

**NOTICE OF MEETING**

**DISTRICT PLAN AND REGULATORY COMMITTEE**

**TO:** Penny Webster - Mayor  
Crs Gaye Harding (Chairperson)  
Michael Goudie  
Dave Parker QSM  
Grahame Powell  
Suzanne Weld  
Pat Delich (Alternate)  
June Turner (Alternate)  
Wayne Walker (Alternate)

The District Plan and Regulatory Committee will meet in the Committee Room, Centreway Road, Orewa on Wednesday, 17 February 2010 commencing at 9.00 a.m.

*Note: A confidential item will be heard at the start of the meeting (see below for programme).*

for: CHIEF EXECUTIVE  
Rodger Kerr-Newell

OREWA  
10 February 2010

\* \* \* \* \*

**PROGRAMME**

<u>Time</u>		<u>Page</u>
9.00 a.m.	Confidential Item: Outstanding Appeals	22
9.20 a.m.	Appeal against Menacing Dog Classification – Katherine Mc Carthy	2
9.40 a.m.	Appeal for Release of Dog Retained Under Section 71 of the Dog Control Act 1996 – Sue Tomlinson	7

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### **CONFIDENTIAL**

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ITEM NO: 1

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**APOLOGIES**

ITEM NO: 2

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**REPORT**



**TO** District Plan and Regulatory Committee  
**ON** 17 February 2010  
**FROM** Laura Christian – Planner  
**APPROVED BY:** Rob Goldsbury – Chief Legal Officer

**SIGNATURE**

A handwritten signature in black ink, appearing to be "Rob Goldsbury", with a horizontal line underneath.

**SUBJECT** NOTIFICATION OF NEW APPEAL(S)

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In the event that there are matters to report on, these will be distributed as supplementary items prior to the meeting.

**9.20 A.M.**

**ITEM NO: 3**

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**REPORT**



**TO** District Plan and Regulatory Committee  
**ON** 17 February 2010  
**FROM** Wayne Knightbridge – Animal Control/Bylaws Manager  
**APPROVED BY** Lloyd Barton – Director: Customer Service  
**SIGNATURE**

A handwritten signature in black ink, appearing to read "Lloyd Barton".

**SUBJECT** **APPEAL AGAINST MENACING DOG CLASSIFICATION –  
KATHERINE MCCARTHY**

**FILE REF** DC/9/2

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**PURPOSE OF REPORT:**

<input type="checkbox"/> Information only	<input type="checkbox"/> Strategic decision	<input type="checkbox"/> Policy decision	<input checked="" type="checkbox"/> Statutory process
<input type="checkbox"/> Community issue	<input type="checkbox"/> Contract decision	<input type="checkbox"/> Delegation	<input type="checkbox"/> Appointment
<input type="checkbox"/> Administrative matter			

**IMPLICATIONS:**

(i)	Is this matter significant in terms of Council's Policy on Significance? No
(ii)	Implications in terms of Vision Rodney? No
(iii)	Implications in terms of Long Term Council Community Plan / Annual Plan? No
(iv)	Implications in terms of other Council Strategic documents or Council Policy? No
(v)	Is a budget amendment required? No
(vi)	Have the views of affected or interested persons been obtained and is any further public consultation required? No

(vii)	Does a decision on this matter require Auckland Transition Agency approval? (yes / no / advice being sought?)
	No

**FINANCIAL IMPLICATIONS:**

Capital cost implications	Not applicable
Is it currently budgeted for?	Not applicable
Funding source of capital costs	Not applicable
Ongoing operational cost implications	Not applicable
Is it currently budgeted for?	Not applicable
Funding and rating impact (whether resulting from capital expenditure or arising directly)	Not applicable

**SUMMARY:**

Katherine McCarthy is the owner of a one year old entire male Staffordshire bull terrier cross dog named Charlie. Ms McCarthy has appealed under section 33B of the Dog Control Act 1996 against the classification of her dog as a menacing dog under section 33A. The Council may either uphold or rescind the classification.

