



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 Council Chambers, Centreway Road, Orewa on Wednesday, 12 August 2009 commencing at 9.00 a.m.

for: ACTING CHIEF EXECUTIVE
Warren Maclennan

OREWA
5 August 2009

* * * * *

PROGRAMME

<u>Time</u>		<u>Page</u>
9.00 a.m.	Proposed District Plan 2000 - Report for District Plan and Regulatory Committee – Proposed Variation 126 Road Frontage Notation	1

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ITEM NO: 1

APOLOGIES

9.00 A.M.

ITEM NO: 2

REPORT



HEARING REPORT NUMBER

HEARING DATES

12 August 2009

REPORTING OFFICER

Wendy Robertshaw – Policy Planner

APPROVED BY

Peter Vari – Manager: District Planning

SIGNATURE

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SUBJECT

**PROPOSED DISTRICT PLAN 2000 - REPORT FOR
DISTRICT PLAN AND REGULATORY COMMITTEE –
PROPOSED VARIATION 126 ROAD FRONTAGE
NOTATION**

FILE REF

TP/14/4/126

PARTS OF PLAN AFFECTED

Variation 126 - Road Frontage Notation

These submissions relate to Proposed Variation 126 which seeks to amend Planning Map 75, to remove the road frontage notation on land formally the subject of a designation for the extension of Bakehouse Lane southward between Tamariki Avenue and Moenui Avenue. The Proposed Variation is attached as **Appendix 1** to this report. Copies of the submissions received are attached as **Appendix 2** (available in hard copy only).

SUBMISSIONS ADDRESSED IN THIS REPORT

Submission No.	Name	Report Section
1000/1	Pamber (Auckland) Limited	1.2
1001/1	Cornerstone Group Limited	1.3

Further Submission No.	Name	Report Section
1001/2	Cornerstone Group Limited	1.3.3
1000/2	Pamber (Auckland) Limited	1.2.3

1.0 SUBMISSIONS ADDRESSED IN THIS REPORT

1.1 Submissions

Cornerstone Group Limited	1001/1	Approve the Variation.
Pamber (Auckland) Limited	FS1000/2	Opposes submission 1001/1
Pamber (Auckland) Limited	1000/1	Seek that: a) the Variation be rejected in its entirety; or b) the Variation be amended so

		that the road frontage notation is replaced with alternative provisions that either provide for access through the Bakehouse Lane Extension, or otherwise address the Submitter's concerns.
Cornerstone Group Limited	FS1001/2	Opposes submission 1000/1

1.2 Pamber (Auckland) Limited (1000/1)

1.2.1 Submitters Request

The submitter opposed the variation on the basis that it considered it would generate significant adverse effects on the environment, including adverse impacts on traffic connectivity and parking provision in the Orewa Town Centre.

The submitter requested that the whole variation be rejected in its entirety, or the variation be amended so that the road frontage notation was replaced with alternative provisions, that either provided for access through the Bakehouse Lane extension, or otherwise addressed the submitters concerns.

1.2.2 Discussion

During 2000, the Council notified a proposed alteration of an existing designation of Bakehouse Lane in Orewa. A number of submissions were received and a strong majority of affected landowners, one of which included Pamber (Auckland) Limited, opposed the designation. Reasons for opposing the Bakehouse Lane designation were as follows:

- That the proposed width of the designation was unduly excessive;
- That the proposed designation would unreasonably disadvantage property owners whose land would be subject to the proposed designation;
- That there had been inadequate, unclear and unspecific consultation with property owners;
- That the proposed designation had been inadequately researched prior to public notification. As a result landowners would be compromised in terms of carparking, amenity and existing and future development potential. Vague indication that the provisions of a large scale public parking facility in a central location would be investigated did not satisfactorily address the adverse carparking effects;
- That the appearance, practicality, safety and pedestrian amenity standards would be disappointing and poorly co-ordinated as a result of the rushed and lack of consultation;
- That servicing and infrastructural considerations and implications had not been adequately addressed in arriving at the proposed new designation;
- That the legal duties and/or obligations of landowners (especially regarding duties to provide carparking) to their tenants had not been researched, discussed, considered or addressed in arriving at the proposed new designation;
- That construction effects, (including timing, duration, extent and cost) of disruption had not been researched, discussed, considered or addressed adequately;
- That compensation issues had not been adequately discussed with landowners, considered or addressed prior to notifying the proposed designation.

The designation for the Bakehouse Lane extension was confirmed by the Council on 22 December 2000, however, it was subsequently appealed by a number of landowners including Pamber (Auckland) Limited in the Environment Court. Various issues were raised in the appeal, and after reconsideration of the matter it was recommended that the designation be removed.

In August 2002, the Council resolved to withdraw the designation for the extension of Bakehouse Lane southward from Tamariki Avenue and Moenui Avenue. The decision to remove the Bakehouse Lane designation was made pursuant to Section 168A of the Resource Management Act 1991, on the basis that further investigation into issues of need, width and configuration of the route was required. In particular, the report proposing the removal of the designation concluded that the function of the proposed road could equally be

achieved by introducing right turns into the Hibiscus Coast Highway from Moana Avenue or Tamariki Avenue.

When the designation was removed from Planning Map 75 it was intended that the accompanying road frontage notation also be removed, however this part of the process was not completed. The notation requires shop owners situated along this former designation to comply with Rule 9.10.7.1 Pedestrian Town Centre Areas, which essentially requires buildings to be located on the street frontage to enhance pedestrian amenity. Because the designation no longer exists, the road frontage notation is no longer necessary or valid, therefore should be removed. It would be unduly onerous to require a landowner to develop buildings on the site in a manner consistent with fronting onto a road, when the Council has no intention of developing such a road. The submitter also made a strong case for the Council not to pursue such a road when it appealed against the designation for such a road in 2002.

The reasons for the submitter's submission are confusing, given its opposition to the original designation. Therefore, for the reasons discussed above, it is recommended that the submission and further submission by Pamber (Auckland) Limited be rejected.

1.2.3 Draft Officer Recommendation Subject to Hearing and Committee Decision

(i) That submission 1000/1 and FS1000/2 be rejected.

