

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, 28 April 2010.

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

IN ATTENDANCE: Democracy Services Officer (Elise Heyns)

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9.00 a.m. Resource Consents Team Leader (Erik Oosthuizen) and Transport Consultant (David Mitchell) in attendance.

220/04/10 APOLOGIES

AGENDA ITEM NO. 1

There were no apologies.

221/04/10 NOTIFICATION OF NEW APPEAL(S)

AGENDA ITEM NO. 2

There was no notification of new appeals.

28 April 2010

222/04/10	SECTION 357 OBJECTION TO FEES CHARGED FOR THE PROCESSING OF A RESOURCE CONSENT APPLICATION TO CONSTRUCT A RETAIL BOX AND EARTHWORKS OF 2000M³ AT 44 HAMATANA RD, SNELLS BEACH
	OBJECTOR: Andrew Franicevic (Burton & Co) for:
	APPLICANT: Dawson Dare Ltd
FILE REF	RMA 50198
WARD	NORTHERN WARD
AGENDA ITEM NO.	3

Resource Consents Team Leader (Erik Oosthuizen) gave an overview of the history of this resource consent application and concluded that the objection had not raised any matters that would result in a change to the fees charged for the processing of the application.

Weld/Powell

That pursuant to Section 357 of the Resource Management Act 1991, the objection made by Mr Andrew Franicevic in respect of a request for the reduction of fees arising from the processing of an application to construct a 1700m² gross floor area retail box (actual use not identified) which is not an allowable activity in the Operative Plan, exceeds the allowable size of a retail activity in the Special 20 Zone, exceeds the gross floor area permitted for retail in the Mixed Business Zone under the Proposed District Plan 2000, and earthworks of 2000m³, be dismissed.

REASONS:

1. It is considered that the resource consent application fees represent the actual and reasonable costs incurred by the Council in processing the resource consent application.
2. Section 36(3) of the Resource Management Act 1991 provides for the Council to recover the actual and reasonable costs for the processing of Resource Consents and it is the Council's policy to recover these costs from applicants. In this instance there is no evidence that the costs incurred are excessive or unreasonable.
3. It is considered appropriate for the applicant to incur the costs for the processing of the application. Should any reduction or waiver be made to the invoiced amount, the ratepayer will have to cover these costs.

Carried

9.10 a.m. Resource Consents Team Leader (Erik Oosthuizen) retired from the meeting.

28 April 2010

223/04/20 **“NO STOPPING” LINES, INSTALLATION OF DISABLED PARKING BAY AND RELOCATION OF MOTORCYCLE PARKING**

FILE REF RF/271/1; RF/34/1

AGENDA ITEM NO. 4

Parker/Harding

- (a) That new “no stopping” lines be installed at Chesterfield Way, Centreway Road and Florence Avenue as indicated in Appendix 1 to the agenda report.
- (b) That a disabled parking bay be installed at Dalton Street as indicated in Appendix 2 to the agenda report.
- (c) That the existing motorcycle parking at Wade River Road be relocated to Main Street as indicated in Appendix 3 to the agenda report.

Carried

9.12 a.m. Transport Consultant (David Mitchell) retired from the meeting.

224/04/10 **SECTION 357 OBJECTION TO DECISION MADE UNDER DELEGATED AUTHORITY BY THE TEAM LEADER – RESOURCE CONSENTS**

APPLICANT: Kahikatea Land Ltd

FILE REF L53490

AGENDA ITEM NO. 5

*Note This item has been deferred on the applicant's request.***225/04/10** **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];

28 April 2010

- (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

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

226/04/10 APPEAL AGAINST MENACING DOG CLASSIFICATION – ALISON ELLER

FILE REF DC/9/2

AGENDA ITEM NO. 6

Animal Control and Bylaws Officer (Craig McFarlane) circulated photos of the new fencing done on the property where Ms Eller was residing (copy on File: DC/9/2). He said that although the fencing was not very high, it should be adequate to keep Dudley in.

9.25 a.m. Chief Legal Officer (Rob Goldsbury) in attendance.

Parker/Goudie

- (a) **That the menacing dog classification under section 33A of the Dog Control Act 1996 against the dog known as Dudley, be rescinded on the condition that the fence be adequately maintained at all times in order to confine the dog.**
- (b) **That it be recommended to Ms Eller to keep Dudley confined to the deck.**

Carried

9.30 a.m. Animal Control and Bylaws Manager (Wayne Knightbridge) and Animal Control and Bylaws Officer (Craig McFarlane) in attendance.

227/04/10 PUBLIC EXCLUDED

AGENDA ITEM NO. 8

Harding/Powell

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

Minute No(s). 228/04/10, 229/04/10 and 230/04/10

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:

28 April 2010

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

The meeting closed at 11.00 a.m.

CONFIRMED AS A TRUE AND CORRECT RECORD THIS 27TH DAY OF MAY 2010MAYOR

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28 April 2010

CONFIDENTIAL