

DISTRICT PLAN AND REGULATORY COMMITTEE

MINUTES: of a meeting of the District Plan and Regulatory Committee which commenced at 9.00 a.m. in the Committee Room, Centreway Road, Orewa on Wednesday, 14 April 2010.

PRESENT: Crs Gaye Harding (Chairperson)
Michael Goudie
Dave Parker QSM
Grahame Powell
Suzanne Weld

IN ATTENDANCE: Democracy Services Officer (Elise Heyns)

9.00 a.m. Manager: Building Consents (Richard Ritsma) and Technical and Process Improvement Coordinator (Peter Snape) in attendance.

185/04/10 APOLOGIES

AGENDA ITEM NO. 1

There were no apologies.

186/04/10 NOTIFICATION OF NEW APPEAL(S)

AGENDA ITEM NO. 2

Harding/Goudie

That a notice of a new appeal be received.

Carried

14 April 2010

187/04/10 **SECTION 357 OBJECTION TO FEES CHARGED FOR THE PROCESSING OF A RESOURCE CONSENT APPLICATION TO CONSTRUCT A RETAIL BOX AND EARTHWORKS OF 2000M³ AT 44 HAMATANA RD, SNELLS BEACH**

OBJECTOR: Andrew Franicevic (Burton & Co) for:

APPLICANT: Dawson Dare Ltd

FILE REF **RMA 50198**

WARD **NORTHERN WARD**

AGENDA ITEM NO. **3**

Note: This item had been deferred on the applicant's request.

188/04/10 **BUILDING ACT 2004 REVIEW DOCUMENT – FEEDBACK SUMMARY**

FILE REF **BB/2/2**

AGENDA ITEM NO. **7 and 7A**

Manager: Building Consents (Richard Ritsma) summarised the agenda report.

Powell/Parker

- (a) That the draft Rodney District Council submission to the review of the 2004 Building Act, attached as Appendix 1 to the agenda report, be submitted to the Government.
- (b) That Council officers be authorised to add to the submission with technical details as long as these are in support of the submission.

Carried

9.29 a.m. Animal Control and Bylaws Manager (Wayne Knightbridge) and Animal Control and Bylaws Officer (Craig McFarlane) in attendance.

9.35 a.m. Manager: Building Consents (Richard Ritsma) and Technical and Process Improvement Coordinator (Peter Snape) retired from the meeting.

189/04/10 **APPLICATION FOR PERMISSION TO RIDE HORSES ON SNELLS BEACH – HEATHER MACKENZIE**

FILE REF **BC/1/1**

AGENDA ITEM NO. **4**

Note: Animal Control and Bylaws Manager (Wayne Knightbridge) tabled an objection to the application (copy on File:BC/1/1), but upon further investigation it was discovered that the objectors had mistaken the identity of the applicant.

14 April 2010

Goudie/Parker

That Heather MacKenzie, residing at Matakana Road, be granted permission to ride her horse on Snells Beach under the following conditions:

- (a) that the applicant remove and safely dispose of any equine faecal matter that is disposed of by her horse in a public place;**
- (b) that the applicant only ride her horse at low tide at Snells Beach;**
- (c) that the applicant be given permission to ride her horse on Snells Beach on each day between 6am and 9am between 1 December and 15 February, in accordance with (b) above;**
- (d) that the applicant be given permission to ride her horse on any weekday (being Monday to Friday) between 16 February and 30 November each year except during school holidays or when public holidays fall on a weekday (Monday to Friday), in accordance with (b) above;**
- (e) that the applicant ride her horse at Snells Beach in a manner that does not cause a nuisance to other beach users;**
- (f) that while riding the applicant carry on her person a copy of the permission to ride on the beach and present that permission to any authorised officer on request;**
- (g) that the Council reserve the right to revoke the permission to ride a horse on Snells Beach at any time.**

Carried

Note: The applicant, Ms Heather MacKenzie, arrived at the conclusion of the item and was advised of the outcome.

190/04/10	APPEAL AGAINST MENACING DOG CLASSIFICATION – ALISON ELLER
FILE REF	DC/9/2
AGENDA ITEM NO.	5

Note: The appellant, Ms Alison Eller, was present for this item.

Alison Eller explained that the two biting incidents were the result of extremely bad timing - on both occasions the dogs walked past at the exact time that the gate had been opened. She said her current property was fully fenced and she offered to erect more fencing across two parts of the property that would allow cars to come and go through the gate but would prevent Dudley from escaping.

