

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, 7 July 2010.

PRESENT: Crs Gaye Harding (Chairperson)
Michael Goudie
Dave Parker QSM
Grahame Powell
Suzanne Weld (until 10.00 a.m.)

IN ATTENDANCE: Democracy Services Officer (Elise Heyns)

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9.00 a.m. Manager: Transport Operations and Safety (Gareth Hughes) and Team Leader Resource Consents (Erik Oosthuizen) in attendance.

379/07/10 APOLOGIES

AGENDA ITEM NO. 1

Harding/Goudie

That the apology from Cr Weld for early departure from the meeting be received and sustained.

Carried

380/07/10 NOTIFICATION OF NEW APPEAL(S)

AGENDA ITEM NO. 2

There was no notice of new appeals.

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381/07/10 **“NO STOPPING” LINES:**
LAYTON ROAD, MANLY; MATIJA PLACE, RED BEACH; RIMU ROAD,
STANMORE BAY

FILE REF RF/44/1; RF/44/1; RF/48/1

AGENDA ITEM NO. 3

Powell/Parker

That new “no stopping” lines be installed on Layton Road, Manly, Matija Place, Red Beach and Rimu Road, Stanmore Bay as shown in Appendices 1 – 3 of the agenda report.

Carried

9.05 a.m. Manager: Transport Operations and Safety (Gareth Hughes) retired from the meeting.

382/07/10 **SECTION 357 OBJECTION TO FEES CHARGED FOR THE**
PROCESSING OF A RESOURCE CONSENT APPLICATION TO
SUBDIVIDE LOT 1 DP 392111 SITUATED ALONG MATAKANA
VALLEY ROAD NORTH-WEST OF MATAKANA

OBJECTOR: Alexander Longuet-Higgins for:

APPLICANT: Turvey Company Limited

FILE REF RMA 53689

WARD NORTHERN WARD

AGENDA ITEM NO. 4

The objector, Alexander Longuet-Higgins, was present for this item.

Team Leader Resource Consents (Erik Oosthuizen) summarised the report. He said overall the processing charges for this consent were considered to be reflective of the normal actions taken in the planning assessment, but given the extended time period for this application to be finalised, it was recommended that the application fee be reduced by 10%.

Mr Longuet-Higgins argued that a 10% reduction was not enough given the unacceptable timeframe of 21 months for processing the application.

After consideration of the objection by Mr Longuet-Higgins, it was decided to reduce the total fees by 25%.

Powell/Parker

That pursuant to Section 357 of the Resource Management Act 1991 the objection made by Mr Alexander Longuet-Higgins, in respect of a request for the reduction of fees arising from the processing of an application to subdivide the subject site with an area of 122.1585ha to create seven freehold sites based on the protection of 43ha of native bush, be partially dismissed.

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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. However, given the extended time period for this application to be finalised, it is recommended that the application fee be reduced by 25%.

Carried

9.15 a.m. Animal Control/Bylaws Manager (Wayne Knightbridge) in attendance.

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

383/07/10 APPLICATION FOR PERMISSION TO RIDE HORSES ON OMAHA BEACH AND SNELLS BEACH – CLAIRE AND ROSIE BUCHAN**FILE REF BC/1/1****AGENDA ITEM NO. 5**

The Committee asked Animal Control and Bylaws Manager (Wayne Knightbridge) to instruct Council staff to formulate a policy to deal with requests for riding horses on urban beaches, giving guidelines for the number of permits to be allowed on specific beaches.

Powell/Goudie

That Claire and Rosie Buchan are granted permission to ride their horses on Omaha Beach and Snells Beach under the following conditions:

- (a) That the applicants remove and safely dispose of any equine faecal matter that is disposed in a public place;
- (b) That the applicants only ride their horses adjacent to the water at low tide at Omaha Beach and Snells Beach;
- (c) That the applicants are given permission to ride their horses on any weekday (being Monday to Friday) between 16 February and 30 November each year except during school holidays or when public holidays fall on a week day (Monday to Friday);
- (d) That the applicants ride their horses at Omaha Beach and Snells Beach in a manner that does not cause a nuisance to other beach users;
- (e) That while riding the applicants carry on their person a copy of the permission to ride on the beach and present that permission to any authorised officer on request.
- (f) That the Council reserves the right to revoke the permission to ride a horse on Omaha Beach and Snells Beach at any time;

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- (g) That the applicants be given permission to ride their horses on Omaha Beach and Snells Beach from 6.00 a.m. to 9.00 a.m. between 1 December and 15 February.

Carried

384/07/10 APPLICATION FOR PERMISSION TO RIDE HORSES ON OMAHA BEACH AND SNELLS BEACH – SHANNON AND SARAH AUTON AND JODY KEON

FILE REF BC/1/1

AGENDA ITEM NO. 6

Goudie/Parker

That Shannon and Sarah Auton and Jody Keon are granted permission to ride their horses on Omaha Beach and Snells Beach under the following conditions:

- (a) That the applicants remove and safely dispose of any equine faecal matter that is disposed in a public place;
- (b) That the applicants only rides their horses adjacent to the water at low tide at Omaha Beach and Snells Beach;
- (c) That the applicants are given permission to ride their horses on any weekday (being Monday to Friday) between 16 February and 30 November each year except during school holidays or when public holidays fall on a week day (Monday to Friday);
- (d) That the applicants ride their horses at Omaha Beach and Snells Beach in a manner that does not cause a nuisance to other beach users;
- (e) That while riding the applicants carry on their person a copy of the permission to ride on the beach and present that permission to any authorised officer on request;
- (f) That the Council reserves the right to revoke the permission to ride a horse on Omaha Beach and Snells Beach at any time;
- (g) That the applicants be given permission to ride their horses on Omaha Beach and Snells Beach from 6.00 a.m. to 9.00 a.m. between 1 December and 15 February.