**RECOMMENDATION:**

**That the menacing dog classification under section 33A of the Dog Control Act 1996 against the dog known as Charlie be upheld.**

**1.0 Background**

Section 33A of the Dog Control Act 1996 states:

*'This section applies to a dog that-*

*(a) has not been declared a dangerous dog under section 31; but  
(b) a territorial authority considers may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of –*

- (i) any observed or reported behaviour of the dog; or*
- (ii) any characteristics typically associated with the dogs breed or type.'*

Section 33B states:

- (1) 'If a dog is classified as a menacing dog under section 33A the owner:*
  - (a) may within 14 days of receiving the notice of the classification, object in writing to the territorial authority in regard to the classification; and*
  - (b) has the right to be heard in support of the objection.*
- (3) The territorial authority considering an objection under subsection (1) may uphold or rescind the classification, and in making its determination must have regard to:*
  - (a) the evidence which formed the basis for the classification; and*
  - (b) any steps taken by the owner to prevent any threat to the safety of persons or animals*
  - (c) the matters relied upon in support of the objection*
  - (d) any other relevant matters.*

*The territorial authority must, as soon as practicable, given written notice to the owner of*

- (a) its determination of the objection*
- (b) the reasons for its determination.'*

On 9 October 2009, the complainant was delivering mail to the dog owner's property. The black Staffordshire terrier cross (Charlie) became very aggressive and managed to force its way through the gate. It chased the complainant up the road trying to bite the complainant in the ankle area. The complainant then returned to her vehicle and drove off. The dog then chased her vehicle for some distance.

When the complainant was subsequently delivering mail a short distance away she saw the same dog rush out at a male who managed to fight it off by using his jacket.

The animal control officer for the area visited the dog owner's property (see Officer's Report attached as **Appendix 1**). She observed Charlie pinning another dog on the property to the ground. The officer has some experience in animal behaviour matters and her opinion is that Charlie was bullying the other dog and was not merely engaged in 'play' behaviour.

When the officer approached the gate Charlie rushed aggressively at the officer barking and with hackles up. The officer decided that it wasn't safe to enter the property. When the officer went to leave a note in the letterbox, Charlie leapt up aggressively at the officer and then attempted to push its way through the palings on the gate.

The Animal Control Officer has also spoken to a postal worker (who had previously delivered mail to this property) who commented that when the dog was very young it was quite friendly, but that they had then covered a different postal route for several months and that the behaviour of the dog was quite different when they started delivering mail to the property again. He commented that the dog known as Charlie was very aggressive and would rush the fence line.

## **2.0 Issues**

The level of aggression shown in such a young dog is quite disturbing. It is likely that this aggressive behaviour will become more entrenched and more significant over time.

The Dog Control Act 1996 has placed greater emphasis on ensuring that people and their animals can go freely about their business without feeling endangered or at risk of a dog attack. In this case Charlie managed to leave the property and act in an aggressive manner towards people on two separate occasions and acted aggressively towards the Animal Control Officer when she visited the property to deal with the matter.

It would seem reasonable that similar aggressive behaviour could be expected from the dog when placed in a similar situation in future.

## **3.0 Options**

The Council has the following options:

- (a) uphold the menacing dog classification; or
- (b) rescind the menacing dog classification.

## **4.0 Conclusion**

The dog known as Charlie is known to have rushed at two people in a public place in an aggressive manner. It also acted aggressively towards the Animal Control Officer who investigated the incident.

It is believed that imposing a menacing dog classification on this dog is not only justified, but essential.

Accordingly, it is recommended that the menacing dog classification be upheld.

# APPENDIX 1

**Wayne Knightbridge**

**From:** Helen Reynolds  
**Sent:** Friday, 5 February 2010 11:29  
**To:** Wayne Knightbridge  
**Cc:** Helen Reynolds  
**Subject:** Karen McCarthy Hearing

Hi wayne - here is my statement for the hearing 17th Feb ref Karen McCarthy 19 queen street. Helen

