

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, 7 October 2009 commencing at 9.00 a.m.

for: ACTING CHIEF EXECUTIVE
Warren Maclennan

OREWA
30 September 2009

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PROGRAMME

<u>Time</u>		<u>Page</u>
9.00 a.m.	Section 357 Objection to Fees Concerning a decision made under Delegated Authority by the Team Leader – Resource Consents Applicant: B & H Foster	3
9.20 a.m.	Excessive Noise Incident – Application for Restitution of Property Applicant: William Walker	25

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ITEM NO: 1

APOLOGIES

ITEM NO: 2

REPORT



TO District Plan and Regulatory Committee
ON 7 October 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)

<u>NEW APPEAL RECEIVED</u>	
FILE REF: R54594	ADDRESS: 21 Wilson Road, Warkworth
APPLICANT: Norterra Warkworth Ltd	APPELLANT: Norterra Warkworth Ltd
APPLICATION DESCRIPTION:	Application for a seven lot subdivision.
NOTIFICATION: Fully notified	SUBMITTERS: FOR: 1 / AGAINST: 2 NEUTRAL: 1
REPORTING PLANNER: Anne Hessel	RECOMMENDATION: Refuse
DECISION MAKER(S): Resource Consent Hearings Panel (Alan Watson, Cr Suzanne Weld, Cr Grahame Powell)	DECISION: Refused
APPEAL RECEIVED ON: 21/09/09	APPEAL REVIEWING PLANNER: To be allocated
<p><u>TARGET:</u></p> <p>AGENDA ITEM REQUIRED: 12 October 2009</p> <p>FOR DISTRICT PLAN AND REGULATORY COMMITTEE MEETING ON: 21 October 2009</p>	

NEW APPEAL RECEIVED

FILE REF: R52102	ADDRESS: 662 Ocean View Road, Tomarata
APPLICANT: Arnim Pierau	APPELLANT: Arnim Pierau
APPLICATION DESCRIPTION:	Application for a 10 lot subdivision to create 6 rural residential lots and four larger lots through boundary adjustments and significant enhancement planting.
NOTIFICATION: Fully notified	SUBMITTERS: FOR: 0 / AGAINST: 9 NEUTRAL: 2
REPORTING PLANNER: Owen Taylor	RECOMMENDATION: Grant
DECISION MAKER(S): Resource Consent Hearings Panel (John Childs, Cr Michael Goudie, Cr Grahame Powell)	DECISION: Declined
APPEAL RECEIVED ON: 25/09/09	APPEAL REVIEWING PLANNER: To be allocated

TARGET:

AGENDA ITEM REQUIRED: 12 October 2009

FOR DISTRICT PLAN AND REGULATORY COMMITTEE MEETING ON: 21 October 2009

9.00 A.M.

ITEM NO: 3

REPORT



TO District Plan and Regulatory Committee
ON 7 October 2009
FROM Denise Grandfield, Team Leader - North

SIGNATURE

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APPROVED BY Ian Dobson, Resource Consents Manager

SIGNATURE

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

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

APPLICANT: B & H FOSTER

FILE REF L40042A, L52798 & L54859

PART A:

LOCATION: Omaha Bay Vineyard, 189 Takatu Road, Omaha Flats

LEGAL DISCRIPTION: Lot 3 DP 316886

ZONING: Operative District Plan: General Rural
Proposed District Plan 2000: General Rural

ACTIVITY STATUS: Operative District Plan: Restricted Discretionary
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 various invoices relating to applications for resource consents L40042A, L52798 and L54859. The applications relate to the following:

L40042A Change to condition 13 of RMA 40042 relating to provision of vehicular crossing and driveway.

L52798 Retrospective application for underground wine barrel storage area; construction of timber retaining walls.

L54859 Operation of wine tasting and sales facility on winery premises beyond that which is permitted under approval 40042.

The applications were considered as one proposal and were approved under delegated powers on 21 April 2009.

The applicant has objected to the fees detailed in various invoices raised against the above applications. The reason given by the applicant for the objection was that the application was required to correct errors made by Rodney District Council's processing of the original application, namely L40042.

