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WHANGAREI
DISTRICT COUNCIL

Notice of Meeting

A meeting of the Hearings Commissioner will be held
in the Council Chamber, Forum North, Whangarei on:

**Thursday
25 February 2010
9.15 am**

Application by Golf Harbour Views Ltd Reconvened Hearing

**Commissioner
John Childs**

Vision Statement

*To be a vibrant, attractive and thriving District
by developing sustainable lifestyles based around
our unique environment; the envy of New Zealand
and recognised world wide.*

Resource Management Act 1991

Hearing By:	The Hearing Commissioner of applications by Golf Harbour Views Limited.
Supplementary Evidence By:	Ian McAlley, BPlan (Hons.) MNZPI McAlley Consulting Group
File Ref:	P110667 SD0900056, P110666 SD0900057, P114487 SD0900058, P110662 SD0900059
Dated:	11 February 2010

1. Preamble

- 1.1 This report must be read in conjunction with the original hearings report dated 8 January 2010 (prepared by Rebecca Lyons who has since left Council) and the information included with the hearings agendas, previously circulated to submitters for the hearing that was due to commence on 21 January 2010. On that date a separate hearing for another application (SD01355921.08) relating to cats, dogs and mustelids was held.
- 1.2 The hearing on the remaining four applications was deferred in order that further information be provided, in the main related to engineering and landscape issues. That information has been provided and therefore the hearing has been rescheduled. However, it is noted that in the resolution of some of the outstanding issues other matters have arisen, in particular regarding roading. In this report there are recommendations as to information that the applicant may seek to provide at the hearing in order to better understand and potentially resolve these issues.
- 1.3 Given that many of the issues related to the assessment of the applications are the same or similar, this report covers four applications located within the Golf Harbour Views gated community. This supplementary report will follow the same format as the original report, with amendments and comments as necessary provided under the same headings and numberings as the original report.
- 1.4 Where there are application specific comments, the specific resource consent reference e.g. SD0900056 will be referred to.

2. The Proposals

- 2.1 The proposals are as detailed in the original hearings report.

3. Further Information

- 3.1 Further information has been received from the applicant related to:
 - i. Site Suitability – Report from Cook Costello, dated 8 January 2010 (Attachment A)
 - ii. Management of On-Site Wastewater – Report from Cook Costello, dated 27 January (Attachment B)

- iii. Landscape Issues – Letter from Simpson Shaw, dated 2 February 2010 (Attachment C)
 - iv. Contour Information and Plan of Developed Lots – Plan from Simpson Shaw, dated February 2010 (Attachment D)
- 3.2 In response to the further information provided by the applicant there are further responses from NRC staff and WDC staff and consultants as follows:
- i. Landscape Issues – Report from Simon Cocker, dated 13 January 2010 (Attachment E)
 - ii. Management of On-Site Wastewater – Email from NRC, dated 3 February 2010 (Attachment F)
 - iii. Engineering Issues – Report from WDC Senior Environmental Engineering Officer, dated 5 February 2010 (Attachment G)
 - iv. Landscape Issues – Report from Simon Cocker, dated 8 February 2010 (Attachment H)

4. The Site

- 4.1 The site description is as per the original report.

5. Consultation, Public Notification and Submissions

- 5.1 No submitters have withdrawn their submissions, therefore the details of submissions and such like is as per the original report.

6. District Plan Requirements

- 6.1 The information provided has not altered the consent category for any of the matters being assessed and therefore the application status as detailed in the original application remains.

7. Resource Management Act 1991

7.1 Section 5 – Purpose

There are no additions or amendments to the comments made in the earlier report.

7.2 Section 6 – Matters of National Importance

There are no additions or amendments to the comments made in the earlier report.

7.3 Section 7 - Other Matters

There are no additions or amendments to the comments made in the earlier report.

7.4 Section 8 - Treaty of Waitangi

There are no additions or amendments to the comments made in the earlier report.

7.5 Section 104 – Consideration of Applications

There are no additions or amendments to the comments made in the earlier report.