Carried

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385/07/10 APPLICATION FOR PERMISSION TO RIDE HORSES ON SNELLS BEACH – BIRGIT ESCH AND ABBY GUILD**FILE REF** BC/1/1**AGENDA ITEM NO.** 7**Weld/Harding**

That Birgit Esch and Abby Guild are granted permission to ride their horses on Snells Beach under the following conditions:

- (a) That the applicants remove and safely dispose of any equine faecal matter that is disposed in a public place;
- (b) That the applicants only rides their horses adjacent to the water at low tide at Snells Beach;
- (c) That the applicants are given permission to ride their horses on any weekday (being Monday to Friday) between 16 February and 30 November each year except during school holidays or when public holidays fall on a week day (Monday to Friday);
- (d) That the applicants ride their horses at Snells Beach in a manner that does not cause a nuisance to other beach users;
- (e) That while riding the applicants carry on their person a copy of the permission to ride on the beach and present that permission to any authorised officer on request;
- (f) That Council reserves the right to revoke the permission to ride a horse on Snells Beach at any time;
- (g) That the applicants be given permission to ride their horses on Snells Beach from 6.00 a.m. to 9.00 a.m. between 1 December and 15 February.

Carried

**386/07/10 UPDATE ON DOG ITEMS:
APPEAL AGAINST BARK ABATEMENT NOTICE – C GRANT;
APPEAL AGAINST MENACING DOG CLASSIFICATION – C MANLEY**

FILE REF DC/1/1; DC/9/2

Animal Control/Bylaws Manager (Wayne Knightbridge) provided a verbal update on two previous dog items that were heard by the Committee on 9 June 2010. He said according to the monitoring report on the bark nuisance at 6 Ocean View Road, Hatfields Beach, Mr Grant had successfully abated the bark nuisance on his property. It was decided to rescind the abatement notice issued. This resolution will be confirmed at the meeting on 21 July.

Mr Knightbridge also reported that Mr Keegan (on behalf of Cassandra Manley) had purchased the material to fix the fences on the property at 20 Great North Road, Riverhead. It was decided to defer the decision on the appeal against menacing dog classification to the next meeting.

9.20 a.m. Dog Control Officer (Craig McFarlane) in attendance.

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387/07/10 SCHEDULE OF DELEGATED DECISIONS ON RESOURCE CONSENT APPLICATIONS**FILE REF** TP/1/6**AGENDA ITEM NO.** 9**Harding/Parker**

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.

Carried

9.30 a.m. Team Leader - Compliance and Monitoring (Peter McErlean) and Environmental Protection Officer (Kerry Flynn) in attendance.

388/07/10 PUBLIC EXCLUDED**AGENDA ITEM NO.** 10 and 10A**Harding/Powell**

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

Minute No(s). 389/07/10

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:

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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

9.55 a.m. Cr Weld retired from the meeting.

390/07/10 APPEAL AGAINST MENACING DOG CLASSIFICATION – GRANT ROBINSON**FILE REF DC/9/2****AGENDA ITEM NO. 8**

Animal Control/Bylaws Manager (Wayne Knightbridge) expressed concern over the fact that the person who cared for the dog in the dog owner's absence had little control over the dog and walked the dog without a lead. He said the dog owner failed to take steps to address the problem after having been advised to do so.

Goudie/Powell

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

Carried

10.04 a.m. Animal Control/Bylaws Manager (Wayne Knightbridge) and Dog Control Officer (Craig McFarlane) retired from the meeting.

391/07/10 PUBLIC EXCLUDED**AGENDA ITEM NO. 10 and 10A****Harding/Goudie**

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

Minute No(s). 392/07/10, 393/07/10, 394/07/10 and 395/07/10

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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	<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

Note: The following decisions were made with the public excluded then brought into open meeting.

396/07/10 VARIATION 150 – SIGNIFICANT NATURAL AREAS ADDITIONS TO PLANNING MAPS 21 AND 22

FILE REF TP/14/4 150

AGENDA ITEM NO. 14

Harding/Goudie

- (a) That it be noted that the requirements of Section 32 of the Resource Management Act 1991 have been met in relation to Variation 150.
- (b) That the Section 32 report prepared and set out in Confidential Appendix 2 to the agenda report, be adopted.
- (c) That pursuant to Section 73 and the First Schedule of the Resource Management Act 1991, the Council initiate Variation 150 to the Rodney District Plan 2000 – Operative in Part as set out in Confidential Appendix 1 to the agenda report.
- (d) That the recommendation be restated in open meeting and the agenda report be made available to the public once the Variation is notified.

Carried

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397/07/10 **PLAN CHANGE 155 – MURIWAI DEVELOPMENT CONTROLS**
FILE REF TP/14/4 155
AGENDA ITEM NO. 15

Powell/Harding

- (a) That it be noted that the requirements of Section 32 of the Resource Management Act 1991 have been met in relation to Proposed Plan Change 155.
- (b) That the Section 32 report prepared and set out in Confidential Appendix 2 to the agenda report be adopted.
- (c) That pursuant to Section 73 and the First Schedule of the Resource Management Act 1991, the Council initiate Proposed Plan Change 155 to the Rodney District Plan 2000 – Operative in Part as set out in Confidential Appendix 1 to the agenda report.
- (d) That the recommendation be restated in open meeting and the agenda report be made available to the public once the Plan Change is notified.

Carried

The meeting closed at 10.20 a.m.

CONFIRMED AS A TRUE AND CORRECT RECORD THIS 19TH DAY OF AUGUST 2010

MAYOR

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7 July 2010

CONFIDENTIAL