

MEETING — AGENDA —

Ngā Take

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Western Bay of Plenty
District Council

POLICY COMMITTEE

Komiti Kaupapa Here

INFORMATION PACK

Pikau Korero

PP23

Thursday, 8 August 2019



Advice to Councillors on Use of Information Packs

Council has agreed that Information Packs will be supplied with the agendas for Council and its Committees as well as Community Boards as required. Members are to present questions in writing on contents, provided these are received 48 hours prior to the meeting (i.e. by 5.00pm on a Monday for a Thursday meeting). A copy of the questions and written replies will be made available to all Members and will be tabled at the meeting.

Any questions received later than the 48 hour deadline will be responded to within five days with copies of both questions and answers circulated to all Members.

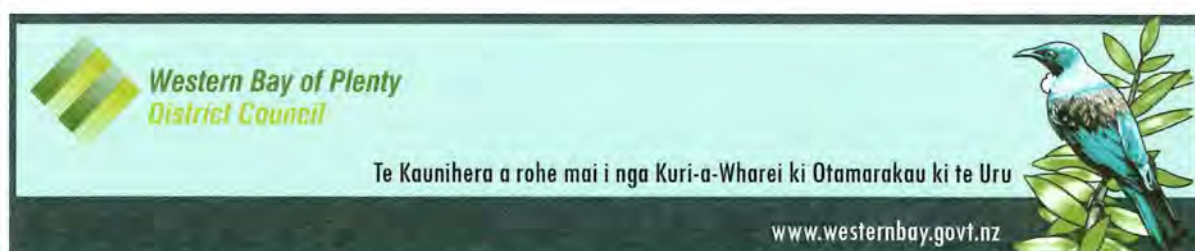
All questions to be **emailed** to the relevant Governance Advisor.

In addition, should a more detailed report or presentation be required on any specific item, Councillors are invited to make an e-mail request to the Chief Executive Officer. Reports or presentations requested will be given at the first available opportunity.

Council	-	Aileen Alty
Community Committee	-	TBC (enquiries via Kirstie Elder)
Long Term and Annual Plan Committee	-	Barbara Clarke
Operations and Monitoring Committee	-	Barbara Clarke
Policy Committee	-	Barbara Clarke
Rural Committee	-	TBC (enquiries via Kirstie Elder)
All Community Boards	-	Aileen Alty

Please include in any emailed questions and the following references from this Information Pack;

- Title of Item – Page reference for question.



Open Items

Policy Committee No. PP23 Thursday, 8 August 2019

Information Pack

	Pages
Schedule of Contents	
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1. Policy Committee Minute Action Sheets as on 30 July 2019	
• Not completed	4-10
• Completed	11-15

Minute Actions Not Completed for Policy Committee (Open)

Remit Number	Remit Title	Owner	Remit Description	Owner Comments	Current Status
PP1418.4 06 Aug 2018	Deliberations on the Draft Reserves and Facilities Bylaw 2018	PSDM - POLICY AND PLANNING MANAGER	<p>1. THAT the Senior Policy Analyst (Consultant) report dated 18 September 2018 and titled Deliberations on the Draft Reserves and Facilities Bylaw 2018 be received.</p> <p>2. THAT the report relates to an issue that is considered to be of medium significance in terms of Council's Significance and Engagement Policy.</p> <p>3. THAT the 'Beaches for Everyone' petition delivered to Council's Barks Corner office on 3 August 2018 opposing the proposed ban of horses at Tuapiro Point be received as a late submission to the Draft Reserves and Facilities Bylaw.</p> <p>4. That in response to Issue 3: Broader review of horse riding areas, the Policy Committee approves the following: Option 3A: Undertake a review to identify additional opportunities for the provision of horse riding areas in the district in the 2019/20 financial year with the key stakeholders. Reasons:</p> <ul style="list-style-type: none"> • Responds to submission feedback on this issue. • Addresses concern of the limited number of safe horse riding opportunities in the Western Bay. <p>5. THAT the Policy Committee recommends to Council for adoption the Reserves and Facilities Bylaw 2018 inclusive of the following amendments: Issue 1: Horses at Tuapiro Point Option 1C: Amended status quo (Appendix C) including the options outlined below: Permitted area amendments Continue to permit horses at Tuapiro Point subject to conditions outlined in Clause 13. Amend Schedule 1 of the bylaw to reflect proposed changes to permitted horse riding areas around Tuapiro Point including clarification regarding the parking area for horse floats and access to the permitted area connecting the public road to the foreshore. Reasons:</p>	The final bylaw was adopted by Council at its meeting on 1 November 2018. The investigations have been included in the 2019/20 work programme and progressed in due course.	UNDER ACTION

