

MINUTES REGULATORY MANAGEMENT COMMITTEE	MEETING HELD ON THURSDAY 8 SEPTEMBER 2016	TIME 10:00AM
--	--	-------------------------------

MINUTES of a meeting of the **Regulatory Management Committee**, held in the Council Chambers, 175 Rimu Road, Paraparaumu, on Thursday 8 September 2016 commencing at 10.00 am.

PRESENT:

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

IN ATTENDANCE:

Mr	J	Best	(Deputy Chair, Paraparaumu/Raumati Community Board)
Mr	P	Edwards	(Chair, Paekākāriki Community Board)
Mr	P	Dougherty	(Chief Executive)
Mr	K	Currie	(Group Manager, Regulatory Services)
Mr	M	Pedersen	(Group Manager, Community Services)
Mr	S	McArthur	(Group Manager, Strategy and Planning)
Mr	S	Mallon	(Group Manager, Infrastructure Services)
Ms	C	Stevens	(Building Control Manager)
Ms	A	Law	(Parks and Recreation Manager)
Ms	N	Tod	(Resource Consents and Compliance Manager)
Mr	N	Crous	(Open Spaces Manager)
Ms	S	Stevenson	(Manager, Research, Policy and Planning)
Mr	B	Johnston	(Transport Safety Coordinator)
Mr	P	Ropata	(Compliance Officer)
Mr	D	Te Maipi	Kaumātua
Ms	N	Tutt	(Legal Counsel)
Ms	J	McDougal	(Communications Manager)
Ms	J	Rennie	(Executive Secretary)

APOLOGIES:

Mr	C	Royal	(Māori Representative)
Mr	J	Westbury	(Member, Waikanae Community Board)

The Chair welcomed everyone to the meeting and Don Te Maipi read the Council blessing.

MINUTES REGULATORY MANAGEMENT COMMITTEE	MEETING HELD ON THURSDAY 8 SEPTEMBER 2016	TIME 10:00AM
--	--	-------------------------------

RMC 16/09/196
APOLOGIES

MOVED (CHURCH/M SCOTT)

That apologies be accepted from Caleb Royal and James Westbury.

CARRIED

RMC 16/09/197
DECLARATIONS OF INTEREST RELATING TO ITEMS ON THE AGENDA

There were none.

RMC 16/09/198
PUBLIC SPEAKING TIME (for items relating to the agenda)

Don Te Maipi spoke to the Cemeteries Bylaw Review 2016 paper. He spoke of the spreading of ashes being Tapu for Maori culture and gave some examples which were personal to him.

He thanked the meeting for listening to his input.

He then responded to questions from Councillors regarding the issue to him and to Māori.

The Chair thanked Mr Te Maipi for his input.

RMC 16/09/199
MEMBERS' BUSINESS

(a) Public Speaking Time Responses

The Chair noted further discussion on the Cemeteries Bylaw Review 2016 would occur when the item arises on the agenda.

(b) Leave of Absence

None.

(c) Matters of an Urgent Nature (advice to be provided to the Chair prior to commencement of the meeting).

The Chair asked Cr Gaylor to report back on the Environmental Accord concept. A presentation was given to Council in December 2015 on what this might look like, and a Hui was held at Raukawa Marae on 22 September 2016. The Hui reinforced relationships between Council, Greater Wellington Regional Council, restoration groups, Department of Conservation, Forest and Bird, Federated Farmers, iwi and landowners. GWRC is organising a further Hui in October 2016.

The Chair spoke regarding the work of the restoration groups. A committee of Jenny Rowan, Phil Stroud, and Malcolm Garnham was formed to take the work forward with a coordinated pest control approach. Volunteer work worth \$1m a year is being done by these groups.

MINUTES REGULATORY MANAGEMENT COMMITTEE	MEETING HELD ON THURSDAY 8 SEPTEMBER 2016	TIME 10:00AM
--	--	-------------------------------

The Chair thanked Stephen McArthur for his work on the Environmental Accord concept. Mr McArthur said that the key thing to note is that the organisations represent practical on-the-ground work which complements Council's regulatory work. Next steps will be documenting joint objectives, aims and aspirations, and a plan to implement them. Mr McArthur said the restoration groups met prior to the election and will be reporting back to Council in the new triennium.

RMC 16/09/200
REGULATORY SERVICES QUARTERLY REPORT FOR FOURTH QUARTER
(RS-16-1981)

Claire Stevens spoke to this report. Council has achieved 20 of 24 KPIs. The missed KPIs were just missed. There are challenges in the building area but work is back on track. This is a reflection of growth and work in the area. Note there is a correction to the recommendation – it should say “fourth” quarter of the 2015/16 year, not third.

Ms Stevens then answered questions from Councillors regarding the report

Cllr Bell noted that the KPIs were largely process-related and asked whether outcome-focussed KPIs could be looked at.

