

4 APPLICATION FOR EXEMPTION - FENCING OF SWIMMING POOLS ACT 1987

- 9.16 am Mr K Yallop (Applicant) presented evidence.
- 9.20 am Max Wilde (Manager: Field Services) responded to questions from Cr Dallow.
- 9.22 am Mr K Yallop (Applicant) responded to questions from Crs Brady, Yates and Nash.
- 9.28 am Hearings closed and Committee went into deliberations.

516/2002

MOVED by Cr Dallow, seconded Cr Neeson:

That Council approve a lockable spa lid cover on the property at 728B South Titirangi Road, subject to the Field Service Managers being satisfied as to the effectiveness of the cover, in accordance with the criteria page 2 (a-e) of the agenda report, and subject to the imposition of appropriate conditions by the Manager: Field Services to address such criteria.

LOST

517/2002

MOVED by Cr Yates, seconded Cr Brady:

That pursuant to Section 6 of the Fencing of Swimming Pool Act 1987, the Committee **decline to grant** the application for exemption on the grounds that they were not satisfied that the exemption would not significantly increase danger to young children, largely due to the height, and surrounding surfaces of the spa pool, and on the basis that the safe replacement and locking of the cover requires direct human intervention.

CARRIED

518/2002

MOVED by Cr Hulse, seconded Cr Dallow:

That the Hearings Committee adopts the amended starting time of 9.30 am for the Committee's Ordinary Hearings.

CARRIED

ADJOURNMENT

519/2002

MOVED by Cr Yates, seconded Cr Neeson:

That the meeting stand adjourned until 10.30 am.

CARRIED

9.51 am The meeting adjourned.

10.30 am The meeting reconvened.

5 **NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991 BY LB AND SK PEAT TO UNDERTAKE A 3 LOT SUBDIVISION AT 26 AWHIORANGI PROMENADE AND BOUNDARY ADJUSTMENT AT 35 PUKETAHA ROAD, RMA 20011687**

- 10.34 am Mr E Price (Solicitor for Applicant) presented evidence.
- 10.42 am Philip Brown (Service Manager Resource Management/Building) made comments to Mr E Price (Solicitor) evidence.
- 10.44 am Mr L Peat (Applicant) presented evidence.
- 10.52 am Mr D McKenzie (Planning Consultant for Council) and Mr Peat (Applicant) responded to questions from Cr Brady.
- 10.57 am Philip Brown (Service Manager: Resource Management/Building) responded to a question from Cr Hulse.
- 10.58 am Mr E Price (Solicitor) responded to questions from R Taylor (Waitakere Community Board).
- 11.00 am Philip Brown (Service Manager: Resource Management/Building) responded to questions from Cr Brady.
- 11.02 am Mr E Price (Solicitor) responded to a question from R Taylor (Waitakere Community Board).
- 11.05 am Mr S Lovell (Submitter) presented his submission.
- 11.15 am Mr E Price (Solicitor) made final comments to their application.
- 11.17 am Mr E Price (Solicitor) and Mr C Peat responded to a question from Cr Hulse.
- 11.18 am Philip Brown (Service Manager: Resource Management/Building) responded to a question from R Taylor (Waitakere Community Board).
- 11.19 am Mr E Price (Solicitor) responded to a question from R Taylor (Waitakere Community Board).
- 11.20 am Hearings closed and Committee went into deliberations.

520/2002

MOVED by Cr Hulse, seconded Cr Brady:

1. That pursuant to Sections 104, 105, 108 and 113 of the Resource Management Act 1991, **consent be declined** to the application by LB and SK Peat to undertake a three lot subdivision at 26 Awhiorangi Promenade, being Lot 12 DP 137580 and undertake a boundary adjustment to increase the size of the adjoining site at 35 Puketaha Road, being Lot 4 DP 132832, for the following reasons:
 - (i) The development is contrary to the objectives and policies for the locality, which provide for such development to be only carried out in accordance with a Structure Plan that is a part of the District Plan.

- (ii) Although a Draft Structure Plan has been prepared, it has not been through the process of public submission, hearing, decision, and incorporation in the Plan, and therefore the provisions of the Draft Structure Plan merit little weight at this stage.
- (iii) Consent to the application at this stage is not necessary to correct an injustice, and would be an ad hoc process, which pre-empts the agreed structure planning process, and could lead to a loss of public confidence in the consistent administration of the Plan.
- (iv) Consenting to the application would give rise to serious concerns about the future use of the relatively open process of consultation prior to notification of structure plans.

CARRIED

NOTE: Pursuant to Standing Order 32.11 Cr Neeson requested that her vote against the motion be recorded.

SUPPLEMENTARY RESOLUTION

521/2002

MOVED by Cr Yates, seconded Cr Dallow:

That Council Staff liaise with and advise the applicant of opportunities for re-lodging at the earliest possible appropriate time in the statutory process that would maximise chances of success.

CARRIED

11.40 am

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:.....