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		<ul style="list-style-type: none"> • Seeks to achieve a compromise between the issues raised by Ngati Te Wai and the issues raised by the horse riding community. • Tuapiro Point is a popular location for horse riders. • Majority of submissions did not support removing Tuapiro Point as a permitted site (96%). • Continues to provide six locations for horse riders to access in accordance with the Bylaw. • A range of potential improvements could be made within the bylaw and operationally (many suggested by submissions) to better manage the impact of the use of the area by horse riders. <p>Code of conduct Develop horse riders code of conduct in conjunction with horse riding representatives and include code of conduct information in the bylaw, on Council's website and in Council communications.</p> <p>Reasons:</p> <ul style="list-style-type: none"> • Sets out clear expectations of use. • Approach successfully used in Auckland Regional Parks. • Can be used by different clubs to encourage responsible use by their members. <p>Issue 3: Broader Review of Horse Riding Areas To add to Clause 13.1 (c) In a reserve or on a beach where there is dedicated signposted horse riding trails.</p> <p>Issue 4: Drones Option 4B: Continue as per proposed bylaw (Appendix A) Reasons:</p> <ul style="list-style-type: none"> • Reflects existing Council direction on this issue. • Recognises that there have been no known issues regarding the use of RPAS on Council land. • Clear and simple approach to allowing for this use to occur, avoiding confusion about where RPAS can and cannot fly. • Ensures compliance with CAA regulations and provides flexibility should these regulations change in the future. <p>Issue 5: Vehicles on Beaches Option 5B: Amendments to Clause 10 of operative bylaw Reasons:</p> <ul style="list-style-type: none"> • Ensures community are aware that regional provisions 		
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			<p>may also apply.</p> <p>6. THAT pursuant to s155 of the Local Government Act 2002, the Policy Committee recommends to Council that the Reserves and Facilities Bylaw 2018 as amended is the most appropriate way of addressing the perceived problem, is the most appropriate form of bylaw, and that the bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990.</p> <p>7. THAT the Policy Committee recommends to Council that the Reserves and Facilities Bylaw 2018 become effective on 9 November 2018 and that the Reserves and Facilities Bylaw 2012 be revoked as at that date.</p> <p>8. THAT in response to Issue 2: Bylaw implementation, the Policy Committee approves the following: Option 2A: Implement a range of improvements to better manage the use of horses at Tuapiro Point:</p> <ul style="list-style-type: none"> • Improve signage at Tuapiro Point • Improve education on bylaw requirements and values of Tuapiro Point • Monitoring approach <p>Reasons:</p> <ul style="list-style-type: none"> • Responds to submissions identifying potential improvements to the management of horses at Tuapiro Point. • Clarifies expectations of use. • Work with the Ngati Te Wai and the horse riding community to implement improvements to ensure they are effective. <p>9. THAT the Policy Committee direct staff to develop a Decision Story that gives effect to the resolutions from this meeting, and recommends to Council that the Decision Story be adopted alongside adoption of the final bylaw and provided to submitters as a formal response to submissions made.</p>		
PP1819.2 21 Feb 2019	Policy and Planning Work Programme	PSDM - POLICY AND PLANNING MANAGER	<p>1. THAT the Policy and Planning Manager's report dated 4 February 2019 and titled 2019 Policy and Planning work programme be received.</p> <p>2. THAT the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.</p>	Implementation of the work programme is underway. A range of policy and bylaw projects will be completed prior to the interregnum period for the elections. Another tranche of work will start after the election, as indicated in the work	UNDER ACTION