7.6 Structure Plan

7.6.1 In addition to the comments made in the earlier report, it is noted that the Maunu, Horahora Structure Plan contains within it a spatial development strategy based on the following broad directions:

1. Providing a progression of living environments, beginning with medium-density urban areas and then to rural-residential zoning on the fringes of urban areas, and retaining rural zoning beyond the rural-residential zone.
2. Recognising that there need to be restrictions on urban and rural residential development in sensitive ecological, geological and landscape areas.
3. Recognising that there need to be restrictions on urban, rural residential and commercial development in areas subject to natural and man-made constraints e.g. instability areas, flood prone areas, contaminated sites and aquifers.
4. Developing a commercial node to serve the community, (e.g. a supermarket, doctor's rooms, butcher's, fruit and vegetable and bakery shops) and allowing for more linkages to the CBD via an efficient roading network and an effective public transport system.
5. Providing for a network of pedestrian and cycle links throughout the study area to attractions such as Pukenui Forest and to surrounding suburbs and the city.

7.6.2 Whilst it is recognised that a portion of the Golf Harbour site is within an area defined in the Maunu, Horahora Structure Plan as being proposed for rezoning into a rural residential zone in the future it is considered premature to place any weight on this, particularly given points 2 and 3 above, that would suggest that there is further constraints analysis that needs to be undertaken to accurately define where such a rural residential zone would occur.

7.6.3 It is also noted that in the implementation section of the Maunu, Horahora Structure Plan that the development of a rural residential zone and the implementation and application of such a zone are actions that are yet to occur. The structure plan provides no details as to the possible shape or form of a new residential zone and therefore it is my opinion that little, if any weight can be placed upon the direction contained in the structure plan at this point in time.

7.7 Precedent Effects

7.7.1 Further to the comments made in the earlier report, the cancellation of an amalgamation condition meets with the definition of "subdivision" as contained s218 of the Resource Management Act. Therefore this application is for the subdivision of land and such subdivision has been assessed to be a non-complying activity.

7.7.2 On review of the application that brought about the original subdivision, that application (at the time of hearing) was to create 36 lots for residential purposes on the Golf Harbour site. That application was publicly notified under the relevant rules of the applicable planning documents and the Judicial Committee hearing the application concluded that the application should be declined.

7.7.3 Concerns raised by the Committee in their decision to decline the original application are as follows:

- i. The form, scale and intensity of the subdivision would have more than minor effect on the natural features and landscape values of the area
- ii. The subdivision was not considered to satisfy the principle of sustainable management as defined in section 5 of the Resource Management Act, in particular relating to sustaining the potential of natural and physical resources and avoiding, remedying or mitigating any adverse effects of activities on the environment

- iii. The subdivision was not considered to satisfy the relevant matters of Part II of the Resource Management Act, in particular section 6 and 7, relating to the protection of areas of significant indigenous vegetation and habitats of indigenous fauna and the maintenance and enhancement of amenity values
- iv. The subdivision was assessed to be inconsistent with the policies and objectives of the Proposed Whangarei District Plan, as amended by Council decision, considered to be the dominant planning instrument at that time
- v. The effects of granting the consent without undertaking upgrading to the intersection of State Highway 14 and Golf Harbour Drive was assessed to be more than minor

7.7.4 The original application was subsequently appealed to the Environment Court and a subsequent consent order was granted following negotiation between the applicant/appellant and other parties to the appeal.

7.7.5 In a memorandum to the Environment Court, that accompanied the draft consent order, counsel for the appellant notes that "the parties have agreed that the subdivision could proceed on the basis that 27 (instead of the original 39) new building sites be authorised with appropriate protection being provided by way of:

- a. either a Conservation Covenant or a Queen Elizabeth II National Trust Open Space covenant over areas of native bush within the area being subdivided,
- b. a consent notice and other conditions controlling the way the subdivision is developed and,
- c. a contribution by the consent holder to the cost of (the council) upgrading the intersection to mitigate the traffic effect
- d. Other conditions

7.7.6 Therefore, the reduction in the number of house lots proposed was a means by which to reduce the effects of the original subdivision, to a point it could be granted consent. The consent also contains conditions requiring (among other things):

- a. The preparation of a landscape plan and the undertaking of landscape planting
- b. Requirements that engineering plans be provided and such works be undertaken
- c. That a pest management plan be prepared and enforced
- d. That land be vested as reserve
- e. That controls be applied regarding the finishes of sealed accesses and manoeuvring areas
- f. That controls be applied regarding the colours to be applied to the exterior faces, roofs and fences of buildings and structures
- g. That the keeping of cats, dogs, mustelids and livestock be controlled
- h. A requirement that contributions be paid

7.7.7 It is therefore considered that the original subdivision required a comprehensive array of mitigation measures to be applied in order that the effects be assessed to be no more than minor and it be approved. Recognising that the original application was declined, the comment in the application that the Judicial Committee hearing the application commented that they expected the applicant to return at a future date to separate the various lots joined together for the purpose of approving the initial consent appears to be incongruent with the outcome of the original consent application (it being declined) and it is my opinion that the amalgamation of the lots and reduction of the number of lots being produced (capable of residential development) was one of the principal reasons that enabled the original application to finally be granted consent.