RECOMMENDATION:

That pursuant to Section 357 of the Resource Management Act 1991, the objection to fees lodged by the applicant, B & H Foster, 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 changes to the previously approved applications were at the applicant's request. Assessment against the Resource Management Act 1991 would have been triggered and relevant fees would apply.**
- 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 reduced 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.**

PART B:

1.0 Background

The applicant lodged an application to establish a winery at 189 Takatu Road, Omaha Flats (L40042). The application was approved by the Resource Consents Hearings Panel in November 2005. However, enforcement orders were applied for in the Environment Court by the owner of a nearby property. The complainant was concerned that activities that were to occur on the premises went beyond the scope of the original approval for the winery.

The lodgement of the various applications that forms the subject of this objection arose, in part, from the recommendations of the Court.

2.0 S357 Objection

Mr and Mrs Foster lodged their initial objection to fees on 7 May 2009 (**Appendix 1**) and the Council responded by letter dated 13 July 2009. The response did not satisfy Mr and Mrs Foster and a further letter of objection, dated 8 September 2009, was lodged.

The reasons for the objection are summarised below. A copy of the letter is attached as **Appendix 2**.

- 1. The Council did not notify the affected parties of the additional information applied for at the hearing stage for the construction of an underground wine storage area, requiring part of the consent to be re-heard in the Environment Court.**
- 2. The Environment Court judge stated that the original consent did not have enough or any operating conditions, which needed to be added to the retrospective consent.**

3. The Council altered the position of the vehicular access to the site even though the original application included a traffic report relating to the original position.

The details of these points of objection are discussed below.

3.0 Council's Response

In response to the initial objection lodged by Mr and Mrs Foster an investigation into the processing of the various applications indicated two instances of delay in the processing and, as is the Council's policy, the applicant was offered a 10% discount for each instance. In addition, an accounting error in the on-charging of consultant's fees was identified reducing the final total by a further \$232.09.

A copy of the 'without prejudice' letter, dated 13 July 2009, was sent to the applicants, a copy of which is attached as **Appendix 3**.

4.0 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.

5.0 Assessment

The matters raised in the formal objection are discussed below:

The Council did not notify the affected parties of the additional information applied for at the hearing stage for the construction of an underground wine storage area, requiring part of the consent to be re-heard in the Environment Court.

The inclusion of the underground wine storage area was only raised at the Hearing, when Mr Hegman stated:

'Our winemaker has suggested that additional barrel storage will be required. I would like to include this in this consent. The only consequence of this is an increase to the earthworks to be carried out, increasing the volume to 750m³. This change is in general accordance with the original plans and only requires an adjustment to the application description. All the additional works are underground (not visible) therefore no additional effects result'. (**Appendix 6**)

The Hearings Panel accepted this amendment to the application and considered that no parties would be affected by the inclusion of the additional earthworks. However, when the building consent was approved for this element of the application, it included an externally exposed doorway system and the construction of timber retaining walls. The barrel storage was not entirely underground as was originally envisaged.

The Council accepted that the changes to the proposal would require resource consent and the Environment Court instructed the applicant to apply for a retrospective application. The cost of such an application would have to be borne at some stage by the applicant whether at this stage or if the Council had been aware of the full facts at the time of the hearing and had requested a further application.

The Environment Court judge stated that the original consent did not have enough or any operating conditions, which needed to be added to the retrospective consent.

At the time the application for the winery was lodged with the Council, supporting information indicated that the winery was to include sales and wine tasting. The building was to include a kitchen which would be used to 'wash glasses and prepare snacks (cheese and biscuits etc)'. In the assessment of the application under Rule 7.9.2 – Wineries in General Rural and R1 zones, in response to:

(c) *wine sales limited to wine produced on the site*

the applicant has stated:

3.1.4 The applicants only want to promote their own speciality wines and they do not intend to offer produce from other wineries.

These comments, along with the District Plan's definition of winery – 'means an undertaking in which any fruit or vegetable juice is converted to a beverage with alcoholic content' gave sufficient certainty to the intent of the application and that further conditions restricting particular activities would not be required.

There appear to have been some changes to the intent of the use and the carrying out of additional activities following the approval of the resource consent.

Enforcement orders were applied for by Mr Gibbs and his associated company. Mr Gibbs owned the property at 69 Takatu Road. The building work had been completed although the final compliance certificates had not been issued. However, indications as to the activities that were to occur on the premises gave Mr Gibbs sufficient concern to make an application for enforcement orders to the Court.

The concerns of Mr Gibbs were addressed through the Court in the Orders and Directions.

