

**MINUTES OF AN ORDINARY MEETING OF THE HEARINGS COMMITTEE
HELD IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN,
WAITAKERE CITY, ON THURSDAY, 7 FEBRUARY 2002,
COMMENCING AT 9.15 AM.**

PRESENT:

Councillors	GE	Nash, JP (Chairperson)
	RP	Dallow, QPM, JP (Deputy Chairperson)
	BA	Brady, JP
	DA	Yates, JP
Ward Representative		
Mrs	DJ	Webster (Massey Community Board)

IN ATTENDANCE:

Service Manager: Resource Management and Building
Resource Planner: B Allerby
Customer Field Adviser (Health)
Committee Secretary: S Hargis

1 APOLOGIES

51/2002

MOVED by Cr Brady, seconded Cr Dallow:

That apologies from Crs Hulse and Neeson for absence be received and sustained.

CARRIED

2 URGENT BUSINESS

There was no Urgent Business.

3 CONFIRMATION OF MINUTES

52/2002

MOVED by Cr Yates, seconded Cr Brady:

That the minutes of the Ordinary Meeting of the Hearings Committee held on Thursday, 29 November 2001, as circulated, be taken as read and now be confirmed.

CARRIED

4 **NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991 BY IVAN SELAK FOR RESOURCE CONSENT FOR THE CONSTRUCTION OF A GO-KART TRACK INVOLVING 97.5M³ OF EARTHWORKS OVER AN AREA OF 1500M² AND RESOURCE CONSENT FOR THE PRIVATE USE OF THE TRACK, AT 16-18 KENNEDY'S ROAD, WHENUAPAI**

- 9.16 am D McGregor (of Bell, Gully, Buddle and Weir) introduced the case for the applicant.
- 9.35 am I Selak (applicant) gave evidence in support of the application and answered questions from Crs Dallow, Brady and Yates.
- 9.55 am N Hegley (Acoustic Engineer) gave evidence in support of the application and answered questions from Cr Brady.
- 10.15 am D Kensington (Landscape Architect and Planner) gave evidence in support of the application and answered questions from Cr Brady.

ADJOURNMENT

53/2002

MOVED by Cr Dallow, seconded Cr Yates:

That the meeting stand adjourned until 10.50 am.

CARRIED

- 10.35 am The meeting adjourned.
- 10.50 am The meeting reconvened.
- 10.55 am G Collett (submitter) gave evidence in opposition to the application and answered questions from Crs Brady and Nash.
- 11.50 am J Woodhouse (Landscape Architect) gave evidence in opposition to the application.
- 12.07 pm D McGregor (of Bell, Gully, Buddle and Weir) summarised the hearing for the applicant and recalled H Hegley to clarify points relating to noise.
- 12.17 pm D McGregor continued his summary.
- 12.40 pm The Hearing concluded and the Committee deliberated on the application.

54/2002

MOVED by DJ Webster, seconded Cr Brady:

That pursuant to Sections 104, 105, 108 and 113 of the Resource Management Act 1991, subject to conditions, **consent be granted** to the application by Ivan Selak for **the use of a go-kart track by up to three go-karts at any one time and retrospective resource consent for 97.5m³ of earthworks over an area 5.0m in width and 300m in length** at 16-18 Kennedy's Road, Whenuapai, being Lot 4 DP 63327, for the following reasons:

- (i) Earthworks carried out in the construction of the track are considered to have been minor with a cut depth of only 65mm and the material being reused on site either side of the track to provide a smooth contour from hotmix seal to grass. The potential for sediment run off was minimised through the minimal depth of cut, the minimum 20m setback from the waters edge, and the re-use of material on site in the construction.
- (ii) The amenity of the existing environment is not considered to be adversely affected given the existing modification to the site and surrounding area, the visual screening provided by the existing and proposed planting and the restrictions imposed on the use of the track.
- (iii) Provided the activity does not occur on Sundays or Public Holidays, and subject to conditions controlling frequency and duration of use and the muffling of go-karts, the proposal can operate within the Proposed District Plan, Maximum Noise Restrictions for the Countryside Environment.
- (iv) The proposal is generally consistent with the objectives and policies of the Proposed District Plan and Part II of the Resource Management Act.

Consent shall be subject to the following conditions:

1. The development shall proceed in accordance with the documents titled "Assessment of Effects Retrospective Land-use Resource Consent Application Requesting Permission to undertake earthworks within a coastal natural area" dated March 2001 and "Assessment of Environmental Effects Additional Information to assist in the assessment of a go-kart track activity within the Countryside Environment" dated April 2001 prepared by Boffa Miskell Limited through Bell Gully and all referenced by Council as RMA 20010399 and the information and all further information submitted with the application, subject to any changes or alterations required by the following conditions.
2. The use of the go-kart track shall be restricted to the following:
 - (a) The use of the karts shall be restricted to the private use by the property owner and invited guests.
 - (b) No more than three (3) go-karts may be used, raced, revved or operated at any one time.
 - (c) All of the go-karts used on the property are to be fitted with the additional muffler device as described in the application (Assessment of Environmental Effects Additional Information to Assist in the Assessment of a Go-kart Track Activity within the Countryside Environment - page 5).
 - (d) The go-karts shall not be used, raced, revved or operated on Sundays or Public Holidays.
 - (e) The go-karts shall only be used between the hours of 12.00 pm (noon) to 6.00 pm.