1.2.4 Draft Amendments to the Proposed Plan Subject to Hearing and Committee Decision

No amendments arising from this submission.

1.3 Cornerstone Group Limited (1001/1)

1.3.1 Submitters Request

The submitter supported the variation and requested that it be approved.

1.3.2 Discussion

The submission and future submission made by Cornerstone Group Limited were in support of Proposed Variation 126, for the reasons outlined in section 1.2.2 of this report; it is considered that both the submission and further submission should be accepted.

1.3.3 Draft Officer Recommendation Subject to Hearing and Committee Decision

(i) That submission 1001/1 and FS1001/2 be accepted

1.3.4 Draft Amendments to the Proposed Plan Subject to Hearing and Committee Decision

(i) No amendments arising from this submission.

APPENDIX 1

RESOURCE MANAGEMENT ACT 1991

Rodney District Proposed District Plan 2000 – Proposed Variation Number 126 – Road Frontage Notation.

Explanation

This Variation proposes to alter Planning Map 75 of the Proposed District Plan.

In August 2002 the Council resolved to withdraw the designation for the southward extension of Bakehouse Lane between Tamariki Avenue and Moenui Avenue, Orewa. The decision to remove the designation was made under Section 168A of the Resource Management Act 1991, on the basis that further investigation into issues of need, width, and configuration of the route was required.

The designation number was removed from Planning Map 75 and Chapter 15 Designations. However, when the designation was put in place the Council also applied a road frontage notation along the designation alignment, which requires retail businesses in this location to comply with Rule 9.10.7.1 Pedestrian Town Centre Areas. While the designation has been removed from the Planning Map 75 and Chapter 15 Designations, the road frontage notation is inappropriate because there is no longer a road proposed in that location. Accordingly, this variation removes the road frontage notation.

Variation

Schedule of Amendments

Amend Planning Map 75 of the Proposed District Plan, as set out below.

1. Amend Planning Map 75 to remove the road frontage notation along alignment of the former designation between Tamariki Avenue and Moenui Avenue as shown on the attached map.

REPORT**HEARING REPORT NUMBER****HEARING DATES**

12 August 2009

REPORTING OFFICER

Wendy Robertshaw – Policy Planner

APPROVED BY

Peter Vari – Manager: District Planning

SIGNATURE

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SUBJECT

**PROPOSED DISTRICT PLAN 2000 - REPORT FOR
DISTRICT PLAN AND REGULATORY COMMITTEE
PLAN CHANGE (FORMERLY VARIATION) 117 -
BOUNDARY RELOCATION**

FILE REF

TP/14/4/117

PARTS OF PLAN AFFECTED

Variation 117 – Boundary Relocation and Stopped Roads

These submissions relate to Variation 117 which seeks to amend Rule 23.8.15.4(b) of the Proposed District Plan 2000. Variation 117 requires any site used in a boundary relocation subdivision/transferrable title application to have a minimum building area of 225m² which is free of the yard requirements. By introducing a minimum building area requirement to the rule the potential for landowners to include parcels of stopped road to create buildable titles through boundary relocation subdivision will be reduced. A copy of the variation is attached as **Appendix 1** to this report. Copies of the submissions received are attached as **Appendix 2** (available in hard copy only).

SUBMISSIONS ADDRESSED IN THIS REPORT

Submission No.	Name	Report Section
1008/1	Terra Nova Planning Ltd	1.3
1005/1	Prime Resources Co. Ltd	1.4
1007/1	Perry, K	1.3
1013/1	Pegrume, Karen Ruth	1.3
1006/1	Parihoa Farms Limited	1.3
1002/1	O'Brien, R and S	1.4
1004/1	NZ Transport Agency	1.2
1000/1	Middle Hill Limited	1.3
1010/1	King, David	1.5
1009/1	Jan Cunningham	1.3
1001/1	Iffley Meadow Farms Ltd	1.3
1014/1	Hood, Pamela & Ross	1.3
1015/1	Goodwin, Miles	1.4
1003/1	G4 Properties Ltd	1.4
1012/1	Carran, H D	1.3
1011/1	Auckland Regional Council	1.2

Further Submission No.	Name	Report Section
1017/1	T M S Field	1.5.3
1017/2	T M S Field	1.2.3
1016/1	Janet B Johnston	1.3.3

1.0 SUBMISSIONS ADDRESSED IN THIS REPORT

1.1 Summary of Submissions

Auckland Regional Council	1011/1	Rodney District Council to adopt Proposed Variation 117 in its entirety.
T M S Field	FS1017/2	Supports submission 1011/1
H D Carran	1012/1	That Council does not proceed with Variation 117 as it is a loss of rights to the landowner.
G4 Properties Ltd	1003/1	That Council either withdraws Proposed Variation 117 in its entirety or makes amendments as follows: i) delete the words 'and with a minimum building platform area of 10 metres by 10 metres ' and replace with 'and with a minimum building platform area dimension of 8 metres. ' ii) delete the words ' shall be provided ' and replace with the words ' shall be capable of being provided. '
Miles Goodwin	1015/1	Amend proposed variation to have a minimum dimension for build area of 8m.
Pamela & Ross Hood	1014/1	Oppose changes proposed regarding boundary relocations on small pieces of land etc. Feel that all historical agreements made between the RCC and landowners should be honored. SEE SUBMISSION
Iffley Meadow Farms Ltd	1001/1	Oppose in its entirety. An alienation of property rights, does not address the issue and reduces sustainability of rural communities and affordable housing. Reject the Variation.
Jan Cunningham	1009/1	Delete whole Variation 117 in its entirety.
David King	1010/1	Would like amendment to go into effect; however minimum floor area of 225m ² cannot be fitted into a building platform that is 10m x 10m (maybe 15m x 15m). Original yard requirements to be maintained.
T M S Field	FS1017/1	Supports submission 1010/1
Middle Hill Limited	1000/1	Oppose proposal to restrict boundary relocations using small titles. Withdraw all of Variation 117.
NZ Transport Agency	1004/1	NZTA supports the Variation in general. Purpose of this submission to ensure the safety, efficiency and sustainability of the State Highway network.
R and S O'Brien	1002/1	That Council either withdraws Proposed Variation 117 in its entirety or makes amendments as follows: i) delete the words 'and with a minimum building platform area of 10 metres by 10 metres ' and replace with 'and with a minimum building platform area dimension of 8 metres. ' ii) delete the words ' shall be provided ' and replace with the words ' shall be capable of being provided. '
Parihoa Farms Limited	1006/1	Cancel the variation or give such other relief that will give effect to the submission. Proposed Variation is inconsistent with the purpose and principles of the Act. SEE SUBMISSION.

