
Hearings Committee

OPEN MINUTES

Minutes of a reconvened meeting of the Hearings Committee held in the Council Chambers, 126-148 Oxford Street, Levin, on Friday 27 October 2017 at 1.00 pm.

PRESENT

Chairperson Cr J F G Mason
Members Cr P Tukapua
Cr B P Wanden

IN ATTENDANCE

Mr K Peel	(Roothing Services Manager)
Mrs J Braithwaite	(Roothing Operations Team Leader)
Mr M E Lepper	(Customer & Regulatory Services Manager)
Ms M Leyland	(Compliance Lead)
Mrs K J Corkill	(Meeting Secretary)

ALSO IN ATTENDANCE

Draft Land Transport Bylaw 2017 – Consideration of Submissions and Decision

Mr J Hewitson	(Waikawa Beach Ratepayers Association)
Mr R Brannigan	(Foxton Beach Beach Wardens) (Late Submission)

Gambling Class 4 Venue Policy 2017 – Consideration of Submissions

Therese Grevatt	(Problem Gambling Foundation of New Zealand)
Tanya Piejus	(New Zealand Community Trust)

PUBLIC IN ATTENDANCE

There was one member of the public in attendance at the commencement of the meeting.

Hearings Committee Chair, Cr Mason, opened the meeting and introduced the members of the Hearings Panel and Council Officers and welcomed submitters.

1 Apologies

There were no apologies.

2 Declarations of Interest

There were no declarations of interest.

3 Confirmation of Minutes

MOVED by Cr Wanden, seconded Cr Tukapua:

THAT the Open and In Committee minutes of the meeting of the Hearings Committee held on Wednesday, 31 May 2017, be confirmed as a true and correct record.

CARRIED

MOVED by Cr Wanden, seconded Cr Tukapua:

THAT the minutes of the meeting of the Hearings Committee held on Tuesday, 15 August 2017, be confirmed as a true and correct record.

CARRIED

MOVED by Cr Wanden, seconded Cr Tukapua:

THAT the minutes of the meeting of the Hearings Committee held on Tuesday, 26 September 2017, be confirmed as a true and correct record.

CARRIED

4 Announcements

There were no announcements.

5 Reports

5.1 Draft Land Transport Bylaw 2017 - Consideration of Submissions and Decisions

Purpose

To present to the Hearings Committee (Committee) an updated copy of the Draft Land Transport Bylaw 2017 (Bylaw), having implemented all amendments to the Bylaw as requested by the Committee at the Hearings Committee meeting of 28 June 2017.

To present to the Committee a summary of Officer comments on submissions that were received during a further consultation process for the Bylaw and for the proposed change to the open speed limit on beaches to 60 km/h.

It is also recommended that the Bylaw, including any changes made as a result of the decisions on the submissions, be recommended by the Committee for adoption by the Council.

MOVED by Cr Wanden, seconded Cr Tukapua:

THAT Report 17/523 Draft Land Transport Bylaw 2017 - Consideration of Submissions and Decisions be received.

THAT this decision is recognised as not significant in terms of S76 of the Local Government Act.

CARRIED

Mrs Braithwaite, Council's Roading Operations Team Leader, joined the table to speak

to the report. She noted that since the Hearings meeting on 28 June 2017 Officers had undertaken the requested actions, including consultation with Federated Farmers, and also consultation with regard to beach speeds. From that process two further submissions and a late submission had been received and there had been two requests to speak with regard to the proposed changes. The other Hearings Panel recommendations from the initial hearing had been included in the Bylaw.

Cr Mason raised the issue of the proposed change of signage outside the dairy adjacent to Super Liquor and the request to have this included in the Bylaw schedule.

Mrs Braithwaite said that had not been reflected in the Bylaw as yet. The alteration to the Bylaw would be implemented once the signage change had been effected.

The Chair also noted the late submission from the Foxton Beach Beach Wardens, which would be spoken to by Mr Brannigan. Acceptance of the late submission would need to be acknowledged by the Committee.

Speaking on behalf of the Waikawa Beach Ratepayers Association, Mr John Hewitson reiterated the Association's concerns with regard to speed limits, including the Association's desire to see the beach speed reduced from 100 km/h to 40km/h. Mr Hewitson provided a copy of the notes for his verbal submission and responded to questions from the Hearings Panel.

