

MINUTES

WEDNESDAY 14 APRIL 2010

**1.06PM – 1.57PM
2.02PM – 3.26PM
3.35PM – 4.06PM
(3.49PM – 4.05PM – PUBLIC EXCLUDED)
(Reconvened Tuesday 20 April)
(12.32PM – 12.33PM)**

**Committee Room 1
Ground Floor, Council Offices
101 Wakefield Street
Wellington**

PRESENT:

Councillor Gill (Chair) (1.06pm – 1.57pm, 2.02pm – 3.26pm, 3.35pm – 4.06pm)
Councillor Best (1.06pm – 1.57pm, 2.02pm – 3.26pm, 3.35pm – 4.06pm)
Councillor Cook (1.06pm – 1.57pm, 2.02pm – 3.26pm, 3.35pm – 4.06pm)
Councillor Goulden (Deputy Chair) (1.06pm – 1.57pm, 2.02pm – 3.26pm, 3.35pm – 4.06pm)
Councillor Pannett (1.06pm – 1.57pm, 2.02pm – 3.26pm, 3.35pm – 4.06pm)
Councillor Wain (1.06pm – 1.57pm, 2.02pm – 3.26pm, 3.35pm – 4.06pm)

APOLOGIES:

Mayor Prendergast

DEMOCRATIC SERVICES OFFICERS IN ATTENDANCE:

Fiona Dunlop – Committee Adviser

015/10RP **APOLOGIES**
(1215/53/IM)

Moved Councillor Gill, seconded Councillor Goulden, the motion that apologies for absence be accepted from Mayor Prendergast.

The motion was put and declared CARRIED.

RESOLVED:

THAT the Regulatory Processes Committee:

1. *Accept apologies for absence from Mayor Prendergast.*

016/10RP **MINUTES FOR CONFIRMATION**
(1215/53/IM)

Moved Councillor Gill, seconded Councillor Goulden the motion that the Regulatory Processes Committee approve the minutes of the meeting held on Wednesday 10 February 2010 having been circulated, be taken as an accurate record of that meeting.

The motion was put and declared CARRIED.

RESOLVED:

THAT the Regulatory Processes Committee:

1. *Approve the minutes of the meeting held on Wednesday 10 February 2010 having been circulated, be taken as an accurate record of that meeting.*

017/10RP **CONFLICT OF INTEREST DECLARATIONS**
(1215/53/IM)

NOTED:

There were no conflicts of interest.

018/10RP **PUBLIC PARTICIPATION**
(1215/53/IM)

NOTED:

There was no public participation.

019/10RP **ROAD STOPPING AND DISPOSAL – LEGAL ROAD ADJOINING
86 BRACKEN ROAD AND NEWLANDS COLLEGE PAPARANGI**
(1.07PM – 1.16PM)

Report of Paul Davidson – Property Adviser.
(1215/53/IM)

(REPORT 1)

Moved Councillor Gill, seconded Councillor Goulden the substantive motion.

The substantive motion was put and declared CARRIED.

RESOLVED:

THAT the Regulatory Processes Committee:

1. *Receive the information.*
2. *Recommend to Council that it:*
 - (a) *Agree that the 793m² area of unformed legal road land adjoining 86 Bracken Road, Paparangi, and the approximately 650m² (both subject to survey) of unformed legal road land on Bracken Road adjoining Newlands College, Paparangi, are not required for a Public Work.*
 - (b) *Approve the disposal of the approximately 793m² of unformed legal road land adjoining 86 Bracken Road, Paparangi, to the owner of that property.*
 - (c) *Approve the disposal of the approximately 650 m² of unformed legal road land on Bracken Road, adjoining Newlands College, Paparangi, to be marketed publicly*
 - (d) *Authorise Council officers to commission a section 40 report from suitably qualified consultants to identify whether both areas of unformed legal road land must be offered back to their former owner(s) or their successor(s), or whether exemptions from offer back applies.*
 - (e) *Delegate to the Chief Executive Officer the power to either offer both areas of unformed legal road land back to their former owner(s) or their successor(s), or to approve the exercise exemptions from offer back under section 40(2), 40(3), or 40(4) (if appropriate)*
 - (f) *Authorise Council officers to initiate the road stopping process for both areas of unformed legal road in accordance with Section 342 and the Tenth Schedule of the Local Government Act 1974.*

- (g) *Delegate to the Chief Executive Officer the power to formally approve both road stoppings, and issue the public notice to declare both areas of unformed legal road land stopped as road, subject to all statutory and Council requirements being met with no objections being received.*
- (h) *Delegate to the Chief Executive Office the power to negotiate the terms of sale and enter into a sale and purchase agreement in respect of the unformed legal road land adjoining 86 Bracken Road, either with the former owner(s) or their successor(s), or the owner of 86 Bracken Road, provided any such agreement is conditional upon the road being stopped.*
- (i) *Delegate to the Chief Executive Office the power to negotiate the terms of sale and enter into a sale and purchase agreement in respect of the unformed legal road land adjoining Newlands College, either with the former owner(s) or their successor(s), or the successful purchaser following the land being marketed for sale, provided any such agreement is conditional upon the road being stopped.*

020/10RP **DOG CONTROL ACT 1996 – OBJECTION TO OFFICER’S
MENACING CLASSIFICATION DECISION (1.16PM – 3.48PM)**
Report of Richard Natusch – Animal Control Team Leader.
(1215/53/IM) (REPORT 2)

NOTED:

The Committee heard evidence from Richard Natusch – Team Leader, Animal Control and complainant Julie Watson.