Karen Ruth Pegrume	1013/1	Drop this part of the proposed Plan Change and look more closely at the effects, i.e. of creating whole new settlements of rural residential lots. Also that boundary relocations that are less than 2.5 ha are required to meet the provisions of rural residential lots - in terms of Riparian Margin protection.
K Perry	1007/1	Delete whole Variation 117 in its entirety.
Prime Resources Co. Ltd	1005/1	a) That Council either withdraws Proposed Variation 117 in its entirety or - b) makes the following amendments to the proposed schedule of amendments: i) delete the words '...and with a minimum building platform area of 10 metres by 10 metres' and replace with ' ...and with a minimum building platform area dimension of 8 metres '. ii) delete the words 'shall be provided' and replace with the words ' shall be capable of being provided. '
Terra Nova Planning Ltd	1008/1	Delete whole variation 117 in its entirety.
Janet B Johnston	FS1016/1	Supports submission 1008/1

1.2 NZ Transport Agency (1004/1) and Auckland Regional Council (1011/1)

1.2.1 Submitters Request

The submitters were in support of Proposed Variation 117 and requested that it be adopted into the Proposed District Plan.

The Auckland Regional Council supported the variation as it will in part implement the Auckland Regional Policy Statement (ARPS) Strategic Policies 2.6.2.4 and 2.6.17.3, relating to urban containment and rural areas. The submitter also supported the variation on the basis that it sought to prevent a particular situation arising, where boundary relocations involving small sites can lead to additional countryside living type development over and above the amount contemplated when the original rules were created. The submitter also considered that the variation would assist in the management of countryside living type development by eliminating the use of such adjustments to gain new titles on Countryside Living Town Zones via the current transferable title provisions in the Proposed District Plan 2000.

The NZ Transport Agency supported the proposed variation in general and considered that it would have a positive effect on the sustainability of the State Highway network within the district by preventing the capacity of the State Highway network being prematurely eroded by development of Rural or Countryside Living zoned land that the current boundary adjustment rule and transferrable title provisions inadvertently allow.

1.2.2 Discussion

The submissions were in support of Variation 117; therefore the variation should be accepted and incorporated into Proposed District Plan 2000.

1.2.3 Draft Officer Recommendation Subject to Hearing and Committee Decision

- (i) That submissions (1004/1), (1011/1) and (FS1017/2) be accepted, subject to amendments arising from other decisions.

1.2.4 Draft Amendments to the Proposed Plan Subject to Hearing and Committee Decisions

- (i) Amend the Proposed District Plan to incorporate Variation 117.

1.3 Middle Hill Ltd (1000/1), Iffley Meadow Farm Ltd (1001/1), Parihoa Farms Ltd (1006/1), K Perry (1007/1), Terra Nova Planning Ltd (1008/1), J Cunningham (1009/1), H D Carran (1012/1), P & R Hood (1014/1) and Karen Ruth Pegrume (1013/1).

1.3.1 Submitters Request

The submitters opposed the whole variation and sought that it be withdrawn in its entirety.

The submission from Parihoa Farms Limited opposed the variation for a number of reasons. However, the key reasons were that the present rules allow an application for boundary relocation to be properly assessed, applications can be granted or refused under the Resource Management Act 1991, and that the variation would elevate such proposals from a Discretionary Activity status to a Non-complying Activity status without proper resource management reason. The submitter also considered the proposed variation would impose inequitable restrictions on the use and development of stopped roads.

K Perry, Terra Nova Planning Ltd and J Cunningham opposed the variation as they considered that it would prevent the development of suitably additional housing, or force less than optimal use of sites as they currently exist, and that the ability for small sites to be able to be better designed for residential purposes should be encouraged as a more practical use of land. The submitters also considered that the variation had the potential to cumulatively constrain the supply of additional housing and lifestyle options, and adversely affect housing affordability for the community and compromise the Council's Regional Growth Strategy obligations.

Submitters also believed that the proposed variation was an alteration of property rights, which did not address the issue and would reduce the sustainability of rural communities and affordable housing.

1.3.2 Discussion

Current boundary relocation provisions in the Proposed District Plan 2000 allow properties to be rearranged as long as the number of titles does not increase. This inadvertently allows landowners to include parcels of stopped road to create large sites that are more practical for building purposes. The issue is that there is potential for these small and largely impractical sites existing in the General Rural Zone to be built upon or used to gain new titles in the Countryside Living Town Zone via the transferable provision in the Proposed District Plan, which in effect leads to unplanned and faster up take of the land.

In situations where a landowner wishes to undertake a boundary relocation subdivision, they must show that a change in boundaries will not lead to additional sites. To show this, a plan has to be submitted as part of the consent application showing a dwelling that could potentially be built on the existing small site (or former stopped road). The building plans submitted sometimes show a potential building that is impractical for residential purposes, and that is on a site not suitable for residential purposes. However, because some form of dwelling could possibly be built on the site, however impractical, there can be debate about this point.

Stopped road sites were never intended to be used for the purpose of creating a residential dwelling. To address this, Variation 117 introduces a minimum building area and platform area that is free of the yard requirements. These shape and size factors will significantly reduce the number of impractical, small and oddly shaped sites that can potentially be used for the purpose of boundary relocation subdivision. Also, by introducing a minimum building area, this will create a base line for which boundary relocation applications can be evaluated.

Section 1596 of the Council's Corporate Manual has been amended to include an additional clause so that when the Council sells parcels of stopped road that are not suitable to be sold as stand alone building sites they are first offered to adjoining landowners for amalgamation with their existing title(s). The purpose of this is to avoid these small parcels of stopped road being used as a site for boundary relocation subdivision, which in effect leads to additional development, above and beyond what was contemplated by the Proposed District Plan.