			<p>3. THAT the projects in section 3 of this report be included in the 2019 Policy and Planning work programme, alongside the Policy and Planning teams ongoing commitments:</p> <ul style="list-style-type: none"> • Projects commenced in 2019, as set out in Table 1 • Proposed projects set out in Table 2, to be progressed in the priority order agreed <p>4. That a combined work programme including the strategic Policy and Planning information and the District Plan / Resource Management information be made available to Committee members.</p>	programme report.	
PP1919.3 12 Mar 2019	Adoption of the Draft Freedom Camping Bylaw 2019 for Public Consultation	PA3 - SENIOR POLICY ANALYST	<p>1. THAT the Policy Analyst's report dated 20 February 2019 and titled "Adoption of the draft Freedom Camping Bylaw 2019 for Public Consultation" be received.</p> <p>2. THAT the report relates to an issue that is considered to be of medium significance in terms of Council's Significance and Engagement Policy.</p> <p>3. THAT pursuant to s155 of the Local Government Act 2002, Council confirms that this draft bylaw is the most appropriate way of addressing the perceived problem, the draft bylaw is most the appropriate form of bylaw, and that the draft bylaw does not give rise to any implications under the New Zealand Bill of Rights 1990.</p> <p>4. THAT the draft Freedom Camping Bylaw 2019, the accompanying statement of proposal, summary of proposal and feedback form as appended to this report are released for consultation pursuant to s156 of the Local Government Act 2002, from 18 March 2019 to 18 April 2019.</p>	Consultation Period now finished. Policy Committee to deliberate draft bylaw based on community feedback on 8 August 2019. This will then go to the Council meeting on 29 August for adoption (with amendments as required).	UNDER ACTION
PP1919.4 12 Mar 2019	Adoption of the Draft Animals (excluding dogs) Bylaw, Cemeteries Bylaw, and Public Places Bylaw, and revocation of Nuisances Bylaw, for Consultation	PA3 - SENIOR POLICY ANALYST	<p>1. THAT the Policy Analyst's report dated 22 February 2019 and titled "Adoption of the Draft Animals (excluding dogs) Bylaw 2019, Draft Cemeteries Bylaw 2019, and Draft Public Places Bylaw 2019 for Public Consultation" be received.</p> <p>2. THAT the report relates to an issue that is considered to be of medium significance in terms of Council's Significance and Engagement Policy.</p> <p>3. THAT pursuant to s155 of the Local Government Act 2002, Council confirms that for the respective issues, bylaws are the most appropriate way of addressing the perceived problems, the draft bylaws are most the appropriate form of bylaw, and that the draft bylaws do not give rise to any implications under the New Zealand Bill of Rights 1990.</p>	Policy Committee has recommended to Council that the Draft Animals (excluding dogs) Bylaw, Cemeteries Bylaw, and Public Places Bylaw be adopted (as amended), and to revoke the Nuisances Bylaw. This will be brought to the Council meeting on 29 August 2019	UNDER ACTION

			<p>4. THAT the Draft Animals (excluding dogs) Bylaw 2019, Draft Cemeteries Bylaw 2019, and Draft Public Places Bylaw 2019, the accompanying statement of proposal, summaries of proposals, and feedback form as appended to this report are released for consultation pursuant to s156 of the Local Government Act 2002, from 18 March 2019 to 18 April 2019.</p> <p>5. THAT the General Bylaw Chapter 4 Nuisances 2008 be proposed for revocation on 15 August 2019, subject to consultation pursuant to s156 of the Local Government Act 2002, from 18 March 2019 to 18 April 2019, and that this proposal be included in the statement of proposal referred to in recommendation 4 of this report.</p>		
PP2119.3 27 Jun 2019	Deliberations on the draft Animals (excluding dogs) Bylaw 2019, draft Cemeteries Bylaw 2019, and draft Public Places Bylaw 2019, and proposed revocation of the Nuisances Bylaw 2008	PA3 - SENIOR POLICY ANALYST	<p>1. THAT the Policy Analyst report dated 13 June 2019 and titled 'Deliberations on the draft Animals (excluding dogs) Bylaw 2019, draft Cemeteries Bylaw 2019, and draft Public Places Bylaw 2019, and proposed revocation of the Nuisances Bylaw 2008' be received.</p> <p>2. THAT the report relates to an issue that is considered to be of medium significance in terms of Council's Significance and Engagement Policy.</p> <p>3. THAT the Committee receives all written and verbal feedback from the special consultative procedure 18 March to 18 April 2019, as set out in the document titled "General Bylaw 2008 Review - Submissions" as circulated separately with this agenda</p> <p>4. THAT in relation to the following issues, the Committee resolves,</p> <p>a. Regarding Issue 1: Animals (Excluding Dogs) Bylaw, Option 1B: Limit the number of bee hives in urban areas to two per property unless permission is granted by Council. Reasons</p> <ul style="list-style-type: none"> • Limiting the number of bee hives to two per urban property would support the majority of submissions for this change • The resolution would be consistent with the recommendation made by Apiculture New Zealand • Nuisances caused by bees would be limited by the maximum number of bee hives allowed • Very large properties which are still within urban areas 	Policy Committee has recommended to Council to adopt the draft bylaws with some changes (see minutes). This is due to go to Council for formal adoption on 29 August 2019.	UNDER ACTION

