



HURUNUI
District Council

REGULATORY COMMITTEE

AGENDA

FOR AN EXTRAORDINARY MEETING TO BE HELD ON:

THURSDAY 26 APRIL 2012
COMMENCING AT 2.00PM

IN THE HANMER SPRINGS MEMORIAL HALL, CONICAL HILL
ROAD, HANMER SPRINGS.

In Hurunui we live the lives the rest of the world would love to live.

REGULATORY COMMITTEE

For the meeting timetable and order of business please refer to the back page fold-out.

Committee Membership:

Cr R Little (Chairperson)
Mayor W Dalley
Cr Marie Black
Cr Russell Black
Cr Gary Cooper
Cr Vince Daly
Cr Dick Davison
Cr Jim Harré
Cr Michael Malthus
Cr Judith McKendry

Quorum: no less than 5 members

Extraordinary Regulatory Committee – 26 April 2012

TIMETABLE

Time	Item
2.00PM	Meeting Commences

ITEM	ORDER OF BUSINESS	Pages
	<ul style="list-style-type: none">• Apologies• Conflict of Interest Declarations• Recording Device	
1.	Business	
	1.1 Request to Cancel an Abatement Notice.....	1 - 7



HURUNUI
District Council

Meeting Date:

26 April 2012

REPORT TO: Regulatory Committee

SUBJECT: Request to cancel abatement notice

REPORT BY: Team Leader Regulatory

A handwritten signature in black ink, appearing to read 'Sue Courtney'.

A handwritten signature in black ink, appearing to read 'J - Batchelor'.

Signature: Author
Sue Courtney

Manager
Judith Batchelor

Summary Report

Under section 325A of the Resource Management Act 1991 any person may apply in writing to the relevant authority to change or cancel an abatement notice. Mr Ross Campbell has requested in writing that the abatement notice issued to him on 13 March 2012 be cancelled.

Recommendation

THAT THE COMMITTEE CONFIRM ITS DECISION MADE ON 8 DECEMBER 2012 TO SERVE AN ABATEMENT NOTICE ON THE OWNER OF THE NON-COMPLIANT REMOTE SIGN 'ST HELENS GATE' LOCATED AT 1 FRASER CLOSE, HANMER SPRINGS.

Considerations

At the meeting on 8 December 2011 the Committee agreed to authorise abatement notices to be served by an enforcement officer on the owners of the two remaining non-compliant remote signs in the Hanmer Springs area.

One of the abatement notices was issued to Mr Ross Campbell for a sign advertising 'St Helens Gate' located on the property of 1 Fraser Close, Hanmer Springs requesting that the sign be removed by Friday 30 March 2012.

The 'St Helens Gate' sign is in breach of Rule A1.2.13(a) of the Hurunui District Plan which states that:

“any permanent sign must be erected wholly within the site to which it relates”.

Under section 325A (4) of the Resource Management Act 1991 - *any person may apply in writing to the relevant authority to change or cancel an abatement notice.*

Mr Campbell forwarded an email to Sue Courtney (Team Leader Regulatory) on 27 March 2012 asking for the notice to be withdrawn. This was followed up by a letter from Mr Campbell dated 30 March 2012, stating his reasons as to why the abatement notice should be cancelled.

Mr Campbell asks in his letter that as Council has been exercising some discretion in its application of the rules, as with the Hanmer Springs Golf Club, that the same discretion be applied to his case.

The Hanmer Springs Golf Course had a number of sponsorship signs placed around the course directly facing the road and providing advertising to passing vehicles. A letter was sent to the President of the Golf Club requesting the signs to be repositioned so that they were more in relation to the hole being sponsored, rather than providing an advertising opportunity for the businesses from road users and those not using the golf course. This letter was followed up by a meeting with the committee of the Golf Club and a Council officer.

The interpretation of 'sign' in the District Plan 'means any display or device intended to attract attention for the purpose of directing, identifying, informing, or advertising which is visible from a public place and include any frame or supporting structure.

Under section 325A (5) of the Resource management Act 1991 - *the relevant authority shall, as soon as practicable, consider the application having regard to the purpose for which the abatement notice was given, the effect of a change or cancellation on that purpose, and any other matter the relevant authority thinks fit; and the relevant authority may confirm, change, or cancel the abatement notice.*

Purpose for which the abatement notice was given

At the Hanmer Springs Community Board meeting 21 March 2011 the Board passed the resolution '*that council staff enforce the signage policy in the Hanmer Ward*' due to the increase in the number of signs and the adverse visual effect these were having on the environment. All but 2 of the 15 signs identified as non-compliant with the District Plan were removed from the Hanmer Springs Ward.