The applicant, in discussion with Mr Gibbs, required further amendments to the Orders and Directions, including alterations to opening hours, portion size of wine to be supplied and restriction of food and non-alcoholic beverages to be sold/supplied only as an adjunct and accompaniment to wine tasting. Subsequently an application was lodged to address those issues (application L54859).

The requirement to amend these conditions was at the request of the applicant and again, the cost of the application has to be borne by the applicant.

The Council altered the position of the vehicular access to the site even though the original application included a traffic report relating to the original position.

When the original application for the winery was submitted, the engineering report submitted in support of the proposal (**Appendix 4**) indicated that the vehicular access to the site would be moved to the south by 10m. In assessing the application, the Council's engineer considered that whilst the current position was adequate, moving the access further to the south and outside the defined road boundary being 30m from the intersection with Whitmore Road, would improve traffic safety in accordance with the Council's Roding Standards. The issue was discussed during the processing of the application.

It is also noted that the construction works in the area of the access were completed without engineering plan approval (as required by the consent conditions) and while the traffic report submitted with the original application was reviewed and considered by Council officers, it is also recognised that the author of the report is the owner and applicant and it is unknown whether he has extensive experience in this area.

The applicant had an opportunity to object to the conditions attached to the original consent (**Appendix 5**), if they so wished.

6.0 Conclusion

The three applications, whilst lodged separately, were assessed as part of one entire proposal. One report was prepared by the processing planner addressing all three issues and the decisions were signed under delegated powers without the need for a further hearing. The processing costs were therefore kept to a minimum.

As stated above, the Council has made a 'without prejudice' offer to the applicants to reduce the fees as a result of delays in processing their applications on two occasions. An administrative error was also identified, thereby further reducing the final invoice. There are no outstanding fees in relation to the original application, L40042. The outstanding fee is therefore \$7606.33.

After reconsidering the fees accrued in respect of the three applications, L40042A, L54859 and L52798 and taking into account the comments received from the processing officer, it is considered that the fees accrued reflect the complexity of the applications and are considered to be fair and reasonable.

It is recommended that the Council dismiss the applicant's objection to fees.

APPENDICES:

Appendix 1: Letter of objection from Mr & Mrs Foster dated 7 May 2009

Appendix 2: Section 357B objection and correspondence

Appendix 3: Letter from Rodney District Council dated 13 July 2009

Appendix 4: Traffic Assessment lodged with original application for winery

Appendix 5: Decision letter sent to applicant dated 18 November 2005

Appendix 6: Representations made to the Hearings Panel by Mr Foster

9.20 A.M.

ITEM NO: 4

REPORT



TO District Plan and Regulatory Committee
ON 7 October 2009
FROM Ian Farrell – Environmental Health Manager
APPROVED BY Lloyd Barton – Director: Customer Service
SIGNATURE

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SUBJECT **EXCESSIVE NOISE INCIDENT – APPLICATION FOR RESTITUTION OF PROPERTY**
APPLICANT: WILLIAM WALKER
FILE REF ND/1/1

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 checked="" 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? No
(vii)	Does a decision on this matter require Auckland Transition Agency approval? (yes / no / advice being sought?) No

FINANCIAL IMPLICATIONS:

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

SUMMARY:

Stereo equipment and a drum kit was impounded from the property at 5 Mabbett Lane, Waimauku on 22 March 2009 and the owner of the equipment has now made application for its restitution. The Committee needs to be satisfied that there will not be a resumption of noise beyond a reasonable level, and if it is satisfied, then the equipment and drum kit should be returned on payment of the Council's costs in seizing, impounding and storing the equipment and drum kit. If the Committee is not satisfied, then the application should be declined.

RECOMMENDATION:

- (a) That the report on excessive noise from 5 Mabbett Lane, Waimauku on 22 March 2009, be received.
- (b) That upon considering William Walker's application for restitution of stereo equipment and a drum kit seized and impounded on 22 March 2009 from premises at 5 Mabbett Lane, Waimauku, the Committee adopt one or other of the following alternative draft resolutions:
 - (i) That the Committee, being satisfied that the return of the stereo equipment and drum kit seized and impounded under s328 of the Resource Management Act 1991 from premises at 5 Mabbett Lane, Waimauku on 22 March 2009 is not likely to lead to the resumption of the emission of noise beyond a reasonable level, agree to make restitution of the stereo equipment to William Walker on payment of the Council's costs in seizing, impounding and storing the stereo equipment and drum kit.

