

MINUTES of HEARINGS COMMITTEE held in the Committee Room, Administrative Centre, 15 Fitzherbert Street, Gisborne on Tuesday 4 May 2010 at 9.00 am and reconvened on 13 May 2010 at 11.30am

PRESENT: Crs Alan Davidson (Chair), Craig Bauld, Hemi Hikawai, Kathy Sheldrake and Pat Seymour

IN ATTENDANCE:

Team Leader – Development Control Daniel Kingsford, Planner Development Control Esther Allen, Animal Control Officer Steve Greaves, Animal Control Officer Kelly Frandi, Chief Environmental Health Officer Sarwan Kumar, Senior Environmental Health Officer Angela Joe, Senior Environmental Health Officer Louise Bennett, Roading Area Engineer Robin Beale and Committee Secretary Eileen Marshall

1. RECONVENED HEARING WHARF SHED NO 3

Report No 10/265

Hearing reconvened at 9.00 am from 3 February 2010 and adjourned until 3.30 pm today 4 May 2010.

APPLICANTS

SHED 3 FUNCTION AND EVENT CENTRE

On 3 February 2010 the Hearings Committee formally requested that prior to this hearing being reconvened the applicant provide a parking assessment for the inner harbour areas. The request stated that *“parking assessment shall report on the parking demand and provision of parking in the inner harbour area. The parking assessment should identify the potential and actual environmental effects that may arise from non-compliance with the District Plan provisions. The parking assessment should demonstrate how any environmental effects could be managed to an acceptable level”*.

The information submitted was prepared by Opus International Consultants and new parking plans for the area were submitted. The new plans show a better layout for car parking in the area compared to those previously presented and will result in a more efficient use of space. The increase in parks allows for 265 car parks within the Port area.

No information has been provided with the new plans outlining the numbers of parks required by existing consents.

The supporter (Eastland Port Limited) has now become the applicant.

Roading Area Engineer (Eastern) Robin Beale explained the standard vehicle sizes in the District Scheme. He said boat trailers are larger for parking and there are more and larger boats making use of the boat ramp.

Senior Environmental Health Officer Louise Bennett clarified the conditions regarding noise levels.

APPEARANCES

Supporting the Application

Mrs Bev Muir (Insight Gisborne Limited) – appeared and spoke

Mr Andrew Gaddum (Eastland Port Limited) – appeared and spoke

Opposing the Application

Mr Roger Faber (Tatapouri Fishing and Sports Club) – appeared and spoke

Mr Rod McCulloch (Chairman – Gisborne Marina Development Society) – appeared and spoke

DECISION

MOVED by Cr Seymour, seconded Cr Bauld

That the Committee

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| <ol style="list-style-type: none">1. receive the report2. declines the application to operate a Venue Centre from 7 am until 2 am seven days a week, catering for up to 500 people from Wharf Shed 3 and to operate Harbour Markets pursuant to Section 104 and 104C of the Resource Management Act 1991. |
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CARRIED

Cr Sheldrake wished her vote against the decision to be recorded.

This item concluded at 5.10 pm.

2. CLASSIFICATION OF DOGS AS MENACING - ALLANAH RUMBLE AND PEGGY MCGLASHAN

Report No 10/220

APPLICANTS

ALLANAH RUMBLE & PEGGY MCGLASHAN

Item No 2 commenced at 10.30 am.

A complaint was received on 19 February 2010 regarding two dogs attacking and injuring another dog. One of the attacking dogs belonged to Allannah Rumble and the other to Peggy McGlashan (Allannah's mother).

Allannah Rumble made a statement that her dog "Isabell" and her mother's dog "Tobe" were let out of the car and as they were going to put leads on them a little dog from nearby started barking and running towards their dogs.

On 19 February 2010 the dogs were seized and impounded from 105 Whitaker Street and were held at the Pound until Monday 22 February 2010 until statements from both parties were obtained. It was decided that the Rumble/McGlashan dogs would be classified as "menacing" under Section 33A of the Dog Control Act 1996.

Both owners made verbal and written submissions appealing the classification.