**CR# 639563 – DOG RUSHES PERSON outside 19 Queen Street, Riverhead  
9<sup>th</sup> Oct 2009 at 14.50pm**

1. At Approximately 16.15pm on 9.10.2009 I attended the property of 19 Queen Street, Riverhead and sighted two black staffies that matched the description. Both were seen to be wearing registration tags but both dogs were very similar (only one distinction in that one had a white blaze on its face). I beeped my horn and no-one appeared at the gate whilst I waited and observed the dogs from my truck.
2. I observed the two dogs, one of which had the other dog pinned to the ground by the neck. He was squealing, and I believed that one of these dogs from the observation was bullying the other dog as this is not classic play behavior in my opinion and experience. As determined by the identification of the dogs later, it was the younger dog 'Charlie' that had the older dog pinned to the ground by the neck.
3. I got out of my truck as the younger dog 'Charlie' (Black faced dog) rushed aggressively barking and hackles up at the gate. I determined that it was not safe to enter a property with a dog displaying this behavior and so decided I was not going to attempt to seize the dog or enter the property without some assistance.
4. I went to leave a card for the owners in the letterbox when the black faced staffie leapt aggressively up at the gate and started pushing his way through the railings as the wire mesh had come down on this side of the gate. The dog was halfway through the gate snarling, growling and I yelled at the dog to get back. The dog responded – but due to the incident, I was not even sure at that time if I had managed to get the card into the letterbox or if it had missed. I returned to my car promptly to try and obtain the phone numbers for the owners to phone them as I did not want any further incidents.
5. Whilst I was phoning the call centre, a couple was coming down the street with a dog and child. The black face staffie was still barking from behind the gate. I stopped the couple and advised them to not go past the property as the black faced dog could escape. They took my advice and then I left messages on dog owner's phones.
6. The complainant alleged that after her incident she also witnesses a man who was also rushed at by the dog. He allegedly fought it off by hitting it with his jacket and managed to bundle the dog with his jacket back onto the property. He did not report the incident and so I was unable to follow up.

5/02/2010

7. The property is located on a sub-rout route for kids walking to the local school
8. Whilst taking a statement in regards to another completely separate incident, separate dog and property: the complainant in this instance also mentioned 'Charlie's' behavior. She has to visit the property daily in the course of her work. The dog was initially very friendly when they first got the puppy. She had to work elsewhere for a few months, upon her return the dog rushed at the fence and was aggressive every time she had to go past the property.
9. In my opinion having worked with dogs for the past 12 years, and 5 and half years as an Animal Control Officer, it is worrying that a dog of such a young age is displaying aggression. In my opinion and experience this will normally only escalate or worsen with age.
10. As an experienced Officer and canine behaviorist - aggression can only be 'Managed'. It cannot be 'Cured'.
11. In the spate of the latest Serious Dog Attacks – the local communities are very sensitive to any issues regarding aggressive displays of dog behavior and ensuring it is appropriately dealt with.

Helen Reynolds, VN  
Veterinary Nurse (VN), Bsc (Hons) Science  
Rodney District Animal Control Officer  
Vice-chair Association of Pet Dog Trainers  
Cert: Principles of Canine Behavior (Massey University)  
Qualified Assistance Dog Instructor

**9.40 A.M.**

**ITEM NO: 4**

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**REPORT**



**TO** District Plan and Regulatory Committee  
**ON** 17 February 2010  
**FROM** Wayne Knightbridge – Animal Control/Bylaws Manager  
**APPROVED BY** Lloyd Barton – Director: Customer Service  
**SIGNATURE**

A handwritten signature in black ink, appearing to read "Lloyd Barton".

**SUBJECT** **APPEAL FOR RELEASE OF DOG RETAINED UNDER SECTION 71 OF THE DOG CONTROL ACT 1996 – SUE TOMLINSON**  
**FILE REF** DC/10/1

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**PURPOSE OF REPORT:**

<input type="checkbox"/> Information only	<input type="checkbox"/> Strategic decision	<input type="checkbox"/> Policy decision	<input checked="" type="checkbox"/> Statutory process
<input type="checkbox"/> Community issue	<input type="checkbox"/> Contract decision	<input type="checkbox"/> Delegation	<input type="checkbox"/> Appointment
<input type="checkbox"/> Administrative matter			

**IMPLICATIONS:**

(i)	Is this matter significant in terms of Council's Policy on Significance? No
(ii)	Implications in terms of Vision Rodney? No
(iii)	Implications in terms of Long Term Council Community Plan / Annual Plan? No
(iv)	Implications in terms of other Council Strategic documents or Council Policy? No
(v)	Is a budget amendment required? No
(vi)	Have the views of affected or interested persons been obtained and is any further public consultation required? No
(vii)	Does a decision on this matter require Auckland Transition Agency approval? (yes / no / advice being sought?) No

