

MINUTES

TITLE: Environment & Planning Subcommittee
DATE: Monday, 17 November 2008
TIME: 10.30 am
VENUE: Golden Bay Service Centre, 78 Commercial Street, Takaka

PRESENT: Cr N Riley (Chair), Crs J Edgar and B Ensor

IN ATTENDANCE: Principal Consents Coordinator (J Butler), Consent Planner (L Davidson), Administration Officer (B D Moore)

1. PEKITA COMPANY LIMITED, 110 TANGMERE ROAD, ROTOTAI, GOLDEN BAY – APPLICATION RM080423

1.1 Proposal

The applicant applied to use an existing building as a second residential dwelling at 110 Tangmere Road, on land described as Lot 1 Deposited Plan 18740, being land comprised in Certificate of Title NL12B/1277, zoned Rural 1. The applicant has a resource consent (RM000034) that authorised the use of the building as a dwelling to accommodate a dependent relative. The authorisation required the building to revert to a craft studio when it was no longer used for the accommodation of a dependent relative and also required a covenant to be registered on the title to that effect. Since the original consent was granted, the dependent relative passed away and the dwelling was relet to a non-family member and subsequently rented by the IHC for a client and caregiver. The covenant required by consent 000034 was never entered into on the title by the consent holder.

The Committee proceeded to hear the application, presentation of submissions and staff reports as detailed in the following report and decision.

The Committee reserved its decision.

RESOLUTION TO EXCLUDE THE PUBLIC

Moved Crs Riley / Edgar
EP08/11/04

THAT the public be excluded from the following parts of the proceedings of this meeting, namely:

Pekita Company Limited

The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution in relation to the matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for passing this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
Pekita Company Limited	Consideration of a planning application	A right of appeal lies to the Environment Court against the final decision of Council.

CARRIED

**Moved Crs Ensor / Riley
EP08/11/05**

THAT the open meeting be resumed and the business transacted during the time the public was excluded be adopted.

CARRIED

**2. PEKITA COMPANY LIMITED, 110 TANGMERE ROAD, ROTOTAI, GOLDEN BAY
– APPLICATION RM080423**

**Moved Crs Riley / Ensor
EP08/11/06**

THAT pursuant to Section 104B of the Resource Management Act, the Committee DECLINES consent to Pekita Company Limited as detailed in the following report and decision.

CARRIED

Report and Decision of the Tasman District Council through its Hearings Committee

Meeting held in the Tasman Room, Richmond

on Monday, 17 November 2008, commencing at 10.30 am

A Hearings Committee (“the Committee”) of the Tasman District Council (“the Council”) was convened to hear the application lodged by **Pekita Company Limited** (“the Applicant”), to use an existing building as a second dwelling. The application, made in accordance with the Resource Management Act 1991 (“the Act”), was lodged with the Council and referenced as RM080423.

PRESENT: **Hearings Committee**
Cr N Riley, Chairperson
Cr J Edgar
Cr B Ensor

APPLICANT: Mr P Meares (applicant)
Mr S McCulloch (IHC New Zealand Inc. Southern Regional Property Manager)

CONSENT AUTHORITY: **Tasman District Council**
Mr L Davidson (Consent Planner, Land)

SUBMITTERS: Mr T Polglase
Ms S Lindsay

IN ATTENDANCE: Mr J Butler (Principal Resource Consents Adviser) –
Assisting the Committee
Mr B Moore (Committee Secretary)

1. DESCRIPTION OF THE PROPOSED ACTIVITY

This application by Pekita Company Limited (Mr P and Ms N Meares) is to enable an existing building on the site to be used as a second dwelling.

The applicant originally obtained resource consent RM000034 (“the original consent”) in March 2000 that authorised the use of a building as a dwelling to accommodate a dependent relative. However, a condition of that consent required that the building must revert to a craft studio when it is no longer used for the accommodation of the dependent relative. The consent also required that a covenant to that effect be registered on the title of the property. The application was processed as a non-notified application and it had the written approval of all affected parties.

Since that consent was granted, the dependent relative passed away before the second dwelling was completed. The applicant completed the construction of the new house and moved into it as its permanent residence. The original dwelling was subsequently let to a non-family member and, more lately, has been let to IHC New Zealand Inc. (IHC) to house Harry Sarll, an autistic member of the Golden Bay community who requires full time supervision and care. It also appears the covenant required by the original consent was never entered on the title by the consent holder.