In order to achieve its objectives and the sustainable management of resources, the subdivision methods of the District Plan 2000 require a range of prescribed significant environmental benefits to be provided, in return for limited entitlements to subdivide and develop in order to offset the adverse effects of subdivision and the resulting development. The facilitation of additional rural settlement through boundary relocation subdivisions on the other hand sometimes involves allowing development in unplanned and sometimes unsuitable locations, but offers no environmental benefits.

The Auckland Regional Growth Strategy (which the Council is a partner to) seeks to achieve a compact urban form with growth focused around town centres and major transport routes within the existing metropolitan area; and protection of the coast and surrounding natural environment.

The Northern and Western Sectors Agreement 2001 is a joint agreement on managing sub-regional growth to 2021 to implement the Auckland Regional Growth Strategy, which sets out how, when and where planned growth in Rodney will be accommodated. It forecasts a total rural population of 27,444 at 2021; however the rural population is now projected to reach 46,224 at 2021. The rural population had already exceeded the 2021 proposed population by 9,000 at the time of the 2006 census.

A small portion of the level of unplanned growth that has occurred in the rural area of the Rodney District can be attributed to the utilisation of the boundary relocation provisions in the plan to promote rural settlement and development. By limiting the use of boundary relocation subdivisions the variation will assist the Council in better managing countryside living, the development of rural and coastal settlements and surrounding natural environment.

For the reasons discussed above it is not considered appropriate to withdraw Variation 117.

1.3.3 Draft Officer Recommendation Subject to Hearing and Committee Decision

- (i) That submissions (1000/1), (1001/2), (1006/1), (1007/1), (1008/1), (1009/1), (1012/2) and (1014/1), (1013/1) and (FS1016/1) be rejected.

1.3.4 Draft Amendments to the Proposed Plan Subject to Hearing and Committee Decision

No amendments arising from these submissions.

1.4 R & S O'Brien (1002/1), G4 Properties Ltd (1003/1), Prime Resources Co. Ltd (1005/1) and Miles Goodwin (1015/1).

1.4.1 Proposed Variation

These submissions related to the minimum building platform area, and the requirement to provide on-site services to the existing site. The submitters opposed the variation because the section 32 report provided no justification for imposing the minimum 10m by 10m building platform, and there is no need to provide on-site services to the existing smaller site which, in most boundary relocation applications, will be relocated to a different location.

1.4.2 Submitters Request

The submitters requested that Rule 23.8.15.4(b) be amended so that the minimum building platform area is 8 metres by 8 metres, and that the words 'on-site services shall be provided with in the site' be replaced with 'on-site services shall be capable of being provided within the existing site'.

1.4.3 Discussion

Throughout the District there are numerous parcels of stopped road that were never intended for the use of creating a residential dwelling. As mentioned previously in this report, current boundary relocation provisions allow landowners to include small parcels of stopped road as a site for the purpose of a boundary relocation subdivision, which in effect leads to additional development, over and above what was contemplated when Rule 23.8.15.4(b) was created.

Variation 117 seeks to amend Rule 23.8.15.4(b) by including that a site must be capable of accommodating a dwelling of a minimum area of not less than 225m², and a minimum building platform area of 10 metres by 10 metres outside of the yard requirements. These shape and size factors are currently used in the Operative District Plan 1993 when dealing with boundary relocations. It is considered appropriate to include these building restrictions in the Proposed District Plan 2000 to minimise unplanned development taking place.

The submitters request to amend the variation so that the minimum building platform is reduced to 8 metres by 8 metres is considered inappropriate. A smaller building platform will allow a greater number of stopped road sites to be developed, which in effect leads to a faster up take of land which has not been planned for.

In terms of providing for on-site services, it is considered appropriate to amend Rule 23.8.15.4(b) so that the existing site shall be capable of accommodating on-site services, however new sites should be required to provide on-site services.

1.4.4 Draft Officer Recommendation Subject to Hearing and Committee Decision

- (i) That submissions (1002/1), (1003/1), (1005/1) and (1015/1) be accepted in part, to the extent set out in section 1.4.5 below.

1.4.5 Draft Amendment to the Proposed Plan Subject to Hearing and Committee Decision

- (i) Amend Rule 23.8.15.4(b) as follows (proposed amendments to the variations are shown in bold):

*'Where the existing site is less than 1 hectare in area, it shall be capable of accommodating a dwelling of not less than 225m² in floor area and with a minimum building platform area of 10 metres by 10 metres. This dwelling shall be clear of all required yard setbacks in the relevant zone and the **existing site shall be capable of accommodating** on-site services in accordance with the general requirements of Rules 23.8.1 and 23.8.2, and Rules 23.8.4 and 23.8.14 inclusive. In such cases the proposed site shall not exceed 9,999m² in area.'*

1.5 David Kind (1010/1)

1.5.1 Submitters Request

The submitter was in support of the variation for the reason being that it would provide assurance that neighbouring properties will not be allowed to have yards and building restrictions modified from the original development consents. The submitter requested that the building platform area be increased from 10 metres by 10 metres to 15 metres by 15 metres.

1.5.2 Discussion

The submitter commented that the minimum floor area of 225m² cannot be fitted into a building platform that is 10 metres by 10 metres. The proposed variation suggests a minimum building platform of 10 metres by 10 metres to prevent landowners proposing small and impracticable residential dwellings in order to undertake boundary relocation. It is considered appropriate to accept the submitter's request, so that the minimum floor area of 225m² can be achieved. Additionally, requiring a building platform of 15 metres by 15 metres will be consistent with other provisions of the Operative District Plan 1993 and the Operative in Part District Plan 2000.

1.5.3 Draft Officer Recommendation Subject to Hearing and Committee Decision

- (i) That submission (1010/1) and (FS1017/2) be accepted.

1.5.4 Draft Amendment to the Proposed Plan Subject to Hearing and Committee Decision

- (i) Amend Rule 23.8.15.4(b) as follows (proposed amendments to the variation are shown in bold, and included recommendations made in section 1.4.5(i) of this report).

