

**DISTRICT PLAN AND REGULATORY COMMITTEE**

**MINUTES:** of a meeting of the District Plan and Regulatory Committee which commenced at 9.00 a.m. in the Council Chambers, Centreway Road, Orewa on Wednesday, 26 May 2010.

**PRESENT:** Crs Gaye Harding (Chairperson)  
Michael Goudie  
John Kirikiri (from 1.20 p.m.) (observing only)  
Dave Parker QSM  
Grahame Powell  
Suzanne Weld

**IN ATTENDANCE:** Democracy Services Officer (Elise Heyns)

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9.00 a.m. Regulatory Administrator (Rose Hamilton) in attendance.

**310/05/10 APOLOGIES**

**AGENDA ITEM NO. 1**

**Harding/Powell**

**That the apology from Cr Weld (for lateness) be received and sustained.**

**Carried**

**311/05/10 NOTIFICATION OF NEW APPEAL(S)**

**AGENDA ITEM NO. 2**

There was no notification of new appeals.

9.02 a.m. Cr Weld present.

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**312/05/10 NEW ROAD NAMES****APPLICANT:** Neil Construction Ltd, Aurora Avenue, Snells Beach**FILE REF** R55375**AGENDA ITEM NO.** 4**Weld/Harding**

**That the new roads to be created under resource consent R55375 as shown on the plan attached as Appendix 1 to the agenda report, be named Hapuka Close and Trevally Place.**

**Carried**

9.04 a.m. Manager: GIS (Neville Perrie), GIS Officer (Janice Haferkamp) and GIS Officer (Bryan Lormans) in attendance.

Regulatory Administrator (Rose Hamilton) retired from the meeting.

9.05 a.m. Manager: Transport Operations and Safety (Gareth Hughes) in attendance.

**313/05/10 "NO STOPPING" LINES AND RESTRICTED HOURS PARKING SIGNS:  
CLEGG PLACE, WARKWORTH; WOODCOCKS ROAD, WARKWORTH;  
FLORENCE AVENUE, OREWA**

**FILE REF** RF/273/1; RF/38/1; RF/276/1**AGENDA ITEM NO.** 3

9.06 a.m. Chief Legal Officer (Rob Goldsbury) in attendance.

**Parker/Powell**

(a) **That new "no stopping" lines be installed at Clegg Place and Woodcocks Road, Warkworth, as indicated in Appendices 1 and 2 to the agenda report.**

(b) **That restricted parking signs be installed at Florence Avenue, Orewa as indicated in Appendix 3 to the agenda report.**

**Carried**

9.08 a.m. Manager: Transport Operations and Safety (Gareth Hughes) retired from the meeting.

**314/05/10 PROPOSAL TO RENAME A SECTION OF STATE HIGHWAY 17 AS  
DEFINED ON RDC 20257 REV 2 AS DAIRY FLAT HIGHWAY**

**FILE REF** GD/1/5; GD/1/7**AGENDA ITEM NO.** 5**Weld/Harding**

**That pursuant to Section 319 of the Local Government Act 1974, the section of State Highway 17 as defined on Rodney District Council plan RDC20257 Rev 2, attached as Appendix 1 to the agenda report, be renamed Dairy Flat Highway subject to North Shore City Council also agreeing to the same name.**

**Carried**

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9.10 a.m. Manager: GIS (Neville Perrie), GIS Officer (Janice Haferkamp) and GIS Officer (Bryan Lormans) retired from the meeting.

9.12 a.m. Policy Planner (Wendy Robertshaw) in attendance.

**315/05/10 SCHEDULE OF DELEGATED DECISIONS ON RESOURCE CONSENT APPLICATIONS**  
**FILE REF TP/1/6**  
**AGENDA ITEM NO. 9**

**Goudie/Parker**

That the report on decisions relating to:

- (a) Land Use Resource Consent Applications [s.88 of the Resource Management Act 1991] (Controlled Activity, Discretionary Activity, Non-Complying Activity, Preservation or Conservation of Landscape);
- (b) Lapsing of Consents [s.125 of the Resource Management Act 1991];
- (c) Change or Cancellation of Consent Conditions by Consent Holder [s.127 of the Resource Management Act 1991];
- (d) Existing Uses [s.10 of the Resource Management Act 1991];
- (e) Non-Conforming Buildings [s.10 of the Resource Management Act 1991];
- (f) Any Other Decision Relating to Activities;
- (g) Subdivision Consent [s.105 of the Resource Management Act 1991] and Development Plans [s.409];

made pursuant to delegated authority from the Council, be received.