7.7.8 Whilst it is recognised that the subdivision rules were far more permissive in the controlled activity standards than are the rules under which this application has been made, the environment that has been created and the density of development, under the previous subdivision regime is not assessed to be a reason in itself to grant the application.

- 7.7.9 One of the principal reasons behind the significant change from the 4 ha controlled activity standard to the 20 ha controlled activity standard was that the Environment Court considered that the District Council had not provided a strategic, structured view of how they saw development, particularly subdivision, occurring within the rural areas of the District into the future and the 4ha controlled activity standard was not considered sufficient by itself to avoid, remedy and/or mitigate the potentially adverse effects of further residential development (post subdivision) in the rural environment.
- 7.7.10 The structure plans that the Whangarei District Council has been developing are the initial stages of the creation of an overall strategic view related to subdivision and subsequent development. As has been documented in this report, the implementation of those structure plans requires further assessment and the development of associated planning provisions in order that with some certainty the future development pattern can be understood.
- 7.7.11 The proposal as documented does not meet the controlled or discretionary subdivision standards, nor does it meet the standards for an environmental benefit subdivision. As has been previously assessed the proposal is a non-complying activity.
- 7.7.12 In assessing this proposal against the requirements of section 104 D of the Act it is my opinion that this application fails to meet either 'gateway' test, as the potential adverse effects of the activity on the environment will be more than minor and the activity is assessed to be contrary to the relevant objectives and policies of the Plan.
- 7.7.13 In such a case the consent authority retains an overall discretion as to whether to grant the application and whilst this discretion is to be exercised having regard to the criteria set out in section 104 of the Act, the Environment Court has held in *Clulee v. Kapiti Coast DC W015/99* that the consent authority cannot deprive an applicant of the right to have an application for a non-complying activity considered under section 104 by applying a series of hypothetical criteria relating to what future applicants for consent may or may not do. This specifically relates to the issues of precedent effect and consistent administration of a plan.
- 7.7.14 This is not the case in this instance. The lots proposed have been assessed with regard to their future potential use for residential purposes, not a range of hypothetical uses, taking into account the basis on which they were first granted and recognising the development pattern that has occurred in the local area.
- 7.7.15 The potential to be granting consent to such small lots within the Countryside Environment, when the controlled activity standard for subdivision in this Environment is so large (20 ha), is considered to raise concerns with regard to the consistent administration of the Plan, the integrity of the Plan and issues of precedent effect.
- 7.7.16 In *Caltex New Zealand Ltd v. Auckland CC A095/97* the Court concluded that the assessment of a non-complying activity may require consideration of the integrity of the plan and public confidence in its consistent administration. The Position of the Court in *Monad Leisuretime Ltd v. Queenstown Lakes DC W116/95* emphasised that the question of precedent or confidence in the administration of the district plan can no longer be used alone as a reason for refusing consent to an activity. In this instance the Court held that confidence will only be jolted if a council ignores its policies and objectives and allows an activity with a major effect which is clearly contrary to those policies and objectives.
- 7.7.17 Finally in *Tait v. Huranui DC C106/08* where the Court was assessing a subdivision application for undersized lots in a rural environment, the Court considered that there was a degree of discomfort between the proposal and several objectives and policies concerning rural amenity, density and soils and when taken as a whole the Plan provisions did not favour consent. The Court considered there were no qualities in the proposal to distinguish it from the generality of applications for non-complying activities and the proposal lacked any evident unusual quality and would undermine public confidence in the consistent administration of the plan and its integrity (should consent have been granted).

7.7.18 In this instance I am of the opinion that this application will generate adverse effects on the environment, particularly with regard to landscape matters and visual amenity (in respect to applications SD 0900056 and SD 0900057) and with regard to roading and traffic safety (with regard to all the applications) that are more than minor and as detailed in the earlier report the proposal overall is assessed to be contrary to the objectives and policies of the Plan.