		<p>may be granted the ability to host additional bee hives.</p> <p>b. Regarding Issue 2: Cemeteries, Option 2A being:</p> <p>i. Allow dogs in cemeteries provided they are on-leash at all times.</p> <p>Reasons</p> <ul style="list-style-type: none"> • Submissions seeking that dogs be allowed in cemeteries will be ratified, while retaining consistency with Council's Dog Control Policy which seeks to minimise the likelihood for conflict between dogs and the public or environment, by restricting access or dogs to public places where appropriate. <p>AND</p> <p>ii. Option 2C being:</p> <p>Control ornaments in cemeteries by prohibiting the placement of ornaments or similar outside the bounds of a plot (cemetery beam / concrete structure).</p> <p>Reasons</p> <ul style="list-style-type: none"> • Enables Council to control the use of ornaments (or similar) surrounding plots • Council staff may remove items around plots which otherwise hinder the ability to maintain a cemetery • The majority of submitters support this option <p>c. Regarding Issue 3: Public Places, Option 3A being:</p> <p>To remove unenforceable, impracticable and obsolete provisions as proposed for consultation.</p> <p>Reasons</p> <ul style="list-style-type: none"> • Impractical and obsolete provisions identified by staff will be removed, streamlining the bylaw and removing potential for customers to make a complaint under the bylaw which would be better dealt with through other mechanisms. • The bylaw would be legally valid for a further five years. <p>d. Regarding Issue 4: Nuisances being:</p> <p>Option 4A being to revoke the Nuisances Bylaw chapter as proposed for consultation.</p> <p>Reasons</p> <ul style="list-style-type: none"> • Impractical and obsolete provisions within the entire Nuisances Bylaw will be revoked, removing potential for customers to make a complaint under the bylaw which would be better dealt with through other mechanisms <p>5. THAT pursuant to s155 of the Local Government Act 2002, Council confirms that the draft bylaws are the most</p>		
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			<p>appropriate way of addressing the perceived problem, the draft bylaws are most the appropriate form of bylaw, and that the draft bylaws do not give rise to any implications under the New Zealand Bill of Rights 1990.</p> <p>6. THAT the Policy Committee recommends to Council that the Animals (excluding dogs) Bylaw 2019, Cemeteries Bylaw 2019, and Public Places Bylaw 2019 be adopted and become effective on 23 August 2019, and that the Nuisances Bylaw 2008 be revoked on that date.</p> <p>7. THAT the Committee directs staff to prepare a decision document as the formal response to submitters, in general accordance with the resolutions made in relation to this report.</p>		
PP2219.1 24 Jul 2019	Katikati Beach Road Residential Structure Plan and Financial Contributions Schedule	PARM3 - SENIOR POLICY ANALYST RESOURCE MANAGEMENT	<p>1. THAT the Senior Policy Analyst Resource Management's report dated 11 July 2019, titled "Katikati Beach Road Residential Structure Plan and Financial Contributions Schedule" be received.</p> <p>2. THAT the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.</p> <p>3. THAT the Policy Committee 'approves in principle' a structure plan and financial contributions schedule for the Katikati Beach Road 1 Area to be re-considered at a later date for inclusion in a potential future Plan Change.</p>		NOT COMMENCED

Minute Actions Completed for Policy Committee (Open)