**Carried**

9.14 a.m. Chief Legal Officer (Rob Goldsbury) retired from the meeting.

**316/05/10 APPEAL AGAINST BARK ABATEMENT NOTICE – C & B GRANT**  
**FILE REF DC/1/1**  
**AGENDA ITEM NO. 7 and 7A**

*Note: This item has been deferred to the next meeting.*

**317/05/10 APPEAL AGAINST MENACING DOG CLASSIFICATION – BRIAN FIELD**  
**FILE REF DC/9/2**  
**AGENDA ITEM NO. 8 and 8A**

*Note: This item has been deferred to the next meeting.*

9.15 a.m. Senior Planner (Dave Paul) in attendance.

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<b>318/05/10</b>	<b>VARIATION 63 – INTRODUCTION OF THE SPECIAL 22 (POINT WELLS OMAHA FLATS) ZONE TO DISTRICT PLAN 2000 – OPERATIVE IN PART</b>
	<b>HEARING REPORT FOR DISTRICT PLAN AND REGULATORY COMMITTEE</b>
<b>FILE REF</b>	TP/14/4/63
<b>AGENDA ITEM NO.</b>	6

The Chairperson, Cr Harding, welcomed the submitters to the hearing.

Policy Planner (Wendy Robertshaw) gave a summary of the agenda report.

Submitter 1012: John Carter on behalf of the Auckland Regional Council

John Carter distributed and read his written evidence. Mr Carter's evidence also included Agricultural Consultant Allan Clarke's court evidence in regards to the appeal R Foster, K&E Reynolds and B Cruickshank v Rodney District Council (copies on File: TP/14/4/63).

Mr Carter concluded in his evidence that it was considered in light of the further information available, including the additional analysis of the soils resources in the area, the Foster Decision and the Rodney District Dwelling Capacity Study, that additional residential development in the location should be avoided and the proposed plan change rejected in its entirety.

Discussion centred on the soil conditions of the areas affected by the plan change.

Submitter FS1046: Graham Parfitt on behalf Omaha Flats Environmental Protection Society

Graham Parfitt distributed and read his written evidence (copy on File: TP/14/4/63). Mr Parfitt's evidence dealt with the Omaha Flats Policy area of the proposed Special 22 Zone and supported the planning provisions that would enable horticulture production, as well as the increase in area for subdivision.

Mr Parfitt concluded by saying that with some minor adjustments as detailed in the reporting planner's report and as outlined in his evidence, the proposed Variation 63 would meet the wishes of the Society and should be approved.

10.45 – 11.05 a.m. Morning Tea adjournment.

Submitter 1036 and FS1036: Michael Savage on behalf of 228 Point Wells Ltd

Michael Savage distributed and read his written evidence (copy on File: TP/14/4/63). Mr Savage said the reporting planner's report had gone a substantial way to alleviate most of the original concerns raised by submitters and further submitters. He said the western portion of his client's land logically formed part of the village and would be treated in an identical fashion to the remainder of the village in terms of the new rules. Mr Savage said his client was willing to accept the recommendations of the Reporting Planner.

Mr Savage disputed the claim made in the ARC's submission that the submission of 22 Point Wells Ltd was not 'on' the plan change and gave evidence to that effect.

Submitter 1002 and FS1002: Leonard Thompson on behalf of Whangateau Harbour Care

Leonard Thompson distributed and read his written evidence (copy on File: TP/14/4/63). He said Harbour Care was passionate about keeping the catchment in a position where it had a mixture of lifestyles, one not dominating the other. He said Harbour Care opposed Variation 63 because they advocated a cautious approach to haphazard rural expansion of close settlement which would only erode the lifestyles of those already in residence. He said there were no long term advantages in expanding small communities such as Point Wells.

