MINUTES OF THE DISTRICT PLANNING AND REGULATION COMMITTEE MEETING HELD IN
THE COUNCIL CHAMBERS, 215 HIGH STREET, RANGIORA ON TUESDAY 17 APRIL 2018
1.00PM.

PRESENT
Councillor J Meyer (Chair), Mayor D Ayers, Councillors N Atkinson, W Doody (arrived 1.02pm),
D Gordon and S Stewart.

IN ATTENDANCE
Councillors P Williams, A Blackie and K Felstead.
J Palmer (Chief Executive), N Harrison (Manager Regulation), L Beckingsale (Policy Analyst),
T Ellis (Development Planning Manager), M Flanagan (Landscape Planner – District Regeneration),
M Bacon (Team Leader Resource Consents), G Meadows (Policy Manager), M Emery (Senior
Sergeant Police), K Bonifacio (Senior Planner), M Fox (Administration Assistant), and E Stubbs
(Minute Secretary).

A workshop was held from 1.42pm to 1.43pm during Item 6.1.
M Bacon introduced Mandy Fox (Administration Assistant) and Kate Bonifacio (Senior Planner) who
had recently started in the team. The Chair welcomed the new staff to the team.

1.  APOLOGIES
   Moved: Councillor Meyer        Seconded: Mayor Ayers
   An apology was received and sustained from W Doody for lateness.

   CARRIED

2.  CONFLICTS OF INTEREST
   Nil.

3.  CONFIRMATION OF MINUTES

   3.1 Minutes of a meeting of the District Planning and Regulation Committee held
   on 15 August 2017
   Moved: Councillor Doody        Seconded: Councillor Atkinson
   THAT the District Planning and Regulation Committee:
   (a) Confirms as a true and correct record the minutes of a meeting of the
   District Planning and Regulation Committee held on 15 August 2017.

   CARRIED

4.  MATTERS ARISING FROM THE MINUTES
   Nil.

5.  DEPUTATION

   Peter Mulligan spoke to the Committee regarding his lodging of an application for land use
   consent. He tabled a handout showing a copy of the title and plan of the lots in question.
The plan showed Lot 1 – Ohoka Homestead and Lots 2 and 3 which he owned.

   P Mulligan outlined a timeline, a consent application was lodged 20 April 2016. There was
   a planning report 2 June 2016 advising that considered effects of activity were less than
   minor and an application for two land use consents concerning Lots 2 and 3 were subject to
full notification. He was also advised Lot 3 was a non-complying activity and must be publicly notified. On 7 September 2016 Council sought a legal opinion on the matter from Adderley Head. P Mulligan advised staff he wished to address the Council regarding the application, and it was suggested he await the legal opinion. Following subsequent telephone discussions, P Mulligan requested on 21 November 2016 a copy of the legal opinion and a date to address the Council. He was advised that the Adderley Head opinion was in a peer review process and he would not receive a copy as it was privileged.

P Mulligan wished to ask the Committee:
1. Was the application for land use consent permitted?
2. If not permitted, was it a restricted discretionary activity?
3. If neither of the above, was it non-complying?

Mayor Ayers asked how long P Mulligan had owned the lots. P Mulligan advised that he had brought the Ohoka Homestead in 1974.

Mayor Ayers asked were Lots 2 and 3 linked as collectively they met the 4 hectare rule under the District Plan, however separately each one did not. P Mulligan confirmed that was the case and that Lots 2 and 3 were split by the driveway to the Ohoka Homestead. In a supplementary question D Ayers asked if P Mulligan had undertaken the subdivision and if at that time Lots 2 and 3 had encumbrance to build on one of those titles. P Mulligan replied yes, at that time it was only possible to build on one of the lots.

Mayor Ayers asked if P Mulligan was aware that other property owners in the district who wanted to build on rural lots less than 4 hectares went to public notification sometimes with success, sometimes not. P Mulligan replied in this case there was an exemption under the District Plan that any Lot between two dates did not need to comply with the 4 hectare rule.

Councillor Meyer asked if P Mulligan created the titles. P Mulligan replied yes, when he sold the Ohoka Homestead the purchaser did not want the whole lot of land.

Councillor Gordon asked why Lots 2 and 3 were not conjoined at the time and P Mulligan replied it was not possible due to the driveway strip.

Councillor Gordon asked if P Mulligan had sought the views of the Ohoka Homestead owners and if they objected or supported. P Mulligan replied they were not aware of his plans. In a supplementary question D Gordon asked for clarity in what P Mulligan wanted to do with the lots and P Mulligan replied he wanted to build on Lot 3 and sell Lot 2.

Councillor Gordon asked if there could be a staff report on the issue. There was further information including the legal opinions that the Committee had not seen and so were not aware of the full context. N Harrison commented it was a complex issue with two legal opinions.

Councillor Meyer expressed appreciation for P Mulligan attending the committee and advised staff would keep in touch.