Mr Peel responded to some of Mr Hewitson's comments:

- as noted, the Beach access was on private land and Council was unable to set speed limits on private land;
- the temporary 80kph signs on turning into Waikawa Beach Road were not yet in the Bylaw, but would be included when the Bylaw was passed by Council. The temporary signs would then be replaced;
- last month new speed limit rules came into effect and Council would be doing a speed limit review on a number of roads around the district. When Waikawa Beach road was reviewed, which could be within 2-3 years, the speed limit would most likely become 80kph. Any changes done would see an amendment to the Bylaw, which it was intended would occur in June each year. If a speed limit changed, a temporary sign would be put up prior to it being included in the Bylaw;
- the 30kph signs put up by the Logging Company had been in response to a request and was approved as a temporary measure, for safety, which Council was able to do. It was not possible for Council to make that permanent;
- with regard to vegetation restricting visibility, Parks and Reserves were constantly requested to keep trees cut back;
- footpaths did not make up part of this Bylaw. However, in the last LTP \$100,000 per year had been approved for footpaths. A new LTP was coming up and there was the opportunity for the Association to submit to that process.

Mr Brannigan joined the table to speak to the late submission (copy provided) from the Foxton Beach Beach Wardens.

MOVED by Cr Wanden, seconded Cr Tukapua:

THAT the Hearings Committee accepts the late submission from the Foxton Beach Beach Wardens.

CARRIED

As Coordinator of the Foxton Volunteer Beach Warden Group, Mr Brannigan presented the Group's submission which suggested that the Council's proposal to

reduce the default speed limit on the district's beaches from 100 kph to 60 kph did not go far enough, with the Group requesting that the default speed be set at 30 kph.

Mr Brannigan outlined the Group's rationale for the requested change saying that whenever someone drove on the beach it became a road which allowed the Land Transport Act to become enforceable. Providing comment also from his 18 years Police experience, Mr Brannigan said people tended to drive at least 10kph above the speed limit so the proposed 30 kph did provide a buffer on what became a thoroughfare, not just a place of recreation. It was submitted that a default speed limit of 30 kph would contribute to not only the continuation of public access for vehicles to the district's beaches, but would also provide a suitable safety net to all beach users at all times and, additionally, allow better protection of the coastal environment.

Responding to a comment from the Chair on the Police's submission which suggested a default of 50kph and the possibility of variable speeds, Mr Brannigan said that the Police had been very hands off Beach policing in the recent past, leaving it very much to the beach wardens. The beach wardens were all warranted as Beach Traffic Control Wardens and Litter Control Officers under the authority of Council. Foxton Beach had nine wardens; however their powers of enforcement were limited and their role was more of a PR/monitoring role, calling in the Police if enforcement was needed. Waitarere Beach also had a number of beach wardens.

With the Waitarere Beach Wardens having supported a beach speed limit of 60 kph, Mr Brannigan said he had not tried to influence them. His submission was based on his experience.

Cr Warden queried of Mrs Braithwaite how the speed limit of 60 kph had been reached with Manawatu District Council.

Mrs Braithwaite said that Manawatu District Council had made contact advising they were undertaking a consultation process and were proposing a 60 kph speed limit within their beaches. Officers decided to propose 60 kph so there was a consistent speed limit for the two districts' beaches and, after consultation, had decided to stay with 60 kph.. Manawatu District Council had also used consultants (GHD) who had also supported the 60 kph speed, as had the Police who had been made aware of GHD's proposed beach speed reduction from 100 kph to 60 kph.

Cr Mason said she would like to have seen the GHD report in detail. She also queried what discussions had been undertaken with Kapiti Coast District Council which had a 30 k beach speed limit.

Mrs Braithwaite said she only had what Manawatu District Council had provided to her.

Mr Peel gave an explanation with regard to the new speed guidelines and what speed limits could be expected going forward. He also noted that GHD had explained that when they had looked at the speed limit, the beach was not an urban street so they felt 50 kph was not appropriate, but 80 kph was too fast; which was why 60 kph had been proposed.

Responding to a query as to whether a speed limit had been proposed in the consultation process, Mrs Braithwaite said that 60 kph had been suggested, with submitters' feedback requested.

