

**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 Committee Room, Centreway Road, Orewa on Wednesday, 5 August 2009.

**PRESENT:** Crs Gaye Harding (Chairperson)  
Michael Goudie  
Dave Parker QSM  
Grahame Powell  
Suzanne Weld

**IN ATTENDANCE:** Democracy Services Officer (Raewyn Morrison)

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9.00 a.m. Group Manager: Regulatory (Chris Boggs), Seconded Solicitor (Mary Nacey), Environmental Health Officer (Eric Donald), Liquor Licensing Officer (Don Sara) and Disputes Resolution Officer (Valerie Coffey) in attendance.

**475/08/09 APOLOGIES**

**AGENDA ITEM NO. 1**

There were no apologies.

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**476/08/09                    EXCESSIVE NOISE INCIDENT – APPLICATION FOR RESTITUTION OF PROPERTY****APPLICANT: CRAIG PEAPELL****FILE REF                    ND/1/1****AGENDA ITEM NO.        2**

*The appellant, Mr Craig Peapell, supported by Trudy Way, and his daughter Sharlene Peapell, were present for this item.*

A draft statement from Mr Peapell to the Committee had been circulated prior to the meeting.

Mr Peapell apologised for the incident and said that he had taken it upon himself to be proactive and there had been no complaints since that he was aware of. He thought that there were Council processes that could be improved.

In response to questions, Mr Peapell said that the noise element had been taken back into the building. He was now aware of the process and advised his neighbours of any parties; he hadn't previously been aware that this was necessary. He had given his neighbours his phone number. He considered that there had been a lot of faults on the part of the Noise Control Officer. Mr Peapell said that he now had another stereo and there had been no complaints since May 2008. In regard to paying the costs of seizing his property he said he regarded the seizure of his stereo equipment as illegal and that he didn't believe there should be any costs. *(Note: costs amounted to \$157.50)*

Mr Peapell tabled written statements from Trudy Way and Sharlene Peapell (copy on file ND/1/1).

The Chairperson, Cr Harding, thanked the appellant and his supporters for their attendance and advised that a decision would be made later in the meeting.

9.15 a.m. Mr Peapell, Ms Way and Ms Peapell retired from the meeting.

**477/08/09                    PUBLIC EXCLUDED****AGENDA ITEM NO.        5****Powell/Harding**

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

**Minute No(s). 478/08/09**

**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:**

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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	Refer grounds	<p>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:</p> <p>(i) a right of appeal lies to any court or tribunal against the final decision of the Local Authority in those proceedings; or</p> <p>(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.</p> <p>(section 48(1)(d) Local Government Official Information and Meetings Act 1987.)</p>

Carried

*Note: The following decision was made with the public excluded then brought into open meeting.*

**479/08/09**                    **EXCESSIVE NOISE INCIDENT – APPLICATION FOR RESTITUTION OF PROPERTY**

**APPLICANT: CRAIG PEPELL**

**FILE REF**                    ND/1/1

**AGENDA ITEM NO.**      2

**Weld/Powell**

- (a) That the report on excessive noise from 3/15 Moenui Avenue, Orewa on 24 May 2008, be received.
- (b) That upon considering Craig Peapell's application for restitution of stereo equipment seized and impounded on 24 May 2008 from premises at 3/15 Moenui Avenue, Orewa, the Committee adopt the following resolution:

That the Committee, being satisfied that the return of the stereo equipment seized and impounded under s.328 of the Resource Management Act 1991 from premises at 3/15 Moenui Avenue, Orewa on 24 May 2008 is not likely to lead to the resumption of the emission of noise beyond a reasonable level, agree to make restitution of the stereo equipment to Craig Peapell on payment of the Council's costs in seizing, impounding and storing the stereo equipment.

Carried

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**480/08/09 NOTIFICATION OF NEW APPEAL(S)****AGENDA ITEM NO. 3****Goudie/Harding****That a notice of a new appeal be received.****Carried****481/08/09 SCHEDULE OF DELEGATED DECISIONS ON RESOURCE CONSENT APPLICATIONS****FILE REF TP/1/6****AGENDA ITEM NO. 4****Harding/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**

9.45 a.m. Disputes Resolution Officer (Valerie Coffey) retired from the meeting.

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**482/08/09 PUBLIC EXCLUDED****AGENDA ITEM NO. 5****Powell/Harding**

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

Minute No(s). 483/08/09, 484/08/09, 485/08/09, 486/08/09, and 487/08/09

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**

*Note: The following decision was made with the public excluded then brought into open meeting.*

**488/08/09 MURIWAI COMMUNITY PLAN IMPLEMENTATION – MURIWAI DESIGN GUIDELINES****FILE REF TP/9/54/1****AGENDA ITEM NO. 8****Weld/Powell**

- (a) That the report be received.
- (b) That the amendments outlined in section 3.1 and 3.2 of the agenda report be added to the Council's schedule of possible future plan changes, subject to the Annual Plan process in terms of their prioritisation.

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**Note: Section 3.1 and 3.2 read:**

**3.1 Chow Hill has recommended amendment to the District Plan in the Muriwai township area (Medium Intensity Residential Zone) as follows:**

- (i) Maximum height should be measured by average height measurement.
- (ii) Colour standard – reflectivity or saturation controls could be introduced. Colour and material, while not considered to be a serious issue in current housing stock, could become an issue in relation to future development.

**Chow Hill has recommended amendment to the Landscape Protection Rural Zone as follows:**

- 3.2**
- (i) Existing assessment criteria (restricted discretionary and discretionary activities) assessing whether buildings/structures visually intrude on ridgelines or skylines could be strengthened to place emphasis on avoidance of development of these areas.
  - (ii) Landscape character – greater consideration could be given as to whether buildings or structures detract from landscape character in area of high landscape quality.
  - (iii) Colour standard – the introduction of a reflectivity/saturation colour standard would address glare while preserving freedom of choice in colours and materials.
- (c) That the amendments 3.1 and 3.2 as recommended by Chow Hill be added to the Council's list of future plan change/variations, subject to annual plan process for prioritisation, recognising that there is room for improvement to the development controls in the Muriwai area, but reserving the Council's discretion over the timing (prioritisation) of a plan change.
- (d) That the decision (below) and the agenda report be restated in open meeting.

**Carried**

The meeting closed at 10.33 a.m.

CONFIRMED AS A TRUE AND CORRECT RECORD THIS 24TH DAY OF SEPTEMBER 2009

MAYOR

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5 August 2009

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**CONFIDENTIAL**