6. REPORTS

6.1 Review of Local Alcohol Policy and Liquor Ban Bylaw – L Beckingsale (Policy Analyst)

L Beckingsale spoke to the report advising it was to request approval for public consultation regarding the review of the Local Alcohol Policy and Liquor Ban Bylaw 2007. She advised that Martin Bell (Corcoran French) was assisting with legal advice, with a legal opinion anticipated the following week, however it was expected there should be no significant changes. One of the changes made was in relation to Child Focused events to make sure the policy was correct and clear legally.

Senior Sergeant M Emery of the NZ Police was also present.
L Beckingsale noted that the research report further discussed police data – incidences which could potentially have alcohol as a component, in particular the location of particular incidents between the timeframe of 9pm and 3am. It was an educated guess these incidents were fuelled by alcohol and there was no causal link.

L Beckingsale advised that the Committee had three options regarding the bylaw. The first was to review the bylaw, the second was to revoke the bylaw and the third was to let the bylaw lapse (the least preferred option) as the public would not have the opportunity to express a view.

Councillor Atkinson noted that the option for recommendation was either approves the draft Alcohol Control Bylaw for public consultation or approves the revocation of the Liquor Ban Bylaw. He agreed with going out to the public but he wanted to ensure that consultation would be in such a way that information was provided so that the decision could go either way. Councillor Atkinson stated he did not want the same situation as had happened in the Representation Review where consultation had been in such a way that a proposed alternative could not be considered as it had not been consulted on. L Beckingsale acknowledged the comments and suggested there could be an option in the Statement of Proposal that the Bylaw could be revoked, however she would need to re-check the Act as to whether it could be revoked under this consultation or another process.

Councillor Doody referred to alcohol related crime and asked was it drug and alcohol related or strictly alcohol. L Beckingsale advised that for this purpose it was only alcohol as it was regarding the Local Alcohol Policy. In a supplementary question Councillor Doody asked if the Police could tell if it was strictly alcohol with no component of drug. L Beckingsale commented there was a cross over, talking to Wellington analysts the potentially alcohol related component was indicative rather than absolute. There may be drug influences and alcohol was a potential component of those crimes.

Councillor Gordon asked Senior Sergeant M Emery if he supported the draft Local Alcohol Policy and SS M Emery confirmed he supported it remaining in place with amendments. The Police would not like to see the Policy revoked. The fact that a number of offences were small was testament of the bylaw working. In a supplementary question Councillor Gordon asked if the Police sought any changes and M Emery replied possibly an extension to the area.

Councillor Gordon noted a legal opinion coming and asked staff what would happen if it suggested major changes. L Beckingsale advised it would be brought back to the Committee and the timeframe would be altered as the Policy could not go out to consultation without having been approved. Councillor Gordon suggested an amendment to the recommendation allowing minor changes to be approved by the Committee Chairperson.

Councillor Blackie referred to the harassment and abduction statistics in the Waimakariri, noting that they were above the National average, and asked how that fitted with the advice given by the Police when abolishing the Community Constable position which was that the crime rate was low. SS M Emery advised it was not a matter he was informed on, as he was new to the Waimakariri Rural area and could not comment. In a supplementary question Councillor Blackie asked why explosives and firearms offences were more than twice the national average and SS M Emery explained it was due to the rural nature of the District.

Councillor Atkinson reiterated his concern to make sure that both bases were covered in consultation to ensure an in-depth discussion both ways. N Harrison suggested that the Summary of Information could clearly cover the amendment of revocation of the bylaw. L Beckingsale added that it could also be covered in the Statement of Proposal to make clear both options were available.
Moved: Mayor Ayers  Seconded: Councillor Atkinson

THAT the District Planning and Regulation Committee

(a)  **Receives** report No. 180405036425.

(b)  **Approves** the draft Local Alcohol Policy for public consultation in accordance with Section 83 of the *Local Government Act 2002* subject to minor amendments as approved by the Chair.

(c)  **Approves** the replacement of the Liquor Ban Bylaw with the draft Alcohol Control Bylaw for public consultation in accordance with Section 83 of the *Local Government Act 2002*.

(d)  **Approves** the form of the Summary of Information as included in the attachment, in accordance with Section 83AA of the *Local Government Act 2002*.

(e)  **Notes** the submissions on the policy and the bylaw will open on 11 May 2018 and close on 8 June 2018.

(f)  **Notes** that consultation will be in the form of public notices and advertisements in local newspapers, with information available at Council Service Centres and Libraries and on the Council’s website and social media pages. Information will be sent to all licensees, the Medical Officer of Health and New Zealand Police.

**CARRIED**

Mayor Ayers commented that during public consultation people could submit on revoking the bylaw and that the wording did not need to change, it was standard procedure for public consultation. The Council was fully empowered to make changes because of consultation and he reflected on the Dudley Park Aquatic Centre as an example of that.

