



## **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, 1 July 2009 commencing at 9.00 a.m.

for: CHIEF EXECUTIVE  
Rodger Kerr-Newell

OREWA  
23 June 2009

\* \* \* \* \*

#### **PROGRAMME**

<u>Time</u>		<u>Page</u>
9.15 a.m.	Section 357B Objection to fees charged for the processing of a Resource Consent application to subdivide the property into three Lots (two which are to be held in the same Certificate of Title) divided by Penlink at Sec 4 SO 70765, Sec 5 SO 70765, Pt Lot 1 DP 95984, East Coast Road, Redvale	15

Applicant and Objector: John Collinge

## INDEX

<u>Item No.</u>	<u>Subject</u>	<u>Page No.</u>
1.	Apologies	1
 <b><u>Regulatory</u></b>		
2.	Notification of New Appeal(s)	1
3.	Road Naming Silverdale North	3
4.	Land currently owned by the Council as Road Reserve to be declared legal Road	6
5.	“No Stopping” Lines: Rosella Grove and Muriwai Road, Waimauku Astrolabe Place, Hobbs Bay Rishworth Ave, Stanmore Bay	10
6.	Section 357B Objection to Fees charged for the processing of a Resource Consent application to subdivide the property into three Lots (two which are to be held in the same Certificate of Title) divided by Penlink at Sec 4 SO 70765, Sec 5 SO 70765, Pt Lot 1 DP 95984, East Coast Road, Redvale  Applicant and Objector: John Collinge	15
7.	Section 357B Objection to Fees charged for the processing of a Resource Consent Application to Create one Rural Residential site based on six hectares of enhancement planting using native species at 139 James Mackie Road, Woodhill  Applicant and Objector: Paul Wheeler	27
8.	Schedule of Delegated Decisions on Resource Consent Applications	67
9.	Public Excluded	73
 <b>CONFIDENTIAL</b>		
 <b><u>Regulatory</u></b>		
10.	New Appeal	74
11.	Update on Regulatory Appeals	77
 <b><u>District Plan</u></b>		
12.	Update on District Plan Appeals	85

ITEM NO: 1

---

**APOLOGIES**

ITEM NO: 2

---

**REPORT**



**TO** District Plan and Regulatory Committee  
**ON** 1 July 2009  
**FROM** Valerie Coffey – Disputes Resolution Officer  
**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)

---

<b><u>NEW APPEAL RECEIVED</u></b>	
FILE REF: R54680	ADDRESS: 422 Coatesville-Riverhead Highway, Coatesville
APPLICANT: Robertus Kuypers	APPELLANT: Robertus Kuypers
APPLICATION DESCRIPTION:	Application to subdivide the site to create one additional lot on the basis of 2HA of revegetation planting.
NOTIFICATION: Fully notified	SUBMITTERS: FOR: 0 / AGAINST: 1 NEUTRAL: 1
REPORTING PLANNER: Jemma Hollis	RECOMMENDATION: Decline
DECISION MAKER(S): Resource Consent Hearings Panel (John Childs, Cr Ross Craig, Cr Wayne Walker)	DECISION: Refused
APPEAL RECEIVED ON: 15/06/09	APPEAL REVIEWING PLANNER: To be allocated
<b><u>TARGET:</u></b> AGENDA ITEM REQUIRED: 6 July 2009 FOR DISTRICT PLAN AND REGULATORY COMMITTEE MEETING ON: 15 July 2009	

**NEW APPEAL RECEIVED**

FILE REF: R53221	ADDRESS: Moores Bay, Bon Accord Harbour, Kawau Island
APPLICANT: Moores Bay Holdings Limited	APPELLANT: Moores Bay Holdings Limited
APPLICATION DESCRIPTION:	Application to subdivide the site into 19 residential lots and one common lot encompassing shared facilities and to undertake 12,500m <sup>2</sup> of earthworks and 1.3ha of vegetation clearance.
NOTIFICATION: Fully notified	SUBMITTERS: FOR: 0 / AGAINST: 23 NEUTRAL: 1
REPORTING PLANNER: Laura Christian	RECOMMENDATION: Grant
DECISION MAKER(S): Resource Consent Hearings Panel (Alan Watson, Cr Suzanne Weld, Cr Graham Powell)	DECISION: Granted
APPEAL RECEIVED ON: 11/06/09	APPEAL REVIEWING PLANNER: To be allocated

**TARGET:**

AGENDA ITEM REQUIRED: 6 July 2009

FOR DISTRICT PLAN AND REGULATORY COMMITTEE MEETING ON: 15 July 2009

ITEM NO: 3

---

REPORT



**TO** District Plan and Regulatory Committee  
**ON** 1 July 2009  
**FROM** Bryan Lormans – GIS Officer  
**APPROVED BY** Kevin Ramsay – Director: Corporate Services  
**SIGNATURE**

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

**SUBJECT** ROAD NAMING SILVERDALE NORTH  
**FILE REF** GD/1/2; GD/1/4; GD/1/5; GD/1/7

---

**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? This forms part of a major development and Council has liaised with the affected parties.

## FINANCIAL IMPLICATIONS:

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

---

## SUMMARY:

Procedures requested at the full Council meeting on 26 June 2008 have been completed in accordance with the Council's road naming policy.

Silverdale Parkway is being renamed Millwater Parkway. In addition to this name change we have three other segments of formation which relate to this development, all previously named Leigh Road and now to be named Millwater Parkway, Bankside Road and Butler Stoney Crescent as per attached plan RDC 20373 V1 (**Appendix 1**). The Council needs to make a decision on all four name changes for this development.

## RECOMMENDATION:

**That pursuant to Section 319 of the Local Government Act 1974 on Rodney District Council Plan RDC 20373 V1 that following road naming changes occur:**

- **Silverdale Parkway be renamed Millwater Parkway;**
- **The segment of Leigh Road as delineated in RDC 20373 V1 be renamed Millwater Parkway;**
- **The segment of Leigh Road as delineated in RDC 20373 V1 be renamed Bankside Road;**
- **The segment of Leigh Road as delineated in RDC 20373 V1 be renamed Butler Stoney Crescent.**

---

### 1.0 Background

Silverdale Parkway was initially approved in March 2005, this name applied to the first 800 meters of formation. Consultation between Council staff and developers resulted in an item being put forward to Council to have this name changed. As a result, it was minuted at the full Council meeting on 26 June 2008 "That the Council approve, in principle, renaming Silverdale Parkway to Millwater Parkway, subject to the completion of procedures under the Council's road naming policy".

### 2.0 Issues

A detailed discussion was carried out between the developers and Council staff and all issues have been resolved.

### 3.0 Options

The Committee can either accept or reject this proposal.

### 4.0 Conclusion

It is recommended that this renaming be adopted as this forms part of a large development and consultation has been carried out.



**TO** District Plan and Regulatory Committee  
**ON** 1 July 2009  
**FROM** Ron Hewson - Surveyor  
**APPROVED BY** Lloyd Barton - Director: Customer Service  
**SIGNATURE**

**SUBJECT** LAND CURRENTLY OWNED BY THE COUNCIL AS ROAD RESERVE  
 TO BE DECLARED LEGAL ROAD  
**FILE REF** R31926

**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 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

## 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 & rating impact (whether resulting from capital expenditure or arising directly)	Not applicable

---

## SUMMARY:

Since 2004 Lot 2 DP 335975 (654m<sup>2</sup>) has been owned by the Council as "Local Purpose (Road Reserve)". The land has now been constructed to the Council's industrial roading standards and is used as part of Peters Way, Silverdale. It should now be declared Legal Road.

## RECOMMENDATION:

**That pursuant to Section 111 Reserves Act 1977, Lot 2 DP 335975 (CR 147683) be dedicated as road and that the Registrar General of Lands be advised accordingly.**

---

### 1.0 Background

In 2002/2003 Cabra Developments Ltd undertook the subdivision of industrial land on the south side of Forge Road, Silverdale. A new road, Peters Way, was constructed and vested in the Council to serve the new lots. As a condition of consent the Council required Peters Way be continued to the boundary of the adjoining property, Lot 2 DP 98066, to provide that land with access. Cabra objected to the condition because they were involved in negotiations with the adjoining owner over, amongst other things, paying a contribution towards the construction of Peters Way. It was agreed by all parties that the last 35 metres of Peters Way would be vested in the Council as "Road Reserve" pending agreement being reached between the owners. The location of Peters Way is shown in **Appendix 1**.

The adjoining land has now been developed into industrial lots and Peters Way has been extended to provide access to those new lots.

The section of "road reserve" has been constructed to the Council's standards and is in use as road.

Cabra Developments Ltd has advised that they have no objection to the road reserve being declared legal road.

According to Section 111 Reserves Act 1977:

Road reserve may be dedicated as a road

- (1) Where any land is vested in the Crown or in any local authority for the purposes of a road reserve and the land is required for the purposes of a road, the land may be dedicated as a road by notice under the hand of the Minister or, as the case may be, by resolution of the local authority, and lodged with the District Land Registrar.

# APPENDIX 1

ITEM NO: 5

REPORT



TO District Plan and Regulatory Committee  
ON 1 July 2009  
FROM Gareth Hughes – Manager: Transport Operations and Safety  
APPROVED BY Murray Noone – Director:Infrastructure  
SIGNATURE

SUBJECT **“NO STOPPING” LINES:**  
**ROSELLA GROVE AND MURIWAI ROAD, WAIMAUKU**  
**ASTROLABE PLACE, HOBBS BAY**  
**RISHWORTH AVE, STANMORE BAY**

FILE REF RF/80/1; RF/34/1,RF/48/1

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.

**FINANCIAL IMPLICATIONS:**

Capital cost implications	None
Is it currently budgeted for?	Not applicable
Funding source of capital costs	Not applicable
Ongoing operational cost implications	Remarking will be required from time to time – to be undertaken through the Maintenance Contract C0310 and C0320.
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 following streets:

Rosella Grove and Muriwai Road, Waimauku (**Appendix 1**);

Astrolabe Place, Hobbs Bay (**Appendix 2**);

Rishworth Avenue, Stanmore Bay (**Appendix 3**).

**RECOMMENDATION:**

**That new “no stopping” lines be installed at Rosella Grove and Muriwai Road, Waimauku; Astrolabe Place, Hobbs Bay; and Rishworth Avenue, Stanmore Bay.**

---

**1.0 Background**

Following recent requests, a review by the Council’s Manager: Transport Operations and Safety, has indicated that “no stopping” lines are required due to parked vehicles obstructing views and visibility for traffic flows, restricting driveway access and posing safety hazards for other road users.

**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 these locations will be reduced.

# APPENDIX 1

# APPENDIX 2

# APPENDIX 3

ITEM NO: 6

---

REPORT



TO District Plan and Regulatory Committee  
ON 1 July 2009  
FROM Sarah Gathercole - Planner  
SIGNATURE

A handwritten signature in black ink, appearing to read "S. Gathercole".

FOR RELEASE Steve Seager – Team Leader Hibiscus Coast Ward  
SIGNATURE

A handwritten signature in black ink, appearing to read "S. Seager".

SUBJECT SECTION 357B OBJECTION TO FEES CHARGED FOR THE PROCESSING OF A RESOURCE CONSENT APPLICATION TO SUBDIVIDE THE PROPERTY INTO THREE LOTS (TWO WHICH ARE TO BE HELD IN THE SAME CERTIFICATE OF TITLE) DIVIDED BY PENLINK AT SEC 4 SO 70765, SEC 5 SO 70765, PT LOT 1 DP 95984, EAST COAST ROAD, REDVALE

APPLICANT AND OBJECTOR: John Collinge

FILE REF RMA 53989  
WARD HIBISCUS COAST WARD

---

PART A:

LOCATION: Sec 4 SO 70765, Sec 5 SO 70765, Pt Lot 1 DP 95984, East Coast Road, Redvale

ZONES: Plan Change 55 Special 8  
Proposed District Plan 2000 Countryside Living Rural

ACTIVITY STATUS: Plan Change 55 Non Complying  
Proposed District Plan 2000 Non Complying

TYPE OF APPLICATION: Objection under Section 357B of the Resource Management Act 1991

---

## EXECUTIVE SUMMARY

An objection pursuant to Section 357B, relating to the processing fees, was received from John Collinge in relation to the resource consent application RMA 53989 to create three lots (two which will be held together within one Certificate of Title) divided by Penlink. The ground for the objection is that the charge incurred in processing the application was excessive and unreasonable.

### RECOMMENDATION:

**That pursuant to Section 357B of the Resource Management Act 1991, subject to additional or contrary information being presented at the hearing, the objection made by John Collinge, in respect of a request for the reduction of fees arising from the processing of an application to create three lots (two which will be held together within one Certificate of Title) divided by Penlink, be dismissed in part, with the costs being reduced by \$448.50 to allow for some potential overlap caused by the requirement for two Processing Planners involved with the application.**

### REASONS:

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

---

## PART B:

### 1.0 Introduction and Background

- 1.1 The resource consent application was received by the Council on 15 April 2008 for the creation of three lots which are divided by the proposed Penlink Road (two of which will be held in one Certificate of Title). The proposal was processed as a non-complying activity.
- 1.2 As the outstanding processing fees have not been paid the decision on the resource consent has not yet been released.

### 2.0 Section 357B Objection

- 2.1 An objection pursuant to section 357B relating to the processing fees of the application has been lodged by John Collinge. A copy of the objection is attached as **Appendix 1** to this report.
- 2.2 The applicant has claimed that the costs associated with the processing of the application are excessive.
- 2.3 The applicant has been provided with a detailed invoice of the processing costs which are still outstanding. The processing charges are further clarified as indicated below:

ITEM	BREAKDOWN	AMOUNT (\$)
Planning	<ul style="list-style-type: none"><li>o General assessment and processing – writing s.93 and 94 report</li><li>o Correspondence – telephone, email and letters with applicant</li><li>o Assessing legal opinions</li><li>o Discussions, emails, and meetings with experts from</li></ul>	

	Policy department, Transportation department, Development Engineer, Legal o Discussions with Team leader Resource Consents	<b>\$2184.00</b>
Development Engineering	o Assessment and Processing, preparing conditions o Meeting regarding proposed conditions	\$49.00 \$189.00 <b>\$238.00</b>
<b>Total due</b>		<b>\$2422.00</b>

The fees which have already been paid by the applicant are also further clarified as indicated below:

ITEM	BREAKDOWN	AMOUNT (\$)
Administration	o General o Section 88 fee o Monitoring fee	\$120.00 \$80.00 \$300.00 <b>\$500.00</b>
Planning	o General assessment and processing – writing s.93 and 94 report o Correspondence – telephone, email and letters with applicant o Assessing legal opinions o Discussions, emails, and meetings with experts from Policy department, Transportation department, Development Engineer, Legal o Discussions with Team leader Resource Consents o 2 x site inspection and travel time, vehicle running costs	<b>\$1099.35</b>
Development Engineering	o Assessment and Processing preparing conditions o Meeting with Council surveyor to discuss access and financial contributions o Discussions with Transportation Engineers, Penlink project leader and legal	<b>\$349.50</b>
Surveyor Processing	o Discuss access issues with planner	<b>\$30.00</b>
<b>Total</b>		<b>\$1978.85</b>
Deposit received	-	\$1400.00
<b>Total paid</b>		<b>\$578.85</b>

The overall cost of the processing fees objected to by the applicant is \$3000.85.

### 3.0 Statutory requirements

There are two sections of the Resource Management Act 1991 that are relevant to the objection application; section 36(3) (Administrative charges) and section 357B (Right of objection in relation to imposition of additional charges or recovery of costs).

Section 357B states that:

*There is a right of objection,—*

- (a) *for a person required by a local authority to pay an additional charge under section 36(3) or costs under section 149B(2), to the local authority in respect of that requirement:*

Section 36(3) states that:

*'Where a charge fixed in accordance with subsection (1) is, in any particular case, inadequate to enable a local authority to recover its actual and reasonable costs in respect of the matter concerned, the local authority may require the person who is liable to pay the charge, to also pay an additional charge to the local authority.'*

Section 357B provides that after considering an objection, the Council may dismiss the objection or uphold it either partly or wholly.

### 4.0 Assessment of Charges

The matters raised in the objection are discussed as follows:

- 4.1 The principal issue of contention identified by the applicant is that the Council took the road corridor for the creation of Penlink which resulted in the requirement for the separate titles. The applicant considers that the Council has the responsibility under the Public Works Act to compensate the applicant for the costs of this. The applicant is also objecting to the Council's concern with the requirement to demonstrate access to the severance lots (Sec 4 SO 70765 and Sec 5 SO 70765), and argues that the Section 17 agreement was in place detailing the creation of the access and the Council's obligations.
- 4.2 The applicant states that the Council officers proceeded on the incorrect assumption in regard to the subdivision being applied for (i.e. in regard to a 12 lot subdivision of the severance lots).
- 4.3 The objection also discusses the use of legal advice and objects that this information was not disclosed to the applicant. The objection also states that the Council did not undertake its obligations in regard to providing temporary access.
- 4.4 The objection also states that the letter dated 28/4/09 does not deal with any of the issues previously raised.

The concerns raised by the applicant will be addressed in order below:

- 4.5 The application for subdivision resulted out of the division of the land which was being separated by the Penlink road corridor. There were problems in determining how access to the severed lots would be created in regard to the timing of other developments (including Penlink and the Weiti station subdivision adjacent to the severed lots to be subdivided). It appears very likely that the development of Penlink will proceed before Weiti Station is developed, and therefore it is important that the Council is clear as to how these lots will gain access from a legal road before the Weiti Station subdivision is finalised. It is important to demonstrate how physical and legal access is to be provided at all times to the severance lots, because if the severance lots are separated from the main title the severance lots will be separate countryside living rural sites. Certain activities which require access may be permitted (e.g. one residential unit per site) provided they comply with the development controls of the zone. For that reason it is important that the issue of access is addressed at this stage. Chapters 21 (rule 21.10.1) and 23 (rule 23.8.6) of the Rodney District Council's Proposed District Plan 2000 state that access from a legal road must be formed. All subdivisions are required to comply with these rules (under rule 7.14.2.1). Section 106 of the Resource Management Act 1991 states:

*“Despite section 77B, a consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that—...  
(c) sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision”.*

The applicant has stated in his objection that the Council had already agreed to provide access to the severances and pay all of the costs associated with this through the s 17 agreement. This document was not submitted by the applicant with the application (nor was the agreement between the Council and Green and McCahill Holdings Limited dated 28 October 2003), and the applicant did not agree that the s 17 agreement document related to the severance lots. The applicant stated that the document was an agreement between the Council and the Green Group (Kilmacrennan and Kerrykeel), and had not been cited by his client Green and McCahill Holdings Limited. There was ambiguity in both of these documents in regard to timing and how the temporary access was to be provided for the severance lots, and therefore legal advice was required to enable the Council to determine what its legal obligations were and how they related to this application.

- 4.6 There was not considered to be any confusion over what was being applied for within this subdivision application. The Council's Policy Department is currently dealing with an appeal to a decision notice made to the Proposed District Plan 2000 which involves the allowance for a 12 lot subdivision on the subject sites severances. This was mentioned by the Council's Policy Planner who was also involved with the processing of this application, however, this was not part of the processing for this application, and was not taken into account when assessing this application. No legal advice was obtained on this matter for the purposes of assessing the resource consent application for subdivision.
- 4.7 In relation to the applicant's concern over the legal advice obtained, the following points can be made. Any legal advice which the Council receives is confidential, and therefore it was not appropriate to disclose all of this information to the applicant. The legal advice was required to enable the Council officers to understand the Agreements which had been made previously (i.e. the Section 17 Agreement, and the agreement between the Council and Green and McCahill Holdings Limited), and the implications of these agreements for the Council and for the application. The Council was required to obtain legal advice to discuss the options and the implications of access to the severed lots. The legal advice and expertise of other Council staff was required to determine the requirements of the GMHL agreement and the Section 17 agreements including the agreement between the Council and Green and McCahill Holdings Limited, and therefore is considered to be a justified cost in relation to the processing of the application. Without this legal advice the application may not have been able to be processed further. The Council recognises that the applicant has a right to subdivide their land under section 11 of the Resource Management Act, however, the Council can not grant a subdivision to create parcels of land which do not have legal and physical access in accordance with the Resource Management Act and the Rodney District Council's Proposed District Plan 2000. As it was ambiguous how this access was to be obtained, the Council was required to request further information from the applicant and investigate further the legal agreements relating to the subject land and access.
- 4.8 The letter dated 28/4/09 attempted to address all of the points raised by the applicant. The costs relating to the application arose from the issues surrounding the provision of access to the severance lots. The information requested from the applicant was required to ensure that the access to the severance lots would be suitable, and would be available at all times in the future. It was considered that the deferment of the matter to the District Plan and Regulatory Committee would allow for all of these matters to be discussed in more detail.
- 4.9 This application was very complex and required the expertise of many internal and external experts (such as a Processing Planner, the Penlink project Officer from the Transport Department, a Planner from the Council's Policy department, legal experts, the Resource Consents surveyor, and expertise from the Resource Consents Team Leaders) to allow for a conclusion to be made regarding access to the severance lots. This discussion between experts resulted in higher processing costs when compared to other two lot subdivision applications. However, it is difficult to compare this application to others as it involved complex issues which were required to be looked at in great detail. The Penlink road corridor has been proposed, but many of the details of this have not yet been finalised. Similarly the subdivision proposed on the adjacent land is proposed in stages. It is difficult to comprehend in which order and through what sort of timing the Penlink project and the adjacent

subdivision will occur, and for this reason the Council was required to look at all scenarios and ensure that access would be available at all times. The application is complex in that it required expert advice from staff within different areas of the Council due to the nature of the proposal. The proposal is unique as it is for the proposed subdivision of land where the site is being separated by another development (the Penlink road). The subdivision proposed to create lots which do not have guaranteed access due to the location of the current access (where Penlink is proposed). This situation does not occur often, and therefore the Council was required to adequately assess all of the effects resulting from the proposed development.

4.10 Although the physical separation of the land was considered to be a reasonably straight forward proposal, the issue of access was always the main concern of the Council. The Council can not grant consent for the creation of a new lot if the lots do not have access to a road. This is reinforced through the Resource Management Act 1991 and specific rules within the Rodney District Council's District Plans. As it was not clear how the lots were to gain access throughout the process, the previous processing planner, Steve Seager, and the report writer were required to consult with multiple different staff within different departments in the Council, and legal advice from the Council's legal advisors in order to reach a consensus on how access can be formed and retained to allow for access to the severance lots before and after Penlink is constructed. This increased the cost of the application, but was required in order to reach a solution which was acceptable to all departments within the Council and with the applicant. It is noted that costs have not been charged for time spent on the application by the Council's Policy or Transportation staff which has considerably reduced the cost of the application when considering the amount of time they have spent on the application.

4.11 The Council also considers that as the application has been dealt with by two Processing Planners resulting in some overlap in terms of the information required, and further costs resulting from the requirement to understand the application and previous history, that the processing fees of the first processing planner Steve Seager can be removed from the total cost. These costs amount to \$448.50 as shown below:

17/4/08	\$86.25
22/4/08	\$40.25
22/4/08	\$80.50
16/5/08	\$40.25
05/6/08	\$86.25
06/6/08	\$86.25
16/6/08	\$28.75

**\$448.50**

4.12 The processing charges for the consent are considered fair and reasonable considering the complexity of the application and the need to involve multiple experts to allow for the planning assessment to be completed. All costs relate to correspondence with experts and assessment of the proposal which are required to adequately assess the environmental effects of the proposal, and resolve the issue regarding access in particular. The charges are therefore considered to be fair and reasonable.

## **5.0 Conclusion**

Overall, it is considered that the total charge of \$2552.35 (\$3000.85 - \$448.50) is not unreasonable in view of the nature of the application, the time spent assessing the application, and the experts involved. It reflects the actual and reasonable costs incurred.

The objection has not raised any matters that would result in a significant change to the fees charged for the processing of this application and it is therefore recommended that the objection be dismissed in part, with the costs being reduced by \$448.50.

## **APPENDICES**

**Appendix 1:** Copy of the applicant's objection to the fees under section 357B of the Act

---

REPORT



TO District Plan and Regulatory Committee  
ON 1 July 2009  
FROM Sarah Gathercole - Planner  
SIGNATURE

A handwritten signature in black ink, appearing to read "C. Jenkins".

FOR RELEASE Carl Jenkins – Team Leader Western Ward

SIGNATURE

A handwritten signature in black ink, appearing to read "C. Jenkins".

SUBJECT SECTION 357B OBJECTION TO FEES CHARGED FOR THE PROCESSING OF A RESOURCE CONSENT APPLICATION TO CREATE ONE RURAL RESIDENTIAL SITE BASED ON SIX HECTARES OF ENHANCEMENT PLANTING USING NATIVE SPECIES AT 139 JAMES MACKIE ROAD, WOODHILL

APPLICANT AND OBJECTOR: Paul Wheeler

FILE REF RMA 53921  
WARD WESTERN WARD

---

PART A:

LOCATION: 139 James Mackie Road, Woodhill

ZONES: Plan Change 55 General Rural  
Proposed District Plan 2000 General Rural

ACTIVITY STATUS: Plan Change 55 Discretionary  
Proposed District Plan 2000 Non Complying

TYPE OF APPLICATION: Objection under Section 357B of the Resource Management Act 1991

---

EXECUTIVE SUMMARY

An objection pursuant to Section 357B, relating to the processing fees, was received from Paul Wheeler in relation to the resource consent application RMA 53921 to create one rural residential site based on six hectares of enhancement planting using native species. The ground for the objection was that the charge incurred in processing the application was excessive and unreasonable. The objection was heard at the last District Plan and Regulatory Meeting held on the 3 June 2009. The Committee has requested some further information regarding the costs of the consultant planners before making a decision on the objection to fees.

## RECOMMENDATION:

That pursuant to Section 357B of the Resource Management Act 1991, subject to additional or contrary information being presented at the hearing, the objection made by Paul Wheeler, in respect of a request for the reduction of fees arising from the processing of an application to create one rural residential site based on 6 hectares of enhancement planting using native species, be dismissed in part as discussed below.

## REASONS:

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

---

## PART B:

### 1.0 Introduction and Background

- 1.1 The resource consent application was received by the Council on 7 April 2008 for the creation of one rural residential site based on 6 hectares of enhancement planting using native species. The proposal was processed as a non-complying activity.
- 1.2 The objection was heard at the last District Plan and Regulatory Meeting held on 3 June 2009. The Committee has requested some further information regarding the costs of the consultant planners before making a decision on the objection to fees.

### 2.0 Section 357B Objection

- 2.1 An objection pursuant to section 357B relating to the processing fees of the application was lodged by Paul Wheeler. A copy of the objection is attached as **Appendix 1** to this report.
- 2.2 The applicant claimed that the costs associated with the processing of the application are excessive. He objected to the inclusion of a 5% fee on top of consultant's invoices.
- 2.3 The applicant has been provided with a detailed invoice of the processing costs. The processing charges are further clarified as indicated below:

ITEM	BREAKDOWN	AMOUNT (\$)
Administration	o Administration fee, lodgement, file creation, invoicing and issue of decision	\$120.00
	o Section 88 fee	\$80.00
		<b>(\$200.00)</b>
Planning	o Correspondence – telephone, email and letters	\$130.50
	o General assessment and processing, site visit & travel time	\$6458.06
	o Meeting with Team leader and consultants	\$112.50
	o Team Leader delegation fee, review and sign off planner's report and decision	\$97.50
		<b>(\$6798.56)</b>

Council's Ecology Advisor (Rue Statham)	<ul style="list-style-type: none"> <li>○ Review of application, pre-application information, Assessment of proposal, request for further information, telephone calls, conditions of consent</li> <li>○ Site visit and vehicle running cost</li> </ul>	<p style="text-align: right;">\$703.25</p> <p style="text-align: right;">\$367.25</p> <p style="text-align: right;"><b>(\$1070.50)</b></p>
Development Engineering	<ul style="list-style-type: none"> <li>○ Assessment and Processing, preparing conditions, telephone calls</li> <li>○ Site inspection and vehicle running cost</li> </ul>	<p style="text-align: right;">\$277.50</p> <p style="text-align: right;">\$85.75</p> <p style="text-align: right;"><b>(\$363.25)</b></p>
Peer reviewer – revegetation planting (Amy Bazeley)	<ul style="list-style-type: none"> <li>○ Peer review</li> </ul>	\$2187.23
Surveyor Processing	<ul style="list-style-type: none"> <li>○ Surveyor Processing</li> </ul>	\$337.50
Monitoring fee	<ul style="list-style-type: none"> <li>○ 2 site visits to monitor compliance - standard minimum fee</li> </ul>	\$300.00
<b>Total</b>		<b>\$11257.04</b>
Deposit received	-	\$1400.00
<b>Total due</b>		<b>\$9857.04</b>

### 3.0 Statutory requirements

There are two sections of the Resource Management Act 1991 that are relevant to the objection application; section 36(3) (Administrative charges) and section 357B (Right of objection in relation to imposition of additional charges or recovery of costs).

Section 357B states that:

*There is a right of objection,—*

- (a) *for a person required by a local authority to pay an additional charge under section 36(3) or costs under section 149B(2), to the local authority in respect of that requirement:*

Section 36(3) states that:

*'Where a charge fixed in accordance with subsection (1) is, in any particular case, inadequate to enable a local authority to recover its actual and reasonable costs in respect of the matter concerned, the local authority may require the person who is liable to pay the charge, to also pay an additional charge to the local authority.'*

Section 357B provides that after considering an objection, the Council may dismiss the objection or uphold it either partly or wholly.

### 4.0 Assessment of Charges

- 4.1 The Committee specifically requested further information in relation to the costs for the consultant planners as the applicant objected to the 5% fee added to the consultant's invoices. The applicant believes that this is a pure revenue collecting scheme, as he does not consider that this amount of money is required to cover administration costs.

- 4.2 The applicant also objected to the amount of money charged by the consultant planners. He was originally dealing with one planner who went on maternity leave. Then the application was passed onto another planner within the same consultancy. The applicant believes that this second planner interpreted the rules differently to the first planner, and therefore it resulted in more time spent on the application and greater overall costs.
- 4.3 Further to the Committee meeting held on the 3 June it can be confirmed that the 5% fee which has been added to the Consultant's charges is now a standard practice used by the Council when using consultants. This was implemented through a full Council meeting.
- 4.4 In regard to the processing costs of the consultant planners, there were some discrepancies and some issues relating to the intention of the District Plan rules and how these should be implemented, however these were dealt with quickly and any issues resolved through discussion between the relevant parties, and therefore it is not considered that this would have had a large impact on the processing costs of the application. There was a large amount of correspondence between the consultant planners, the consultant acting for the applicant, and between experts involved in the application. It is considered that many of these discussions were to ensure that adequate information was available to demonstrate that the effects of the proposal would be no more than minor.
- 4.5 The two tables below show the work undertaken by both consultant planners:

**First Consultant Planner Diana Bell:**

ITEM	BREAKDOWN	AMOUNT (\$)
Planning	o Reviewing application and district plan assessment	\$165.00
	o Communications with applicant's consultant	\$385.00
	o Section 92 letter and updating Pathways	\$165.00
	o Communications with Council	\$82.50
	o Communications with Council Ecologist and preparation of correspondence	\$247.50
	o Communications with Consultant Ecologist	\$165.00
	o Review archaeological report	\$55.00
	o Site visit and travel	\$330.00
	o Mileage	\$73.95
	o Other disbursements, GST	\$177.68
<b>Total</b>		<b>\$1846.63</b>

**Second Consultant Planner David Hampson:**

ITEM	BREAKDOWN	AMOUNT (\$)
Planning	o Communication with applicant, Council's Ecology Advisor, and reviewing application	\$110.00
	o District plan assessment, checklist, reviewing peer review	\$185.00
	o Writing assessment report and amending conditions	\$1820.00
	o Communications with applicant and applicant's consultant	\$642.50
	o Communications with Council	\$257.50
	o Communications with Council Ecologist	\$272.50
	o Communications with Consultant Ecologist	\$563.50
	o Site visit and travel	\$325.00
	o Mileage	\$125.00
	o Other disbursements, GST	\$625.00
<b>Total</b>		<b>\$4926.00</b>

- 4.6 Overall the costs of the consultant planners are \$5622.75 (including the 5% consultant's fee, and \$5355.00 excluding the 5%). This is considered to be justified considering the amount of time spent consulting with experts, corresponding with the applicant's agent, assessing the proposal, and writing their assessments. This was a complex resource consent application (evident through the detail included within the s.93 and 94 report attached as **Appendix 2**), and therefore the time spent assessing the proposal is considered to be justified.
- 4.7 However, it is considered that the cost of the second site visit (\$325.00 and \$125.00 for mileage) should be excluded from the total costs as this was where it was clear that a double up of time has resulted as a consequence of the use of two consultant planners rather than only one. There was also a charge of \$110 (1 hour) associated with communication with the applicant, the Council's Ecology Advisor, and reviewing of the proposal by the second consultant planner, and again it is considered that this amount can be excluded from the total amount as this was for the consultant planner to familiarise himself with the application. Therefore it is considered that a total of \$560.00 should be removed from the total cost.
- 4.8 It is concluded that the proposed fees charged in processing the application up to the decision are fair and reasonable in relation to the application and there is no basis or evidence to neither suggest that the application was inappropriately assessed nor that the fees incurred are inappropriate.

## **5.0 Conclusion**

Overall, it is considered that the total charge of \$9857.04 is not unreasonable in view of the nature of the application, the time spent assessing the application, and the experts involved. It reflects the actual and reasonable costs incurred.

The objection has not raised any matters that would result in a change to the fees charged for the processing of this application and it is therefore recommended that the objection be dismissed in general, except in relation to the costs of the second consultant planner for the site visit, mileage, and reviewing of the application (\$560.00).

## **APPENDICES**

- Appendix 1:** Copy of the applicant's objection to the fees under section 357B of the Act
- Appendix 2:** Copy of the section 93 and 94 report prepared for the proposal

ITEM NO: 8

REPORT



TO District Plan and Regulatory Committee  
ON 1 July 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	Council Arborist	P Reeve L55182	33 Riverside Drive, Point Wells	For consent to a Discretionary Activity remove a 12 metre Pecan nut tree	Non notified Approved 27/05/09
A	Council Arborist	Powow Properties Limited L55162	5 Lilburn Street Warkworth	For consent to a Discretionary Activity remove a Liquid Amber tree	Non-notified Approved 27/05/09
A	Team Leader Resource Management	R Woo L55187	4 Jade River Place, Warkworth	For consent to a Restricted Discretionary Activity for earthworks exceeding 200m <sup>3</sup> .	Non-Notified Approved 28/05/09
A	Team Leader Resource Management	H Alexander L55220	292 Point Wells Road, Point Wells	For consent to a Discretionary Activity for the construction of a dwelling not complying with site coverage and 9,141m <sup>3</sup> of earthworks.	Non-Notified Approved 28/05/09
A	Team Leader Resource Management	R Carr L55255	15 Gordon Craig Place, Algies Bay	For consent to a Non-Complying Activity for a house extension.	Non-Notified Approved 02/06/09
G	Land Surveyor	P & G Houghton R55193	JV Grant Road, Port Albert	For consent to a Non-Complying Activity for a proposed boundary realignment and a five lot subdivision through the protection of bush and wetland areas and road to vest.	Non-Notified Approved 02/06/09
G	Land Surveyor	Withers Family Trust R55251	Kaipara Hills Road, Kaipara Hills	For consent to a Restricted Discretionary Activity for a boundary relocation.	Non-Notified Approved 04/06/09

Type of Delegation	Officer	Applicant/ Owner	Address	Application	Decision/ Date
G	Team Leader Resource Management	Sleepy Hollow Farm Ltd R53750	114 & 108 Burma Rd, Tapora	For consent Subdivision of the underlying site comprised of two titles with a combined area of 319.6160ha is proposed to create fifteen freehold sites based on the protection of 16.9544ha of wetland and 64.7776ha of native bush. Lots 14 and 15 will be the parent (balance) lots and contain the existing dwelling and areas of wetland/bush to be protected. Lots 1 to 13 range in area from 1.01ha to 1.73ha and will be the newly created vacant lots. The subdivision is proposed to be undertaken in two stages.	Non-Notified Approved 08/06/09
G	Team Leader Resource Management	MVR Ltd R54566	63 Matakana Valley Road, 19 Torea Road & Tamahunga Drive Matakana	Consent is sought for the subdivision of the above land parcels, totalling approximately 7.79ha in extent, into 48 allotments consisting of:  43 Residential allotments, with sizes ranging between 600m <sup>2</sup> and 2888m <sup>2</sup> , 1 (one) Rural Residential allotment of 1.7253ha, 1 (one) Utility Reserve of 4444m <sup>2</sup> , 1 (one) Recreational Reserve of 6678m <sup>2</sup> to vest, and 1(one) Access Lot of 742m <sup>2</sup> to be amalgamated with another; as shown on the Scheme Plan, ref. 5964 SP7-1, by Buckton Consultants Ltd and dated 19/09/2008.	Non-Notified Approved 09/06/09
A	Council Arborist Resource Management	T Small L55066	1 Gordon Craig Place, Algies Bay	For consent to a Discretionary Activity to trim or remove a pohutukawa, trim a banksia and a kanuka.	Non-Notified Approved 29/05/09
G	Land Surveyor	Wainui Heights Ltd R55270	7 Perry Road Warkworth	Boundary relocation between two existing certificates of title.	Non-Notified Approved 11/06/09
G	Land Surveyor	Sollas Corporation R55254	1201 Mangawahi Road Wellsford	Proposed boundary relocation between two existing titles comprised within CR 289822 & 289820	Non-Notified Approved 10/06/09
G	Team Leader Resource Consents	Westwinds Developments Ltd R33259A	37 View Road, Warkworth	For consent to an Extension of Time to consent R33259A pursuant to Section 125 of the Resource Management Act 1991 to enable site works to be undertaken, extension of time to 21 February 2014.	Non-Notified Approved 09/06/09
A	Council Arborist Resource Management	Mahood Investments limited L54353	45 Rodney Street Wellsford	For consent to a Discretionary Activity to remove a Pohutukawa tree at entrance of Pre-school considered to be dangerous	Non-Notified Approved 15/06/09
A	Team Leader Resource Management	G Joblin L55291	53 Kewai Street Omaha	For consent to a Non-Complying Activity to the erection of a single household unit and earthworks of 112.56m <sup>3</sup> over an area of 55.12m <sup>2</sup> within 75m of the coastal hazard line	Non-Notified Approved 11/06/09

Type of Delegation	Officer	Applicant/ Owner	Address	Application	Decision/ Date
A	Team Leader Resource Management	Rodney Coast Midwives Limited L36318A	30-32 View Road Warkworth	For consent to vary condition 1 of the existing land use consent for a midwives clinic by changing the parking layout and reducing the number of parking spaces from 8 to 5	Non-Notified Approved 15/06/09
G	Land Surveyor	Rodney Coast Midwives Ltd	30-32 View Road Warkworth	For consent to undertake a two lot subdivision creating one additional lot, resulting in proposed lot sizes of 690m <sup>2</sup> and 2423m <sup>2</sup>	Non-Notified Approved 15/06/09
G	Land Surveyor	M Kulik & C Farr R54950	996 Wharehine Road, Wharehine	For consent to a Discretionary Activity to undertake a boundary relocation, protection of significant native bush and lot creation.	Non-Notified Approved 15/06/09
A	Team Leader Resource Management	William John Blakey L55303	12 Laika Avenue Ti Point	For consent to a Restricted Discretionary Activity for the excavation within a line drawn at 1 vertical to 2 horizontal as measured from the north-east boundary	Non-Notified Approved 16/06/09
A	Team Leader Resource Management	M & R Donovan L53141	49 Remiger Road Puhoi	For Section 94 to a business involving the storage of scaffolding and associated equipment	Non-Notified Approved 17/6/09

#### WESTERN AND CENTRAL WARDS

Type of Delegation	Officer	Applicant/ Owner	Address	Application	Decision/ Date
A	Team Leader Resource Management	G Smith L54971	37-39 Oraha Road, Huapai	For consent to a Controlled Activity to demolish two existing detached household units on site and in place construct a single level principal household unit and minor household unit that share a common wall and the construction of a new crossing and driveway.	Non-Notified Approved 26/05/09
A	Team Leader Resource Management	J Judd L54731	376 Oaia Road, Muriwai Beach	For consent to a Discretionary Activity to establish a swimming school.	Non-Notified Approved 26/05/09
A	Team Leader Resource Management	B Gray L54938	33 Domain Crescent, Muriwai	For consent to a Discretionary Activity to remove an established pohutukawa tree that is greater than 12m in height and situated within an area defined as significant natural area, seventy percent of the subject tree is considered dead or dying having been damaged by fire.	Non-Notified Approved 27/05/09
A	Team Leader Resource Management	M Young and G McAlpine L55126	47 Lloyd Road, Riverhead	For consent to a Discretionary Activity to construct a dwelling and shed with 350m <sup>3</sup> of earthworks.	Non-Notified Approved 28/05/09
A	Team Leader Resource Management	K Sunde & J Martin L55200	136 Mill Flat Road, Coatesville	For consent to a Non-Complying Activity for additions and alterations to the existing dwelling including the provision of an attached/linked second household unit/annexe.	Non-Notified Approved 29/05/09
A	Team Leader Resource Management	Ministry of Education, Kaipara College L55240	36 Rautawhiri Road, Helensville	For an Outline Plan of Works for replacement of the science block and alterations to special needs unit.	Non-Notified Approved 03/06/09
A	Team Leader Resource Management	Waikai Products Ltd L55244	167 Parkhurst Road, Parakai	For consent to a Non-Complying Activity to install and operate a water bottling plant.	Non-Notified Approved 05/06/09

Type of Delegation	Officer	Applicant/ Owner	Address	Application	Decision/ Date
G	Team Leader Resource Management	K Lucas & Moy Farms Ltd R54829	33 Blake Lane Pine Valley	For consent For a two lot subdivision on the basis of protection of significant natural wetland. In addition, a paper road will be formed to serve the new lot, requiring 1110m <sup>3</sup> of earthworks.	Non-Notified Approved 10/06/09
G	Team Leader Resource Management	K Reid R54290	165 Motutara Road Muriwai	For consent for a 2 Lot subdivision	Non-Notified Approved 10/06/09
A	Team Leader Resource Management	R & S Ripa L50335	Lloyd Drive Wainui	For consent to erect a principle household unit, a minor household unit located approximately 310 metres from the principle household unit, horse stables and carry out earthworks of 400m <sup>3</sup> (amended proposal).	Non-Notified Approved 03/06/09
A	Team Leader Resource Management	C Proger and J Ryan L55268	265 Muriwai Valley Road, Muriwai	For consent to a Controlled Activity for a single storey dwelling.	Non-Notified Approved 10/06/09
G	Independent Commissioner	Joan and Peter Stott R53106	84 Mahana Road Muriwai Valley	For consent to a Non-Complying Activity to a two lot subdivision	Fully Notified Refused 17/03/09
A	Team Leader Resource Management	Two Degrees Mobile Limited L55128	2 Lonely Track Road Albany Heights	For consent to erect 20 metre high telecommunications mast located within the Countryside Living zone	Non-Notified Approved 16/06/09

#### HIBISCUS COAST WARD

Type of Delegation	Officer	Applicant/ Owner	Address	Application	Decision/ Date
A	Team Leader Resource Management	The Trustees of the Jewel Family Trust L55231	220-222 Vipond Road, Stanmore Bay	For consent to a Discretionary Activity for a single dwelling and earthworks.	Non-Notified Approved 25/05/09
G	Team Leader Resource Management	Merano Estate ltd R53941	Pinecrest Drive, Gulf Harbour	For consent to a Discretionary Activity for proposed CDP and subdivision for the creation of 27 lots with associated earthworks.	Non-Notified Approved 27/05/09
A	Council Arborist	M Dobson & L Dobson L54944	126 Ferry Road, Arkles Bay	For consent to Discretionary Activity to remove a macrocarpa tree for safety reasons	Non-notified Approved 27/05/09
A	Council Arborist	B & M Bellard L55014	12 Riverside Road, Orewa	For consent to a Discretionary Activity to remove a Liquid amber tree affecting power lines	Non-notified Approved 27/05/09
A	Council Arborist	G Wilma & C Wilma L55232	515 Hibiscus Coast Highway, Hatfields Beach	For consent to a Discretionary Activity work within the dripline of a Pohutukawa tree	Non-notified Approved 26/05/09
A	Team Leader Resource Management	Whangaparaoa College L54543	28 Bonita Avenue, Stanmore Bay	For consent to a Discretionary Activity for the removal of a totara tree and the pruning of two pohutukawa trees.	Non-Notified Approved 29/05/09
A	Team Leader Resource Management	Gulf Corporation Ltd L54865	Pinecrest Drive, Hobbs Bay	For consent to a Restricted Discretionary Activity for the erection of three signs in the area to promote the Hobbs Wharf Market and Kermadec Rise.	Non-Notified Approved 03/06/09
G	Land Surveyor	Rodney District Council R54205	Tavern Road, Silverdale	For consent, pursuant to sections 348 of the Local Government Act 1974, to create a right of way easement to provide access to a landlocked parcel of land.	Non-Notified Approved 02/06/09

Type of Delegation	Officer	Applicant/ Owner	Address	Application	Decision/ Date
A	Team Leader Resource Management	Telecom Mobile Ltd L55123	101-103 Centreway Road, Orewa	For consent to a Discretionary Activity to erect, operate and maintain a 16m slim line mast with associated antennas and ancillary mast mounted equipment within a shroud.	Non-Notified Approved 03/06/09
A	Team Leader Resource Management	J Lucas L55297	28 Clayden Drive, Hobbs Bay	For consent to a Controlled Activity for additions to an existing dwelling within the Residential Low Intensity Zone.	Non-Notified Approved 04/06/09
A	Independent Commissioners	Rodney District Council L54807	Grand Drive Orewa	Notice of Requirement to the alteration to existing designation and proposed change to Rodney District Bylaw	Fully Notified 21/5/09
G	Land Surveyor	Kevin Moffat Developments Ltd R55261	19 Alice Avenue, Orewa	For consent to a Restricted Discretionary Activity for a two lot subdivision separating the proposed new dwelling which have obtained consent previously.	Non-Notified Approved 09/06/09
A	Team Leader Resource Management	Equinox Trust L55080	36 Marellen Drive Red Beach	Consent for earthworks exceeding 200m <sup>3</sup> being 460m <sup>3</sup> and that intercept a line drawn at 1 vertical to 2 horizontal when drawn from the boundary of the property	Non-Notified Approved 10/06/09
A	Council Arborist Resource Management	A & P Dorbon L55044	2/12 Homestead Road, Manly	For consent to a Discretionary Activity to remove a pohutukawa tree.	Non-Notified Approved 08/06/09
A	Team Leader Resource Management	RGMT Trust L55263	37a Shakespear Road, Hobbs Bay	For consent to a Restricted Discretionary Activity to infringing the 1:2 plane as the proposal will involve un-retained fill within two metres of a site boundary.	Non-Notified Approved 15/06/09
A	Team Leader Resource Management	William Wade R35940B	50 and 54 A Scott Road Stanmore Bay	Consent to a Discretionary Activity to amend subdivision consent RMA 35940 by changing the location of Right of Way B as reflected in the A B Surveyors Limited Scheme Plan 1 E 2003020 (Amendment E dated 29 April 09), to also amend condition 2 (c) to allow for part of Right of Way B to remain unsealed, to increase the amount of earthworks approved from 60m <sup>3</sup> to 165m <sup>3</sup> and to add necessary engineering and environmental protection conditions to address the effects of the changes to Right of Way B.	Non-Notified Approved 18/06/09
A	Team Leader Resource Management	William Wade L55221 (Tree)	50 and 54 A Scott Road Stanmore Bay	Consent to remove a mixture of exotic and native trees and vegetation over a total area of 95m <sup>2</sup> , within 10 metres of a stream not wider than 3 metres, including the removal of 6 kanuka trees over 6 metres in height.	Non-Notified Approved 18/6/09
G	Team Leader Resource Management	Price and LJ O'Connell R55190	21 and 23 Messenger Road Stillwater	Consent to subdivide Lot 2 DP 160037 and Lot 1 DP 160037 to effect boundary relocation and create Lot 1 of 2.900 hectares and Lot 2 of 1.4281 hectares	Non-Notified Approved 17/6/09

Type of Delegation	Officer	Applicant/ Owner	Address	Application	Decision/ Date
A	Team Leader Resource Management	Alistair Matthewson L55235	1 Waiora Road Stanmore Bay	For consent to a Non-Complying Activity to alterations to an existing child care centre, infringing the front yard setback and parking requirements. The alterations are to cater for a total of 48 children and 5 staff, from 7am to 6:30pm, Monday to Friday	Non-Notified Approved 17/06/09

**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). 10, 11 and 12

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> <ul style="list-style-type: none"> <li>(i) a right of appeal lies to any court or tribunal against the final decision of the Local Authority in those proceedings; or</li> <li>(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.</li> </ul> <p>(section 48(1)(d) Local Government Official Information and Meetings Act 1987.)</p>

**CONFIDENTIAL**