Or alternatively;

- (ii) that the Committee, not being satisfied that the return of the stereo equipment and drum kit seized and impounded under s328 of the Resource Management Act 1991 from the premises at 5 Mabbett Lane, Waimauku on 22 March 2009, is not likely to lead to the resumption of the emission of noise beyond a reasonable level, refuse to make restitution of the stereo equipment and drum kit to William Walker, and that he be advised of a right of appeal to the Environment Court against the decision.
 - (c) That in the event of restitution being refused and no appeal having been made to the Environment Court, or the applicant has not claimed the property within one month of the date of this meeting, the Environmental Health Manager be authorised to dispose of the stereo equipment in accordance with s336(6) of the Resource Management Act 1991.
-

1.0 Background

An incident commenced at 10:24 a.m. on 22 March 2009 at 5 Mabbett Lane, Waimauku and a Direction to Reduce Excessive Noise was issued at 11:40 a.m. and ended with the seizing and impounding of stereo equipment and a drum kit from that address at 1:15 p.m. on 22 March 2009.

According to rating records, the premises at 5 Mabbett Lane, Waimauku is owned by Eileen Phyllis Fox and rented to William Walker.

There is a history of an earlier complaint and visit to the property at 5 Mabbett Lane, Waimauku, Orewa on 27 February 2009, at which time a Direction to Reduce Excessive Noise was issued.

A formal written application for the restitution of the stereo equipment and drum kit was received from the owner of the equipment, Mr William Walker, on 21 August 2009.

2.0 Issues

The Resource Management Act 1991 has the following provisions on the question of restitution:

"336 Return of property seized under sections 323 and 328 -

- (1) Where any property is seized and impounded under section 323 or section 328 (which relate to failure to comply with an abatement notice to reduce noise or an excessive noise direction), the owner of the property or person from whom it was seized may apply to the local authority, consent authority, or police station where the property is held, at any time, to have the property returned to him or her.*
- (2) Where an application is made under subsection (1), the local authority, consent authority, or police officer with authority to do so, shall arrange for the return of the property if -*
 - (a) Satisfied that the return of the property is not likely to lead to a resumption of the emission of noise beyond a reasonable level; and*
 - (b) The applicant has paid all costs incurred by the local authority, consent authority, or police in seizing, impounding, transporting and storing the property."*

There is further provision for an appeal to the Environment Court if restitution is refused.

3.0 Options

Costs incurred by the Council in the seizing of the property will amount to \$140.00 including GST.

If the Committee decides that the property is to be returned and it is not collected within seven days of being notified, then further storage charges of \$2.00 per day plus GST should be applied, unless alternative arrangements are made for payment and collection.

Should restitution of the property be refused, or the owner fails to pay the Council's costs, or no appeal is made to the Environment Court within one month of the date of this meeting, then after advising the owner of its intentions the Council may sell the property.

ITEM NO: 5

REPORT



TO District Plan and Regulatory Committee
ON 7 October 2009
APPROVED BY Ian Dobson – Manager: Resource Consents
SIGNATURE

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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
G	Team Leader Resource Management	Penney Properties Matakana Ltd R51361	66 Matakana Valley Road, Matakana	For consent to a Non-Complying Activity for a subdivision to create six residential properties.	Non-Notified Approved 15/09/09
A	Council Arborist Resource Management	Warkworth & Districts RSA Incorporated	28 Neville Street, Warkworth	For consent to a Discretionary Activity to trim three conifer trees from 6m to 3m approx. (Retrospective)	Non-Notified Approved 15/09/09
A	Team Leader Resource Management	P Perrins L55538	Anderson Road, Matakana	For consent to a Discretionary Activity for the construction of a dwelling and earthworks.	Non-Notified Approved 16/09/09
G	Team Leader Resource Management	Te Arai Coastal Lands Trust R54893	Te Arau Point Road, Mangawhai Forest North	For consent to a Non-Complying Activity for a three lot subdivision based on the protection of wetland.	Non-Notified Approved 18/09/09
A	Independent Commissioner	Rodney District Council L54791/A	Martins Bay Holiday Park, Martins Bay Road, Martins Bay	For consent to a Variation on application L54791 to replace the approved backpacker's accommodation with two relocated buildings increase occupancy provision from 16 to 40 persons.	Non-Notified Approved 21/09/09
A	Land Surveyor	Middle Hill Ltd R54476	SH1 and Kaipara Flats Road, Warkworth	For consent to a Restricted Discretionary activity for a boundary relocation.	Non-Notified Approved 22/09/09
A	Independent Commissioner	Warkworth Investments and others R53896	McKinney Road Warkworth	It is proposed to re-grade the majority of the site by carrying out approximately 150,000m ³ of bulk earthworks over a 17ha area. The works will be carried out in stages (12ha max). A 199 lot subdivision is proposed: 186 residential and 13 non-residential lots.	Fully Notified Approved 15/09/09