Minutes Number	Remit Title	Owner	Remit Description	Owner Comments	Current Status
PP2119.1 27 Jun 2019	Class 4 Gambling Venues Policy and TAB Venues Policy Deliberations and Adoption	PA2 - SENIOR POLICY ANALYST	<p>1. THAT the Senior Policy Analyst report dated 12 June 2019 and titled 'Class 4 Gambling Venues Policy and TAB Venues Policy Deliberations and Adoption' be received.</p> <p>2. THAT the report relates to an issue that is considered to be of medium significance in terms of Council's Significance and Engagement Policy.</p> <p>3. THAT the Committee receives all written and verbal feedback from the special consultative procedure 18 March to 18 April 2019, as set out in the document titled 'Class 4 Gambling Venues Policy and TAB Venues Policy - Submissions Pack' as circulated separately with this agenda.</p> <p>4. THAT in relation to the following issues, the Committee resolves:</p> <p>a. Regarding Issue 1: Approach to limiting Class 4 gambling machines Option A being: THAT a 'sinking lid' be introduced, whereby no new machines or venues are allowed.</p> <p>Reasons</p> <ul style="list-style-type: none"> • Provides certainty to the community and businesses. • Prevents any increase in potential gambling harm by actively seeking a decrease in machines or venues. • Aligns with the majority of feedback (80%) from consultation. <p>Regarding Issue 2: Approach to Class 4 gambling venues relocations, Option A being:</p> <p>b. THAT Council will not give consent for a venue to move locations within the District</p> <p>Reasons</p> <ul style="list-style-type: none"> • Provides certainty to the community and businesses. • Prevents any increase in potential gambling harm by actively seeking a decrease in machines or venues. • Aligns with the majority of feedback (66%) from consultation. <p>c. Regarding Issue 3: Approach to Class 4 gambling venue locations, Option A being: THAT this section be removed as unnecessary, due to the overall Policy direction</p> <p>Reasons</p>	Policies updated and publicly available. Key stakeholders informed and media release issued. Decision story text prepared.	COMPLETE

			<ul style="list-style-type: none"> Aligns with the majority of feedback (76%) from consultation. <p>d. Regarding Issue 4: Approach to Club mergers, Option A being: THAT any two or more clubs that currently hold Class 4 Gambling licences will not be allowed to continue hosting gaming machines if they choose to merge.</p> <p>Reasons</p> <ul style="list-style-type: none"> Provides certainty to the community and Clubs. Prevents any increase in potential gambling harm by actively seeking a decrease in machines or venues. Aligns with the majority of feedback (69%) from consultation. <p>e. Regarding Issue 5: TAB Venues Policy, Option A being: THAT no Board Venues be allowed in the District.</p> <p>Reasons</p> <ul style="list-style-type: none"> Provides certainty to the community and business. Prevents any increase in potential gambling harm by preventing the establishment of venues. TAB activities may still continue in other venues (pubs/hotels, or via its app) Aligns with the majority of feedback (83%) from consultation. <p>5. THAT the Draft Class 4 Gambling Venues Policy (Attachment A) and Draft TAB Venues Policy (Attachment B) are adopted pursuant to s102 of the Gambling Act 2003 and s65E of the Racing Act 2003, in accordance with the options set out in resolution 4 of this meeting, and with effect from 1 July 2019.</p> <p>6. THAT the Committee direct staff to prepare a decision document for adoption by the Council on 22 August 2019, and in the interim to make key stakeholders and operators aware of any changes to the policies. Councillor Mackay took no part in the discussion on this item and abstained from voting.</p>		
PP2119.2 27 Jun 2019	Draft Trading in Public Places Bylaw Deliberations	PA2 - SENIOR POLICY ANALYST	<ol style="list-style-type: none"> THAT the Senior Policy Analyst report dated 12 June 2019 and titled 'Trading in Public Places Bylaw Deliberations' be received. THAT the report relates to an issue that is considered to be of medium significance in terms of Council's Significance and Engagement Policy. THAT the Committee receives all written and verbal feedback from the special consultative procedure 18 March to 18 April 2019, as set out in the document titled 'Trading in Public Places Bylaw - Submissions Pack' as circulated separately with this agenda. THAT in relation to the following issues, the Committee resolves, <ol style="list-style-type: none"> Regarding Issue 1: Approach to traders in Katikati and Te Puke mainstreets, Option B being: 	Draft bylaw amended and recommendatory report prepared for Council meeting on 29 August.	COMPLETE