In response to questions, Ms Eller said she could have the fencing in place within a week.

Animal Control and Bylaws Manager (Wayne Knightbridge) addressed the agenda report and expressed concern about the adequacy of the fencing and the unknown history of the dog.

It had been decided to defer the item and Ms Eller had been advised that she would be contacted by the Dog Control Officer (Craig McFarlane) to discuss the proposed fencing. The Officer would also inspect the completed fences prior to the next meeting and report to the Committee on 28 April.

14 April 2010

Weld/Goudie

That the decision to uphold or rescind the menacing dog classification under section 33A of the Dog Control Act 1996 against the dog known as Dudley, be deferred to the next meeting on 28 April 2010.

Carried

The Chairperson, Cr Harding, thanked Ms Eller for her attendance.

191/04/10 APPEAL AGAINST BARK ABATEMENT NOTICE – DENNIS BELL
FILE REF DC/1/1
AGENDA ITEM NO. 6

Note: The appellant, Mr Dennis Bell, was present for this item.

Animal Control and Bylaws Manager (Wayne Knightbridge) tabled undisclosed statements of four complaints for members of the Committee's attention only (copy on File: DC/1/1).

10.20 a.m. Chief Legal Officer (Rob Goldsbury) in attendance.

Dennis Bell addressed the Committee and explained that he had separated the female with her puppies and the male dog in order to abate the barking nuisance. He said barking also occurred when unregistered dogs were wandering onto his property or when children were rapping on the fences. He said he believed he had addressed the problem by taking the male with him when working and keeping it with him in the house when sleeping. In response to questions he said that he was not prepared to use bark collars because he was in the security business and his dogs were working dogs.

Animal Control and Bylaws Manager (Wayne Knightbridge) addressed the agenda report and said that the complaints were similar and over a period of time.

The Chairperson, Cr Harding, thanked Mr Bell for his attendance and advised that a decision would be made later in the meeting.

192/04/10 SCHEDULE OF DELEGATED DECISIONS ON RESOURCE CONSENT APPLICATIONS
FILE REF TP/1/6
AGENDA ITEM NO. 8

Powell/Goudie

That the report on decisions relating to:

- A Land Use Resource Consent Applications [s.88 of the Resource Management Act 1991] (Controlled Activity, Discretionary Activity, Non-Complying Activity, Preservation or Conservation of Landscape);**
- B Lapsing of Consents [s.125 of the Resource Management Act 1991];**
- C Change or Cancellation of Consent Conditions by Consent Holder [s.127 of the Resource Management Act 1991];**
- D Existing Uses [s.10 of the Resource Management Act 1991];**

14 April 2010

- E Non-Conforming Buildings [s.10 of the Resource Management Act 1991];**
- F Any Other Decision Relating to Activities;**
- G Subdivision Consent [s.105 of the Resource Management Act 1991] and Development Plans [s.409];**

made pursuant to delegated authority from the Council, be received.

Carried

193/04/10 PUBLIC EXCLUDED

AGENDA ITEM NO. 9

Harding/Goudie

That the public be excluded from the following parts of the proceedings of this meeting, namely:

Minute No(s). 194/04/10, 195/04/10, 196/04/10, 197/04/10, 198/04/10, 199/04/10 and 200/04/10

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Grounds under section 48(1) for the passing of this resolution
Appeals / Proposed District Plan 2000	Refer grounds	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 before it where: <ul style="list-style-type: none"> (i) a right of appeal lies to any court or tribunal against the final decision of the Local Authority in those proceedings; or (ii) the Local Authority is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings. (section 48(1)(d) Local Government Official Information and Meetings Act 1987.)

Carried

14 April 2010

Note: The following decision was made with the public excluded then brought into open meeting.

201/04/10 **APPEAL AGAINST BARK ABATEMENT NOTICE – DENNIS BELL**
FILE REF **DC/1/1**
AGENDA ITEM NO. **6**

Parker/Harding

- (a) That the bark abatement notice issued to Dennis Bell be upheld.**
- (b) That the decision be restated in open meeting.**

Carried

The meeting closed at 11.30 a.m.

CONFIRMED AS A TRUE AND CORRECT RECORD THIS 27TH DAY OF MAY 2010

MAYOR

* * * * *

14 April 2010

CONFIDENTIAL