Cllr M Scott moved the recommendation with an amendment saying “fourth” quarter not “third” quarter be adopted. This amendment was seconded by Cllr Gaylor.

MOVED (M SCOTT/GAYLOR)

That the Regulatory Management Committee notes the performance results for the fourth quarter of the 2015/16 year contained in the Quarterly Report attached as Appendix 1 to this Report RS-16-1981.

CARRIED

Cllr Elliot left the meeting at 10.38 am and returned at 10.40am.

The meeting was adjourned at 10.50 am and reconvened at 11.13 am.

The Chair introduced Max Pederson, the new Group Manager Community Services, to the meeting.

RMC 16/09/201
CEMETERIES BYLAW REVIEW 2016
(CS-16-1973)

Mr Nico Crous, Open Spaces Manager, spoke to this report. He explained that Council has tried to take a middle line accommodating the differing views of the community regarding permission to scatter ashes.

In response to questions, Mr Crous advised that there is no fee to scatter ashes and the Bylaw has to be in place by 28 January 2017.

MINUTES REGULATORY MANAGEMENT COMMITTEE	MEETING HELD ON THURSDAY 8 SEPTEMBER 2016	TIME 10:00AM
--	--	-------------------------------

MOVED (CARDIFF/ELLIOTT)

That the Regulatory Management Committee recommends to the Council that it revokes the Kāpiti Coast District Council Cemeteries Bylaw of 2010 (Appendix 2 of Report CS-16-1973) and that it approves the adoption of the Kāpiti Coast District Council Cemeteries Bylaw 2016 (Appendix 1 of Report CS-16-1973) with the following amendment:

- That Clause 5.12 (relating to disposal of ashes) be deleted.

The Chief Executive asked the meeting to note paragraph 21 of the report and the risks to Council in changing a bylaw that there were no submissions on without further consultation. There was a risk Council could be challenged on the process.

Cr Gurunathan foreshadowed that if Cr Cardiff's motion was successful he would move a motion that more work should be done on the disposal of ashes and that staff should come back with Iwi input on this matter.

There was considerable discussion around issues raised on this matter.

Cr Gaylor foreshadowed that if Cr Cardiff's motion was unsuccessful she would move a motion amending Clause 5.12 to clarify the Council's intentions regarding the disposal of ashes.

In response to a question, the Chief Executive advised that amending Clause 5.12 as Cr Gaylor suggested, was a lower risk option than deleting the Clause.

There was discussion regarding potential enforcement of the bylaw and how Clause 5.12 would read under Cr Gaylor's amendment.

MOVED (M SCOTT/BELL)

That pursuant to Standing Orders 3.12.1(c) the motion under debate be now put:

While the procedural motion was not formally voted on, there was consensus in the meeting that Cr Cardiff's motion should be put to the vote.

MOVED (CARDIFF/ELLIOTT)

That the Regulatory Management Committee recommends to the Council that it revokes the Kāpiti Coast District Council Cemeteries Bylaw of 2010 (Appendix 2 of Report CS-16-1973) and that it approves the adoption of the Kāpiti Coast District Council Cemeteries Bylaw 2016 (Appendix 1 of Report CS-16-1973) with the following amendment:

- That Clause 5.12 (relating to disposal of ashes) be deleted.

A division was called.

For the motion: Crs M Scott, Cardiff, Gurunathan, Elliott, Welsh
Against the motion: Mayor, Crs Gaylor, Bell, D Scott, Holborow, Ammundsen.

LOST

MINUTES REGULATORY MANAGEMENT COMMITTEE	MEETING HELD ON THURSDAY 8 SEPTEMBER 2016	TIME 10:00AM
--	--	-------------------------------

Cr Gurunathan confirmed that at this time he did not intend to move the motion he had foreshadowed.

MOVED (GAYLOR/BELL)

That the Regulatory Management Committee recommends to the Council that it revokes the Kāpiti Coast District Council Cemeteries Bylaw of 2010 (Appendix 2 of Report CS-16-1973) and that it approves the adoption of the Kāpiti Coast District Council Cemeteries Bylaw 2016 (Appendix 1 of Report CS-16-1973) with the following amendment:

- **That Clause 5.12 reads: Ashes may be deposited on private property with the agreement of the owner. Ashes may be deposited in public places with the prior approval of Council. This includes the scattering of human ashes in any cemetery, reserve, river or beach.**

That the Council notes that educational material (including a map of approved areas) will be prepared with regards to the disposal of ashes and distributed by Council and funeral directors.

Debate followed on the wording in Clause 5.12 and the risk of re-writing the bylaw within the meeting. The Chief Executive reassured members that legal advice could be provided to Council prior to the Council's final adoption of the Bylaw.

