

**MINUTES OF A HEARING BY COMMISSIONER HELD AT WAITAKERE CENTRAL, 6
HENDERSON VALLEY ROAD, HENDERSON, WAITAKERE, ON THURSDAY,
22 OCTOBER 2009, COMMENCING AT 9.31 AM**

PRESENT: Commissioner: Les Simmons

IN ATTENDANCE: Group Manager - Planning & Community Services: P Brown
Team Leader - Resource Consents: S McKenzie
Senior Strategic Advisor: Urban Design & Dev: M McKelvie
Project Manager - Urban Design: P Joyce
Principal Engineer - Transport Assets: S Shumane
Strategic Advisor - Waitakere Ranges: M Tollemache
Committee Secretary: M Petherick

NOTIFIED APPLICATION FOR NON-COMPLYING RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991 BY ROT-COL ENTERPRISES TITIRANGI LTD, TO CONSTRUCT A THREE STOREY MIXED USE DEVELOPMENT ON THE CORNER OF SOUTH TITIRANGI AND TITIRANGI ROADS, CONSISTING OF RETAIL, COMMERCIAL FACILITIES AND RESIDENTIAL APARTMENTS, AND ASSOCIATED CARPARKING, INCLUDING PUBLIC PARKING AT 408 AND 416 TITIRANGI ROAD, TITIRANGI AND PART ROAD RESERVE

9.31 am Commissioner Simmons opened the Hearing and outlined the nature of the proceedings. Commissioner Les Simmons confirmed that he has completed a site visit.

Commissioner Simmons invited Group Manager: Planning and Community Services: Philip Brown to introduce Council officers present.

Martha Tong, Boffa Miskell Limited (on behalf of the applicant) introduced presenters that would be providing evidence on behalf of the applicant.

Commissioner Simmons invited submitters present to introduce themselves.

Commissioner Simmons stated that a late submission had been received from James Simpson and checked that the applicant was happy for the late submission to be received; the applicant confirmed they were happy for the late submission to be received. Commissioner Simmons formally accepted the late submission and stated that James Simpson would be allowed to speak to his submission.

Commissioner Simmons asked Council's Team Leader - Resource Consents: Steve McKenzie if there were any changes to his report. Steven McKenzie confirmed that Council's Principal Engineer - Transport Assets: Sam Shumane has requested that an additional condition be added. A copy of this condition was presented to Commissioner Simmons; a copy was circulated to the applicant and submitters present at the hearing.

Commissioner Simmons stated that a second late submission had been received and checked with the applicant that they were happy to accept the second late submission; the applicant confirmed they were happy for the late submission to be received. Commissioner Simmons formally accepted the second late submission.
(Track No: 106) (Track Duration: 00:12:07)

Presentation of evidence by the applicant commenced.

- 9.44 am Martha Tong, Boffa Miskell Limited (on behalf of the applicant) presented evidence.
(Track No: 107) (Track Duration: 00:10:06)
- 9.55 am Margaret Rotondo (applicant) presented evidence and responded to questions from Commissioner Simmons.
(Track No: 108) (Track Duration: 00:12:42)
- 10.09 am Philip Cheshire, Cheshire Architects (on behalf of the applicant) presented evidence and responded to questions from Commissioner Simmons.
(Track No: 109) (Track Duration: 00:50:22)

ADJOURNMENT

- 11.00 am Commissioner Simmons adjourned the hearing.
- 11.21 am Commissioner Simmons reconvened the hearing.
- Presentation of evidence by the applicant continued.
- 11.22 am John Mackay, Boffa Miskell Limited (on behalf of the applicant) presented evidence and responded to questions from Commissioner Simmons.
(Track No: 110) (Track Duration: 00:49:10)
- 12.14 pm Bryce Hall, Traffic Planning Consultants Limited (on behalf of the applicant) presented evidence and responded to questions from Commissioner Simmons.
- Commissioner Simmons requested clarification on condition 30(iv).
- The Council's Principal Engineer - Transport Assets: S Shumane stated that condition 30(iv) was worded incorrectly in the Planner's report and clarified the correct wording for Commissioner Simmons.
- Applicant accepted Council's additional condition that was tabled by the Council's Planner: Steven McKenzie at the start of this hearing.
(Track No: 111) (Track Duration: 00:46:55)

ADJOURNMENT

- 1.01 pm Commissioner Simmons adjourned the hearing.
- 1.48 pm Commissioner Simmons reconvened the hearing.
- Presentation of evidence by the applicant continued.

