sgt Muir agreed that after 9pm persons purchasing alcohol at supermarkets are likely to become either harm offenders or the victim of harm;
- Dr Palmer said he understood there were currently six provisional LAPs now out, which had all been appealed by the liquor industry and supermarkets. He said the issue of opening hours will come up before the Alcohol Regulatory Licensing Authority in due course, and case law will be established;
- Dr Palmer then said he was unaware of any statistics showing the Licensing Trust model was better or worse regarding alcohol-related harm. He commented there had been a great liberalisation of alcohol laws in recent years, and the pendulum needed to swing back the other way.

Cr Elliott left the meeting at 10.48am.

MINUTES REGULATORY MANAGEMENT COMMITTEE	MEETING HELD ON THURSDAY 13 MARCH 2014	TIME 9.00AM
--	---	------------------------

Cr Welsh left the meeting at 10.56 am and returned at 10.58am.

Cr Bell left the meeting at 10.59am and returned at 11.02am.

Cr Gaylor left the meeting at 11.02am and returned at 11.04am.

- Dr Palmer said there was no information on whether young/underage people obtain their alcohol online, although research shows that young people tend to buy alcohol from the nearest outlet to where they live, and tend not to plan ahead – which suggests internet purchases would not suit them. Ms Andrea Boston, Public Health Advisor for Regional Public Health, said she had been looking at online purchasing behaviour. She said the majority of online purchasers buy only small amounts, probably due to price. She said Countdown is the only supermarket selling online, although a number of liquor stores are e.g. Liquor King, The Mill. Some stores allow direct online purchases, others only provide a store phone number for pickup. Ms Boston feels the alcohol problem is related more to the densities of physical outlets. She said premises do not have to state whether they are selling online, and thinks they should do so.
- Dr Palmer said the sale of liquor in supermarkets was asked for by the NZ public in the 1990s and it would be very difficult to change the law now.

The Chair thanked all those who attended to discuss the LAP.

The meeting adjourned at 11.13am and reconvened at 11.36am.

RMC 14/03/018 MATTERS UNDER ACTION

The following matters under action were discussed:

School Travel Planning – Mr Cherry outlined the activities he was currently carrying out with various schools across the District. In response to questions he advised:

Cr Bell left the meeting at 11.40am and returned at 11.47am.

- Moving the pedestrian crossing outside Raumati Beach School would have a significant impact on the rest of the town centre e.g. a lot of car parking outside the school would be lost, and this would not be redressed until the town centre upgrade work was complete;
- The latest design suggests putting pram ramps in on the other side of Weka Road, which should make it easier for children crossing the road;
- The town centre upgrade looks at solving a number of issues in the area, however Mr Cherry was unable to comment on the progress of that work; and
- It was agreed the issue of parking and traffic issues would be added to Matters Under Action.

The meeting suggested Mr Cherry should seek opportunities for producing positive publicity around the school activity travel plans.

Road Safety – Ms Pearson spoke about current activities under the programme, including motorcycle training courses, Bike Wise Days and Plunket Day. She also advised she is assisting Porirua with analysis of crash statistics. In response to questions she explained the Older Persons Transport Forum is an initiative to assist elderly drivers to be aware of options e.g. Driving Miss Daisy. This included confident driving courses. She confirmed she was working with the Elders Council on the programme, and the only costs were for hall hireage and scones.

MINUTES REGULATORY MANAGEMENT COMMITTEE	MEETING HELD ON THURSDAY 13 MARCH 2014	TIME 9.00AM
--	---	------------------------

District Plan Review – Ms Evans referred to the update on page 4 of the agenda papers. The only significant new items since the last meeting is the impending Coastal Hazards Report, due to be presented 21 March 2014, and progress of the Draft Annual Plan.

Resource Consents – Ms Evans had nothing to add to the update provided. She commented there were two notified applications currently in progress and there was a lot of work coming via the Expressway. The Chair advised the meeting the application for notice of requirement would be heard independently, as the Council will be making a submission on that.

Collmog Bridge – Ms Stevens advised that she had written to Mr and Mrs Hertnon following the RMC meeting on 29 January informing them of the Committee’s decision. She had not heard from them since. Ms Stevens had followed up with Mr and Mrs Moffat regarding the building consent and had not had a response. Two infringement notices had been issued to the Moffatts, which would be referred to the Courts if not paid. The infringement fine is \$1,000 to each property owner. She confirmed the Moffatts had applied for building consent. The Council had requested further information which had not been provided. She had suggested a meeting with them but had received no response. She said the Hertnons had suggested Council could do the work required [to the bridge] and recover the cost of that work from the Moffatts. She was unable to comment on what concerns the Hertnons may have with the process until a legal challenge arrives.

Cr Elliott rejoined the meeting 12.06pm.

