

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 Council Chambers, Centreway Road, Orewa on Wednesday, 20 February 2008.

PRESENT: Penny Webster – Mayor (from 10 a.m.)
Crs Gaye Harding (Chairperson)
Michael Goudie
Grahame Powell
Suzanne Weld

IN ATTENDANCE: Principal Planner Appeals (Fran Mikulicic) (until 11.00 a.m.)
Chief Legal Officer (Rob Goldsbury) (until 11.00 a.m.)
Manager Environmental Policy & Planning (Peter Vari) (from 9.40 a.m.)
Committee Adviser (Elise Heyns)

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9.00 a.m. Building Compliance Officer (Tony Jane), Policy Planner - Environmental Planning (Alison Pye) and GIS Officer (Shaun Everest) in attendance.

74/02/08 APOLOGIES AND ANNOUNCEMENTS

AGENDA ITEM NO. 1

Powell/Weld

That the apology from Cr Parker be received and sustained.

Carried

75/02/08 REQUESTS FOR CONSIDERATION OF URGENT ITEMS

AGENDA ITEM NO. 2

Goudie/Harding

That three Confidential Items pertaining to appeals be considered at this meeting as urgent items, as requested.

Carried

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76/02/08 NOTIFICATION OF NEW APPEAL(S)**AGENDA ITEM NO. 3**

There was no notification of new appeals.

77/02/08 EXEMPTION: FENCING OF SWIMMING POOLS ACT 1987**ADDRESS: 34 BARRETT ROAD, RD 3, ALBANY****OWNER: KENNETH AND SHARON JOYCE****FILE REF SWM 8376****AGENDA ITEM NO. 5****Powell/Goudie**

That the application for exemption from the Fencing of Swimming Pools Act 1987 by Kenneth and Sharon Joyce be granted subject to the following:

Conditions:

- (a) The top of the spa pool or hot tub shall be positioned with the entire top surface not less than 400 mm above the surrounding ground or deck;**
- (b) The cover shall be lockable and shall be kept locked when the spa pool or hot tub is not being used or supervised. A locking device shall contain a mechanical locking mechanism or a self-locking mechanism in addition to latching shut;**
- (c) The locks shall not be able to be readily opened or released by a child of up to the age of six (6) years;**
- (d) When locked the cover shall be fitted so that if lifted it does not release the locking device or provide a clearance greater than 100 mm;**
- (e) The cover shall be made of a material that if walked on, cannot collapse and can withstand the weight of at least 20 kg to ensure that it will more than take the weight of a child up to six (6) years of age;**
- (f) The cover shall be constructed of material that meets American Society Testing and Materials Standard (ASTM) F1346-91 to allow easy movement on and off the spa pool or hot tub;**
- (g) The cover shall be constructed with a taper from the centre hinge to the outside edge of the cover so that water will not pond on top of it;**
- (h) The cover shall have an evenly spaced mechanical locking device as required in (b) which shall be positioned to ensure the cover cannot be lifted more than 100mm by a child up to six (6) years of age, and ensures that the cover is fixed securely to the spa pool or hot tub;**
- (i) The cover and locks shall be maintained at all times in a good state of repair;**
- (j) Warning stickers/signs shall be placed on the cover to advise that it shall be locked in place when the spa pool or hot tub is not being used or supervised;**
- (k) Removable steps, movable furniture, or other objects that can assist a young child to climb onto the cover, shall be stowed/stored away at least 1200 mm from the side of the spa pool or hot tub.**

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- (l) That the property owner/tenant sign a statement of undertaking, taking responsibility to ensure the above requirements are adhered to.
- (m) Further, the exemption is not transferable to any new owner of the property in the event of sale by the current owners Kenneth and Sharon Joyce.

Reason:

In the opinion of the Council it is possible, reasonable and is not in breach of any other act, regulation or bylaw to ensure compliance with the Fencing of Swimming Pools Act 1987 requirements or the new New Zealand Standard (NZS) 8500:2006 guidelines if the above conditions were met.