The motion was put and a division was called:

For the motion: Mayor, Crs Gaylor, Bell, Holborow, D Scott, M Scott, Ammundsen

Against the motion: Crs Cardiff, Gurunathan, Elliott, Welsh.

CARRIED

Mr Edwards left the meeting at 11.32 am and returned at 11.50 am.

RMC 16/09/202
ANNUAL REPORT ON DOG CONTROL POLICY AND PRACTICES 2015-16
(RS-16-1917)

Jacque Muir, Environmental Standards Manager, spoke to this report. In answer to a question regarding the on-line registration of dogs, she advised that this is currently being looked at by Council.

MOVED (M SCOTT/HOLBOROW)

That the Committee receives report RS-16-1917 (Annual Report on Dog Control Policy and Practices 2015-2016).

CARRIED

MINUTES REGULATORY MANAGEMENT COMMITTEE	MEETING HELD ON THURSDAY 8 SEPTEMBER 2016	TIME 10:00AM
--	--	-------------------------------

RMC 16/09/203
ALCOHOL LICENSING AND REGULATORY AUTHORITY (ARLA) ANNUAL REPORT
JULY 2015 TO JUNE 2016
(RS-16-1964)

Jacque Muir, Environmental Standards Manager, spoke to this report. This is the first time this report has been brought to this Committee.

MOVED (AMMUNDSEN/BELL)

That the Committee receives the information as detailed in Appendix 1 and 2 of report RS-16-1964.

CARRIED

RMC 16/09/204
FINANCIAL REPORT ON INCOME AND COSTS RELATED TO ALCOHOL LICENSING
AND THE OPERATION OF THE DISTRICT LICENSING COMMITTEE (DLC)
(RS-16-1953)

Jacque Muir, Environmental Standards Manager, spoke to this report. This report is required annually and is publically available. In response to a question, she advised that fees are set by Government on a cost /risk basis.

The remuneration rate of DLC committee members is to be provided by Mr Currie to Cllr Elliott at her request.

Cllr Gurunathan left the meeting at 12.58pm and returned at 1.01 pm.

MOVED (HOLBOROW/ BELL)

That the Committee receives the information as detailed in report RS-16-1953.

CARRIED

RMC 16/09/205
APPLICATION FOR SPECIAL EXEMPTION UNDER SECTION 6 OF THE FENCING OF
SWIMMING POOLS ACT 1987 – 39 ORATIA STREET, WAIKANAЕ
(RS-16-1980)

Peter Ropata, Compliance Officer, spoke to this report. In response to a question, he advised that there are 1033 pools in the Kapiti District on Council files.

MOVED (WELSH/M SCOTT)

That the Regulatory Management Committee 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 pool at 39 Oratia Street, Waikanae, 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**

MINUTES REGULATORY MANAGEMENT COMMITTEE	MEETING HELD ON THURSDAY 8 SEPTEMBER 2016	TIME 10:00AM
--	--	-------------------------------

- 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;
 - the cover must be made of material that can withstand the weight of at least 60 kgs 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 16/09/206

CONFIRMATION OF MINUTES: 9 JUNE 2016

MOVED (GAYLOR HOLBORROW)

That the minutes of the Regulatory Management Committee meeting dated 9 June 2016 are accepted as a true and accurate record of that meeting.

CARRIED

RMC 16/09/207

MATTERS UNDER ACTION

The Matters Under Action update was noted.

Natasha Tod (Resource Consents and Compliance Manager) provided an update on Resource Consents noting the following:

- The status of the Stand Children's Services' application for a resource consent.
- Kindercare Learning Centre – The decision had been released and the appeals period was still open.
- The Medical Centre at Te Moana Road is objecting to the fees Council charge.

Bruce Johnston (Transport Safety Coordinator) gave an update on school travel planning and road safety.

RMC 16/09/208

MATTERS UNDER ACTION – REGULATORY LEGISLATION UPDATE

The legislative update was noted.

MINUTES REGULATORY MANAGEMENT COMMITTEE	MEETING HELD ON THURSDAY 8 SEPTEMBER 2016	TIME 10:00AM
--	--	-------------------------------

Mr Currie advised:

- The Earthquake Prone Building legislation was due mid-2017.
- Resource management legislation has been put further back.
- Fire legislation is on the books now. The new organisation will be established next year.

RMC 16/09/209

PUBLIC SPEAKING TIME (covering other items if required)

There were no items.

The Chair, Cllr Ammundsen, noted that this was her last Regulatory Services Committee meeting. She thanked Mr Dougherty, Mr Currie and staff for their efforts, and all Councillors who have had a positive input into this Committee.

The Mayor thanked Cllr Ammundsen for her 27 years' service to Council and the community and for her time chairing this Committee. On behalf of the Committee, community, staff and people of Kapiti he thanked her for her commitment.

The meeting closed at 1.12pm.

.....
Chairperson

.....
Date

.....
Chief Executive

.....
Date