## FINANCIAL IMPLICATIONS:

Capital cost implications	Not applicable
Is it currently budgeted for?	Not applicable
Funding source of capital costs	Not applicable
Ongoing operational cost implications	Not applicable
Is it currently budgeted for?	Not applicable
Funding and rating impact (whether resulting from capital expenditure or arising directly)	Not applicable

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## SUMMARY:

Sue Tomlinson has applied for the release of her dog named Bing, seized under section 57 and retained under section 71 of the Dog Control Act 1996 following a dog attack on another dog (see Owner's request attached as **Appendix 1**).

## RECOMMENDATION:

**That the dog named Bing, owned by Sue Tomlinson, be retained in the Council's care until the outcome of the pending prosecution in the District Court is known.**

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### 1.0 Background

On 8 January 2010 the Council received a complaint about a dog attack on another dog where the dog that was attacked subsequently died.

An independent witness saw Sue Tomlinson's dog Bing chasing the neighbour's (Chapman's) dog named Snoopy. The attack took place on the Chapman property. Snoopy suffered serious injuries to its hindquarters which ultimately resulted in its death a short while later.

Bing was subsequently seized by Council officers and is currently being held at a secure location.

Section 71 of the Dog Control Act applies where:

- (a) *any constable, dog control officer, or dog ranger has, under section 57 or 57A, seized any dog or been given custody of any dog; and*
- (b) *the owner of the dog is to be prosecuted for an offence under section 57, section 57A or section 58; and*
- (c) *the dog has been claimed by its owner and any fee payable under section 69(2) of this Act has been paid; and*
- (d) *the territorial authority is satisfied on reasonable grounds that the release of the dog would threaten the safety of any person, stock, poultry, domestic pet or protected wildlife.*

Sections (a) to (c) all apply in this case.

The critical question for the Committee to consider is whether this dog poses a threat to the safety of any person, stock, poultry, domestic pet or protected wildlife.

## **2.0 Options**

The Council can either:

- (a) retain the dog in the Council's care until the outcome of the prosecution in the District Court for a dog attack on another dog is known; or
- (b) return the dog to the dog owner with or without imposing conditions on the dog owner.

## **3.0 Conclusion**

In this case there is clear evidence that Ms Tomlinson's dog Bing chased a dog from a neighbouring property and attacked the dog causing significant injuries from which the dog later died. This was a serious attack and the dog owner is being prosecuted for the dog attack in the District Court.

In the interests of the wider community, it is recommended that Bing be retained in the Council's care pending the outcome of a prosecution for a dog attack in the District Court.

The key issue is whether Bing will be kept secure should it be returned to its owner. The Council has a responsibility to the wider community in these sorts of cases to ensure that, if returned, the dog will not pose a threat to the safety of animals or people in the community. In a high proportion of cases where dogs have been returned, the dogs or owners have subsequently vanished or the dog was reported as lost.

The above cases highlight the risks involved in returning a dog to its owner pending action in the District Court that may ultimately result in a destruction order being placed on the dog. The Council needs to carefully consider the inherent risks in returning aggressive dogs to their owners pending District Court action.

# APPENDIX 1

**Wayne Knightbridge**

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**From:** Susi Tomlinson [tommas@farmside.co.nz]  
**Sent:** Tuesday, 19 January 2010 15:54  
**To:** Wayne Knightbridge  
**Cc:** customerservices@rodney.govt.nz; Rosie McLaughlin  
**Subject:** FW: Bing Tomlinson  
**Attachments:** Bing Friday 8th January 2010.doc

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**From:** Susi Tomlinson [mailto:tommas@farmside.co.nz]  
**Sent:** Tuesday, 19 January 2010 3:46 p.m.  
**To:** 'customerservices@rodney.govt.nz'  
**Cc:** 'wayne.knightbridge@rodney.govt.nz'; 'rosie.mclaughlin@rodney.govt.nz'  
**Subject:** Bing Tomlinson

Dear Customer Services,

We are writing to request home detention for our dog Bing who is currently being held at the Northern Animal Shelter for fighting with another dog who subsequently died from the injuries it incurred. Bing has already visited the vet with possible infection and we have noticed that he is suffering from major hair loss as well. He also has several abrasions around his muzzle which are possibly from chewing the bars of his cage. He is also showing signs of distress and seems very listless and depressed. The staff at the Northern animal shelter who have been dealing with Bing have stated that they do not believe he is a menacing or aggressive dog. I must also state that whilst I appreciate that the best care is offered it is a pretty grim place for a dog with very limited exercise area and no enclosed grass area.