(The meeting adjourned at 1.57pm and reconvened at 2.02pm.)

(Councillors Best, Cook, Gill, Goulden, Pannett and Wain were present when the meeting reconvened.)

Raymond Morgan and Shona Henderson who are the owners of “Gino” gave their evidence in support of their objection to the menacing dog classification. During evidence from they presented the following information to the Committee:

- TABLED:** Copy of letter from Raymond Morgan to Richard Natusch
Reference 020/10RP(a)
- TABLED:** Copy of letter from Richard Varcoe of Smart Dogs
Reference 020/10RP(b)
- TABLED:** Copy of Canine Solutions Assessment Report
Reference 020/10RP(c)
- TABLED:** Copies of photos of “Gino” with other dogs
Reference 020/10RP(d)

- TABLED:** Copy of an email from Richard Natusch to Shona Henderson
Reference 020/10RP(e)
- TABLED:** Copy of an email from Shona Henderson to Richard Natusch
Reference 020/10RP(f)
- TABLED:** Copy of DLA Phillips letter dated 19 March 2010
Reference 020/10RP(g)
- TABLED:** Copy of photos of “Gino” with a pet pig
Reference 020/10RP(h)
- TABLED:** Copy of photos of “Gino” in Trelissick Park
Reference 020/10RP(i)
- TABLED:** Copy of note from Crofton Downs vet.
Reference 020/10RP(j)
- TABLED:** Copy of letter from Jeanie Knott
Reference 020/10RP(k)
- TABLED:** Copy of a Google earth image of Seton Nossiter Park
Reference 020/10RP(l)
- TABLED:** Copies of Canine Solutions “Canine Good Behaviour
Certificates”
Reference 020/10RP(m)

Questions were asked of all parties.

Please see 025/10RP for the final decision on the matter.

(The meeting adjourned at 3.26pm and reconvened at 3.35pm.)

(Councillors Best, Cook, Gill, Goulden, Pannett and Wain were present when the meeting reconvened.)

021/10RP **RESOLUTION TO EXCLUDE THE PUBLIC**
(1215/53/IM)

Moved Councillor Gill, seconded Councillor Cook the motion to exclude the public.

The motion was put and declared CARRIED.

RESOLVED:

THAT the Regulatory Processes Committee:

1. *Pursuant to the provisions of the Local Government Official Information and Meetings Act 1987, exclude the public from the following part of the proceedings of this meeting namely:*

Report 2: Dog Control Act 1996 – Objection to Officer’s Menacing Classification Decision

Grounds: Section 48(1)(d) Local Government Official Information and Meetings Act – 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 recommendations in proceedings

Reasons: Section 48(2)(a)(ii) Any proceedings before a local authority where the local authority is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings.

- 2. Permit Aleise White of DLA Phillips Fox to remain after the public has been excluded, because of her specialist knowledge of the matter under discussion.*

(The meeting went into public excluded session at 3.49pm.)

For item 022/010RP, please see the public excluded minutes.

(The meeting returned to open session at 4.05pm.)

023/10RP ADJOURNMENT OF MEETING
(1215/53/IM)

Moved Councillor Gill, seconded Councillor Best the motion that the meeting adjourn and reconvene at 12.30pm on Tuesday 20 April 2010.

The motion was put and declared CARRIED.

RESOLVED:

THAT the Regulatory Processes Committee:

- 1. Adjourn and reconvene at 12.30pm on Tuesday 20 April 2010.*

The meeting adjourned at 4.06pm on Wednesday 14 April 2010.

The meeting reconvened at 12.32pm on Tuesday 20 April 2010.

TUESDAY 20 APRIL 2010 (RECONVENED)

PRESENT:

Councillor Gill (Chair) (12.32pm – 12.33pm)
Councillor Best (12.32pm – 12.33pm)
Councillor Cook (12.32pm – 12.33pm)
Councillor Pannett (12.32pm – 12.33pm)
Councillor Wain (12.32pm – 12.33pm)

APOLOGIES:

Mayor Prendergast

ABSENT:

Councillor Goulden

DEMOCRATIC SERVICES OFFICERS IN ATTENDANCE:

Fiona Dunlop – Committee Adviser

024/10RP **APOLOGIES**
(1215/53/IM)

Moved Councillor Gill, seconded Councillor Cook, the motion that apologies for absence be accepted from Mayor Prendergast.

The motion was put and declared CARRIED.

RESOLVED:

THAT the Regulatory Processes Committee:

- 1. Accept apologies for absence from Mayor Prendergast.*

025/10RP **DOG CONTROL ACT 1996 – OBJECTION TO OFFICER'S
MENACING DOG CLASSIFICATION DECISION (12.32PM – 12.33PM)**
Report of Richard Natusch – Animal Control Team Leader.
(1215/53/IM) (REPORT 2)

Moved Councillor Gill, seconded Councillor Wain the substantive motion recommendation 1.

The substantive motion recommendation 1 was put and declared CARRIED.

Moved Councillor Gill, seconded Councillor Cook the substantive motion recommendation 2.

The substantive motion recommendation 2 was put and declared CARRIED.

RESOLVED:

THAT the Regulatory Processes Committee:

- 1. Receive the information.*
- 2. Agree to uphold the menacing dog classification that was imposed under section 33A(1)(b)(i) of the Dog Control Act 1996.*

The meeting concluded at 12.33pm on Tuesday 20 April 2010.

Confirmed: _____
Chair
/ /