Neighbours who previously had provided their written approval for the original consent lodged complaints with the Council in relation to the non-compliance with the conditions of that consent. An abatement notice was issued following an investigation by the Council’s compliance section. The abatement notice required the owners of the property to cease the unlawful use of the building as a dwelling. After discussion with the Council’s Compliance Officer, it was agreed an application could be made to replace the earlier consent, providing it followed the correct resource management process. Accordingly, the current application was lodged.

The subject property, owned by the applicant, is a title of 2.95 hectares at Tangmere Road. The property has two dwellings and accessory buildings that are sited to provide two areas of residential use among a variety of plantings that include avocados, olives, citrus and feijoas, with a significant part of the property in pasture. The amenity plantings on the property provide effective screening on parts of the boundary and within the site. The land in this part of Rototai has characteristics that provide a unique climate that is able to grow a range of sub-tropical species, making it a productive horticultural area.

2. TASMAN RESOURCE MANAGEMENT PLAN (“TRMP”) ZONING, AREAS AND RULE(S) AFFECTED

According to the TRMP the following apply to the subject property:

Zoning: Rural 1
Area(s): Coastal Environment Area

The proposed activity does not comply with Permitted Activity Rule 17.5.3.1(c) of the TRMP and is deemed to be a discretionary activity as it does not meet the requirements of any other rule in the TRMP.

3. NOTIFICATION AND SUBMISSIONS RECEIVED

The application was limited notified on 25 July 2008 pursuant to Section 94(1) of the Act. A total of two submissions were received. The following is a summary of the written submissions received and the main issues raised:

Ms S Lindsay

Ms Lindsay is the owner of an adjoining allotment at 195 Tangmere Road, which is on the northern side of the subject property. She lodged a submission opposing the application and considered a second dwelling should not be permitted on Rural 1 land. She believed granting consent will create a precedent for other properties wanting to have more than one dwelling on Rural 1 land, and it will also increase the potential for subdivision of the site. She did not believe the process adopted by the applicant in this case to obtain a second dwelling was a fair and just process and they have been using the building for some six years in contravention of the conditions of consent that was granted for a dependent relative. She believed the issue of who is tenanted the dwelling is irrelevant in this case and this may be being used as “emotional blackmail”. She queried what the wastewater requirements are for two dwellings on an allotment of this size and asked why other larger properties in this area cannot have a second dwelling.

She asked that the application be declined and wished to be heard at a hearing. She provided some suggestions in relation to conditions, including the provision of a “no subdivision” condition, allowing other properties in this area to have second dwellings. She also sought fencing between her property and the subject property.

Mr T Polglase

Mr Polglase is an owner and occupier of a property to the north of the subject property. He summarised the history of the applications that the applicant has made in the past and how they have used the buildings on the site. He also summarised the difficulties experienced in having the situation investigated and appropriate action taken. This took place over a period of time and finally resulted in an abatement notice being issued in 2008 and the current application to obtain consent for a second dwelling on the subject property. He stated that the Council would not permit him to have a second dwelling on his property and he believed “questionable methods” were adopted by the applicant to gain consent for two dwellings on the subject property. He believed the applicant used an emotive and irrelevant approach to put pressure on the Council to grant consent so the current tenant can be accommodated on the property.

He has asked that the application be declined and that the conditions of consent RM000034 be enforced.

4. PROCEDURAL MATTERS

There were no procedural matters that required a ruling to be made by the Committee.

5. EVIDENCE HEARD

The Committee heard evidence from the applicant, witnesses, submitters, and the Council's reporting officer. The following is a summary of the evidence heard at the hearing.

5.1 Applicant's Evidence

Mr P Meares

Mr Meares stated that there had been several delays with obtaining a Certificate of Code Compliance under the Building Act 2004 due to the uncertain situation with regard to the original consent and the requirement for the current application to be lodged. He stated that he understood the requirement of the original consent to place a covenant on the title but that he did not do this.

Mr Meares stated that, with regard to water supply, there were three water tanks on the property which totalled 110,000 litres.

Mr Meares then addressed Ms Lindsay's submission. He stated that gaining consent to have two dwellings won't create any precedent. He also stated that Bay Subtropicals (Lot 1 DP 10706, NLSD/1098) already have accommodation available.