On 9 August 2011 Mr Campbell wrote to the Hanmer Springs Community Board advising that his sign was *'professionally produced, is of high-quality materials, and located on private property via a business arrangement that I have with the owners of that commercial land. It is not garish, and simply advises of sections for sale at the end of the cu-de-sac'*. Mr Campbell's letter went on to say *'I do agree that there are a number of signs in and around Hanmer Springs that do look a bit amateurish and tacky, and were probably erected without permission. A quiet word to the owners of these would have a better effect than the current approach'*.

Council officers are unable to take into account whether a sign has been professionally produced or not when considering them for compliance with the District Plan, and any business arrangement allowing remote signage on private property is in contrary to the District Plan Rule A1.2.13(a) *"any permanent sign must be erected wholly within the site to which it relates"*.

The Hanmer Springs Community Board replied to Mr Campbell's letter on 9 September 2011, supporting the enforcement action being taken by council officers and suggesting to Mr Campbell that if he wished to have the remote signage rules changed, that he could submit to the Hurunui District Plan that was currently being reviewed.

The effect of a change or cancellation on that purpose

If the abatement notice issued to Mr Campbell on 13 March 2012 was cancelled, and the 'St Helens' sign allowed to remain at its present location, this would be in contrary to the signage rules in the District Plan.

If the abatement notice was cancelled it would also go against the decision made by the Hanmer Springs Community Board to enforce remote signage, due to the increase in the number of signs and the adverse visual effect these were having on the environment.

If this sign was allowed to remain it would allow an unfair advantage to Mr Campbell over the other 13 premises that have already removed their signs. This could also be seen as an inconsistent approach by the Council.

APPENDICES

Email from Mr Campbell dated 27 March 2012

Letter from Mr Campbell dated 30 March 2012

Letter from Mr Campbell to the Hanmer Springs Community Board dated 9 August 2011

Letter from Hanmer Springs Community Board to Mr Campbell dated 9 September 2011

Sue Courtney

To: Ross Campbell
Cc: Michael Malthus; Ben Frampton
Subject: RE: Abatement Notice Objection

Dear Ross,

Thank you for your email concerning your abatement notice objection.

As listed on the abatement notice you have the right to appeal to the Environment Court against the whole or any part of the notice. If you wish to appeal, you must lodge a notice of appeal on form 49 with the Environment Court within 15 working days of being served with the notice. An appeal does not automatically stay the notice and so you must continue to comply with it unless you also apply for a stay from an Environment Judge.

You also have the right to apply in writing to the Hurunui District Council to change or cancel the notice in accordance with section 325A of the Resource Management Act 1991 but this too does not automatically stay the notice and you must continue with it until the matter has been heard and determined by the relevant authority.

If you wish the Regulatory Committee to consider a cancellation of your abatement notice for a sign that breaches rule 4 A2.2.13(a) of the Hurunui District Plan, please write stating your reasons and a meeting date will be confirmed. In the meantime you will be required to comply with the abatement notice

Sue Courtney

Team Leader - Regulatory

T 03 314 0101 | M 027 733 0405 | F 03 314 9181 | sue.courtney@hurunui.govt.nz

Hurunui District Council, 66 Carters Rd, PO Box 13, Amberley 7441 | hurunui.govt.nz

Hurunui Wellness "In Hurunui we live the lives the rest of the world would love to live"

From: Ross Campbell [mailto:rossncampbell@clear.net.nz]

Sent: Tuesday, 27 March 2012 12:05 p.m.

To: Sue Courtney

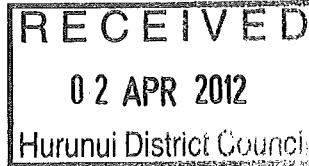
Cc: Michael Malthus; Ben Frampton

Subject: Abatement Notice Objection

Sue,

At a meeting yesterday with Mayor Daley and Councillor Malthus, I was asked to advise you that I am contesting the Abatement Notice issued recently regarding the sign advertising St Helens Gate subdivision. I am therefore formally asking the Hurunui District Council for the Notice to be withdrawn.

Regards
Ross Campbell



279 Major Hornbrook Rd
Christchurch, 8081
30 Mar, 2012

Mr W Dalley
Hurunui District Council
P O Box 13
Amberley 7441

Dear Winton,

With regard to our meeting last Monday, 26 Mar and your subsequent letter of 28 Mar. It was good to learn that Council is now going to force the legalising of Fraser Close as a public road; I look forward to a speedy resolution.

With respect, however, I believe your letter misconstrues the points I made regarding the Golf Course signage, and our St Helens Gate Sign.