Councillor Atkinson stated he wanted to ensure the revocation option was available. He commented many bylaws were created for good reasons at the time but were nonsensical. With no disrespect, he believed that the Police toolbox was heavy, at the cost of the Council, and whilst the Police administered the bylaw it was the Council that bore the associated cost. Councillor Atkinson rhetorically asked if that was the job of the Council and he wanted to allow that conversation teased out by having a look at both sides.

Councillor Gordon supported the comments of Councillor Atkinson, stating clarity around what was being consulted on with the public was required, which is the reason for the discussion around the recommendation. He stated they had the support of the Police on this and they wanted it in their toolbox.

7.  **MATTER REFERRED FROM THE REGENERATION STEERING GROUP MEETING OF 9 APRIL 2018**

7.1  **Regeneration Areas – District Plan matters – T Ellis (Development Planning Manager) and M Flanagan (District Regeneration – Landscape Planner)**

M Flanagan spoke to the report noting that its purpose was to seek approval to undertake any District Plan changes as part of the Waimakariri Red Zone Recovery Plan (Recovery Plan) through the District Plan review process. M Flanagan advised that the Council had two options for District Plan changes necessary to implement the Recovery Plan. Option 1, plan changes via the Greater Christchurch Regeneration Act (GCR Act) and Option 2, plan changes via the Resource Management Act (through the District Plan Review process).
M Flanagan advised that the current District Plan zones were not considered a significant impediment to the implementation of the Recovery Plan. In addition, plan changes made through the District Plan Review process would take into account additional research, allow greater consistency and mean resources would not be taken away from the District Plan Review.

Mayor Ayers asked what would happen in the situation where someone wanted to establish a business in the mixed use area in the interim. M Flanagan said that could be accommodated in the RMA process and if it was a significant development the Council could look at advancing a plan change through the GCR Act. T Ellis reiterated that if someone approached the Council wanting to locate a business in the mixed use zone they would not be turned away and the proposal would be considered.

Moved Councillor Atkinson Seconded: Councillor Gordon

THAT the District Planning and Regulation Committee:

(a) Receives report No. 180307023913.

(b) Approves the retention of the existing Waimakariri District Plan zones for the implementation of the agreed land uses in the Waimakariri Residential Red Zone Recovery Plan until they are replaced by those in the Reviewed Waimakariri District Plan.

(c) Approves any changes to District Plan zones in the Regeneration Areas, affecting the reserve, rural, private lease, or private residential land uses, being advanced via the District Plan Review.

(d) Notes that the zoning approach for the mixed-use business areas will be considered through Kaiapoi Town Centre Plan refresh currently underway (Kaiapoi 2028).

(e) Notes that should consent be required for interim use of the regeneration areas referred to in (c) above, this would proceed via resource consent processes consistent with current practice.

CARRIED

Councillor Atkinson commented that the staff response to the Mayor’s question had answered his questions and he accepted the approach. He reiterated that the GCR Act was for a purpose.

Mayor Ayers commented that it was important that any proposal from outside could move quickly. Private plan changes could take a long time and he would not like to see roadblocks to moving forward and the possibility of losing opportunities. He assumed the regulatory working party would be involved at an early stage.

8. PORTFOLIO UPDATES

8.1 District Planning Development

Councillor Atkinson commented that the LTP consultation process had been successful with a good number of submissions. He congratulated the communications staff on their communication with everyone.

8.2 Regulation and Civil Defence

Councillor Meyer commented that while ‘we as a group work hard, staff work harder’.
8.3 **Business, Promotion and Town Centres**

Councillor Gordon noted that it had been a busy period in business promotion and town centres. In particular working with Kaiapoi-Tuahiwi Community Board and Kaiapoi Promotions Association (KPA) regarding a review of the annual Christmas Parade and reconnections with businesses in the community which would be undertaken with staff and with ENC support.

A meeting had been held the previous week with all Town Promotions groups discussing setting up Service Level Agreements, better reporting and managing expectations. In addition, there had been discussion around electric vehicle charging stations and Christmas flags. The CE of Mainpower had advised there was a high cost to putting up decorative flags on power poles.

Councillor Gordon advised he was having regular meetings with S Hart (Business & Centres Manager) who had a good understanding on issues in the town centres.

S Stewart asked what did the review of the Kaiapoi Carnival and Christmas Parade by staff and ENC mean, and was there going to be a Christmas Parade in Kaiapoi this year. Councillor Gordon replied that was the expectation, concerns had been raised by colleagues and members of the community. Staff would work alongside to support the outcome. KPA was currently in the process of confirming a new coordinator.

9. **QUESTIONS**

Nil.

10. **URGENT GENERAL BUSINESS**

Nil.

There being no further business, the meeting closed at 2.01pm.

CONFIRMED

__________________________________________
Chairperson

__________________________________________
Date

Following the meeting a public excluded briefing was held. G Wilson (Building WOFs and Earthquake Prone Buildings) presented information in relation to earthquake prone buildings.