My husband Phil is a fourth generation Tomlinson residing in the area – we both have elderly parents who reside in Warkworth as well as numerous other family members. Phil is the Director of 37South Limited ([www.37south.co.nz](http://www.37south.co.nz)) based in the Westhaven area. We own 2 properties within the Rodney District. Phil is also well known to Cr.Dave Parker and is known to Mayor Penny Webster and Cr. Graeme Powell through the Sandspit Yacht Club.

I have been advised by Wayne Knightbridge to put in this request as Bing could possibly be held for months pending a hearing date for the District Court and I have serious fears for both his mental and physical condition. I have attached a statement written by myself of the events which lead to Bing being released to the Dog Control Officer. Neither Phil or myself or any of our family have any criminal convictions or previous infringements from the Dog Control.

Should Bing be allowed to await trial at home we would abide by any requests that the Dog Control authorities ask. We would also be prepared to offer a bond. I can supply numerous references for Bing's behaviour with other dogs should that be required. I can also offer references within the Rodney District for both myself and Phil. Bing also has no previous infringements with Dog Control.

Yours faithfully  
Sue Tomlinson

4/02/2010

ITEM NO: 5

REPORT



TO District Plan and Regulatory Committee  
ON 17 February 2010  
APPROVED BY Ian Dobson – Manager: Resource Consents  
SIGNATURE

SUBJECT SCHEDULE OF DELEGATED DECISIONS ON RESOURCE CONSENT APPLICATIONS  
FILE REF TP/1/6

*Note: Councillors should raise any queries they may have with the relevant director prior to the day of the meeting so that these may be responded to on the day.*

The schedule below summarises, for the Committee's information, recent decisions made by staff on delegated authority.

NORTHERN WARD

Type of Delegation	Officer	Applicant/ Owner	Address	Application	Decision/ Date
A	Team Leader Resource Management	M Whyman and K Needham L55877	89 Ashton Road, Whangateau	For consent to a Discretionary Activity to construct an accessory building that infringes the 4m height requirement and 10m front yard setback requirement. The proposed accessory building will replace the unconstructed garage/lean-to carport previously approved under consent R51411.	Non-Notified Approved 27/01/09
A	Team Leader Resource Management	C Robertson R55812	84 Pulham Road, Warkworth	For consent to a Non-Complying Activity for a two lot subdivision resulting and the resulting rear yard infringement.	Non-Notified Approved 02/02/10
A	Team Leader Resource Management	P & D McDermott L55851	121 Brick Bay Drive, Sandspit	For consent to a Controlled Activity for external alterations to an existing dwelling being a deck extension and veranda, and placement of a water tank in excess of 1.8m in height in the Residential landscape Protection zone.	Non-Notified Approved 03/02/10
G	Land Surveyor	B & F Tomlinson R55907	Oldfield Road and 304 Dryer Road, Hoteo	For consent to a Restricted Discretionary Activity for a boundary relocation and title amalgamation.	Non-Notified Approved 04/02/10
A	Team Leader Resource Management	Telecom Mobile Ltd L55840	52 Kauri Drive, Sandspit	For consent to a Discretionary Activity to upgrade an existing mobile phone site by removing two out of the five existing omni-directional antennas on top of an existing 19.5 metres and installing three panel antennas.	Non-Notified Approved 29/01/10
Type of Delegation	Officer	Applicant/ Owner	Address	Application	Decision/ Date

A	Team Leader Resource Management	G & A Watson Investments Ltd L55927	801 Burma Road, Tapora	For consent to a Controlled Activity to convert part of an existing steel framed shed to form a two storey dwelling to include decking.	Non-Notified Approved 08/02/10
A	Team Leader Resource Management	Queendom gardens L55908	240 Monowai Road, Kaukapakapa	For consent to a Discretionary Activity to operate a function venue, catering for up to 60 guests.	Non-Notified Approved 05/02/10