*'Where the existing site is less than 1 hectare in area, it shall be capable of accommodating a dwelling of not less than 225m² in floor area and with a minimum building platform area of ~~10~~ **15 metres by 15 metres**. This dwelling shall be clear of all required yard setbacks in the relevant zone and the associated on-site services shall be provided in accordance with the general requirements of Rules 23.8.1 and 23.8.2, and Rules 23.8.4 and 23.8.14 inclusive. In such cases the proposed site shall not exceed 9,999m² in area.'*

1.6 Final Amendments

- 1.6.1 Amend Rule 23.8.15.4(b) as follows; to include officer recommendations made in this hearing report (proposed amendments to the variation are shown in bold).

*Where the existing site is less than 1 hectare in area, it shall be capable of accommodating a dwelling of not less than 225m² in floor area and with a minimum building platform area of ~~40~~ **15** metres by ~~40~~ **15** metres. This dwelling shall be clear of all required yard setbacks in the relevant zone and the **existing site shall be capable of accommodating** associated on-site services ~~shall be provided~~ in accordance with the general requirements of Rules 23.8.1 and 23.8.2, and Rules 23.8.4 and 23.8.14 inclusive. In such cases the proposed site shall not exceed 9,999m² in area.*

APPENDIX 1

RESOURCE MANAGEMENT ACT 1991

Rodney District Proposed District Plan 2000 – Proposed Variation Number 117 – Boundary Relocation and Stopped Roads.

Explanation

For various reasons small parcels of stopped road have been sold off and are held in separate certificates of title. In most instances these parcels of land are either too narrow or awkwardly shaped to appropriately allow for the creation of a residential dwelling.

The current boundary relocation rules in Chapter 23 – Subdivision and Servicing, of the Proposed District Plan allow for rural properties to be rearranged so long as the number of titles does not increase. This inadvertently allows landowners to include the small parcels of stopped road to create larger sites that are more practicable for building, and in effect this leads to additional development, over and above what was contemplated when the rules was created.

The issue is that there is potential for these small and largely impractical sites existing in General Rural Zones to be used to gain new titles in Countryside Living Town Zones via the current transferable title provisions in the Proposed District Plan. In effect contributing to additional development and a faster up take rate of land in Countryside Living Zones.

The proposed variation amends the rules relating to boundary relocation to ensure that sites used in boundary relocations are in fact capable of practically accommodating a dwelling. By introducing shape and area factors, this will ensure impractical small and oddly shaped sites will not be used as a basis for boundary relocation.

Variation

Schedule of Amendments

Amend Rule 23.8.15.4(b) of the Proposed District Plan 2000 to read:

Where the existing site is less than 1 hectare in area, it shall be capable of accommodating a dwelling of not less than 225m² in floor area and with a minimum building platform area of 10 metres by 10 metres. This dwelling shall be clear of all required yard setbacks in the relevant zone and the associated on-site services shall be provided in accordance with the general requirements of Rules 23.8.1 and 23.8.2, and Rules 23.8.4 to 23.8.14 inclusive. In such cases the proposed site shall not exceed 9,999m² in area.

ITEM NO: 4

REPORT



TO District Plan and Regulatory Committee
ON 12 August 2009
FROM Valerie Coffey – Disputes Resolution Officer
APPROVED BY: Rob Goldsbury – Chief Legal Officer
SIGNATURE

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SUBJECT NOTIFICATION OF NEW APPEAL(S)

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

ITEM NO: 5

REPORT



TO District Plan and Regulatory Committee
ON 12 August 2009
FROM Gareth Hughes – Manager: Transport Operations and Safety
APPROVED BY Murray Noone – Director: Infrastructure
SIGNATURE

A handwritten signature in black ink, appearing to be "Murray Noone", written over a horizontal line.

SUBJECT "NO STOPPING" LINES - BRICK BAY DRIVE, SANDSPIT
FILE REF RF/261/1

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? Consultation has been undertaken. No further public consultation is required.
(vii)	Does a decision on this matter require Auckland Transitional Authority approval? (yes / no / advice being sought?) No

FINANCIAL IMPLICATIONS:

Capital cost implications	None
Is it currently budgeted for?	Not applicable
Funding source of capital costs	Not applicable
Ongoing operational cost implications	Re-marking will be required from time to time – to be undertaken through the maintenance contracts C0841 and C0842.
Is it currently budgeted for?	Yes, through the above maintenance contracts
Funding & rating impact (whether resulting from capital expenditure or arising directly)	Not applicable

SUMMARY:

Following the ratification of all parking restrictions in the Rodney District by the Regulatory Committee in July 2005, provision was made for amendments or additions to the existing restrictions. It is proposed that new “No Stopping” lines be installed at the street (Brick Bay Drive, Sandspit) indicated on **Appendix 1**.

RECOMMENDATION:

That new “No Stopping” lines be installed at Brick Bay Drive, Sandspit as indicated on Appendix 1 to the agenda report.