Looking at the list of consultees, Cr Tukapua queried why the Horowhenua Road Safety Group had not been included, with Mr Peel clarifying that that group was not run by HDC but by Horizons Regional Council and it would have been for Horizons to solicit their response.

With regard to consultation with iwi, and having raised the fact at the June meeting that there was an iwi group of at least 9 hapu which met monthly, Cr Tukapua said it was a shame that no feedback had been received from them. Noting that iwi preferred face to face consultation, Cr Tukapua said she had contacted a couple of members of that group and they were not aware of the consultation. She had solicited their feedback, which had been received within three hours.

Mrs Braithwaite said she had used Council's email list of iwi contacts and emails had been sent through to the various chairpersons. Only one reply had been received and that had only asked that the consultation time be extended.

Cr Tukapua said the feedback she had received was much in line with the Foxton Beach Beach Wardens around protecting people and protecting the environment. Shellfish were specifically mentioned and the effects of driving speed. The sand dunes were also mentioned and the relationship between pingao and tuatua/pipi, with the preference expressed being for a lesser speed limit than what was being proposed; anything between 30 – 50 kph.

Cr Mason expressed her thanks for Cr Tukapua's input as the information provided was important for the Hearings Panel as it deliberated.

Deliberations

Cr Mason said for her, having lived locally for a long time and having spent a lot of time on the beach, traffic on the beach was one of the things that bothered her the most. Also as an RMA Commissioner she was required to think about the environment and its sustainability. Cr Tukapua had raised the issue of shellfish on the foreshore and listening to the submissions from Waikawa Beach and the Foxton Beach Wardens, 30 kph would be her recommendation, as there was not only the Manawatu District to consider, but also Kapiti Coast District Council which had a 30 kph speed limit.

Cr Wanden said he agreed with the Chair's summation. He was conscious of the fact that what was best for this district needed to be considered, regardless of other viewpoints. He was also conscious of the feedback received by Cr Tukapua. He acknowledged the damaging effects that vehicles may have on beaches. The beach was a recreational area and while it was technically a road when a vehicle was on it, he did not believe in reality that it was, so he also agreed with restricting the beach speed to 30 kph.

Saying that driving on the beach was a privilege, Cr Tukapua said she had also taken heed of the desire of today's speakers to have a lower speed limit than that proposed. She therefore also supported a speed limit of 30 kph.

The Hearing Committee's recommendation to Council was, therefore:

MOVED by Cr Tukapua, seconded Cr Wanden:

THAT the Committee, having taken into consideration the submissions received during the consultation process, recommends to Council the adoption of the Draft Land Transport Bylaw 2017, with the following amendments::

- *the addition of the change to p15 outside the dairy adjacent to Super Liquor; and*
- *the inclusion of a beach speed limit of 30 kilometers per hour for all the beaches in the district;*

and that on adoption by Council the Traffic and Parking Bylaw 2007 and the Stock

Control and Keeping of Poultry, Bees and Pigs Bylaw 2005 be repealed.

CARRIED

Cr Mason thanked Mrs Braithwaite and Mr Peel for all their work.

5.2 Gambling Class 4 Venue Policy 2017 - Consideration of Submissions

Purpose

To provide the platform to allow members to hear and consider submissions received on this Policy during the consultation phase of this review process.

To propose members recommend the policy, as may be amended during the hearings process, for adoption by Council, and the subsequent repeal of the 2014 Gambling Class 4 Venue Policy.

MOVED by Cr Wanden, seconded Cr Tukapua:

THAT Report 17/521 Gambling Class 4 Venue Policy 2017 - Consideration of Submissions be received.

THAT this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

THAT members hear and consider submissions received on this matter following use of the Special Consultative Procedure as was required by section 156(1) of the Local Government Act 2002.

CARRIED

Mr Lepper and Ms Leyland joined the table to speak to this report.

Introducing herself, and speaking on behalf of the Problem Gambling Foundation, Ms Therese Grevatt explained the role of the Problem Gambling Foundation. She said it was important to note that the Foundation was not anti-gambling; it was anti the harm they saw as a result of problem gambling. She noted that \$7.6m per year or \$21,000 per day left the district, with a small group of people (approximately 3,200) being at risk of major financial harm. She commended Council for its decision to adopt a sinking lid policy which was a positive step and resulted in less money and time lost.