I have no desire for the Golf Club to be forced to move its sponsor signs, a point first emphasised in my letter of 5 Aug, 2011 to the Community Board. Rather, my issue was that no matter where these signs are moved to, as long as they remain on the Golf Course they are technically in breach of Rule A1.2.13(a):

“Any permanent sign must be erected wholly **within the site** to which it relates.”

This law is plainly an ass, and Council has rightly been exercising some discretion in its application to situations such as the Golf Club. I'm simply asking for the same discretion to be exercised in our case.

Our sign is professionally produced, located on business premises, and serves no disadvantage to the public. I don't believe any complaints have been made by the public as to its location or suitability. It simply advertises the St Helens Gate subdivision located at the end of the cul-de-sac. There is a community benefit to having the sections sold, and houses built on a quality, landscaped subdivision.

I separately received an email from Sue Courtney yesterday, requesting that I put in writing the reasons for my asking for the Abatement Notice to be overturned. I have copied her in on this by way of same.

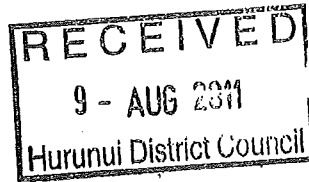
In conclusion, this whole matter has gone far enough; there are infinitely more productive pursuits for Council Officers and you and I to be involved in than pursuing a problem that does not exist. I do not wish the Golf Club to lose further sponsorship monies, including my own company's, and will remove the sign, if given adequate notice to do so.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Ross Campbell".

Ross Campbell
MT PLEASANT ESTATES CO.LTD

cc: Sue Courtney, HDC



279 Major Hornbrook Rd
Christchurch, 8081
5 Aug, 2011

Hanmer Springs Community Board
P O Box 13
Amberley 7441

Dear Sir/Madam, **re: Remote Signage**

Last week I received a letter from Sue Courtney from HDC, requesting that I remove the sign located on the grounds of the "Maze" advertising our St Helens Gate subdivision at the end of Fraser Close. On contacting Ms Courtney, she suggested that I write to you, as the request to remove my and other signs had come from the Community Board.

The sign was professionally produced, is of high-quality materials, and is located on private property via a business arrangement that I have with the owners of that commercial land. It is not garish, and simply advises of "Sections for sale" at the end of the cu-de-sac. In the 18 months that it has been in place, I have had no complaints regarding the sign, and would respectfully suggest that if the Board members were to inspect the sign they would concur with its location and suitability.

I note from the Board minutes of its March meeting that the Manager, Community Services advised that **"...the Council is taking a non-enforcement approach to remote signage...."** and that **"...if the criteria is enforced there has to be some consistency...."** The Mayor further inferred that the signage laws **"....become obsolete because they are not serving the intended purpose....."**

Ms Courtney advised that approx 12-15 sign-owners had been written to, on a "case-by-case" basis. Looking around Hanmer Springs, there would be scores of signs that do not comply with these rules, but letters have only been sent to a few. My company is a sponsor of the Hanmer Springs Golf Club, and has signage located on the golf course, but no letter has been received regarding that sign. In terms of **consistency**, should the 18 x sponsors now be asked to remove their signs? Of course not; let sanity prevail.

I do agree that there are a small number of signs in and around Hanmer Springs that do look a bit amateurish and "tacky", and were probably erected without permission. A quiet word to the owners of these would have better effect than the current approach.

Yours faithfully,

R N Campbell
Mt Pleasant Estates Co Ltd

cc: Mr K Gillard, Blake Gillard Investments



HURUNUI District Council

19/10/11

To: Sue Courtney (03) 314-9181 P10A1

9 September 2011

As per my email

R N Campbell
Mt Pleasant Estates Ltd
279 Major Hornbrook Rd
Christchurch 8081

P.O. BOX 13
AMBERLEY 7441
NEW ZEALAND.
Phone: (03) 314-8816
Fax: (03) 314-9181
Email: info@hurunui.govt.nz
Web: www.hurunui.govt.nz

IF CALLING ASK FOR
Graham Sutherland

REF

Dear R N Campbell

The Hanmer Springs Community Board, at its recent meeting, received your letter dated 5 August 2011 with respect to remote signage.

The Board wish to inform you that there is no policy regarding this matter rather it is covered in the Hurunui District Plan. The Board agreed that a consistent approach is required and it supports enforcement action being taken by Council officers. The Board wishes to inform you that the Hurunui District Plan is about to be reviewed and if you wish to have the remote signage rules changed then you could put a submission to this effect to the District Plan review.

Thank you for your letter.

Yours sincerely

Graham Sutherland
Acting Board Secretary