Mr Meares addressed Mr Polglase's submission. He stated that Mr Polglase queried the change of use as he was not informed about it. He stated that the house has been on the property since 1982 and that they have already gained approval for a studio gallery. Mr Meares considered the effects of a residential dwelling to be less than that of a studio which would generate vehicle and foot traffic and noise.

Mr Meares considered that some of the complaints arose after an article appeared in the Golden Bay Weekly. He believed that some neighbours understood (in error) from the article that a full IHC home was being established.

Mr Meares stated that he is looking to downsize his craft business at Onekaka and move into the studio authorised by the original consent. He stated that Harry Sarll would need to be relocated at that time as the craft and Harry could not cohabit the house.

Mr Meares stated that he was happy with the imposition of a covenant disallowing subdivision.

Mr Meares recounted the history of the tenants in the second dwelling. They included an elderly woman, a couple, one other party and then Harry Sarll. He stated that it hasn't been full time and that it was Mr and Mrs Sarll (Harry's parents) who approached them about the possibility of securing the house for Harry. Mr Meares also stated that all tenants had been informed of the illegal nature of the house before the tenancy commenced. Mr Meares also stated that the house has never been advertised and that it has only ever been tenanted through word of mouth.

Mr S McCulloch (IHC Southern Regional Property Manager)

Mr McCulloch introduced himself as the Southern Property Manager for IHC and that he represented the tenants. He said that the original property manager who set up the arrangement is no longer in the position.

Mr McCulloch stated that it is not viable to set up a group home in Golden Bay and that funding is not available. Therefore, he stated that nothing will change. Mr McCulloch considered the situation to be ideal at the moment. He stated that he would like to see the service continue long term in its current state.

Mr McCulloch stated that it is IHC who hold the lease on the building. He stated that no special alterations had been required to accommodate Harry except for the installation of smoke alarms.

Cr Edgar asked Mr Meares and Mr McCulloch if the IHC had entered the tenancy knowing that the building was not legal. Mr Meares stated that the tenancy had been entered into on that basis by IHC.

Mr Meares presented as evidence a letter from the Mr and Mrs Sarll supporting the retention of the house in its current form and status.

5.2 Submitters' Evidence

Mr T Polglase

Mr Polglase stated that he opposes the consent application totally.

Mr Polglase considered the situation to be "crystal clear". He stated that the hearing is only necessary because Council staff refused or were unable to do their job and uphold the requirements of the original consent (namely, removal of the house when not needed for a dependent relative).

Mr Polglase stated that he was unable to get an explanation from Council as to how the applicant was able to use the new house authorised by the original consent as their principle dwelling. He believes that the new house should never have been allowed to be built, and once it was built, should never have been able to be used as a second dwelling. He described the Council's compliance as "inept".

Mr Polglase stated that they have repeatedly been told they are not able to build a second dwelling on his property, and asked why the applicants have been given preferential treatment.

Mr Polglase expressed his amazement at Mr Davidson's recommendation. He said that the Meares have proven that they do not follow consent conditions and does not believe that they will comply with another consent.

Mr Polglase considered that the IHC has been used as a pawn in this matter.

Mr Polglase questioned the notification process and why certain parties were not given the opportunity to submit on the application.

Finally, Mr Polglase asked the Committee to decline the consent application and enforce the conditions of the original consent. He also stated that he still wants an explanation from the Council on what steps the applicant took to develop their studio into a house so that he can repeat the steps.

Ms S Lindsay

Ms Lindsay agreed with many of Mr Polglase's statements.

Ms Lindsay suggested that a number of affected parties who gave their written approval for this application are not at all affected by the activity. She also stated that there are several other parties who are opposed to the application and that she has been given permission to express their disapproval.

Ms Lindsay requested that if the current application is granted, that all landowners in Tangmere Road should have the opportunity to construct a second dwelling. She considered the lot sizes to be so small that they are barely viable. She considered that the applicants are simply using an illegal dwelling to generate income on Rural 1 land. She stated that Mr Davidson has previously told her that she cannot build a second dwelling, and described the situation as a "very uneven playing field" that cannot be justified in any way.

Ms Lindsay stated that she believed that traffic numbers had doubled since Harry Sarll starting living in the second dwelling.

If this consent is granted, Ms Lindsay asked that a solid wooden fence be constructed along the boundary between the subject property and her own. She stated that the existing fence is beginning to collapse due to the weight of flax bushes. Ms Lindsay also discussed matters of illegal access onto her property.

