

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, 9 June 2010.

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

IN ATTENDANCE: Chief Legal Officer (Rob Goldsbury) (until 12.12 p.m.)
Democracy Services Officer (Elise Heyns)

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9.00 a.m. Animal Control and Bylaws Manager (Wayne Knightbridge) and Animal Control Officer (Hayley Matthews) in attendance.

322/06/10 APOLOGIES

AGENDA ITEM NO. 1

There were no apologies.

Carried

323/06/10 NOTIFICATION OF NEW APPEAL(S)

AGENDA ITEM NO. 2

There was no notification of new appeals.

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324/06/10 **APPLICATION FOR PERMISSION TO RIDE HORSES ON SNELLS BEACH AND OMAHA BEACH – ANNA PETROVA AND OTHERS**

FILE REF BC/1/1

AGENDA ITEM NO. 3

Applicants Anna Petrova and Jonathan Gumbley were present for this item.

Goudie/Parker

That Anna Petrova, Jonathan Gumbley, Kateryna Varetska and Joanne Wade are granted permission to ride their horses on Snells Beach and Omaha Beach under the following conditions:

- (a) that the applicants remove and safely dispose of any equine faecal matter that is disposed in a public place;
- (b) that the applicants only rides their horses adjacent to the water at low tide at Snells Beach and Omaha Beach;
- (c) that the applicants are given permission to ride their horses 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 week day (Monday to Friday);
- (d) that the applicants ride their horses at Snells Beach and Omaha Beach in a manner that does not cause a nuisance to other beach users;
- (e) that while riding the applicants carry on their person a copy of the permission to ride on the beach and present that permission to any authorised officer on request;
- (f) that the Council reserves the right to revoke the permission to ride a horse on Snells Beach and Omaha Beach at any time;
- (g) that the applicants be given permission to ride their horses on Snells Beach and Omaha Beach from 6 a.m. to 9 a.m. between 1 December and 15 February.

Carried

325/06/10 **APPEAL AGAINST BARK ABATEMENT NOTICE – C & B GRANT**

FILE REF DC/1/1

AGENDA ITEM NO. 4

The appellant, Colin Grant, was present for this item.

Mr Grant explained what measures he had been taken to reduce the barking nuisance on his property. He said both dogs were wearing bark collars and their access to the front gate had been restricted by a gate on the front deck of the house and a fence across the deck area at the rear of the house.

Animal Control Officer (Hayley Matthews) reported that the barking problem had significantly been reduced since Mr Bates had taken steps to address the problem and no new complaints had been received since April.

The Chairperson, Cr Harding, thanked Mr Grant for his attendance and advised that a decision would be made in due course.

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326/06/10 **APPEAL AGAINST MENACING DOG CLASSIFICATION – BRIAN FIELD**
FILE REF DC/9/2
AGENDA ITEM NO. 5

The appellant, Mr Field, was present for this item.

Mr Field, the owner of a male German Shepherd named Cash, described the incident that led to the menacing dog classification and said his dog was not out of his sight for more than a few seconds. He said he looked at the complainant's dog after she told him what happened, but her dog looked fine and he could not find any signs of an attack. He said Cash had a friendly nature failed as a police dog because it would not bite.

Animal Control and Bylaws Manager (Wayne Knightbridge) said the complainant described an unprovoked attack in her witness report and he was concerned that it might happen again in future.

The Chairperson, Cr Harding, thanked Mr Field for his attendance and advised that a decision would be made in due course.

327/06/10 **APPEAL AGAINST MENACING DOG CLASSIFICATION – CASSANDRA
MANLEY**
FILE REF DC/9/2
AGENDA ITEM NO. 6

The appellant's husband, Rob Keegan, was present for this item.

Mr Keegan said he and his wife were responsible dog owners. They are the owners of two female Dogue de Bordeaux dogs that were registered and micro-chipped. He said his dogs underwent obedience and socialisation training at NE K9 Training & Development Services and they never had any complaints before. He disputed the evidence presented and said his dog did not match the description of the dog that attacked the complainant's dog, nor did the puncture mark reflect the size of his dog's teeth. He circulated photos of his almost identical two dogs.

In response to questions, Mr Keegan said their property was fenced with two high fences and one lower fence topped by a hedge.

Animal Control and Bylaws Manager (Wayne Knightbridge) said Fudge was identified by the complainant. He said the choker chain worn by the complainant's dog could have prevented a more serious injury.

It was noted that the dog, Fudge, was observed running toward the side fence of Mr Keegan's property after the attack.

The Chairperson, Cr Harding, thanked Mr Keegan for his attendance and advised that a decision would be made in due course.

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328/06/10 SCHEDULE OF DELEGATED DECISIONS ON RESOURCE CONSENT APPLICATIONS**FILE REF** TP/1/6**AGENDA ITEM NO.** 7**Goudie/Harding**

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

10.25 – 10.45 a.m. Morning Tea adjournment.

