

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 Council Chambers, Centreway Road, Orewa on Wednesday, 12 August 2009.

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

IN ATTENDANCE: Manager: District Planning (Peter Vari) (until 11.40 a.m.)
Democracy Services Officer (Elise Heyns)
Democracy Services Officer (Elaine Stephenson) (until 11.40 a.m.)

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9.00 a.m. Policy Planner (Wendy Robertshaw), Executive Assistant (Kaye Davey) and Contractor (Shane Dale) in attendance.

497/08/09 APOLOGIES

AGENDA ITEM NO. 1

There were no apologies.

498/08/09 "NO STOPPING" LINES - BRICK BAY DRIVE, SANDSPIT

FILE REF RF/261/1

AGENDA ITEM NO. 5

Parker/Powell

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

Carried

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9.05 a.m. Executive Assistant (Kaye Davey) and Contractor (Shane Dale) retired from the meeting.

499/08/09 SCHEDULE OF DELEGATED DECISIONS ON RESOURCE CONSENT APPLICATIONS

FILE REF TP/1/6

AGENDA ITEM NO. 7

Goudie/Harding

That the report on decisions relating to:

- (a) Land Use Resource Consent Applications [s.88 of the Resource Management Act 1991] (Controlled Activity, Discretionary Activity, Non-Complying Activity, Preservation or Conservation of Landscape);
- (b) Lapsing of Consents [s.125 of the Resource Management Act 1991];
- (c) Change or Cancellation of Consent Conditions by Consent Holder [s.127 of the Resource Management Act 1991];
- (d) Existing Uses [s.10 of the Resource Management Act 1991];
- (e) Non-Conforming Buildings [s.10 of the Resource Management Act 1991];
- (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

**500/08/09 PROPOSED DISTRICT PLAN 2000 - REPORT FOR DISTRICT PLAN AND REGULATORY COMMITTEE
PLAN CHANGE (FORMERLY VARIATION) 117 - BOUNDARY RELOCATION**

FILE REF TP/14/4/117

AGENDA ITEM NO. 3

Policy Planner (Wendy Robertshaw) introduced the Proposed Variation. She said the proposed variation would amend the rules relating to boundary relocation to ensure that sites used in boundary relocations were in fact capable of practically accommodating a dwelling.

Note: Evidence of the following submissions were tabled at the meeting: Submissions FS1016/1; 1000/1 and 1011/1 (Copies on File: TP/14/4/117).

Submitter 1005/1: Paul Jones, on behalf of Prime Resources Co. Ltd (Prime)

Paul Jones distributed and read written evidence on behalf of Prime (copy on File: TP/14/4/117). Mr Jones said, in summary, that the Plan Change would achieve no real purpose but would merely deny the ability of a few landowners to gain compensation for the loss of land. He said that Prime requested the minimum dimensions be decreased to eight metres should the Council approve the Plan Change. Mr Jones said overall the Plan Change represented an inefficient use of Council's resources and would not achieve the purpose and intent of the Resource Management Act.

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In response to questions, Mr Jones reiterated that the Council had the opportunity to amalgamate the land with the adjoining title and thereby denying the owner the ability to sell the parcel of land, but that did not happen.

Submitter 1013/1: Karen Pegrume

Karen Pegrume distributed and read her written evidence (copy on File: TP/14/4/117). She said she was also representing Pamela and Ross Hood (Submitter 1014/1) and she used their property as an example of what the process would entail under the Plan Change. Ms Pegrume said titles were often the only compensation landowners received when roads had been aligned. She said a two step process was now being forced upon landowners by this Plan Change which would result in add-on costs.

Ms Pegrume requested the following amendments to the rule:

- Should a proposed house floor plan not meet the developments control, then it should be established that a house can be erected with effects no more than minor and any yard infringements of a possible house should have effected party approval.
- The minimum size for a house might be on more than one level but not infringing maximum height controls and should be 120 m².
- If a standard wastewater treatment plant cannot be accommodated, then it should be established that a waste water plant may be accommodated that was a specific design.