#### WESTERN AND CENTRAL WARDS

Type of Delegation	Officer	Applicant/ Owner	Address	Application	Decision/ Date
A	Team Leader Resource Management	ER Bell & R Jefferson L55866	18 Gregory Road Waitakere	Consent to a Discretionary Activity to construct a detached office and two car garage located within the 6 metre side yard control and exceeds the 10% site coverage. Consent is also being sought for internal alterations to an existing basement garage to include two bedrooms.	Non-Notified Granted 25/01/10
A	Team Leader Resource Management	Chic Gardens Ltd L35954	153 Parkhurst Road, Parakai	For consent to a Extension of Time to L35954, the consent lapses on the 21/02/10 and the consent holder had requested an extension to the lapsing date to end 31/12/2017 to allow for staged progression of construction.	Non-Notified Approved 25/01/10
A	Team Leader Resource Management	Coopers Creek Vineyard Ltd L55924	601 SH 16, Huapai	For consent to a Non-Complying Activity to erect storage shed.	Non-Notified Approved 26/01/10
A	Team Leader Resource Management	D Carnie & V Kerridge L55971	129 Bethells Road Bethells Beach	For consent to a Discretionary Activity to make additions and alterations to the existing dwelling and associated earthworks.	Non-Notified Approved 28/01/10
A	Team Leader Resource Management	D & G Jacobs L55975	5 Gavinike Place Waimauku	For consent to a Restricted Discretionary Activity to carry out earthworks of 240m <sup>3</sup> (cut= 120 m <sup>3</sup> and fill = 120m <sup>3</sup> ) for new dwelling and for a retaining wall and partially buried water tank within the 1:2 rule.	Non-Notified Approved 28/01/10
A	Team Leader Resource Management	I R & V L McGill L55966	38 Bawden Road Dairy Flat	For consent to a Discretionary Activity Consent is to undertake a total earthworks volume of 1172m <sup>3</sup> . The works establish a stable flood free building platform for the proposed dwelling, accessory building, access and additionally will provide for a stormwater detention pond. The earthworks will comprise topsoil excavation of 276m <sup>3</sup> which shall be stockpiled to be reused in landscaping of the site. A further cut volume of 92m <sup>3</sup> , and 368m <sup>3</sup> of fill volume will be required to establish the building platform. Approximately 268m <sup>3</sup> will be imported to the site. Additionally the applicant requires a stormwater detention pond; the creation of the pond will involve 160m <sup>3</sup> of earthworks.	Non-Notified 28/01/10

Type of Delegation	Officer	Applicant/ Owner	Address	Application	Decision/ Date
G	Land Surveyor Resource Management	M P Holdaway R55872	321 Sunnyside Road Dairy Flat	Consent to a Restricted Discretionary Activity to undertake a boundary relocation between two existing lots which are both owned by entities associated with the applicant.	Non-Notified Approved 29/01/10
A	Team Leader Resource Management	A & N Bates Family Trust L54710	79a Wade Road, Coatesville	For consent to an Objection under Section 357 of the Resource Management Act 1991 to condition 5 of the Land Use Consent LAN 54710 granted on 26 February 2009.	Non-Notified Approved 29/01/10
A	Team Leader Resource Management	Chevron New Zealand L55944	123 Wilks Road, Dairy Flat	For consent to a Discretionary Activity for the removal of 2 x 15,000L underground petroleum storage tanks and associated pipe work dispensers on a site that is potentially contaminated.	Non-Notified Approved 03/02/10
A	Team Leader Resource Management	John McDonald Family Trust L55902	250c Main Road, (State Highway 16), Huapai	For consent to a Discretionary Activity for a change in use from a cosmopolitan club to an indoor sporting facility, and a building extension.	Non-Notified Approved 03/02/10
A	Team Leader Resource Management	J Judd L54731	376 Oaia Road, Muriwai Beach	For consent to an Objection under Section 357 of the Resource Management Act 1991 to conditions 2 and 4 and the fees incurred in the processing of Land Use consent 54731 granted on 26 May 2009.	Non-Notified Approved 03/02/10
A	Team Leader Resource Management	L & D Peoples L55913	58E Downer Access Road, Kaukapakapa	For consent to a Discretionary Activity to undertake approximately 1171m of earthworks to construct a level building platform.	Non-Notified Approved 04/02/10
A	Team Leader Resource Management	S & R Jones L55871	89 Deacon Road, Riverhead	For consent to a Discretionary Activity for the construction of a new dwelling and a minor household unit on a site one hectare in area. The proposal also requires 600m <sup>3</sup> of earthworks (cut and fill).	Non-Notified Approved 05/02/10
A	Team Leader Resource Management	K & J Quality Homes Ltd L55929	60 Goldflats Road, Coatesville	For consent to a Discretionary Activity for the construction of a two storey six bedroom dwelling and associated earthworks required for the construction of a building platform for the dwelling, removal of existing concrete pad, excavation of a stormwater detention pond and the construction of an accessway and parking areas. Total of 3220m <sup>3</sup> of earthworks is required.	Non-Notified Approved 05/02/10
A	Team Leader Resource Management	A Butterworth L55982	351 Rimmer Road, Te Pua	For consent to a Restricted Discretionary Activity for the construction of a new shed that will infringe the eastern side yard.	Non-Notified Approved 08/02/10
A	Ecology Advisor Resource Management	R Cross L55976	39 Cambridge Road Riverhead	Consent to a Discretionary Activity to remove a T-Tree which is too close to the dwelling.	Non-Notified Approved 20/01/10
A	Team Leader Resource Management	NZ Transport Agency L55855	393 State Highway 16 Kumeu	Consent to a Discretionary Activity to construct a new driveway.	Non-Notified Approved 21/01/10

Type of Delegation	Officer	Applicant/ Owner	Address	Application	Decision/ Date
A	Team Leader Resource Management	R & C Hoy L55890	15 Gavinike Place	Consent to a Restricted Discretionary Activity Consent for 835m <sup>3</sup> of earthworks, (201m <sup>3</sup> of cut and 634m <sup>3</sup> of fill), for construction of a new dwelling.	Non-Notified Approved 22/01/10
A	Council Arborist Resource Management	D L Aukino L55528	232 Motutara Road Muriwai Beach	Consent to a Discretionary Activity to remove a Kanuka Tree	Non-Notified Approved 22/01/10
A	Team Leader Resource Management	SM & PL Bennett L55878	82 Hinau Road, Muriwai Valley	Consent to a Restricted Discretionary Activity to construct a 70m <sup>2</sup> deck that will require the removal of three native trees over 3m in height.	Non-Notified Approved 22/01/10
A	Independent Commissioner	Rodney District Council L55040	2 Edward Street Riverhead	Consent to a Discretionary Activity to erect 9 floodlight towers (6 towers being 15 metres in height and 3 towers being 12.5 metres high) to replace existing floodlights at the Riverhead War Memorial Park	Full Notification Approved 04/02/10
A	Team Leader Resource Management	R & K Harland and N Beale L55965	25 Haigh Access Road, Redvale	For consent to a Discretionary Activity to construct additions to an existing single storey dwelling and erect an accessory building.	Non-Notified Approved 08/02/10
G	Land Surveyor	Thode Family Trust R55935	119 Worrall Road, Huapai	For consent to a Restricted Discretionary Activity for a boundary relocation involving three existing lots, two of which are held in one title.	Non-Notified Approved 08/02/10

#### HIBISCUS COAST WARD

Type of Delegation	Officer	Applicant/ Owner	Address	Application	Decision/ Date
A	Independent Commissioner	D A Bolland L55738	Legal road reserve, Hurdlow Place (in front of 4A Hurdlow Place) Manly.	Section 93/94 to remove an established oak tree of approximately 12 metres in height located on Council owned land	Section 93/94 Limited Notification 26/01/10
A	Team Leader Resource Management	Dimon Holdings Ltd L55803	157 Gulf Harbour Drive, Hobbs Bay	For consent to a Restricted Discretionary Activity for the construction of a new dwelling that infringes the 3m side boundary of the western boundary.	Non-Notified Approved 27/01/10
G	Land Surveyor Resource Management	Larman Construction R55981	3 Alice Avenue Orewa	For consent to a Restricted Discretionary Activity for a unit title subdivision for the creation of three separate titles for each 'floor' of the consented office building.	Non-Notified Approved 28/01/10
A	Team Leader Resource Management	Navigation Homes L55910	7 Montpelier Heights Arkles Bay	For consent to the construction of a dwelling with earthworks of 200m <sup>3</sup> cut and 38m <sup>3</sup> fill and a retaining wall intercepting a line at 1 vertical and 2 horizontal from ground level	Non-Notified Approved 28/01/10

