
Hearings Committee

OPEN MINUTES

Minutes of a meeting of the Hearings Committee held in the Council Chambers, 126-148 Oxford Street, Levin, on Wednesday 28 June 2017 at 1.05 pm.

PRESENT

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

IN ATTENDANCE

Reporting Officer Mr K Peel (Roading Services Manager)
Ms M Leyland (Compliance Lead)
Mrs K J Corkill (Meeting Secretary)

ALSO IN ATTENDANCE

Submitters Mrs S Freebairn (Waitarere Beach Progressive & Ratepayers Assn)
Ms K McGregor (Federated Farmers)
Mr G Kane (Federated Farmers)
Mr M E Lepper (Horowhenua District Council)

1 Apologies

There were no apologies.

2 Declarations of Interest

There were no declarations of Interest

3 Confirmation of Minutes

The Chair noted that there were no minutes for confirmation as the meeting of 31 May 2017 was still in an adjourned state.

4 Announcements

There were no announcements.

5 Reports

5.1 Draft Land Transport Bylaw 2017 - Hearing of Submissions

Purpose

To provide the platform for the Hearings Committee (Committee) to hear and consider submissions received on the Draft Land Transport Bylaw 2017 (Bylaw) and to make a subsequent recommendation to Council in respect of the Bylaw.

MOVED by Cr Tukapua, seconded Cr Wanden:

THAT Report 17/276 Draft Land Transport Bylaw 2017 - Hearing of Submissions be received.

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

CARRIED

Requesting that the report be taken as read, Mr Peel advised that this was a new bylaw to replace the Traffic and Parking Bylaw 2007 which was due to expire and the Stock Control and Keeping of Poultry, Bees and Pigs Bylaw 2005, part of which had already been repealed.

Mrs Freebairn representing the Waitarere Beach Progressive & Ratepayers' Association joined the table to present a late submission on beach speed limits in support of the Waitarere Beach Wardens Group. The Association supported the continuation of the existing 30 kph area and the lowering of the present 100 kph limit to 70 kph.

Mrs Freebairn further commented:

- most beach drivers did drive to the conditions which was normally less than the posted limits;
- Waitarere Beach had a stretch of 16 kilometres that was accessible by vehicle'
- the beach was used by a variety of people including fishermen, whitebaiters, boat launchers, picnickers, swimmers and recreation walkers and riders;
- the beach was patrolled between Labour Weekend and Easter by the Beach Warden volunteers and more intensively during the December/ February period;
- families tended to use the south portion of the main access where the Surf Club patrolled;
- on particularly busy/high user days a one way system ran between the Waitarere Beach Road access and the Windsor Street access;
- boat launchers tended to use the immediate area north of the access way next to the Waiwarara Stream outlet.

The Association believed there was significant benefit to the area for people to be able to drive on the beach and have the beach open at all times and with visible signage it is hoped all users would continue to make it a safe place to all to enjoy. They would also like to see the new speed limits in place by this October for the summer season.

Whilst there had been a fair amount of discussion between Council and the Association on speed limits, Mr Lepper noted that the submission had not been formally received through the bylaw process because speed limits were not included in the Bylaw.

Responding to a query on how many infringement notices had been issued over the past year or two, Mrs Freebairn said that information would need to come from the Policy. Beach Wardens could not issue tickets; they could only stop people and offer advice and give out pamphlets on the safe way to use the beach. If there was an issue they would ring the Community Constable, with there being one resident at the beach.

Mrs Freebairn reiterated that the Association would like to see the speed limit brought down to 60 or 70 kph which the Manawatu District Council was also currently looking at. She said she though 60 kph was realistic.

Mr Peel confirmed that Officers had been in discussion with Horizons Regional Council, Manawatu District Council and Rangitikei District Council on appropriate speed limits. All areas in New Zealand did this differently. Officers did agree that there did need to be a speed limit on the beach and that it should be included in the bylaw. GHD Consultants were currently doing some work on this for Manawatu and Rangitikei with the proposal being for 30 kph in front of Himatangi and 60k for the rest of the beach. The 70 kph speed limit would be phased out. The various interested groups would be consulted with prior to any speed limit change and until that happened it could not be incorporated into the bylaw. Mr Lepper had raised it in his submission with the response being that the 30 kph would remain but a change to 60 kph would require consultation.

Submission 4 – Federated Farmers – Ms Kristy McGregor and Mr Geoff Kane spoke to the Federated Farmers submission, with Ms McGregor tabling a Hearing Statement. Ms McGregor focussed on two main areas of Federation Farmers submission: stock control and movement, and roadside grazing and fence encroachments, providing pictures to show examples of differing use between lifestyle block or small landowners and farmers and giving a further explanation from her personal circumstances.

Mr Kane further expanded on Ms McGregor's comments with regard to how farmers used road verges for stock grazing, determining the difference between a permanent fence and a temporary fence, and how what was in the bylaw was actually policed. He suggested it was important to have farmers' cooperation in keeping roadsides tidy. Also raised was the underpass situation with that option not being possible in some circumstances, and the importance of health and safety.

Ms McGregor also noted that, with this combining elements of two bylaws, there were a number of aspects scattered throughout the bylaws that were being changed and it was her opinion that farmers generally had not been made aware of those changes.

Mr Kane added that Federated Farmers only represented a certain percentage of farmers in the district, with membership not compulsory, so an advertisement with regard to the bylaw change would not necessarily have been picked up by those it may affect.

Mr Peel responded to a query in relation to the specifications with regard to road verges saying that the current road maintenance contract provided for mowing four times a year, with 1.8m from the edge of the seal being mowed. Where there were fences closer than two metres it did make it difficult for the contractor to mow the required width. On narrower roads, for safety, it was 1.5m. There was also provision for three types of fences.