7.7.19 The original application was based on a number of mitigating factors that assisted it the consent being granted and an application such as this where the lot sizes are so far divorced from the Plan rules, it would be expected that further mitigation would be on offer, in order to ensure that the possible effects were avoided, remedied and/or mitigated. However, in this instance such mitigation is not on offer and there appears to be no factors in this application that generate qualities that distinguish this proposal from the generality of applications for non-complying activities. There is no evident, unusual quality about this application and therefore the potential to be granting a series of small lots within the Countryside Environment that are significantly smaller than the 20 ha controlled activity standard has the potential to significantly undermine public confidence in the consistent administration of the Plan and would impact on the Plan's integrity.

7.7.20 Therefore, under the circumstances given that the proposed subdivisions will have effects that are more than minor and are assessed to be contrary to the relevant objectives and policies in the District Plan, the proposal is considered likely to result in precedent effects.

7.8 **Section 106 – Consent Authority may refuse Subdivision Consent in certain circumstances**

Further to the comments made in the earlier report, further engineering reports compiled by Cook Costello Consulting Engineers have been provided in support of the application (Attachments A and B of this report). With regard to this information received the Northland Regional Council (refer e-mail in Attachment F) states that they have serious concerns with regard to the use of slopes greater than 30°, particularly on Proposed Lot 1 (formerly Lot 9).

Roading issues also remain unresolved and it is assessed that there are more than minor effects from the proposal in the opinion of Council's Consultant Traffic Engineer and the overall opinion of Council's Senior Environmental Engineering Officer is that the application should be declined (refer at report and Attachment G).

8. **Regional Planning Provisions**

8.1 **Regional Policy Statement for Northland (RPS)**

There are no additions or amendments to the comments made in the earlier report.

8.2 **Regional Water and Soil Plan for Northland (RWSP)**

There are no additions or amendments to the comments made in the earlier report.

9. **Assessment of Environmental Effects**

9.1 **Permitted baseline**

There are no additions or amendments to the comments made in the earlier report.

9.2 Effects to consider

The actual and potential effects arising from the proposed subdivisions and issues raised in submissions are as follows:

- Amenity and Character
- Landscape Effects
- Ecological Effects
- Cumulative Effects
- Archaeology
- Reverse sensitivity
- Traffic Effects
- Engineering Matters

9.3 Amenity and Character

9.3.1 There are no additions or amendments to the comments made in the earlier report.

9.4 Landscape Effects

9.4.1 Council's Consultant Landscape Architect – Simon Cocker of Simon Cocker Landscape Architecture, who was also involved in the original consents that created Golf Harbour Views, has undertaken further reviews of the proposal, in particular the further information provided by the applicant.

9.4.2 The following comments are additional to those made in the earlier report and Mr Cocker will be available at the hearing to respond to any questions.

9.4.3 SD0900056

9.4.3.1 Matters related to access onto the site and possible impact on covenant areas remain unresolved. Concerns raised regarding the possible effects of the construction of the access onto the site on the root zone of trees requires further consideration.

9.4.3.2 In response to the stated concerns of Mr Cocker, the applicant has suggested that a condition be generated, requiring that the impact of the access be assessed at a later date. It is recognised that such an assessment is proposed to be undertaken by a qualified arborist and it is recommended that this be undertaken at the time of building consent due to the unknown nature of any design of access or the dwelling itself.

9.4.3.3 As detailed by Mr Cocker, conditions that delay the full assessment of any proposal can be problematic. The steepness of this site in particular will make the establishment of access potentially difficult and the location of the covenant areas will also potentially impact on the ability to establish effective vehicular access to the site, notwithstanding that the construction phase of any dwelling and/or access also has the potential to impact on the root zone of the trees, as these areas are not necessarily protected by the covenant areas.

9.4.3.4 To wait until the building consent phase of the development until the possible effects of built development on the roots and subsequent health of the trees is assessed is, in my opinion, too late. Such an assessment is required to adequately assess the possible impacts of the proposal, and also to assist in determining whether the boundaries of the bush covenant areas are located in such positions as to be practical in terms of protecting the future health of the trees.

9.4.3.5 The complete assessment of effects is necessary in order to properly understand the application. In *Stalker v Queenstown Lakes DC* EnvC C040/04, the Court considered that the words "actual" and "potential" in s104(1)(a) RMA are to remind local authorities they must consider not only the actual effects of allowing the activity, but also the potential effects of other permitted activities in the area or region. The local authority must have regard to not only the existing environment but also the reasonably foreseeable environment on which the effects of the proposal will impact, and make a judgement based on the realistic possible effects, their probabilities and potential impacts. In particular the High Court has also considered that the effects of earthworks following a subdivision can be considered (*Pukenamu Estates Ltd v Kapiti Environmental Action Inc* HC Wellington CIV-2002-485-22) as a logical extension of the subdivision process.