		<p>THAT the exclusion on trading on the State Highway in the urban areas of Te Puke and Katikati be removed (noting the standard application process would still be required).</p> <p>Reasons</p> <ul style="list-style-type: none"> • Enables trading in the district's main centres, potentially adding vibrancy. • May offer an increased range of goods and services in the main shopping areas. • Helps enable market days. • District level consistency, relying on the exclusion area around similar shops to limit negative impacts. • Aligns with the feedback received through consultation. <p>b. Regarding Issue 2: The effect of speed limits on where trading in public places occur, Option B being:</p> <p>THAT the draft bylaw replace the prohibition of trading on roads with speeds greater than 50km, with the requirement for approval from an authorised person from Council's roading team or NZTA.</p> <p>Reasons</p> <ul style="list-style-type: none"> • Safety is considered through the application. • Demonstrates a more practical approach, considering actual implications and site suitability. • Reflects current practice. • Aligns with the feedback received through consultation. <p>c. Regarding Issue 3: Impacts on neighbours and potential benefits to the area, Option B being:</p> <p>THAT the bylaw include a requirement to identify impacts on neighbouring areas or positive impacts on the area.</p> <p>Reasons</p> <ul style="list-style-type: none"> • Costs and benefits of an activity are considered. • Rationale behind decision making is given. • Aligns with the feedback received through consultation. <p>d. Regarding Issue 4: Cultural appropriateness, Option B being</p> <p>THAT the bylaw include an additional consideration of:</p> <p>"The cultural appropriateness of the trading and the site proposed. Where staff have concerns these may be discussed with the relevant Tangata Whenua representative."</p> <p>Reasons</p> <ul style="list-style-type: none"> • Cultural appropriateness of an activity are considered. • Future issues maybe averted. • Responds to a clear request from submitters. • Unlikely to be a relevant consideration in the majority of applications 		
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			<ul style="list-style-type: none"> • Where concern arises this maybe addressed by contacting the relevant iwi representative. <p>5. THAT pursuant to s155 of the Local Government Act 2002, Council confirms that the draft bylaw is the most appropriate way of addressing the perceived problem, the draft bylaw is the most appropriate form of bylaw, and that the draft bylaw does not give rise to any implications under the New Zealand Bill of Rights 1990.</p> <p>6. THAT the draft Trading in Public Places Bylaw (Attachment A) is recommended to Council for adoption.</p> <p>7. THAT the Committee directs staff to prepare a decision document as the formal response to submitters, to be adopted by Council (with any amendments) alongside the final bylaw.</p>		
PP2219.2 24 Jul 2019	Approval of Plan Change 82 - 90	RMM - RESOURCE MANAGEMENT MANAGER	<p>1. THAT the Resource Management Manager's report dated 11 July 2019 and titled "Proposed Plan Changes 82-90" be received.</p> <p>2. THAT the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.</p> <p>3. THAT pursuant to Clause 5 of Schedule 1 of the Resource Management Act 1991 the following Plan Changes as attached to this report and contained in the tabled documentation, be approved for notification;</p> <p>82. Post Harvest Zone - Review of Provisions (Attachment A).</p> <p>83. Accommodation Facility Permitted Limit (Attachment B).</p> <p>84. Public Trails (Walkways, Cycleways, Bridleways and Similar) (Attachment C).</p> <p>85. Cleanfill Activities (Attachment D).</p> <p>86. Floodable Areas (Attachment E).</p> <p>87. Frost Protection Fans (Attachment F).</p> <p>88. Noise Standards within Industrial Zones (Attachment G).</p> <p>89. Rural Contractors Depot (Attachment H).</p> <p>90. Home Enterprises - Sale of Goods (Attachment I).</p> <p>4. THAT the Group Manager Policy, Planning and Regulatory Services be authorised to make any minor editorial amendments to the above Plan Changes as necessary.</p>	Noted	COMPLETE
PP2219.3 24 Jul 2019	Approval to Notify Proposed Private Plan Change 91 Rangiuru Business Park Water Supply Option	RMM - RESOURCE MANAGEMENT MANAGER	<p>1. THAT the Resource Management Manager's report dated 11 July 2019 titled 'Approval to Notify Proposed Private Plan Change 91 Rangiuru Business Park Water Supply Option' be received.</p> <p>2. THAT the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.</p> <p>3. THAT, pursuant to Clause 25 of the First Schedule of Part 2 of the Resource Management Act 1991, Council accepts the attached</p>	Noted	COMPLETE

			Proposed Private Plan Change 91 Rangiuru Business Park Water Supply Option, and notifies it concurrently with Council's Plan Changes 82 - 90.		
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