Carried

78/02/08 **EXEMPTION: FENCING OF SWIMMING POOLS ACT 1987**
ADDRESS: 22 LYNWOOD GROVE, DAIRY FLAT
OWNER: ROYSTON FAMILY TRUST

FILE REF **SWM 8377**

AGENDA ITEM NO. **6**

Goudie/Weld

That the application for exemption from the Fencing of Swimming Pools Act 1987 by Royston Family Trust be granted subject to the following:

Conditions:**Child-resistant door set:**

Child-resistant door sets shall comply with all of the following requirements:

- (a) Doors shall be fitted with a self-latching device that will automatically operate on the closing of the door and will prevent the door from being re-opened without manually releasing the device;
- (b) Every door shall be fitted with a device that will automatically return the door to the closed and latched position when the door is stationary and 150mm from the closed and secured position;
- (c) The release for the latching device on the internal (house) side of the door shall be located not less than 1500mm above the floor;
- (d) There shall be no footholds wider than 10mm on the door or its frame between the floor and 1000mm above the floor;
- (e) The closing and latching of the door shall comply with 4.6;
- (f) Horizontal members, vertical members, perforated materials or mesh, and finish shall comply with this Standard;
- (g) The door set shall comply with the performance requirements for a gate for strength and rigidity of openings and strength of gate (see 4.2 to 4.4);
- (h) Doors from the house may swing in either direction;
- (i) Pet doors to the immediate pool area are prohibited.

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Reason:

In the opinion of the Council it is possible, reasonable and is not in breach of any other act, regulation or bylaw to ensure compliance with the Fencing of Swimming Pools Act 1987 requirements or the new New Zealand Standard (NZS) 8500:2006 guidelines if the above conditions were met.

Carried

79/02/08 **EXEMPTION: FENCING OF SWIMMING POOLS ACT 1987**
ADDRESS: 39A POHUTUKAWA AVE, OREWA
OWNER: SHELLY AND MARCO DRAGA

FILE REF **SWM 8378**

AGENDA ITEM NO. **7**

Goudie/Powell

That the application for exemption from the Fencing of Swimming Pools Act 1987 by Shelly and Marco Draga be granted subject to the following:

Conditions:

- (a) The top of the spa pool or hot tub shall be positioned with the entire top surface not less than 760mm above the surrounding ground or deck;
- (b) The cover shall be lockable and shall be kept locked when the spa pool or hot tub is not being used or supervised. A locking device shall contain a mechanical locking mechanism or a self-locking mechanism in addition to latching shut;
- (c) The locks shall not be able to be readily opened or released by a child of up to the age of six (6) years;
- (d) When locked the cover shall be fitted so that if lifted it does not release the locking device or provide a clearance greater than 100mm;
- (e) The cover shall be made of a material that if walked on, cannot collapse and can withstand the weight of at least 20 kg to ensure that it will more than take the weight of a child up to six (6) years of age;
- (f) The cover shall be constructed of material that meets American Society Testing and Materials Standard (ASTM) F1346-91 to allow easy movement on and off the spa pool or hot tub;
- (g) The cover shall be constructed with a taper from the centre hinge to the outside edge of the cover so that water will not pond on top of it;
- (h) The cover shall have an evenly spaced mechanical locking device as required in (b) which shall be positioned to ensure the cover cannot be lifted more than 100mm by a child up to six (6) years of age, and ensures that the cover is fixed securely to the spa pool or hot tub;
- (i) The cover and locks shall be maintained at all times in a good state of repair;
- (j) Warning stickers/signs shall be placed on the cover to advise that it shall be locked in place when the spa pool or hot tub is not being used or supervised;

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- (k) **Removable steps, movable furniture, or other objects that can assist a young child to climb onto the cover, shall be stowed/stored away at least 1200mm from the side of the spa pool or hot tub;**
- (l) **That the property owner/tenant sign a statement of undertaking, taking responsibility to ensure the above requirements are adhered to;**
- (m) **Further, the exemption is not transferable to any new owner of the property in the event of sale by the current owners Shelly and Marco Draga.**

Reason:

In the opinion of the Council it is possible, reasonable and is not in breach of any other act, regulation or bylaw to ensure compliance with the Fencing of Swimming Pools Act 1987 requirements or the new New Zealand Standard (NZS) 8500:2006 guidelines if the above conditions were met.

Carried

9.15 a.m. Animal Control and Bylaws Manager (Wayne Knightbridge) in attendance.

9.20 a.m. Building Compliance Officer (Tony Jane) retired from the meeting.