Ms Lindsay stated that she does not support the compromise proposed in Mr Davidson's report. She believed that in five years, when the consent is due to expire, the applicants will again present to Council an application to extend the status quo. She believed the compromise to be merely a procrastination by the Council.

Ms Lindsay stated that the granting of this consent will clearly create a precedent that would be recognised in law and by the Courts. She believed that, should the Committee grant this consent, then the Council will be dealing with a considerable number of similar cases.

5.3 Council's Reporting Officer's Report and Evidence

Mr Davidson stated that the application is retrospective. He stated that it is quite clear where the Council's policy stands for second dwellings on land zoned Rural 1; they are strongly discouraged by the objectives and policies as it leads to fragmentation effects, a decline in the area of land available for productive land use purposes. The increased number of people living in the rural 1 zone will also cause ongoing future problems with cross boundary impacts (noise, odour, dust etc) and reverse sensitivity effects (the impacts of legitimate existing farming activities on new residents).

Mr Davidson confirmed that the original consent wasn't an unfettered allowance for two dwellings and that it is reasonable for the building to revert to a craft studio. Addressing Mr Polglase's concern about the use of the new dwelling (authorised by the original consent) as the principle dwelling for the property, Mr Davidson stated that in planning terms this is acceptable as the applicant is entitled to have one dwelling on the property and it does not matter which, providing the house obtains a code compliance certificate. Clearly the resource consent would then apply to the original building that was vacated (and now tenanted by the IHC and inhabited by Harry Sarll).

Mr Davidson confirmed that the issue of the tenancy and Harry Sarll is not relevant to the consideration of the application. He also stated that the covenant required by the original consent was very clear.

Mr Davidson stated that he had no knowledge of a consent for accommodation at Bay Subtropicals.

Mr Davidson then commented on the evidence of Mr McCulloch that there would be no new house to be purchased by the IHC. He said that, without a limited timeframe, he found it very hard to support the application.

5.4 Applicant's Right of Reply

Mr Meares considered that there had been communication problems between parties and that this, and the change of use, seems to be the source of the problems.

He stated that he found it hard to believe that traffic numbers had increased, especially since the Earth-Sea Gallery which was down Tangmere Road, has now gone.

He considered that noise may be an issue but that it is less than what would be experienced by a tractor or a sculpter.

Mr Meares stated that he has put "charity cases" in their empty house and that this is a good use of resources.

Finally, he reconfirmed that the house's suitability for Harry is unique.

6. PRINCIPAL ISSUES

The principal issues that were in contention were:

- a) What are the adverse effects of the second dwelling on the environment?
- b) Is a second dwelling consistent with the Council's objectives and policies for land zoned Rural 1?
- c) Would the granting of this consent set a precedent for other second dwellings in the area?
- d) To what extent is the current tenancy of the house to the IHC for Harry Sarll relevant in the consideration of the consent?
- e) What is the status of the small garage that has been converted into a sleepout next to the original house in the event that the consent that has been applied for is declined.

7. MAIN FINDINGS OF FACT

The Committee considers that the following are the main facts relating to this application:

- a) The Committee considers that there are only relatively minor direct adverse effects arising from the two dwellings. Both houses are now well established with plantings and accessory buildings. The original house which is tenanted to the IHC and is the subject of this application is, however, quite close to the boundary with Ms Lindsay. Noise from the house would certainly reach Ms Lindsay's property. While noise is anticipated in the rural zones, the Committee is mindful that residential noise is quite different in character. Both the existing tenant and possible future tenants (conceivably families of up to six) will produce residential noise.

The use of the building as a dwelling will not reduce the area available for productive uses as the original consent permits it to be used for a craft studio.

Traffic volumes obtained by the Committee show that the average daily traffic volumes were 34 vehicles per day (v/d) for the week ending 1 September 2005 and 61 v/d for the week ending 15 February 2008. Given the respective times of year that these counts were taken little information can be gained. While the figures do suggest that there may be an increase in traffic more recently, any increase can not categorically be assigned to the applicant's lease of the second dwelling. As Tangmere Road is categorised as an Access Place it is capable of handling this volume of traffic without concern.

Land fragmentation is also a relevant adverse effect that will result from the proposal. While normally associated with subdivision, fragmentation can also occur when residential development, and the curtilage that is maintained around dwellings, fragments a property.