9.4.3.6 Therefore the applicant's proposal to delay the possible assessment of earthworks and building on the future health of the trees is considered to be detrimental to the application and the ability to approve it. Notwithstanding this statement there are a number of other matters that also impact on the ability of the application to be approved.

9.4.3.7 In addition Mr Cocker also raises issues related to the possible effects of building location on Golf Harbour Drive and the proposal in its current form does not appear to address these concerns in any way. As Golf Harbour Drive is not a legal road, the required building setback is 3m. The location of a building close to Golf Harbour Drive is assessed to have the potential to lead to negative impacts on those trees proposed to be protected by covenant and therefore potentially negate the protection offered by the covenant and in effect create a conflict between any new building and the protection of the trees and the avoidance of landscape/visual amenity effects related to the possible built development.

9.4.3.8 As such it is assessed that the possible effects related to impacts on the trees and on landscape and visual amenity remain unresolved and potentially more than minor.

9.4.4 **SD0900057**

9.4.4.1 In his report of 13 January 2010 Mr Cocker notes that the views of Lot 1 DP 191045 may be compromised as a result of a building on Lot 5 and suggests the effects of this on the occupants to be at a level that is more than minor.

9.4.4.2 Information provided by the applicant proposes the imposition of a height restriction on Lot 5 and also the trees identified for protection will be protected by covenant.

9.4.4.3 However, nothing provided in the applicant's further information appears to overcome Mr Cocker's concern that "it is considered that the proposal will increase the dominance of built development on the southern face of the ridge and on the skyline ridge top and would have the potential to increase cumulative adverse effects on amenity to a level that is more than minor".

9.4.4.4 As such it is assessed that the possible effects of the future development of Lot 5 on the landscape and visual amenity values of the site and the surrounding area are more than minor.

9.4.5 **SD0900058**

There are no additions or amendments to the comments made in the earlier report.

9.4.6 **SD0900059**

There are no additions or amendments to the comments made in the earlier report.

9.5 **Ecological Effects**

There are no additions or amendments to the comments made in the earlier report.

9.6 **Cumulative Effects**

There are no additions or amendments to the comments made in the earlier report.

9.7 **Archaeology**

There are no additions or amendments to the comments made in the earlier report.

9.8 **Reverse Sensitivity**

There are no additions or amendments to the comments made in the earlier report.

9.9 **Traffic Effects**

- 9.9.1 Further to the original report the issue of the impact of the proposal on the intersection of Golf Harbour Drive and State Highway 14 has been further investigated, particularly with regard to upgrades required to be undertaken as part of the original consent application.
- 9.9.2 In response to the applications at hand, Ms. Fosberry (Council's Consultant Traffic Engineer) considers appropriate mitigation to include the upgrade of the State Highway 14/Golf Harbour Drive intersection to meet the New Zealand Transport Agency (NZTA) sight distance and widening requirements.
- 9.9.3 It is noted that no submission was received from NZTA, which also did not formally submit on the original application that created Golf Harbour Views, although with regard to the original application it appears from the review of file records that there may have been some confusion from NZTA (at the time Transit New Zealand) as to the applications they were assessing.
- 9.9.4 In any event, with regard to the Golf Harbour Drive intersection with State Highway 14, historical file data shows that an agreement was reached between the applicant and Whangarei District Council in January 2003 relating to financial contributions of \$1000 per lot to be paid by the applicant and used by WDC towards the upgrade of this intersection, principally the provision of a right-turn bay.
- 9.9.5 With the exception of shoulder widening, no works appear to have been undertaken to date and it is not known as to whether these contributions were ever paid. Clarification from the applicant at the reconvened hearing regarding this issue would be appreciated. It appears from the review undertaken of WDC files to date with regard to works undertaken on the State Highway that this matter potentially becomes further complicated because the State Highway is not under WDC control. At this point in time it appears that the State Highway 14/Golf Harbour Drive intersection has not been upgraded to the level required to mitigate the traffic effect associated with the original application and it is Ms. Fosberry's view that this upgrading is still required.