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Submitter 1003 and FS1003: Elizabeth Foster

Elizabeth Foster distributed and read her written evidence (copy on File: TP/14/4/63).

Ms Foster asked that further submissions FS1050/14, FS1008/15, FS1045/16 and FS1027/2 be struck from the evidence as she had not received a copy of their further submissions as prescribed by the Resource Management Act.

Ms Foster said the catchment was already overdeveloped because of the settlement at Omaha Beach and any further development was likely to lead to an urbanisation of the entire coast. She opposed Variation 63 and said in conclusion the variation would satisfy the wishes of only a few at the expense of the wider community.

Submitter 1004 and FS1040: John Maltby

Mr Maltby distributed and read his written evidence (copy on File: TP/14/4/63). He said he supported the planner's report as Variation 63 would enable the Point Wells/Omaha Flats area to progress and grow in a balanced and well planned manner while preserving a significant amount of land for horticultural production.

12.45 – 1.20 p.m. Luncheon adjournment.

1.20 p.m. Cr Kirikiri present.

Submitter 1010 and FS1049: Lisa Capes and Noeline Cranston on behalf of the Point Wells Community & Ratepayers Association (PWCRA)

Lisa Capes distributed and read her written evidence (copy on File: TP/14/4/63). She said part of the variation as it relates to 228 Pt Wells Ltd land was unacceptable to the PWCRA which represented the Point Wells community. She said the entire parcel should remain Lifestyle Policy Area as indicated in the original draft of Proposed Variation 63.

Noeline Cranston distributed and read her written evidence (copy on File: TP/14/4/63). She said the PWCRA supported Variation 63 in its published form, but at that point most people did not know of the intention to vastly increase the size of the village by subdividing at 228 Point Wells Road. She said the Association on behalf of the community absolutely opposed the subdivision at 228 Point Wells Rd and noted the reasons for the decision in her submission.

Submitter 1009: Lisa Capes on behalf of AF & SA Grant

Lisa Capes gave verbal evidence. She asked for better clarification of the expression "urban services and functions" and mentioned that her client had striven to get acknowledgement in the variation that commercial activities relating to vineyards (e.g. exhibition space for artworks, café and outside sculpture trial) were part of the wine tourism. She asked whether such activities would be considered to be a provision of urban services and functions.

Submitter 1031: Karen Pegrume on behalf of Jutland Trust

Karen Pegrume distributed and read her written evidence (copy on File: TP/14/4/63). She summarised the relief sought by her client as follows:

- That the property was acknowledged to be unproductive land.
- That the rules for subdivision allowed for a greater lot entitlement based on the parent lot size thresholds.
- That the management of the residential lot entitlement was carried through by way of a rule in the plan rather than the consent notice process.
- That all the natural areas subdivision provisions were reinstated, which included wetlands as per the officer's report recommendations and bush provisions that had not been reinstated.
- Boundary relocation provisions were actively acknowledged in the Rural Policy Area as allowed but by way of a rule that ensured the residential lot entitlement was based on the existing lot sizes.

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Submitter 1034: Karen Pegrume

Karen Pegrume distributed and read her written evidence (copy on File: TP/14/4/63). She said she opposed the inclusion of the land on the eastern side of Takatu Road into the Omaha Flats Special Zone Rural Policy area. She said as the land was not productive land and never would be, it would be better left within the general rural zoning.

Submitter 1035: Ian Hutchinson

Ian Hutchinson tabled maps surveyed by Hutchinson Consultants (A3-12785/03; A3-12785/06; A3-12785/04; A3-12785/05 and A3-12785/07) as supplementary evidence (copy on File: TP/14/4/63). The maps showed the additional subdivision potential of Point Wells in accordance with the existing District Plan 2000 zoning requirements, which appeared to be minimal and barely significant. Mr Hutchinson said the minimal subdivisional size of sites reticulated with the public sanitary sewer system should be retained at 600m<sup>2</sup> rather than the proposed 1000m<sup>2</sup>.