**RMC 14/03/019
MATTERS UNDER ACTION – LEGISLATION UPDATE**

Ms Evans stated she would amend the format of the document so as to more clearly show progress since the last meeting. She invited discussion on two specific items:

Building (Earthquake-prone Buildings) Amendment Bill – Ms Stevens advised since the report had been prepared, the Bill had passed through its first reading and had gone to Select Committee. Submissions are due by 17 April 2014 and Council officers are proposing to come back to Council with a draft submission as part of that process. The Select Committee is due to report on 15 September 2014, as there is an election on 20 September 2014 Ms Stevens feels there may be no further action prior to election; the election results will determine the speed of progress after that.

In response to questions she advised:

- The Bill is proposing significant changes in regard to work councils will have to undertake. There are an estimated 1,500 buildings in this District that will need to go through some form of assessment process, ranging from some form of engineering assessment (using consultants to assist) through to an assessment that because the building was built after a certain date it is therefore unlikely to be earthquake-prone;
- There is a proposal in next year’s Draft Annual Plan for funding in order of \$275,000; a paper was presented to the previous Council of estimated costs over next five years;
- The current turnaround for simple building consents is 20 days, which is the statutory requirement; the proposed five day consent would require significantly less involvement so Council officers would be able to meet that requirement;
- The Ministry of Business Innovation and Employment has traditionally provided guidance on the Building Act, they are about to publish updated guidelines around the current changes; and
- The Bill requires the Territorial Authority to undertake an assessment of whether a building is earthquake-prone or not; it is unclear whether that assessment should be paid

MINUTES REGULATORY MANAGEMENT COMMITTEE	MEETING HELD ON THURSDAY 13 MARCH 2014	TIME 9.00AM
--	---	------------------------

for by the Council or the owner. There is no proposed offence for the owner not providing the information, and no ability to require that information in the legislation as currently drafted.

Cr Gaylor asked whether the Psychoactive Substances Act should be added to the list of legislative items. Ms Evans agreed to do so.

Cr Elliott asked whether the Council had formally replied to the email petition circulated by Mayor Kookshorn in Greymouth. Mr Dougherty advised they had not.

Sale and Supply of Alcohol Act 2012 – Mr Fowler and Ms Lloyd provided further comment following the earlier agenda item. Ms Lloyd said the Licensing Inspector had two clients i.e. the licensee and the community, and they needed to find middle ground when considering applications. She said she personally did not support the introduction of later hours/night club type licenses in the district, as traditionally licensees have shown an inability to manage the type of patrons these venues attract. Mr Fowler provided statistics on how many licenses have been processed since the new legislation came into effect, and how often the new District Licensing Committee had met. He said anecdotally he understood the work load for staff had increased significantly. Ms Lloyd commented a lot more detail is now required in applications and time is spent explaining new fee and licence structures to applicants.

Crs Scott and Elliott left the meeting 12.30pm.

RMC 14/03/020

CONFIRMATION OF MINUTES: 30 January 2014

Mr Dougherty advised of a correction required. It was not Cr Scott who moved the resolution to go into a Public Excluded session, it was the Chair.

Mr Dougherty then confirmed there is no audio recording made of Public Excluded meetings and therefore information on how Councillors voted is not available. If a division is not called for, and unless a Councillor requests their vote be recorded, names in voting are not recorded.

MOVED (Holborow/Bell)

That the minutes of the Regulatory Management Committee meeting dated 30 January 2014 are amended to record that the Chair made the resolution to move into a Public Excluded meeting, not Cr Scott.

That with the above amendment the Regulatory Management Committee minutes of 30 January 2014 are accepted as a true and correct record.

CARRIED

RMC 14/03/21

BYLAW REVIEW (CS-14-1134)

Mr Fowler spoke to this report updating the Committee on the revised schedule of bylaw reviews. He explained there was an opportunity under the LGA for an updated bylaw review schedule, providing a 10 year review period rather than five years.

Ms Evans confirmed:

- Bylaws can be reviewed at any time if there is sufficient reason;

MINUTES REGULATORY MANAGEMENT COMMITTEE	MEETING HELD ON THURSDAY 13 MARCH 2014	TIME 9.00AM
--	---	------------------------

- In drafting the review schedule, workload around each review process had been taken into consideration;
- The Cemetery Bylaw has been postponed until August;
- A Tree Policy is currently being drafted; this is considered a better management tool than a bylaw;
- The Enforcement Policy is on the agenda for the next RMC meeting; and
- In general, enquiries are responded to as they come in. She had not considered a callout service regarding trees, but would consider the suggestion. She also confirmed the Council's Call Centre was the most appropriate place for members of the public to call. Call Centre staff knew how to elicit information and direct the caller appropriately.

MOVED (Welsh/Ammundsen)

That the Regulatory Management Committee notes the revised schedule of proposed bylaw reviews attached to report CS-14-1134 as Appendix One.

CARRIED

The Chair referred to the article in the *Dominion Post* on Monday, which appeared to suggest a small child had been injured at the Ōtaki pool. She said she had been advised by the Aquatic Facilities Manager that the child did not have an accident, but a seizure.

Cr Gaylor quoted from the March/April Asia edition of *Lonely Planet*, recommending Ōtaki as a destination.

The meeting closed at 12.51pm

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Chairperson

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Date