Summing up on Ms McGregor and Mr Kane's comments on the proposed bylaw, Cr Mason said what seemed to be coming through was that Federated Farmers was looking for a sense of reasonableness and an acknowledgement that not all rural

roads followed the same topography.

Submission 3 – Mr Lepper on behalf of Customer and Regulatory Services, Horowhenua District Council, said he would not go through his submission as Officers had picked up on the majority of issues he had raised. However, he did believe there was another option with regard to this bylaw that the Hearings Committee needed to consider as to process having listened to the previous two submitters, and there are a couple of matters that were not included in the regulatory bylaw.

Mr Lepper drew the Committee's attention to page 24 of the Agenda - Part 3 Purpose. The particular section related specifically to rural areas; however Animal Control staff also dealt with issues with regard to roadside grazing in urban area and this needed to be included in 19. Purpose to allow them to do their job.

Federated Farmers had also raised in their submission issues with regard to droving of stock (Agenda page 21 (b)). It also created problems from an operational perspective as it could mean that Animal Control could break Council's bylaw.

Mr Lepper raised further examples throughout the bylaw that required attention, such as Point 10 on Agenda page 8. The corrections to the Schedule should have been done prior to today's hearing. Also requiring to be considered was the beach speed limits. With the recommendation being "That the Bylaw be adopted (as may be amended by the Committee)", Mr Lepper suggested that the bylaw be referred back to Officers for points raised by submitters to be addressed with the revised bylaw being brought back to the Committee after that due process.

Responding to a request from Cr Wanden for clarification around Public Liability and how this should be handled, Mr Lepper said he had not sought legal advice but in his opinion the bylaw should contain things that could be enforced, that people had to comply with, but recognising the New Zealand Bill of Rights. He did not believe Council could legislate to say people had to have public liability insurance.

With regard to enforcing restricted parking times other than in metered areas, Mr Lepper said this did occur but not as much as in metered parking areas as it was not a cost effective activity. However, having those restrictions in place did give Council the opportunity to do something should there be a complaint.

With regard to the setting of speed restrictions, Mr Peel advised that under the Setting of Speed Limits 2003 all urban area roads were 50 k and other roads were 100k if they met certain criteria. Some of the 70k limits came in at that point and they had to be listed separately, as did other roads that did not fit into 50k and 100k. There was a review being undertaken and once that had been completed there would be some law changes to make it easier for Council. Currently the rules were quite restrictive and could not be deviated from much because they were consistent throughout the country. If a group of residents wanted a speed limit change they could only do that if it fitted within the Setting of Speed Limits criteria.

Responding a query with regard to Point 9 re Heavy Motor Vehicles overnight parking in residential areas, Mr Lepper said this had come through the Annual Plan/Long Term Plan process. It was to do with noise (starting heavy vehicles early in the morning) and access (parking across residential frontages). There had been an undertaking two years ago that this would be addressed as part of consultation and any review of the then Traffic and Parking Bylaw. It had not been included in this draft bylaw that went out for public consultation.

Mr Lepper said he was not convinced that consultation had been robust. He agreed with Federated Farmers that consultation should have been undertaken with a range

of potentially affected parties. He was aware that the Regulatory arm had delivered information to shopkeepers to say the review was being undertaken.

Cr Mason suggested, as part of the Committee's process, it should be looking at how much broader the consultation could have been, including with iwi, directly with Federated Farmers and some of the larger farmers in the community, as well as with NZTA and Horizons Regional Council. Also based on the submissions received, a revised Bylaw should have been provided incorporating the changes raised by submitters and agreed to.

Mr Lepper said that under the Local Government Act, if there were substantive changes to what was consulted on it needed to be consulted on again. If this did become the operative Bylaw, as amended by the Committee, and Council wanted to insert beach speed limits in the future, it would be a substantive change so consultation would again be required. Under the LGA Council could only amend by resolution if changes were of a minor nature, so his suggestion was to do it once rather than have a Bylaw that could drastically change and need to be consulted on again.

In relation to beach speed limits, Mr Peel noted that Council may by resolution change the schedule to the Bylaw. Part 4 would not need to be changed.

Mr Lepper reiterated that it was a substantial change and there were a number of changes that had been agreed to by officers in the report and there may be other changes that the Committee may wish to make that may be more than minor changes.

In terms of Schedule 11, which Mr Peel said had been checked a few months ago and was constantly changing, Mr Lepper raised the inaccuracies listed in the Regulatory submission, some of which were important in terms of enforcement.

Carol Dyer, Submission 2, who had requested to speak, did not attend to speak to her submission.

The meeting adjourned from 2.26-2.45 pm.

MOTION TO EXCLUDE THE PUBLIC

MOVED by Cr Wanden, seconded Cr Tukapua:

THAT the Hearing Committee pursuant to Section 48, Local Government Official Information and Meetings Act 1987, resolves that the public be excluded from the following parts of the proceedings of this meeting;

17/276 Draft Land Transport Bylaw 2017

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 and Section 7 of that Act or Section 6 or Section 7 or Section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public on the following grounds;

Subject to sections 6, 8 and 17 of the Local Government Official Information Act 1987, the withholding of the information is necessary:

48(1)(d) That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the local

authority to deliberate in private on its decision or recommendation in any proceedings to which this paragraph applies.

AND FURTHER

THAT the decisions reached during the public excluded section of the meeting be made public."

CARRIED

3.00 pm

The Chairperson adjourned the meeting to await the requested Officer response.

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

DATE:.....

CHAIRPERSON:.....