Submitter 1013: David Wylie and Sarah Nairn on behalf of David Wylie

David Wylie distributed and read his written evidence (copy on File: TP/14/4/63). He said his property proved to be totally uneconomic. He said he was involved in the consultation process of the plan change from the beginning and a buffer zone on the boundary of Point Wells Village was never mentioned. Mr Wylie said his submission sought that all 16 properties on the northern side of Omaha Flats Road from the intersection of Point Wells Road to the Country Park should be included in the lifestyle area with the minimum 1ha lot size.

Sarah Nairn distributed and read her written evidence (copy on File: TP/14/4/63). She said the proposed variation provided a basis for managing the variety and scale of activities that occur within Omaha Flats/Point Wells area, but amendments were requested to ensure that the provisions are the most appropriate for the circumstances. She said the proposed low density living should be replaced with lifestyle living and the minimum site should be increased to 1ha so that the newly created sites would be more in keeping with the rural context of the area.

Submitter 1022: Alan Barwick

Alan Barwick gave verbal evidence. He objected to the limitations proposed for subdivision in the Omaha Flats Area and sought that all land in the Omaha Flats Rural Policy area be able to subdivide to a minimum of 5000m<sup>2</sup> to make provision for the demand in future for lifestyle properties. Mr Barwick also asked that the proposed rule governing architectural styles be done away with given the variety of styles already in existence in the area.

Submitter 1011: Richard Reeves

Richard Reeves distributed and read his written evidence (copy on File: TP/14/4/63). His submission sought a better buffer zone between the proposed Lifestyle Area and the Omaha Flats Rural Policy Area. He said the development of the walkway cycleway threatened the intensely managed horticulture area that it borders onto. He said the main risks were spray drift from organophosphate insecticides and the stealing and consumption of produce that had been recently sprayed. Mr Reeves said horticulturalists in Omaha Flats did not need the added pressure of having to manage the public on top of having to manage their own crops.

3.30 – 3.45 p.m.            Afternoon Tea adjournment.

Submitter 1017 and 101B: Sarah Witherall on behalf of Kim McDell and Ivor James

Sarah Witherall distributed and read her written evidence (copy on File: TP/14/4/63). She said she generally supported the overall intent of Variation 63, but considered it appropriate to amend the variation with the specific provisions referenced in her submission. She said those amendments would ensure that future subdivision would recognise the existing use and capability of the land for productive use, would offer greater opportunities to protect and enhance the natural environment and would provide flexibility for site sizes to meet existing land requirements and the changing market demand.

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Submitter 1015: Nina Khouri on behalf of Aeneid Seventeen Ltd

Nina Khouri distributed and read her written evidence. She also tabled her client's court evidence in regards to the appeal R Foster, K&E Reynolds & B Cruickshank v Rodney District Council (copies on File: TP/14/4/63). She said her client was asking for legal measures to prevent subdivision of the parent site to preserve the productive value of the land resource and protect horticultural activities on neighbouring sites, as well as a restriction on the location of any proposed building platform to avoid adverse reverse sensitivity effects from horticultural activities on neighbouring sites. Ms Khouri referred to the outcome of the Foster appeal and said the Court had given a clear indication of how the rural areas should be protected.

The Chairperson, Cr Harding, thanked the submitters for their attendance and advised that a decision would be made in due course.

4.45 p.m. Senior Planner (Dave Paul) and Policy Planner (Wendy Robertshaw) retired from the meeting.

**319/05/10 PUBLIC EXCLUDED**

**AGENDA ITEM NO. 10**

**Goudie/Parker**

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

**Minute No(s). 320/05/10 and 321/05/10**

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Grounds under section 48(1) for the passing of this resolution
Appeals / Proposed District Plan 2000	Refer grounds	That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Local Authority to deliberate in private on its decision or recommendation in any proceedings before it where: (i) a right of appeal lies to any court or tribunal against the final decision of the Local Authority in those proceedings; or (ii) the Local Authority is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings. (section 48(1)(d) Local Government Official Information and Meetings Act 1987.)

**Carried**

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The meeting closed at 4.50 p.m.

CONFIRMED AS A TRUE AND CORRECT RECORD THIS 8TH DAY OF JULY 2010

MAYOR

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26 May 2010

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**CONFIDENTIAL**