329/06/10 PUBLIC EXCLUDED**AGENDA ITEM NO.** 8**Harding/Goudie**

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

Minute No(s). 330/06/10, 331/06/10, 332/06/10, 333/06/10, 334/06/10, 335/06/10, 336/06/10, 337/06/10, 338/06/10, 339/06/10 and 340/06/10

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:

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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	<p>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:</p> <p>(i) a right of appeal lies to any court or tribunal against the final decision of the Local Authority in those proceedings; or</p> <p>(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.</p> <p>(section 48(1)(d) Local Government Official Information and Meetings Act 1987.)</p>

Carried**Goudie/Parker**

That Sally Cinjee, a student of Carmel College, be permitted to remain at this meeting, after the public has been excluded, in order to gain work experience.

Carried

Note: The following decisions were made with the public excluded then brought into open meeting.

341/06/10 APPEAL AGAINST BARK ABATEMENT NOTICE – C & B GRANT
FILE REF DC/1/1
AGENDA ITEM NO. 4

Weld/Powell

- (a) That a decision on the bark abatement notice be deferred to a later meeting.
- (b) That a monitoring report be submitted to the Committee within a month of the date of this meeting.
- (c) That the decision be restated in open meeting.

Carried

342/06/10 APPEAL AGAINST MENACING DOG CLASSIFICATION – BRIAN FIELD
FILE REF DC/9/2
AGENDA ITEM NO. 5

Goudie/Parker

- (a) That the menacing dog classification under section 33A of the Dog Control Act 1996 against the dog known as Cash, be rescinded.
- (b) That the decision be restated in open meeting.

Carried

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343/06/10 **APPEAL AGAINST MENACING DOG CLASSIFICATION – CASSANDRA MANLEY**

FILE REF DC/9/2

AGENDA ITEM NO. 6

Parker/Weld

- (a) That a decision on the appeal against menacing dog classification under section 33A of the Dog Control Act 1996 against the dog known as Fudge, be deferred to a later meeting.
- (b) That the fences on the property at 20 Great North Road, Riverhead be fixed and raised to an acceptable standard and be approved by the Council's Dog Control Officer within two weeks of the date of this meeting.
- (c) That an inspection report be submitted to the Committee within two weeks of the date of this meeting.
- (d) That the decision be restated in open meeting.

Carried

344/06/10 **PROPOSED PLAN CHANGE/VARIATION 144 – INTRODUCTION OF HELENSVILLE TOWN CENTRE HERITAGE POLICY AREA AND OTHER CHANGES – HELENSVILLE**

FILE REF TP/14/4/14

AGENDA ITEM NO. 12

Weld/Powell

- (a) That it be noted that the requirements of section 32 of the Resource Management Act 1991 have been met in relation to the proposed plan change/variation and that the section 32 report, tabled at the meeting and subject to further minor changes as necessary, be adopted.
- (b) That pursuant to Section 73 and the First Schedule of the Resource Management Act 1991 and subject to further amendments to Appendix 9D of Confidential Appendix 1 to the agenda report and the outcome of consultation required under clause 3 of the First Schedule, the Council initiate Plan Change/Variation 144 to the Rodney District Proposed District Plan 2000, attached as Confidential Appendix 1 to the agenda report.
- (c) That pursuant to sections 86B and 86E of the Resource Management Act 1991, the following rules within Proposed Plan Change/Variation 144 shall have immediate effect:
 - Changes to Rule 9.9.2 – Activity Table
 - Changes to Rule 9.10.4.1(e)
 - Proposed Rule 9.10.8
 - Changes to Rule 9.12.1
 - Proposed Rule 9.12.1.4
 - Proposed Rule 9.12.15
 - Proposed Appendix 9D
 - Proposed Appendix 9E
 - Proposed Appendix 9F
 - Changes to Rule 21.10.2.2
 - Changes to Appendix 18A.

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- (d) That the Proposed Plan Change/Variation be publicly notified in accordance with the provisions of the RMA once the outcome of the clause 3 consultation is finalised.
- (f) That resolutions (a) – (d) be restated in open meeting and the agenda report be made available to the public on request once the Variation is notified.

Carried

345/06/10 PROPOSED VARIATION 123 – SPECIAL 26 (HIBISCUS COAST GATEWAY RECREATION AND ENTERTAINMENT) ZONE AND SPECIAL 25 (HIBISCUS COAST GATEWAY SPECIALTY RETAIL) ZONE AND METROPOLITAN URBAN LIMIT SHIFT REQUEST

FILE REF TP/9/45/2

AGENDA ITEM NO. 13A

Harding/Parker

- (a) That the proposed Variation 123, which was adopted in December 2009, be amended as set out in Section 3 of the agenda report and Appendix 5 attached to the agenda report, and that the proposed variation as revised be publicly notified in conjunction with the related proposed MUL shift.
- (b) That the Committee note that at its meeting of 2 December 2009 it adopted the resolutions set out in section 1 of the agenda report.
- (c) That the resolution be restated in open meeting and the agenda report be made available to the public on request.

Carried

The meeting closed at 1.05 p.m.

CONFIRMED AS A TRUE AND CORRECT RECORD THIS 8TH DAY OF JULY 2010

MAYOR

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CONFIDENTIAL