Additional dwellings and residential activity also have the potential to cause adverse cross-boundary effects associated with future productive use of the land. The Rural 1 zone is principally for productive land uses which may involve noise, dust, chemicals and odours. These effects are all anticipated in the Rural 1 zone. Increasing the intensity of residential use in the Rural 1 can lead to future cross-boundary disagreements, conflicts and ultimately in some cases the stifling of rural activities.

- b) The Committee accepts Mr Davidson's evidence that the Council's objectives and policies clearly discourage second dwellings on Rural 1 land. Productive land is a limited, irreplaceable resource. Landholdings that are unproductive or unviable now may well be viable in the future for different crops or other productive purposes.
- c) While precedent is not, in itself, an adverse effect on the environment, it can give rise to cumulative adverse effects and is certainly a consideration as another matter under Section 104(1)(c) of the Act. Applicants have a legitimate expectation to receive consistent decision making from the Council. For a precedent not to be set by a decision there must be sufficiently unique circumstances surrounding an application. The Committee does not consider in this case that there are any resource management circumstances which make the situation unique. (The significance of the current tenancy of the dwelling is discussed in point d) below.) While the block of land is small it retains significant productive potential just like the other blocks in the immediate area.
- d) The Committee has the utmost of sympathy for the situation Mr and Mrs Sarll and their son Harry are in. However, the Committee cannot make resource management decisions on the basis of who is, or is not, tenanted a given dwelling. Hypothetically, if the consent was to be granted, the Meares could terminate the tenancy at any time.

The dwelling is illegal and was illegal when IHC took the tenancy. Assuming that Mr Meares' evidence – that the IHC was fully informed about the illegality of the dwelling – is accurate, the Committee is very surprised that the IHC would accept the tenancy. With the departure of the previous property manager the Committee has no way of verifying what the IHC did or did not know at that time. However, the Committee is clear that it is the applicant's disregard for the conditions of the original consent that has allowed this situation to arise.

- e) In the event that consent is declined and the use of the house as a dwelling must be discontinued, the small garage next to the house that has been converted into a sleepout will not comply with the requirements of the TRMP as it will be more than 20 metres from the principal dwelling on the property. However, it will qualify for existing use rights under Section 10 of the Act as it was legally established prior to the requirement for sleepouts to be within the 20 metre proximity to the dwelling.

8. RELEVANT STATUTORY PROVISIONS

8.1 Policy Statements and Plan Provisions

In considering this application, the Committee has had regard to the matters outlined in Section 104 of the Act. In particular, the Committee has had regard to the relevant provisions of the following planning documents:

- a) Tasman Regional Policy Statement (TRPS); and
- b) the Tasman Resource Management Plan (TRMP).

8.2 Part II Matters

In considering this application, the Committee has taken into account the relevant principles outlined in Sections 6, 7 and 8 of the Act, as well as the overall purpose of the Act as presented in Section 5.

9. DECISION

Pursuant to Section 104B of the Act, the Committee **DECLINES** consent.

10. REASONS FOR THE DECISION

Effects on the Environment

The use of the building as a dwelling will have some limited adverse effects on the environment. Principally, it will create additional residential character noise in a rural environment. Noise is anticipated in the rural environment but residential noise is quite different in character from that normally anticipated in such areas.

The proposal will cause a minor but noteworthy adverse effect on the productive potential of the land. While the original consent authorises the building to be used as a craft studio, the fragmentation of the land into residential curtilages further restricts the land available for productive purposes. It would also make the fragmentation and loss of productive potential permanent and less reversible than an ancillary activity such as a craft studio. Allowing a second dwelling would also give a more residential character to the area and may constrain future productive land uses, particularly on Ms Lindsay's property through cross-boundary effects and reverse sensitivities.

Objectives and Policies of the TRMP

The Committee agrees with Mr Davidson's assessment of the relevant objectives and policies in the TRMP.

7.1.2 Objective

Avoid the loss of potential for all land of existing and potential productive value to meet the needs of future generations, particularly land of high productive value.

7.1.3 Policies

7.1.3.2 *To avoid, remedy or mitigate the effects of activities which reduce the area of land available for soil-based production purposes in rural areas.*

7.1.3.3 *To avoid, remedy or mitigate adverse actual, potential, and cumulative effects on the rural land resource.*

7.1.3.8 *In the Takaka-Eastern Golden Bay Area, to ensure that:*

- (a) subdivision and development for residential purposes of land that is of high productive value (especially Class A or B lands) is actively discouraged; and*
- (b) opportunities for title amalgamation and boundary adjustment are provided to enable small landholdings on Class A or B land to rationalise existing title boundaries around existing dwellings without further fragmenting land of high productive value.*

Note: Policy 7.1.3.8 has been notified but is not yet operative.