- (f) The go-karts shall not be used for more than three (3) hours on any one day.
- (g) Noise emissions from the use of the track shall comply with Rule 9.1 - Noise, of the Countryside Environment of the Proposed District Plan. For the purposes of this condition, the rule shall also be applied in respect of properties located within Rodney District.

All of the above shall be to the satisfaction of the Manager Resource Consents.

3. The Consent Holder shall maintain a logbook of the use of the track, recording the dates and times of the use of the track. The logbook shall be produced upon request of Council.
4. A copy of the log book, required through condition three above, shall be lodged with the Manager Resource Consents every three (3) months, up to the completion of the first year of the activity, following the date of the consent.
5. The go-kart track shall not be used for commercial purposes.
6. Within six months of the commencement of the consent and every six months thereafter, the Council may initiate a review under Section 128 of the Resource Management Act 1991, of Condition 2 of this consent. The purpose of such review will be to confirm the effectiveness of restrictions imposed on the operation of the go-kart track, particularly with regard to frequency of use and noise emissions.
7. Additional crash barriers are to be provided adjacent to the line of planting to provide a continuous barrier along the edge of the vegetation adjoining the estuary, to the satisfaction of the Manager Resource Consents, prior to the commencement of the activity. The additional crash barriers shall be movable, and shall be removed when the track is not in use.
8. The acmena and gorse currently located within and on the edge of the riparian margin as identified on plan A2 attached to the agenda for this meeting, shall be removed within three months of the date of this consent.
9. A landscape plan shall be submitted to Council for the approval of the Manager Resource Consents within three months of the date of this consent. All new vegetation shall be a minimum of pb28 grade. The vegetation planted near the edge of the grass is to be provided with marker stakes positioned either side of each plant to prevent damage by motor mowers. The landscape plan shall show the species, grade and location of planting to occur within and along the edge of the riparian margin including:
 - (a) Planting along the edge of the riparian margin to provide enhanced visual screening of the site with suitable coastal species such as *Pittosporum crassifolium*, karo, *griselinia lucida*, pukapuka, *hedycarya arborea*, pigeonwood, *myrsine australis*, mapou.
 - (b) Planting of (preferably native) coastal trees at approximately 10 metre intervals, in the existing grassed area and on the bank down to the estuary to increase the width of the planted area. Suitable species include *agathis australis*, kauri, *dacrycarpus dacrydioides*, kahikatea, *dacrydium cupressinum*, rimu, *metrosideros excelsa*, pohutukawa, *podocarpus totara*, totara, *metrosideros robusta*, northern rata, *corynocarpus laevigatus*, karaka, *dysoxylum spectabile*, kohekohe, *knightia excelsa*, rewarewa, *pittosporum eugenioides*, lemonwood, *laurelia novaezealandia*, pukatea, *nestegis cunninghamii*, black maire, *vitex lucens*, puriri.

10. The approved planting plan shall be implemented in the first planting season (May till September) following granting of resource consent with replacement planting carried out in the following planting seasons, as necessary, until the planting has established.
11. To ensure the performance of Conditions 8 and 9 the consent holder shall pay a performance bond of \$1,500 to Council.
 - (i) The bond shall be paid prior to the commencement of the use of the go-kart track and shall be either in the form of cash or bank guarantee to the satisfaction of the Council Solicitor. The consent holder shall meet any costs associated with the preparation of the bond document.
 - (ii) The bond shall be held for a minimum period of 24 months. The bond shall be released when in the opinion of the Manager Resource Consents, Condition 8 has been satisfied. The consent holder shall meet any cost incurred by Council in preparing, checking, assessing and releasing the bond.
12. A consent compliance monitoring fee of \$500.00 (inclusive of GST) shall be paid to the Council. This fee is to recover the actual and reasonable costs incurred ensuring compliance with the conditions of this consent. If, on inspection all conditions have not been satisfactorily met, a re-inspection shall be required at a further cost of \$75.00 per hour (inclusive of GST).

The \$500.00 fee shall be paid as part of the resource consent and the resource consent holder shall be advised of any further monitoring fees if they are required.

CARRIED

12.45 pm

The Chairperson thanked members for their attendance and attention to business and declared the meeting closed.

CONFIRMED AT AN ORDINARY MEETING OF
THE HEARINGS COMMITTEE HELD ON

DATE:.....

CHAIRPERSON:.....