

HURUNUI DISTRICT COUNCIL MINUTES



Meeting Regulatory Committee
Time and Date 1pm, Thursday, 9 March 2017
Venue St John Hall, Carters Road, Amberley

Members Present Core Members: Councillor Marie Black (Chairperson), Mayor Winton Dalley and Councillor Dick Davison.
Non Core Members: Councillors Julia McLean, Geoff Shier and Vince Daly.

In Attendance Hamish Dobbie (Chief Executive Officer), Judith Batchelor (Manager Regulatory Services), Nicola Kirby (Policy Planner), Stephanie Chinn (Policy Planner) and Kait Murray (Committee Secretary).

Apologies Councillors Fiona Harris, Jason Fletcher and Michael Ward.
THAT THE APOLOGIES BE GRANTED.
Black/Dalley CARRIED

Absent

Conflict of Interest Declarations Nil.

Recording Device A recording device was used for the purpose of the accuracy of the minutes.

Urgent Business

- Frost Fan Zone, Waipara
- District Plan References

1. Minutes THAT THE MINUTES OF THE ORDINARY MEETING HELD ON 1 DECEMBER 2017 BE CONFIRMED.

Black/Davison CARRIED

Matters Arising:

Item 4.5 Submission on NES Assessing and Managing Contaminants in Soil to protect human health.

Cr Davison enquired after ECan's response to the concern and issues raised. The Manager Regulatory Services confirmed she will enquire with Council Officers and bring findings to the next meeting.

Item 2.1 160101 & 160102 – Hutton Appointment of Accredited Hearings Commissioner.

In response to a question regarding the Hutton Hearing, Manager Regulatory Services confirmed that it has taken place.

Cr Black gave a brief overview of the hearing. She said she attended a pre

meeting hearing prior to the Resource Consent meeting where the lapse issues, easement and cost sharing issues were all discussed.

Item 6.1 New Legislation

In response to a question regarding communication of the new rules to property owners. The Manager Regulatory Services explained communication regarding recovery and the legislative changes has been distributed to the community regarding that.

2. DECISION ITEMS

2.1 Draft
Consultation of new
Drones Policy

The report from the Policy Planner seeking reconfirmation on the policy development process and proposal of an alternative process to minimise the time and cost involved in the development of the policy was received.

Cr Black summarised the new approach being presented to the Committee by saying the report is a variation to the discussion and decision that was made at the meeting on 11 August 2016.

The Mayor expressed concern regarding how the local reserve advisory groups would no longer be involved in the process and his reluctance to see any further reduction in democracy in the communities for reasons of expediency and potential cost savings. He suggested when consultation with the Ward Committees is done, that the appropriate reserve advisory groups are invited to attend.

THAT THE COMMITTEE RECONFIRM THE PROPOSED DRAFT CONSULTATION PROCESS (OPTION 1) WITH THE INCLUSION OF THE RESERVE ADVISORY GROUPS AS PART OF THE DEVELOPMENT OF A DRONES POLICY.

Black/Dalley

CARRIED

2.2 Swimming & Spa
Pool Fencing Policy
2011

The Policy Planner gave an overview of the report some of the main points noted were:

- The current Swimming and Spa Pool Fencing Policy was implemented in 2011. Due to the repeal of the Fencing of Swimming Pools Act 1987, the Swimming and Spa Pool Fencing Policy is now out of date.
- Swimming pools that are installed from 1 January 2017 are required to comply with the Building (Pools) Amendment Act 2016.

In response to a question the Policy Planner clarified that any pools that currently have exemptions will continue to hold those exemptions. She said they will come under the new legislation when the exemption holders want to undertake any alterations or changes to their current setup.

THAT THE REGULATORY COMMITTEE AGREE TO RESCIND THE SWIMMING AND SPA POOL FENCING POLICY 2011.