9.9.6 Overall it is considered that, as the applications stand, the cumulative effects of four additional allotments will further exacerbate an existing situation and will result in effects that are more than minor. Unfortunately at the time of writing it was not possible to conclude the investigations required and therefore it is proposed that information be provided at the hearing in order to further clarify these matters and the applicant is invited to supply what information they have available to clearly determine whether or not contributions have been paid and/or whether or not upgrades to the State Highway 14/Golf Harbour Drive intersection have occurred, as previously required to mitigate traffic effects. It also considered that should the information on WDC files not indicate that such matters have been satisfactorily attended to previously that comment should be sought from NZTA with regard to this matter, as it is an intersection with a State Highway that it is the matter of concern.

9.10 **Engineering Matters**

9.10.1 Further to the comments provided in the earlier report Council's SEEO has provided a revised report on the proposal (refer Attachment G). Issues of land stability effects and effluent disposal appear to have been resolved, notwithstanding the concerns stated in the Northland Regional Council e-mail (Attachment F).

9.10.2 Council's SEEO is not satisfied that roading and traffic matters have been adequately addressed and on such grounds considers that the application should be declined.

9.11 **Conclusion**

9.11.1 Overall it is considered that the four applications would result in cumulative, amenity, character, and traffic effects that are more than minor. There are also still concerns to some degree related to on-site wastewater disposal as well as landscape and visual amenity matters.

10. **Section 221 applications**

10.1 Further to the comments than the original report Mr. Cocker, Council's Consultant Landscape Architect raised no concerns with the applications, with the exception of SD0900056 and Area 'A'. Mr. Cocker sought further detail in respect of this area and this information has been provided by the applicant and Mr Cocker states that he is satisfied, subject to review on-site, that the amendment made is satisfactory.

11. **Objectives and Policies**

11.1 There are no additions or amendments to the comments made in the earlier report. Overall the applications are considered to be contrary to the relevant objectives and policies of the District Plan.

12. **Conclusion**

12.1 In addition to the comments made in the original report, Section 104B of the Act requires that after considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority –

- (a) *may grant or refuse the application; and*
- (b) *if it grants the application, may impose conditions under Section 108.*

- 12.2 In terms of applications to amend the consent notices pursuant to Section 221 of the Resource Management Act 1991, the effects of doing so are considered no more than minor.
- 12.3 In terms of the applications to:
- i. Cancel the amalgamation condition linking Lot 6 DP 332400 & Lot 9 DP 332400
 - ii. Cancel the amalgamation condition linking Lot 5 DP 332400 & Lot 10 DP 332400
 - iii. Subdivide Lot 29 DP 349888
 - iv. Cancel the amalgamation condition linking Lot 1 DP 332400 and Lot 1 DP 420631
- It is concluded that the adverse effects of these proposals will be more than minor as the proposals represents a level of development inappropriate to the locality, the cumulative effects of an additional four users will compromise the safety and efficiency of the road network and landscape are visual amenity effects will be generated.
- 12.4 Further, it is concluded that the proposals are contrary to the relevant objectives and policies of the District Plan.
- 12.5 The applications are considered to be inconsistent with Part 2 of the Act as effects on the environment and amenity values are considered to be more than minor and the applicant has not demonstrated that the adverse effects of the proposed subdivisions and associated development can be readily avoided, remedied or mitigated.
- 12.6 It is my opinion that there are no distinguishing features of the sites that warrant approval of the subdivisions as a Non-Complying activity.

Recommendation

The recommendations of the original report stand, with one amendment:

1.0 SD0900056

- 1.2 That pursuant to Section 221 of the Resource Management Act 1991, Council **APPROVES** consent to vary conditions 2(v) and 3(v) of consent notice 6122356.2 to allow the creation of a right of way over Lot 6 DP 332400 in favour of Lots 3 and 4 DP 332400; and a buildable area shown as 'A' on the concept plan.
- 1.3 Reasons for the recommendation:
- a. The variation to the consent notices are not considered to create effects that are more than minor.

Attachments:

The following attachments are not available online, if you require copies of these attachments, please contact the Council.

- A: Report from Cook Costello, dated 8 January 2010
- B: Report from Cook Costello, dated 27 January
- C: Letter from Simpson Shaw, dated 2 February 2010
- D: Plan from Simpson Shaw, dated February 2010
- E: Report from Simon Cocker, dated 13 January 2010
- F: Email from NRC, dated 3 February 2010
- G: Report from WDC Senior Environmental Engineering Officer, dated 5 February 2010
- H: Report from Simon Cocker, dated 8 February 2010