Type of Delegation	Officer	Applicant/ Owner	Address	Application	Decision/ Date
A	Team Leader Resource Management	G and S Evans L55953	38 Maygrove Drive Orewa	For consent to a Restricted Discretionary Activity to extend existing dwelling which will infringe the front yard rule, the maximum site coverage rule and the vegetation protection rule	Non-Notified Approved 28/01/10
A	Team Leader Resource Management	Vodafone NZ Ltd L55553	611 Whangaparaoa Road, Stanmore Bay	For consent to a Discretionary Activity to construct a telecommunications facility including monopole, which is located within the side yard abutting an Open Space zone, and requiring the removal of one exotic she-oak greater than 6m in height.	Non-Notified Approved 29/01/10
A	Team Leader Resource Management	B & V Coffey L55895	17 Otanerua Road, Hatfields Beach	For consent to a Restricted Discretionary Activity for a proposed new garage infringing the front yard by 1.6 metres.	Non-Notified Approved 28/01/10
G	Team Leader Resource Management	B Potter R55928	43 Bay Street, Red Beach	For consent to a Restricted Discretionary Activity for a two lot subdivision.	Non-Notified Approved 03/02/10
A	Ecology Adviser Resource Management	R Flower L55201	23 Marie Avenue, Red Beach	For consent to a Discretionary Activity to prune four pohutukawa trees on cliff edge at 22 Bayview, Pinewoods Motor Camp.	Non-Notified Approved 02/02/10
A	Team Leader Resource Management	C Chignall L55951	59-63 Forge Road, Silverdale	For consent to a Discretionary Activity to operate a fitness centre within an existing building involving a cycle room and yoga/pilates room with a maximum capacity of 10 members and 2 employees.	Non-Notified Approved 04/02/10
G	Team Leader Resource Management	T & C Delaney R55931	27 Tindalls Bay Road, Tindalls Bay	For consent to a Discretionary Activity for a two lot subdivision.	Non-Notified Approved 05/02/10
A	Team Leader Resource Management	A & J Nairn L55947	2 Maori Hut Road, Orewa	For consent to a Restricted Discretionary Activity to remove a large English Oak tree.	Non-Notified Approved 05/02/10
A	Team Leader Resource Management	Atlas Concrete Limited L55947	9 Titan Place, Silverdale	For consent to a Restricted Discretionary Activity to erect a steel frame support to a concrete silo and associated foundations.	Non-Notified Approved 05/02/10
A	Team Leader Resource Management	M & S McCaughan L56017	42 Swann Beach Road, Stanmore Bay	For consent to a Restricted Discretionary Activity for a deck addition to an existing dwelling which infringes the side yard.	Non-Notified Approved 05/02/10
A	Team Leader Resource Management	Greenzone Holdings Ltd L31956A	2200 East Coast Road, Silverdale	For consent to a Variation of Condition 16 of application L31956 to allow for a left turn out of the development, onto East Coast Road.	Non-Notified Approved 08/02/10

Type of Delegation	Officer	Applicant/ Owner	Address	Application	Decision/ Date
A	Team Leader Resource Management	J & A Harvey L55708	Browns Walk Recreational Reserve, Tindalls Bay	For consent to a Restricted Discretionary Activity for the removal of one 19 metre high Eucalyptus tree and pruning of one 15 metre high Pohutukawa tree on Rodney District Council Reserves Browns Bay Walk Reserve.	Non-Notified Approved 08/02/10

**RECOMMENDATION:**

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.

ITEM NO: 6

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SUBJECT PUBLIC EXCLUDED

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

Agenda Item No(s). 7, 8, 9, 10, 11, 12 and 13

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:

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

**CONFIDENTIAL**