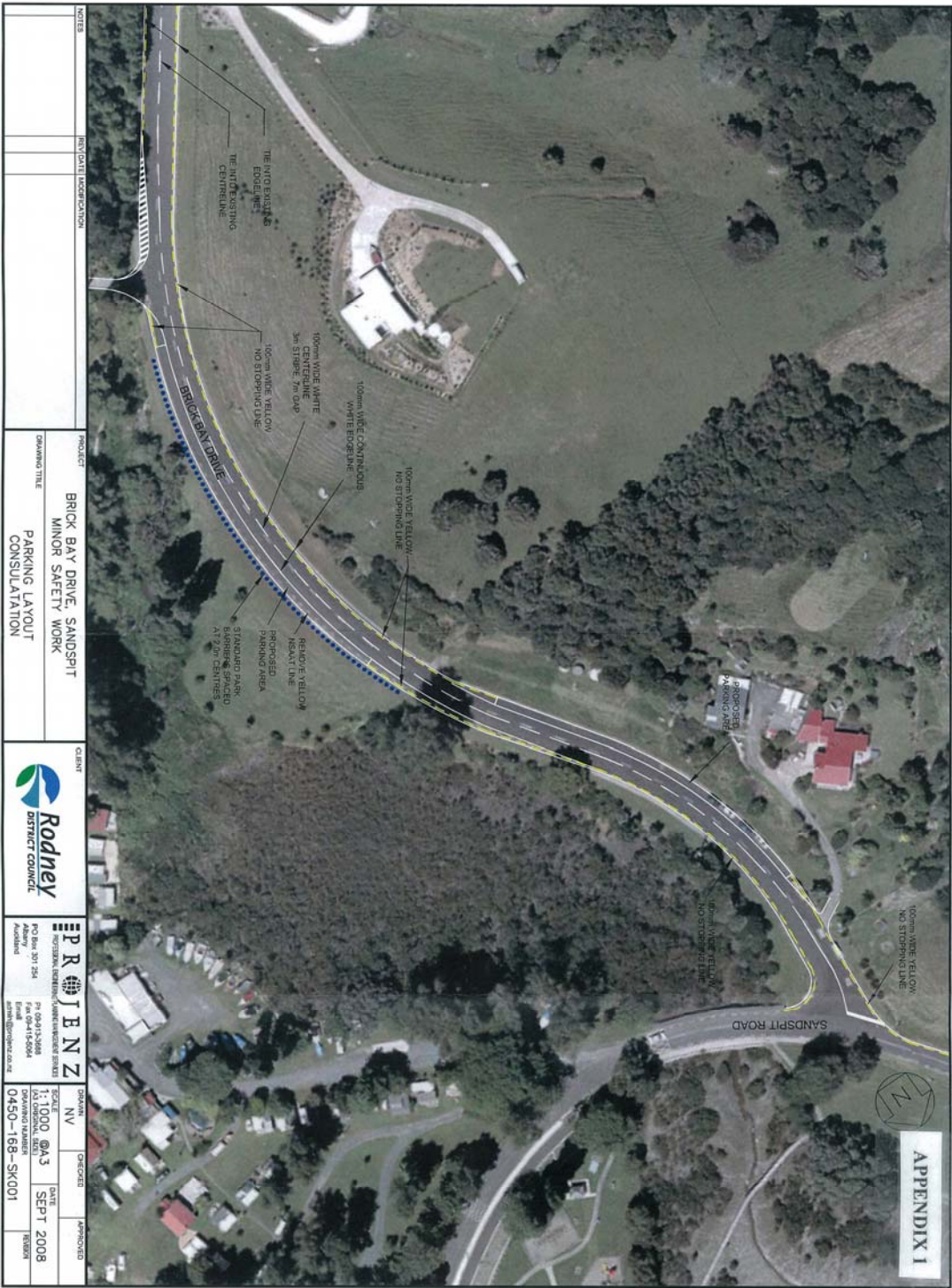
1.0 Background

Following recent requests, a review by Manager: Transport Operations and Safety, Gareth Hughes, has indicated that “No Stopping” lines are required to be installed due to the identification of some minor safety improvements for the parking layout at Brick Bay Drive by Council Engineers.

2.0 Conclusion

The changes recommended for “No Stopping” line restrictions will create a safer environment for the traffic as any hazard caused by parked vehicles at this locations will be reduced.

APPENDIX 1



APPENDIX I

NOTES	PROJECT	CLIENT	PROJECT	DATE	APPROVED
REVISION DESCRIPTION	BRICK BAY DRIVE, SANDSPIT MINOR SAFETY WORK PARKING LAYOUT CONSULTATION	Rodney DISTRICT COUNCIL	P R O J E C T SANDSPIT RD Box 3071 254 PO Box 3071 254 Ph: 0411 3266 Fax: 0411 3266 Email: pr@prnz.co.nz www.prnz.co.nz	SCALE 1:1000 DATE SEPT 2008	

ITEM NO: 6

REPORT



TO District Plan and Regulatory Committee
ON 12 August 2009
FROM Denise Grandfield - Team Leader - North
APPROVED BY Ian Dobson - Resource Consents Manager
SIGNATURE

A handwritten signature in black ink, appearing to read "Ian Dobson", written over a horizontal line.

SUBJECT **SECTION 357 OBJECTION TO DECISION MADE UNDER
DELEGATED AUTHORITY BY THE TEAM LEADER – RESOURCE
CONSENTS**

APPLICANT: TREVOR AND JODENE WILSON

FILE REF L55178

PART A

LOCATION: 1/17 De Luen Avenue, Tindalls Beach
LEGAL DISCRIPTION: Lot 68 DP 46129
ZONING: Proposed District Plan 2000: Residential Eastern Peninsula
ACTIVITY STATUS: Proposed District Plan 2000: Restricted Discretionary
TYPE OF APPLICATION: Objection under Section 357B of the Resource Management Act 1991

EXECUTIVE SUMMARY

The applicant has objected to the fees of invoice 512994 for resource consent L55178. The application is for the construction of a dwelling infringing the front yard and excavation within the 1 in 2 control plane. Following a review of the application and plans by the Council the application was approved under delegated powers on 13 July 2009.

The applicant has objected to the fees of invoice 512994. The reason for the objection is that advice received by the applicant from the duty planner prior to submitting the application was that the application would be processed as an amendment to an earlier approval (L39914) and whilst a deposit of \$1500 was required for an amendment the applicant was likely to receive a refund. However the total cost for the application came to \$3356.34, requiring a further \$1856.34 to be paid.

RECOMMENDATION:

That pursuant to Section 357 of the Resource Management Act 1991, the objection lodged by the applicant Trevor Wilson to fees be dismissed.

REASONS:

1. It is not considered that the applicant has put forward reasons that sufficiently justify the need to waive the fees. The advice from the duty planner would have been made on the information available to them at that time. On receipt of the application it was identified the changes could not be dealt with as a variation to L39914, but required a full application to address the additional infringements.
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 it is considered that the costs are not excessive or unreasonable in the circumstances of this application.
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.

1.0 Background

The applicant submitted an application to vary a previous application L39914 by way of a deck within the front yard. However, when the processing planner assessed the application it was considered that the changes could not be dealt with as a variation to the existing approval as the application also included excavation and retaining within the 1 in 2 control plane from the front boundary. A full application was required.