Type of Delegation	Officer	Applicant/ Owner	Address	Application	Decision/ Date
A	Team Leader Resource Management	Chorus L55561	102 Rodney Street, Wellsford	For a Certificate of Compliance for the placement and operation of two additional antenna on an existing mast for telecommunications.	Non-Notified Approved 22/09/09
A	Ecology Adviser Resource management	K Brown L55557	24 Kotare Place, Sandspit	For consent to a Discretionary Activity to prune a puriri tree.	Non-Notified Approved 22/09/09
G	Land Surveyor	Shrub Hill Ltd R54936	960-1000 Whangaripo Valley Road, Wellsford	For consent to a Restricted Discretionary Activity to subdivide four residential lots from a large rural property, in lieu of protecting native bush.	Non-Notified Approved 23/09/09
G	Team Leader Resource Management	Hanover Farms Ltd R54473/A	794 Port Albert Road, Port Albert	For consent to a Variation of conditions allowing repositioning of Lot 5 approved under R54473.	Non-Notified Approved 24/09/09
G	Land Surveyor	Sollas Corporation Ltd R55542	24 and 24a Walton Avenue, Warkworth	For consent to a Restricted discretionary Activity to subdivide to effect a boundary relocation and land use consent for a yard encroachment and earthworks breaching the 1:2 rule as a result of moving the boundary.	Non-Notified Approved 24/09/09
G	Team Leader Resource Management	P Sullivan R51499	592 Cowan Bay Road, Pohuehue	For consent to subdivide the underlying parcel of land through significant enhancement planting of six hectares of land.	Non-Notified Approved 25/09/09

WESTERN AND CENTRAL WARDS

Type of Delegation	Officer	Applicant/ Owner	Address	Application	Decision/ Date
A	Team Leader Resource Management	J Watts L55544	116 Wright Road, Redvale	For consent to a Discretionary Activity for the erection of an accessory building requiring earthworks and removal of four exotic trees less than six metres in height.	Non-Notified Approved 15/09/09
A	Team Leader Resource Management	Mr & Mrs Richardson L55587	709c Ridge Road, Riverhead	For consent to a Discretionary Activity to relocate a dwelling on the site which will infringe the rear yard on the northern boundary.	Non-Notified Approved 14/09/09
G	Team Leader Resource Management	J & L Herbke R54827	116 Glenmore Road, Coatesville	For consent to a Non-Complying Activity for a two lot subdivision.	Non-Notified Approved 16/09/09
A	Team Leader Resource Management	R Supple & K Chew L55619	75 Coatesville-Riverhead Highway, Albany	For consent to a Discretionary Activity for the construction of a garage infringing the front yard.	Non-Notified Approved 16/09/09
A	Team Leader Resource Management	Transpower New Zealand L55367	1812 and 1754 Kaipara Coast Highway, Makarau	For consent to a Discretionary Activity to conduct 1500m ³ of earthworks.	Non-Notified Approved 17/09/09
A	Team Leader Resource Management	S Golder L55027	1 West Street, Helensville	For consent to a Restricted Discretionary Activity to erect a freestanding sign of 2.88m ² and a maximum height of 3.5 metres.	Non-Notified Approved 17/09/09
A	Council Arborist Resource Management	Rodney District Council L55559	130 Garfield Road, Helensville	For consent to a Discretionary Activity to remove four large macrocarpa trees from the North Eastern part of the cemetery. Access for excavator by agreement through HVL Water Treatment Plant next door.	Non-Notified Approved 22/09/09