Submitter 1008/1 and 1009/1: Lance Hessell, on behalf of Terra Nova Planning and Jan Cunningham

Lance Hessell distributed and read his written evidence (copy on File: TP/14/4/117). He said the proposed variation placed a negative emphasis on the use of smaller lots for boundary relocation purposes and had the potential to result in worse environmental outcomes by forcing people to utilise sites in an inefficient and less environmentally appropriate manner. Mr Hessell said the current provisions enabled appropriate assessment of the effects of boundary relocations of smaller sites and they better represented the intent of the rules.

The Chairperson, Cr Harding, thanked the submitters for their attendance and advised that a decision would be made at a later time.

501/08/09	PROPOSED DISTRICT PLAN 2000 - REPORT FOR DISTRICT PLAN AND REGULATORY COMMITTEE
	PROPOSED VARIATION 126 ROAD FRONTAGE NOTATION
FILE REF	TP/14/4/126
AGENDA ITEM NO.	2

Submission 1000/1: Pamber (Auckland) Ltd, represented by Sue Simons and Jonathan Rigg

Policy Planner (Wendy Robertshaw) introduced the Proposed Variation. She said the designation for the extension of Bakehouse Lane had already been removed from Planning Map 75 and therefore the road frontage notation was not longer necessary or valid.

Sue Simons distributed and read her written evidence (copy on File: TP/14/4/126). Ms Simons provided historical context of the long history of the variation and explained the need for the continued existence of Bakehouse Lane for the future development and traffic network of Orewa Township. Ms Simons said the Council should revisit the designation and if it did not use this opportunity, it was likely that there would be significant disadvantages on a permanent nature in the future.

Manager: District Planning (Peter Vari) advised that the new owner of the land took over the rights to the submission as successor in title, as the submission was specific to the land.

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The Chairperson, Cr Harding, thanked the submitters for their attendance and advised that a decision would be made at a later time.

10.40 a.m. Manager: District Planning (Peter Vari), Policy Planner (Wendy Robertshaw) and Democracy Services Officer (Elaine Stephenson) retired from the meeting.

10.40 a.m. – 11.00 a.m. Morning Tea Adjournment.

11.00 a.m. Team Leader – Resource Consents (Denise Grandfield) in attendance.

502/08/09 NOTIFICATION OF NEW APPEAL(S)

AGENDA ITEM NO. 4

There was no notification of new appeals.

**503/08/09 SECTION 357 OBJECTION TO DECISION MADE UNDER DELEGATED
AUTHORITY BY THE TEAM LEADER - RESOURCE CONSENTS**

APPLICANT: TREVOR AND JODENE WILSON

FILE REF L55178

AGENDA ITEM NO. 6

The applicant, Trevor Wilson, was present for this item.

Trevor Wilson gave verbal evidence (copy on File: L55178). He said they decided to build the deck that was removed from their original application (RMA 39914) in 2005 and was advised by the Council's duty planner that the application would only be an amendment to the original consent. Mr Wilson said that in the end the application was handled as a new application and the subsequent cost of the application was far greater than that verbally indicated by the duty planner. He also objected to the costs and time charged by the processing planner and said it was far greater than the entire original application and specifically requested that the difference in the hours between the latest and the original application be refunded.

Team Leader Resource Consents (Denise Grandfield) explained that although the application was initially lodged as only a variation, further investigation showed that the application was more complex and included excavation and retaining within the 1:2 plane from the front boundary, involving earthworks of 185m³.

The Chairperson, Cr Harding, thanked the applicant for his attendance and advised that a decision would be made at a later time.

11.05 a.m. Planner (Laura Christian) in attendance.

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504/08/09 PUBLIC EXCLUDED**AGENDA ITEM NO. 8 and 8A****Harding/Powell**

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

Minute No(s). 505/08/09, 506/08/09, 507/08/09, 508/08/09 and 509/08/09

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 decision was made with the public excluded then brought into open meeting.

510/08/09 SECTION 357 OBJECTION TO DECISION MADE UNDER DELEGATED AUTHORITY BY THE TEAM LEADER - RESOURCE CONSENTS

APPLICANT: TREVOR AND JODENE WILSON

FILE REF L55178

AGENDA ITEM NO. 6

Weld/Parker

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

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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.

Carried

The meeting closed at 11.35 a.m.

CONFIRMED AS A TRUE AND CORRECT RECORD THIS 24TH DAY OF SEPTEMBER 2009MAYOR

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12 August 2009

CONFIDENTIAL