2.0 S357 Objection

The reasons for the objection as set out in the e-mail from the applicant Trevor Wilson, dated 20 October 2008, and attached in **Appendix 1** are summarised in the following points:

1. The advice from the duty planner prior to submitting the consent was that the application would be processed as an amendment to existing consent L39914.
2. Whilst the deposit for an amendment was still \$1500.00 the applicant 'was likely to receive a refund' on that deposit. Instead a further charge of \$1856.34 has been made bringing the total to \$3356.34
3. Other more complex new land use applications dealt with by the applicant have cost less than this application.

A breakdown of the fees follows:

ITEM	BREAKDOWN	AMOUNT (\$)
Administration	<ul style="list-style-type: none">o Generalo Section 88 feeo Monitoring feeo Title searcho Vehicle running costso Scanning feeso Photocopying	\$677.34

Planning	<ul style="list-style-type: none"> ○ General assessment and processing – writing s.93 and 94 report ○ Correspondence – telephone, email and letters with applicant ○ Check history, discuss with team leader, admin ○ Phone calls, e-mails, check-sheet, file management ○ Prepare report ○ Review of further information ○ Site inspection and travel time, vehicle running costs 	\$2299.00
Development Engineering	<ul style="list-style-type: none"> ○ Assessment and Processing preparing conditions ○ Meeting with services engineer re: WW line clearances and providing conditions to planners ○ Site visit 	\$245.00
Iwi Consultation		\$135.00
Total		\$3355.34
Deposit received	-	\$1500.00
Total Outstanding		\$1856.34

The overall cost of the processing fees objected to by the applicant is \$3355.34.

3.0 Statutory Requirements

Section 357 provides for an applicant to lodge an objection to a decision made under delegated authority by an officer of the Council.

Section 357(D) provides for the Council to either dismiss the objection or uphold the objection wholly or partly.

4.0 Assessment

The matters raised in the objection are discussed below:

- 1 *The advice from the duty planner prior to submitting the consent was that the application would be processed as an amendment to existing consent L39914.*

Whilst the original advice was that the application could be dealt with as a variation to the previously approved dwelling, once the application was lodged it was clear that additional works were included which triggered an application in its own right and therefore could not be dealt with as a variation. The advice from the duty planner would have been based on the information available to them at the time and would not have had the opportunity to carry out a thorough assessment of the application at the counter. Council records show that the enquiry was regarding infringing in the front yard, but did not refer to excavation or retaining.

The application forms referred only to the deck within the front yard and no reference was made to the excavation and retaining in the front yard.

No additional costs would have been incurred by the applicant as a result of the change from a variation to a full application.

2. *Whilst the deposit for an amendment was still \$1500.00 the applicant 'was likely to receive a refund' on that deposit. Instead a further charge of \$1856.34 has been made bringing the total to \$3356.34*

The fee advice was based on the assumption that the application was likely to be considered as a variation to the previous approval. However, as stated above, once the application was submitted and the details scrutinised, it was clear that a full application was required for the works proposed. The information was conveyed to the applicant by letter on 6 May 2009. In that letter the processing officer also referred to the fact that the application was very similar to the original application, L39914, and, in particular, to the front deck which was removed from the original application to allow it to be considered on the basis of non-notification. The letter advised the applicant that, on this basis, the application would need to proceed on a limited notification process. The applicant entered into correspondence with the processing officer to overcome these issues and additional information was submitted as a result. The application was not a straightforward variation to an existing approval.

3. *Other more complex new land use applications dealt with by the applicant have cost less than this application.*

Each application is assessed on its merits. Charges are based on Council's adopted fees and charges, details of which are publicly available. The fees are based on the hours worked by the processing officer and vary depending on the complexity of the application. It is considered that the hours logged by the processing officer are fair and reasonable for an application of this nature, given the history of the site.

5.0 Conclusion

After reconsidering the fees of resource consent L55178, based on comments received from the processing officer, it is recommended that the Council dismiss the applicant's objection to fees. The fees reflect the complexity of the application and are considered to be fair and reasonable.

APPENDICES

Appendix 1: Section 357B objection and correspondence

Appendix 1

Section 357B objection and correspondence

Page 1 of 2

Steve Seager

From: Ian Dobson
Sent: Thursday, 16 July 2009 09:50
To: 'Trevor Wilson'
Cc: Steve Seager
Subject: RE: Objection to Consent costs - LAN 55178

Hi Trevor


Thanks for the e-mail. I have passed this to the Team Leader for the Hibiscus Coast Ward, Steve Seager, who will arrange for the objection to be assessed and presented to the Regulatory Committee.

Regards

Ian

Ian Dobson | Manager: Resource Consents | Customer Services Directorate
m: 021 570 414 | e: ian.dobson@rodney.govt.nz

Rodney District Council | 50 Centreway Road | Private Bag 500 | Orewa 0946 | New Zealand
p: 0800 426 5169 | f: 426 7280 | www.rodney.govt.nz

 Please consider the environment before printing this email.

-----Original Message-----

From: Trevor Wilson [mailto:trevor@thirtyseven.co.nz]
Sent: Thursday, 16 July 2009 9:39 a.m.
To: Ian Dobson
Cc: Richard Ritsma
Subject: Objection to Consent costs - LAN 55178

Dear Ian,

We wish to object to the costs associated with the above application and have a hearing with the regulatory committee. The objection is based on:

- 1) Advice received from the duty planner prior to submitting the consent that the application would be processed as an amendment to existing consent L39914. While the deposit required for an amendment was still \$1500 we would be 'likely to receive a refund' on that deposit. Instead we have been charged \$1,856.34 extra bringing the total cost of the application to \$3,356.34.
- 2) As a design professional I have been involved with numerous other NEW land use applications where the complexity of the infringements have been at least, or more complex than this application, yet the consent costs have been less.

This is set against a backdrop of council correspondence and valued client evenings where we are told that council is working to reduce the cost of simple resource consent applications. Apart from the financial extra costs to me for this particular application, as a design professional I need to be able to give my client's a reasonable indication of costs likely to be associated with any application based on discussions with the duty planner and historical charges.

Please advise if you require any further information to proceed, and what the likely timeframe is to receive a hearing

16/07/2009

Regards
Trevor Wilson

Architecture 37 Limited
www.thirtyseven.co.nz

Information from ESET NOD32 Antivirus, version of virus signature database
4247 (20090715)

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

16/07/2009

ITEM NO: 7

REPORT



TO District Plan and Regulatory Committee
ON 12 August 2009
APPROVED BY Ian Dobson – Manager: Resource Consents
SIGNATURE

A handwritten signature in black ink, appearing to read "Ian Dobson".