- 1.49 pm Stephen Bishop, Amenity Tree Consultants (on behalf of the applicant) presented evidence and responded to questions from Commissioner Simmons.
(Track No: 112) (Track Duration: 00:12:39)
- 2.02 pm Martha Tong, Boffa Miskell Limited (on behalf of the applicant) presented further evidence and responded to questions from Commissioner Simmons.
- Council's Planner: Steven McKenzie requested clarification from the applicant in relation to street planting and landscaping conditions as presented in evidence.
(Track No: 113) (Track Duration: 00:36:41)
- Presentation of evidence by the applicant concluded.
- Presentation of evidence by the submitters commenced.
- 2.40 pm Pim van der Voort, Resident (submitter in opposition of the application) spoke to his submission and responded to questions from Commissioner Simmons.
(Track No: 114) (Track Duration: 00:12:08)
- 2.54 pm Dr Mels Barton, Titirangi Ratepayers and Residents Association (submitter in opposition of the application) spoke to her submission.
(Track No: 115) (Track Duration: 00:46:17)

ADJOURNMENT

- 3.39 pm Commissioner Simmons adjourned the hearing.
- 4.01 pm Commissioner Simmons reconvened the hearing.
- 2.54 pm Dr Mels Barton, Titirangi Ratepayers and Residents Association (submitter in opposition of the application) continued to speak to her submission and responded to questions from Commissioner Simmons.
(Track No: 116) (Track Duration: 00:48:25)
- 4.51 pm Tieke Horing, Resident (submitter in opposition of the application) spoke to her submission and responded to questions from Commissioner Simmons.
(Track No: 117) (Track Duration: 00:15:06)
- 5.07 pm James Simpson, Resident (submitter in opposition of the application) spoke to his submission and responded to questions from Commissioner Simmons.
(Track No: 119) (Track Duration: 00:21:06)
- 5.29 pm Robert Richards, South Titirangi Residents and Ratepayers (submitter in opposition of the application) spoke to his submission and responded to questions from Commissioner Simmons.
(Track No: 120) (Track Duration: 00:10:05)

Presentation of evidence by submitters concluded.

5.41 pm Council Planner: Steven McKenzie replied to Martha Tong's evidence, agreed with suggested changes to conditions 5-11, 13, 28, 30 Part (i), and 30 Part (vi), does not accept deleting condition 30 Part (iv and v), agreed with suggested changes to condition 36 but proposed a condition that a surveyors' certificate would need to be provided at the framing stage to confirm adherence to the building height restriction.

Commissioner Simmons gave the applicant the option of giving the right of reply now or in writing by Friday, 30 October 2009.

Martha Tong, Planner, Boffa Miskell Limited (on behalf of the applicant) confirmed that the applicant will give the right of reply in writing to Commissioner Simmons by Friday, 30 October 2009.

ADJOURNMENT

5.49 pm Commissioner Simmons adjourned the Hearing and advised that once he has received the written right of reply from the applicant he would then decide whether or not to reconvene the hearing or to deliberate the decision in private which would be available within 15 working days.

NOTE: Commissioner Simmons received the written right of reply from the applicant on Friday, 30 October 2009. Monday, 2 November 2009, Commissioner Simmons confirmed that he had no further questions for the applicant and formally closed the hearing. A copy of the written right of reply was forwarded to all submitters that were present at the hearing. Commissioner Simmons will deliberate the decision in private which will be available within 15 working days.

NOTE: Commissioner Simmons signed off the decision on Tuesday, 24 November 2009. If a copy of the decision is required please contact the Committee Secretary on 836 8000 ext: 8104.