She then responded to Members questions with regard to the number of machines in the district per head of population and how that compared to other districts around the country; how much head room there was with regard to the sinking lid policy; the issue of location and whether people had to walk or drive to venues; the social effects and whether literacy and numeracy were an issue in terms accessibility of information; the issues and difficulties with regard to internet gambling; the disparity between figures provided by the Problem Gambling Foundation and the NZ Community Trust.

Ms Tanya Piejus from the New Zealand Community Trust gave a PowerPoint presentation underpinning the Trust's key messages: that the vast majority of players using gaming machines for entertainment know when to stop; a sinking lid policy would destroy essential fundraising infrastructure for this community; demand for funding would not go away and there was no simple answer to replacing the funding shortfall.

Stressing the importance of the community funding provided by gaming trusts, Ms Piejus said the Trust requested that Council change from a sinking lid to a cap on the number of gaming machines based on the current number or a population-based cap; and that the existing relocation policy to allow venue owners to move for their own business reasons, as well as when they are forced to move for reasons beyond their control, be maintained.

Responding to a query as to whether in the Trust's two venues there was responsibility placed on managers to do something where a problem was recognised, Ms Piejus said the Trust had a legal obligation and staff at all their venues had been trained with there being a whole range of measures put in place on an ongoing basis to deal with problem gamblers. Machines also stopped after 30 minutes to let people know how long they had been playing. Problem gambling information/warnings in venues were also being translated into other languages, such as Chinese.

Ms Piejus also clarified how the money raised through the machines was apportioned and how much came back to the community.

The meeting adjourned briefly (3.05 – 3.15 pm).

Mrs Leyland, responding to a query about how many machines had been lost from the district since 2007 advised that five venues had been lost and 54 machines, with the number of machines now being 144.

Deliberations

Considering the submissions received, Cr Mason noted they either supported the status quo or a firmer policy. Since the sinking lid policy had been in place the number of venues and machines had been reduced, with the funding coming through still supported. She said she had not seen or heard anything that supported changing the current policy. There was still head room for the number of machines to go down and be reflective of the number of people in the district. She thought it was a responsible policy.

Referencing the Department of Internal Affairs information in 8.5 of the Officer's Report, Cr Tukapua she supported the recommendation in 8.6 that the sinking lid policy currently in place should be maintained.

MOVED by Cr Wanden, seconded Cr Tukapua:

THAT the Hearings Committee recommends to Council the adoption of the Gambling Class 4 Venue Policy 2017 as consulted on, effective from the date of adoption by Council (23 November 2017), and the repeal of the 2014 Policy.

CARRIED

5.3 New Zealand Racing (TAB) Venue Policy 2017 - Consideration of Submissions

Purpose

To provide the platform to allow members to hear and consider submissions received on this Policy during the consultation phase of this review process.

To propose members recommend the policy, as may be amended during the hearings process, for adoption by Council, and the subsequent repeal of the 2014 New Zealand Racing (TAB) Venue Policy.

MOVED by Cr Tukapua, seconded Cr Wanden:

THAT Report 17/520 New Zealand Racing (TAB) Board Venue Policy be received.

THAT this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

THAT members hear and consider submissions received on this matter following use of the Special Consultative Procedure as was required by section 156(1) of the Local Government Act 2002.

CARRIED

Speaking to the Report, Ms Leyland said she had spoken with Jarrod True from the New Zealand Racing Board who had decided not to come and speak today. He had indicated that the Racing Board was happy with the Policy as it was and did not recommend any changes.

It was noted that there had also been no issues over the last three years and no request had been received to have a stand-alone venue, with the venues currently operating being purely agencies.

Deliberations

The consensus of the Hearings Committee was that the status quo remain.

MOVED by Cr Tukapua, seconded Cr Wanden:

THAT the Hearings Committee recommend to Council the adoption of the New Zealand Racing (TAB) Board Venue Policy 2017, as consulted on, effective from the date of adoption by Council (23 November 2017), and the repeal of the 2014 Policy.

CARRIED

3.30 pm

There being no further business, the Chairperson declared the meeting closed.

CONFIRMED AS A TRUE AND CORRECT RECORD
AT A MEETING OF THE HEARINGS COMMITTEE
HELD ON

DATE:.....

CHAIRPERSON:.....