Davison/Dalley

CARRIED

2.3 Roberts –
Objection to
Probationary Owner
Classification

The Manager Regulatory Services reported that the Council recently prosecuted Mr Brent Roberts in relation to a dog attack that occurred in November 2015. Some of the points noted from the report were:

- The Court found Mr Roberts guilty and in sentencing ordered,

reparation to the victim and a small amount of costs to the Council.

- Because of the prosecution, the Council have classified Mr Roberts as a probationary owner under section 21 of the Dog Control Act 1996.
- This followed the conviction of Mr Roberts for being the owner of a dog that attacked a person causing serious injury to that person pursuant to section 58(a) of the Dog Control Act.
- The classification applies from 21 November 2015 until November 2017.
- On 9 February 2017 Mr Roberts objected to the probationary owner classification. Mr Roberts also objected to the dangerous dog classification.
- Disqualification would have resulted in he and his partner being unable to have ownership of any dogs and the dogs would have to be either registered to another owner or destroyed. Council Officers decided not to pursue this.

In response to a question the Manager Regulatory Services clarified that at the end of the probation period the owners status returns to being a dog owner. She said coming to the end of the probationary period will not change the classification of the dogs. She also pointed out the owner has not had any further incidents since the conviction.

The Chief Executive Officer confirmed the difference between a probationary owner and a usual dog owner from the Dog Control Act 1996.

It was also highlighted to the Committee that the owner is known to have destroyed two dogs, not one as detailed in the report.

Cr Black reiterated the importance of giving due consideration to the objection and asked the Committee to consider each of the points regarding:

- a) The circumstances and nature of the offence or offences in respect of which the classification was made;

It was noted the circumstances were clearly laid out in the judgment notes and detailed in points a) through to c) of the additional information. This was taken as the circumstances and nature of the offence in respect of which the classification was made.

- b) The competency of the person objecting in terms of responsible dog ownership;

The Committee looked at the events in conjunction with the previous convictions and questioned the competency of the objector in terms of responsible dog ownership.

- c) Any steps taken by the owner to prevent further offences including, but not limited to, the disposal of any dog or dogs or the fencing of the property on which the dog is kept;

The Committee acknowledged the owner had destroyed two of the dogs, and had improved the fencing on the property.

- d) The matters advanced in support of the objection; and

There were no matters advanced in support of the objection.

e) Any other relevant matters.

Cr Black called for any other points from the floor that could be considered. Cr Davison pointed out that information supplied by the owner states there are a number of other dogs that wander the neighbourhood and irresponsible owners in close proximity to the property.

THAT THE COMMITTEE UPHOLDS THE PROBATIONARY OWNER CLASSIFICATION FOR BRENT ROBERTS.

Black/Davison

CARRIED

3. DISCUSSION ITEMS

There are no Discussion Items for this meeting.

4. INFORMATION ITEMS

4.1 District Licensing Committee update The update on the activities of the District Licensing Committee for the months of October 2016 to December 2016 was received.

THAT THE INFORMATION BE RECEIVED.

Black/Davison

CARRIED

6 URGENT BUSINESS Frost Fan Zone, Waipara

The Manager Regulatory Services gave a brief overview of the request for information and said that the issue is to be addressed when Cr Harris returns.

District Plan References (Appeals)

The Manager Regulatory Services presented the report and apologised for its lateness. She explained the term “references” in the District Plan are what are commonly known as “appeals”.

The Manager Regulatory Services explained the process for resolve of an unsuccessful mediation and the role of the Council Officer at mediation.

The Mayor added that in the event it is bought back to the Chair of the Regulatory Committee and the view is the Chair shouldn't agree, then the issue would go back to the Environment Court.

The Manager Regulatory Services confirmed if there is no agreement, no consent order will be issued and advised the Committee that the whole appeal is on the Council website and can be accessed through the [District Plan Review](#) page.

THAT THE INFORMATION BE RECEIVED.

Dalley/Davison

CARRIED

MEETING ENDED

The meeting closed at 2.28pm.