80/02/08 REQUEST FOR RETURN OF DOG RETAINED UNDER SECTION 71 OF THE DOG CONTROL ACT

FILE REF DC/10/1

AGENDA ITEM NO. 4

The applicants, James Meeking and Melanie Galloway, and the applicants' solicitor, Susan Hoskin, were present for this item.

A letter received from Vicki Yakas and Allister Vousden, the two individuals who were walking the dog, was tabled (copy of File: DC/10/1).

Animal Control and Bylaws Manager (Wayne Knightbridge) gave a review of the agenda report.

Susan Hoskin noted that the applicants would comply with any further conditions the Council would like to impose and were prepared to take their dog to obedient classes.

The Chairperson, Cr Harding, thanked the applicants and their solicitor for their attendance and advised that a decision would be deferred until later in the meeting and that they would be informed of the outcome at a later time.

9.30 a.m. Manager Resource Management (Lloyd Barton) in attendance.

9.32 a.m. Consultant (David Wren) in attendance.

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**81/02/08 PROPOSAL TO NAME UNNAMED PRIVATE ROAD: OAK LANE
APPLICANT: SUBDIVISION RESIDENTS**

FILE REF GD/1/5

AGENDA ITEM NO. 8

Powell/Goudie

That pursuant to Section 319 of the Local Government Act 1974 the private road shown on Rodney District Council Plan RDC 19261 (attached as Appendix 1 to the agenda report) be named Oak Lane.

Carried

9.35 a.m. Environmental Protection Officer (Ryno Botha) in attendance.

9.35 a.m. GIS Officer (Shaun Everest) retired from the meeting.

**82/02/08 SCHEDULE OF DELEGATED DECISIONS ON RESOURCE CONSENT
APPLICATIONS**

FILE REF TP/1/6

AGENDA ITEM NO. 9

Goudie/Powell

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];
- (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

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83/02/08 PUBLIC EXCLUDED**AGENDA ITEM NO. 10****Harding/Goudie**

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

Minute Item No(s). 84/02/08, 85/02/08, 86/02/08, 87/02/08, 88/02/08, 89/02/08, 90/02/08 and 91/02/08

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	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: (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.)

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

92/02/08 REQUEST FOR RETURN OF DOG RETAINED UNDER SECTION 71 OF THE DOG CONTROL ACT**FILE REF DC/10/1****AGENDA ITEM NO. 4**

Note: Cr Goudie refrain from voting on this item because of a conflict of interest.

Harding/Powell

That the dog named "Bella" be released to the owners under the following conditions:

- (a) Bella must be muzzled at all times it is at large or in a public place;
- (b) Bella must reside at 11 Parkwood Crescent, Gulf Harbour. Any proposed change of address would need the Council's approval;
- (c) Bella may only be exercised or controlled in public by Melanie Galloway or James Meeking;
- (d) Bella must be enrolled, participate and complete a dog obedience course run by an approved instructor. This will be at the dog owners' cost.

Carried

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

93/02/08 **REQUESTS FOR CONSIDERATION OF URGENT ITEMS**
FILE REF **REDALE LIME COMPANY LTD: CRUSHING AND PROCESSING LIME**
IN BREACH OF AN ABATEMENT NOTICE, APPEAL OF ABATEMENT
NOTICES AND STAY APPLICATIONS, 17 OLD PINE VALLEY ROAD,
SILVERDALE
AGENDA ITEM NO. *Refer to Agenda Item No. 2 – Request for Consideration of Urgent Items*

Weld/Powell

- (a) That the Council defend the appeals from Redvale Lime Company Ltd to Abatement Notices 1727 and 1703 relating to the provision of noise reports and the cessation of the operation of a portable rock crusher;
- (b) That the stay applications by Redvale Lime Company Ltd in relation to Abatement Notices 1727 and 1703 be opposed;
- (c) That should the stay application by Redvale Lime Company Ltd in relation to the abatement notice for the lime crusher (Abatement Notice 1703) prove unsuccessful, the Council pursue a prosecution against Redvale Lime Company Ltd for breach of consent and/or failing to abide by that abatement notice;
- (d) That the decision be restated in open meeting.

Carried

The meeting closed at 11.35 a.m.

CONFIRMED AS A TRUE AND CORRECT RECORD THIS 27TH DAY OF MARCH 2008MAYOR

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CONFIDENTIAL