Type of Delegation	Officer	Applicant/ Owner	Address	Application	Decision/ Date
A	Team Leader Resource Management	K & S Smith L55614	1376 Kaipara Coast Highway, Kanohi	For consent to a Discretionary Activity for a garage infringing the front yard.	Non-Notified Approved 24/09/09
A	Team Leader Resource Management	I Mellsop L55425	467 Oaia Roat, Motutara	For consent to a Discretionary Activity to construct additions to dwelling.	Non-Notified Approved 22/09/09
G	Land Surveyor	D & J Straka R53352/A	437 Monowai Road, Wainui	For consent to a Variation of conditions to R53352, to vary the scheme plan to amend the placement of Lot 1 and Lot 2.	Non-Notified Approved 24/09/09
A	Team Leader Resource Management	J & A Carnie L55473	8 Arrowsmith Road, Waitakere	For consent to a Discretionary Activity to undertake earthworks which involve equal amounts of cut and fill to form a level building platform and access area for a single storey dwelling.	Non-Notified Approved 24/09/09
A	Team Leader Resource Management	Chorus (Telecom New Zealand)	Old North Road, Helensville	For an Outline Plan of Works for the installation of three antenna.	Non-Notified Approved 25/09/09
A	Team Leader Resource Management	G Hughes and B Vien L55600	89 Potter Road, Coatesville	For consent to a Discretionary Activity for the construction of a principal dwelling requiring 960m ³ of earthworks.	Non-Notified Approved 25/09/09

HIBISCUS COAST WARD

Type of Delegation	Officer	Applicant/ Owner	Address	Application	Decision/ Date
A	Team Leader Resource Management	I Inglis L55209	30 Tindalls Bay Road, Manly	For consent to a Restricted Discretionary Activity for the removal of three exotic eucalypts (Sydney Blue Gums) greater than 12m in height.	Non-Notified Approved 16/09/09
A	Council Arborist Resource Management	J Spry & D Naimie L55524	1 Shakespear Road, Army Bay	For consent to a Discretionary Activity to trim a puriri tree.	Non-Notified Approved 15/09/09
A	Independent Commissioner	Northgate Business Park Stage 2 Ltd L55179	15 Newman Road Silverdale	For consent for the establishment of Industrial units and associated earthworks within a General Rural/Countryside Living Rural Zone infringing the side yard, height in relation to boundary and lighting standards.	Fully Notified Refused 16/09/09
G	Team Leader Resource Management	Rixington Group Ltd R35105A	Maylee Crescent, Gulf Harbour	For consent to a Variation, to vary the proposed scheme plan for a residential development.	Non-Notified Approved 16/09/09
A	Ecology Adviser Resource Management	MF Peters & KJ Smith L55590	39 Maygrove Drive, Orewa	For consent to a Discretionary Activity to prune a Liquid Amber tree.	Non-Notified Approved 18/09/09
A	Team Leader Resource Management	Cabra Developments Ltd L55481	Fendalton Place, Hatfields Beach	For consent to a Restricted Discretionary Activity for earthworks involving cut, fill and retaining.	Non-Notified Approved 22/09/09
A	Council Arborist Resource Management	D Ross-Murphy L55599	7 The Circle, Manly	For consent to a Discretionary Activity to remove a wattle and a coprosma and prune assorted native and exotic trees.	Non-Notified Approved 22/09/09

Type of Delegation	Officer	Applicant/ Owner	Address	Application	Decision/ Date
A	Council Arborist Resource Management	A Wakelin L55457	18 Totara Road, Stanmore Bay	For consent to a Discretionary Activity to remove a variegated pohutukawa tree.	Non-Notified Approved 22/09/09
A	Ecology Advisor Resource Management	M Lucas L55535	991 Whangaparaoa Road, 993 Whangaparaoa Road, 995 Whangaparaoa Road and 997 Whangaparaoa Road, Matakatia.	For consent to a Discretionary Activity to trim three pohutukawa trees.	Non-Notified Approved 21/09/09
A	Ecology Adviser Resource Management	A & J Staniford L55597	31 Duncansy Road, Stanmore Bay	For consent to a Discretionary Activity to remove a rubber tree.	Non-Notified Approved 23/09/09
A	Team Leader Resource Management	Weiti River Estate Trust R55184	315 Whangaparaoa Road, Red Beach	For consent to a Non-Complying Activity for a seven lot subdivision within the Residential Landscape Protection zone.	Non-Notified Approved 24/9/09
G	Team Leader Resource Management	Cabra Holdings Ltd R55326	Waldorf Crescent, Orewa	For consent to a Restricted Discretionary Activity for a proposed subdivision and associated earthworks and retaining walls.	Non-Notified Approved 25/09/09

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). 7, 8, 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
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.)

CONFIDENTIAL