The Committee does not consider that the proposal meets this objective and these policies. The site is within the "Takaka-Eastern Golden Bay Area" specified in Policy 7.1.3.8 and therefore this proposed policy has some weight. The soil class of the subject property is not known, however anecdotal information about the productivity of the area suggests it is likely to be Class A or B.

7.2.2 Objective

Provision of opportunities to use rural land for activities other than soil-based production, including papakainga, tourist services, rural residential and rural industrial activities in restricted locations, while avoiding the loss of land of high productive value.

7.2.3 Policies

7.2.3.1 *To enable activities which are not dependent on soil productivity to be located on land which is not of high productive value.*

7.2.3.2 *To enable sites in specific locations to be used primarily for rural industrial, tourist services or rural residential purposes (including communal living and papakainga) with any farming or other rural activity being ancillary, having regard to:*

- (a) the productive and versatile values of the land;*
- (d) cross-boundary effects, including any actual and potential adverse effects of existing activities on such future activities;*
- (f) the availability of specific productive natural resources, such as aggregates or other mineral sources;*
- (h) potential for cumulative adverse effects from further land fragmentation;*
- (j) efficient use of the rural land resource;*

As the soil and climate on the subject property is of high productive value the proposed activity is not consistent with this objective and policies. While activities other than soil-based production are to be provided for, this should be done in areas where soil-based productivity is not compromised.

A lack of consistency with these objectives and policies, as well as the other matters discussed below, are the principle reasons for declining this consent. Recent case law (*McKenna v Hastings District Council, 2008, W016/08*) confirms that decision-makers can have regard to local and regional planning instruments (in this case the TRMP) and other relevant matters and not just effects on the environment. This is important in this case, as it was in the McKenna case, given the potential for precedent and potential adverse cumulative effects to be significant.

Other Matters

As all people can have a justified expectation for consistent decision making, the precedent set by this application and the potential cumulative adverse effects is one of the principal reasons for the decision. The adverse effects of cumulative land fragmentation, rural amenity loss, cross boundary effects and loss of productive land resulting from widespread authorisation of second dwellings are considered great and will not be consistent with the objectives and policies of the TRMP.

Case law suggests that it is not good practice to disallow an activity purely on the basis that other applications may possibly be received and granted sometime in the future when, in fact, those applications may never eventuate. However, in this case, the Committee believes that there is an extremely high likelihood that granting this consent will set a precedent which will lead to serious adverse effects on the rural land resource and rural amenity.

Purpose and Principles of the Act

There are no matters of national importance as specified in Section 6 of the Act that are relevant to this application. However, items (b), (c) and (g) are other matters listed in Section 7 of the Act which are relevant. Taking these into account, along with the overall assessment of this activity, the Committee does not consider that this proposal achieves the purpose of sustainable management of natural and physical resources, being the purpose of the Act (Section 5).

11. COMMENTARY ON DISCONTINUATION OF ACTIVITY

Although the Act does not provide for conditions to be placed on a decision that declines consent, the Committee considers that there is a humanitarian aspect to this case that warrants some leniency or compromise. Normally a decline of consent for an activity that has already commenced would require immediate termination of the activity. The Committee therefore makes the following rulings with regard to the cessation of the residential activities on-site and the removal of the dwelling:

- Residential activity in the house may continue until 28 February 2009. Thereafter all residential activity must cease.

- The Meares must still comply with the requirements of land use consent RM000034 and, in particular, Condition 6. However, the wording of the consent notice shall be amended to reflect the fact that it will now not be used by a dependent relative. The wording of the consent notice shall be to the effect that the building shall only be used as a craft studio and shall not be used for any residential purposes whether temporary or permanent. Condition 6 shall be complied with by 28 February 2009.
- By 15 March 2009 the building shall be made unusable as a dwelling. To achieve this the kitchen and bathroom facilities must be entirely removed.

Once again, the Committee is sympathetic to the situation surrounding the existing tenant. The Committee hopes that the timeframes allowed for discontinuation will help “soften the blow”.

Issued this 2nd day of December 2008



Cr Noel Riley
Chair of Hearings Committee

Date Confirmed:

Chair: