

## **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, 1 July 2009.

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

**IN ATTENDANCE:** Chief Legal Advisory (Rob Goldsbury)  
Democracy Services Officer (Elise Heyns)

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9.00 a.m. Project Manager - Hibiscus Coast (James Copley) and GIS Officer (Bryan Lormans) in attendance.

**393/07/09 APOLOGIES**

**AGENDA ITEM NO. 1**

**Powell/Parker**

**That the apology from Cr Goudie be received and sustained.**

**Carried**

**394/07/09 NOTIFICATION OF NEW APPEAL(S)**

**AGENDA ITEM NO. 2**

**Harding/Weld**

**That notice of two new appeals be received.**

**Carried**

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**395/07/09**                    **ROAD NAMING SILVERDALE NORTH**  
**FILE REF**                    GD/1/2; GD/1/4; GD/1/5; GD/1/7  
**AGENDA ITEM NO.**        3

**Powell/Parker**

That pursuant to Section 319 of the Local Government Act 1974 on Rodney District Council Plan RDC 20373 V1, the 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.

**Carried**

9.04 a.m.                    Project Manager - Hibiscus Coast (James Copley) and GIS Officer (Bryan Lormans) retired from the meeting.

Land Surveyor (Ron Hewson) in attendance.

**396/07/09**                    **LAND CURRENTLY OWNED BY THE COUNCIL AS ROAD RESERVE  
TO BE DECLARED LEGAL ROAD**  
**FILE REF**                    R31926  
**AGENDA ITEM NO.**        4

**Harding/Weld**

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.

**Carried**

9.06 a.m.                    Land Surveyor (Ron Hewson) retired from the meeting.

Manager: Transport Operations and Safety (Gareth Hughes) in attendance.

**397/07/09**                    **“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  
**AGENDA ITEM NO.**        5

Manager: Transport Operations and Safety (Gareth Hughes) asked the Committee to consider an amendment to the markings shown for Rishworth Avenue, Stanmore Bay.

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**Weld/Powell**

That the “no stopping” lines at Rishworth Avenue, Stanmore Bay be extended from the driveway of 13A to 15 Rishworth Avenue, Stanmore Bay.

Carried**Harding/Weld**

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

Carried

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

**398/07/09 SCHEDULE OF DELEGATED DECISIONS ON RESOURCE CONSENT APPLICATIONS**

**FILE REF** TP/1/6

**AGENDA ITEM NO.** 8

9.15 a.m. Policy Planner (Sarah Gathercole) in attendance.

**Harding/Powell**

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

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**399/07/09**                    **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**  
**AGENDA ITEM NO.**        **6**

*The solicitor for the applicant and objector, John Collinge, was present for this item.*

Policy Planner (Sarah Gathercole) gave a summary of the agenda report.

Mr Collinge tabled written evidence outlining the reason for the application by Green & McCahill Holdings Ltd (GMHL) for consent to the issue of two titles that are the subject of the Appeal (copy on File: RMA 53989). Mr Collinge pointed out that the need for the subdivision was brought about by Council's actions in acquiring his client's land compulsorily and not by any voluntary act on his client's behalf. Mr Collinge also said it was the question of access which primarily concerned the Council officers and lead to the high costs, but the question of access at all times had been resolved by Agreements made in 2003 and the issue should not have been difficult to work out. Mr Collinge said his client, Green & McCahill Holdings Ltd, was seeking waiver of the fees currently outstanding as well as repayment of the sum of \$1978.85 which had already been paid.

The Chairperson, Cr Harding, thanked Mr Collinge for his attendance and advised that a decision would be made later in the meeting.

**400/07/09**                    **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**  
**AGENDA ITEM NO.**        **7**

Policy Planner (Sarah Gathercole) said the objection had not raised any matters that would result in a change to the fees charges for the processing of the application, except in relation to the costs of the second consultant planner for the site visit, mileage and reviewing of the application. She recommended that \$560.00 should be removed from the total cost.

**Powell/Harding**

**That pursuant to Section 357B of the Resource Management Act 1991, 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.**

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**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.
4. It is considered that there may have been additional costs incurred as a result of two processing planners involved with the application, including costs for a second site visit, mileage and reviewing of the application. It is therefore recommended that \$560.00 be removed from the total cost of the application.

**Carried**

401/07/09 PUBLIC EXCLUDED  
AGENDA ITEM NO. 9

**Harding/Parker**

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

Minute No(s) 402/07/09, 403/07/09, 404/07/09 and 405/07/09

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	That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Local Authority to deliberate in private on its decision or recommendation in any proceedings before it where: (i) a right of appeal lies to any court or tribunal against the final decision of the Local Authority in those proceedings; or (ii) the Local Authority is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings. (section 48(1)(d) Local Government Official Information and Meetings Act 1987.)

**Carried**

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*Note: The following decision was made with the public excluded then brought into open meeting.*

**406/07/09**                    **NON COMPLIANT SECOND HOUSE HOLD UNIT – 229 VIPOND ROAD,  
STANMORE BAY**

**FILE REF**                    CR 248762

**AGENDA ITEM NO.**      10

**Powell/Weld**

- (a)    That the information be received.
- (b)    That the Committee recommend that Simpson Grierson proceed with a prosecution against the property owner/s.
- (c)    That the decision be restated into open meeting.

**Carried**

The meeting closed at 10.05 a.m.

CONFIRMED AS A TRUE AND CORRECT RECORD THIS 13TH DAY OF AUGUST 2009

MAYOR

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1 July 2009

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**CONFIDENTIAL**