APPEARANCES

Peggy McGlashan – appeared and spoke

Allanah Rumble – appeared and spoke

Ombir Badsar – was present

DECISION

MOVED by Cr Seymour, seconded Cr Sheldrake

That the Committee

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| <ol style="list-style-type: none">1. receives the report2. confirms the issuing of the Notice of Classification for Dog "Isabell" as a Menacing Dog under Section 33A Dog Control Act 1996.3. Uphold objection of Peggy McGlashan for her dog "Tobe". |
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CARRIED

Item No 2 closed at 11.45 am.

3. GISBORNE DISTRICT LICENSING AGENCY – SALE OF LIQUOR POLICY REVIEW

Report No 10/260

APPLICANT

GISBORNE DISTRICT LICENSING AGENCY

Report No 10/260

Item No 3 commenced at 1.00pm.

The Draft Gisborne District Licensing Agency's Sale of Liquor Policy was released to the public in accordance with the Special Consultative procedure from 1 March to 1 April 2010 and eleven submissions were received.

It was recommended the previous proposals be adopted and a statement specifying the policy review period be inserted.

APPEARANCES

Mr Steve McKenzie (Restaurant Association of New Zealand) – appeared and spoke

Mr Grant Bailey (Fettuccine Brothers) – appeared and spoke

Anez Barnes (Fettuccine Brothers) – appeared and spoke

Cathy Bruce (Alcohol Advisory Council of New Zealand) – appeared and spoke

Rachael Keenan (Senior Commercial Lawyer, Progressive Enterprises Ltd) – appeared and spoke

Sgt Isaac Ngatai (Alcohol Harm Reduction Officer, New Zealand Police) - appeared and spoke

Roger Faber (President, Gisborne Tatapouri Sports Fishing Club) – appeared and spoke

Doctor Bruce Duncan (Medical Officer of Health, Tairāwhiti District Health) – appeared and spoke

Chris Hince (Regional Manager, Hospitality Assn of New Zealand) – appeared and spoke

MOVED by Cr Seymour, seconded Cr Davidson

That the meeting be adjourned until 11.30 am Thursday 13 May 2010 following the Finance and Monitoring Meeting.

CARRIED

There being no further business the meeting on 4 May 2010 concluded at 5.10pm.

The meeting reconvened at 11.30 am on Thursday 13 May 2010.

The committee discussed at some length The Sale of Liquor Policy as the Policy is for all organisations whether they are sports clubs or social clubs and there are no exceptions.

Organisations cannot hold both a tavern and restaurant licence. They must be licensed for one or the other.

A paper was tabled setting out the options that are available for adoption.

DECISION

MOVED by Cr Hikawai, seconded Cr Seymour

That the committee

1. receives the report

Recommends that Council

2. amends the Gisborne District Licensing Agency Sale of Liquor Policy as proposed, including the following alterations:

a) The clause to limit the maximum trading hours of On Licensed premises with restaurant-style licenses to 1.00am is deleted.

b) Stand-alone Off Licensed premises trading hours be limited to 9.00am to 10.00pm.

c) Club licence hours be:

Sports Clubs

Monday – Sunday including public holidays 10.00am – 10.00pm

Other Clubs

Monday – Sunday including public holidays 10.00am – 12.00 midnight.

CARRIED

REASONS FOR DECISION:

In regards to a) above:

Reducing the trading hours for restaurants would unduly penalise those premises that traded responsibly and no evidence was provided that these types of premises are likely to give rise to liquor abuse issues.

In addition there is an option available to such premises to seek a variation under the Sale of Liquor Act from a restaurant-style licence to a tavern-style licence should such premises demonstrate they operate beyond 1am for the purposes of entertainment or liquor consumption or otherwise.

In regards to b) above:

To reduce trading hours for only stand-alone off-licensed premises i.e. bottle stores is made on the basis that typical closing times for many such premises is around 10pm in the Gisborne district anyway. In addition that it reduced the accessibility of alcohol to those that tended to purchase and sit and drink in their vehicles at night in turn causing concerns for Police.

In regards to c) above:

The maximum trading hours are adequate for club activities, but that earlier start times should be more realistic given many club activities started in the morning and that clubs would want to retain the flexibility of being able to consume liquor before lunch time.

There being no further business the reconvened meeting on 13 May concluded at 12.22 pm.

Alan Davidson
Chairman