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	Independent Commissioner	Telecom New Zealand L54288	102 Rodney Street Leigh	A recommendation in respect of a Notice of Requirement for alterations to designation and associated conditions.	Notified Approved 27/07/09
A	Team Leader Resource Management	Telecom Mobile Ltd L55227	State Highway 1 Road Reserve opposite 1457 Hibiscus Coast Highway, Puhoi	For consent to a Discretionary Activity to erect two antennas on an existing light pole and install two radio equipment cabinets, ancillary equipment and earthworks.	Non-Notified Approved 29/07/09
A	Independent Commissioner	Telecom New Zealand L54576	46 Hauraki Road Leigh	A recommendation in respect of a Notice of Requirement for alterations to designation and associated conditions.	Notified Approved 27/07/09
A	Independent Commissioner	Telecom New Zealand L54578	Leigh Road Matakana	A recommendation in respect of a Notice of Requirement for alterations to designation and associated conditions.	Notified Approved 27/07/09
A	Independent Commissioner	Telecom New Zealand L54580	26 Old Woodcocks Rd Kaipara Flats	A recommendation in respect of a Notice of Requirement for alterations to designation and associated conditions.	Notified Approved 27/07/09
A	Independent Commissioner	Telecom New Zealand L54581	2 Morpeth Street Warkworth	A recommendation in respect of a Notice of Requirement for alterations to designation and associated conditions.	Notified Approved 27/07/09
A	Independent Commissioner	Telecom New Zealand L54583	572 Mahurangi East Road Algies Bay	A recommendation in respect of a Notice of Requirement for alterations to designation and associated conditions.	Notified Approved 27/07/09

Type of Delegation	Officer	Applicant/ Owner	Address	Application	Decision/ Date
A	Team Leader Resource Management	Wellsford/Warkworth Vintage Car Club Inc L55374	Satellite Station Road Warkworth	For consent to a Discretionary Activity for the proposed use of the public relations centre by the Wellsford/Warkworth Vintage Car Club.	Non-Notified Approved 30/07/09
A	Team Leader Resource Management	G Diggle L55451	20 Baddeleys Beach Road, Baddeleys Beach	For consent to a Restricted Discretionary Activity for a proposed deck infringing the front yard.	Non-Notified Approved 28/07/09
A	Team Leader Resource Management	C & J Young L55382	302 Wayby Valley Road Wayby Valley	For consent to a Discretionary Activity for earthworks of 951m ³ to erect a new dwelling, which exceeds the 200m ³ amount permitted as of right.	Non-Notified Approved 31/07/09

WESTERN AND CENTRAL WARDS

Type of Delegation	Officer	Applicant/ Owner	Address	Application	Decision/ Date
G	Land Surveyor	G & J Foster R55226	121 Oraha Road Kumeu	For consent to a Discretionary Activity to subdivide a 2.0583ha site into two allotments through the Transferable Title Rights process. Lot 1 will contain the existing house and be 1ha Lot 2 will be a vacant rear site of 1.05ha.	Non-Notified Approved 28/07/09
A	Team Leader Resource Management	S & J Taylor L54973	2217B South Head Road, Waioneke	For consent to a Discretionary Activity for a micro wind generator in approximately 12m in height, and support structures.	Non-Notified Approved 27/07/09
A	Independent Commissioner	Vector Ltd L53044	Amreins Road Taupaki to Punganui Station	Recommendation in respect of a Notice of Requirement for transmission pipelines and associated facilities.	Notified Approved 23/07/09
A	Independent Commissioner	Telecom New Zealand L54592	Waimauku Station Rd Waimauku	A recommendation in respect of a Notice of Requirement for alterations to designation and associated conditions.	Notified Approved 27/07/09
G	Land Surveyor	Rob Garden R55417	Cnr Tuparekura Road South Kaipara Head	For consent to a Restrictive Discretionary Activity to relocate the site boundaries between Lot 28 DP 366933 and Lot 4 DP 419694 in order to provide Lot 28 DP 366933 with access to Tuparekura Road.	Non-Notified Approved 31/07/09
A	Team Leader Resource Management	Ozdezn Architecture L55452	14 South Avenue, Kaukapakapa	For consent to a Restricted Discretionary Activity for additions to dwelling and new garage infringing into the front yard.	Non-Notified Approved 31/07/09

HIBISCUS COAST WARD

Type of Delegation	Officer	Applicant/ Owner	Address	Application	Decision/ Date
A	Land Surveyor Resource Management	C & B Daji R55362	11 Joydon Place Stanmore Bay	For consent to a Restricted Discretionary Activity for Second stage cross lease - update of flats plan with new dwelling.	Non-Notified Approved 28/07/09
A	Independent Commissioner	Telecom New Zealand L54586	27 Red Beach Road Red Beach	A recommendation in respect of a Notice of Requirement for alteration to designation and associated conditions.	Non-Notified Approved 27/07/09
A	Team Leader Resource Management	M Richardson L55354	29 Rishworth Avenue Arkles Bay	For consent to a Non- Complying Activity to construct a garage with attached sleep-out within the Residential High Intensity Zone.	Non-Notified Approved 30/07/09
A	Council Arborist Resource Management	PJ & JA O'Dea L55266	16A Ross Crescent Orewa	For consent to a Discretionary Activity to remove a Karaka tree.	Non-Notified Approved 31/07/09
G	Land Surveyor	M & G Danby R55449	75b Ladies Mile, Manly	For consent to a Restricted Discretionary activity to update an existing cross lease plan to include a deck and garage addition on Flat 1.	Non-Notified Approved 03/08/09

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.

SUBJECT PUBLIC EXCLUDED

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

Agenda Item No(s). 9, 10 and 11

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
<p>Appeals / Proposed District Plan 2000</p>	<p>Refer grounds</p>	<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> <ul style="list-style-type: none"> (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. <p>(section 48(1)(d) Local Government Official Information and Meetings Act 1987.)</p>

CONFIDENTIAL