

*Minutes of a Regulatory Committee Meeting held on Monday 26 February 2007 in the Council Chambers, 101 Bank Street, Te Awamutu commencing at 9.00am*

## **1 PRESENT**

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Councillor D Sharpe, Chairperson

### **Committee**

GC Flay, EC Newlands, BJ Taranaki, GRP Webber, Committee Member Roberts

In attendance

G Dyet – Deputy Chief Executive; W Allan – Planning Services Manager; A Bron – Planner (item 8.1 only); R Mehrtens – Consultant Planner (item 8.2 only); K Drew – Consultant Planner (item 8.3 only); L Bourke – Consultant Planner (item 8.4 only); C Shaw - Secretary

## **2 APOLOGIES**

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### **RESOLVED**

4/07/01

*That the apology for non-attendance from Mayor Livingston be accepted.*

Cr Flay/Cr Webber

## **3 LATE ITEMS**

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There were no late items.

## **4 CONFIRMATION OF ORDER OF MEETING**

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File: 01-89-04

### **RESOLVED**

4/07/02

*That the order of the meeting be confirmed.*

Cr Taranaki/Cr Webber

## **5 CONFIRMATION OF PREVIOUS MEETINGS**

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File: 01-89-04

- 5.1 **Ordinary Meeting of Regulatory Committee held on 27 November 2006 were included in the agenda.**

**RESOLVED**

4/07/03

*That the Minutes of the Regulatory Committee held on 27 November 2006, having been circulated, be taken as read and confirmed as a true and correct record.*

Cr Webber/Cr Flay

- 5.2 **Ordinary Meeting of the Regulatory Committee held on 18 December 2006 were included in the agenda.**

**RESOLVED**

4/07/04

*That the Minutes of the Regulatory Committee held on 18 December 2006, having been circulated, be taken as read and confirmed as a true and correct record.*

Cr Taranaki/Cr Webber

**6 WAIPA DISTRICT LIQUOR LICENSING AGENCY**

- 6.1 **Monthly Schedule of Liquor License Applications Considered by Staff Under Delegated Authority**

File: 01-85-10

**RESOLVED**

4/07/05

*That the monthly schedule of Liquor License Applications Considered by Staff Under Delegated Authority for December 2006 and January 2007 be received.*

Cr Newlands/Committee Member Roberts

**7 GENERAL**

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- 7.1 **Matters Considered by Staff Under Delegated Authority – Resource Management Act 1991**

File: 01-52-01

**RESOLVED**

4/07/06

*That the schedule of Matters Considered by Staff Under Delegated Authority for December 2006 and January 2007, be received, a copy of which is attached to and forms part of these minutes.*

Cr Webber/Cr Taranaki

## **8 HEARINGS**

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8.1 9.31am – 9.52am

**Section 357 Objection to Rooding Conditions imposed on a Residential Subdivision: EH Hill, LA Hill, B McGowan & SJ McGowan, Cambridge**

File: 04641/110.00

Applicant EH Hill, LA Hill, B McGowan & SJ McGowan

Appearing for Council A Bron - Planner, Malcolm Brown

### **DECISION OF REGULATORY COMMITTEE ON A SECTION 357 OBJECTION TO ROADING CONDITIONS IMPOSED ON A RESIDENTIAL SUBDIVISION: EH HILL, LA HILL, B McGOWAN & SJ McGOWAN, CAMBRIDGE**

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## **1 THE HEARING**

The hearing held on 26 February 2007 was attended by the following:

<b>Applicant</b>	Eric Hill
<b>Appearing for Council</b>	Angela Bron (Planner) Malcolm Brown (Development Engineer)

## **2 SITE VISIT**

The Regulatory Committee did not undertake a site visit.

## **3 THE RELEVANT STATUTORY PROVISIONS**

The objection was considered under the provisions of the Resource Management Act 1991 (RMA). Specifically section 357A(i)(e) provides the right of objection to a resource consent decision made under delegated authority.

This decision on the objection is made in accordance with section 357D of the Resource Management Act 1991.

## **4 OTHER RELEVANT PROVISIONS CONSIDERED**

### **4.1 OPERATIVE WAIPA DISTRICT PLAN**

(a) The following provisions in the Operative Waipa District Plan (District Plan) were considered in the assessment of the application.

- Subdivision Objectives and Policies (Part 1, Section 8)
- Subdivision Rules (Part 2, Section 10)
- Cambridge Park Structure Plan (Appendix 25)

### **4.2 OTHER LEGISLATION**

No other legislation was applicable in the assessment of this objection.

### **4.3 OTHER POLICY STATEMENTS**

No provisions in any National Policy Statement, New Zealand Coastal Policy Statement, Waikato Regional Policy Statement or Proposed Regional Policy Statement were applicable to the assessment of this application.

## **5 THE PRINCIPAL ISSUES THAT WERE IN CONTENTION:**

The principal issues that were in contention were:

- The requirement to close the eastern entrance to the property from Cambridge Road once a proposed road within the Cambridge Park Structure Plan development has been constructed.
- The requirement to close the western entrance to the property from Cambridge Road.

## **6 SUMMARY OF THE EVIDENCE HEARD**

Evidence on behalf of the applicant was given by Eric Hill.

Mr Hill said that the long term vision for the property is to remove the existing buildings from the property and construct a bed and breakfast facility, with the intention of having traffic enter the property from Cambridge Road, and exiting out onto the new road within Cambridge Park.

Mr Hill stated that a slip lane would be required for the Marae to the west of the property, and this could also provide access to his property for traffic approaching from Cambridge, while traffic approaching from Te Awamutu could access the property from the proposed new road within Cambridge Park.

Mr Hill also said that the slight gap in the berm will give more access to the pedestrian access way and cycle ways for guest staying at the bed and breakfast.

## **7 THE MAIN FINDINGS OF FACT:**

The Regulatory Committee have considered the objection to conditions 2, 3 and 4 imposed in the subdivision consent decision (SP/0105/06), the evidence presented at the hearing, the planning assessment report prepared by the planner, the relevant statutory and planning provisions, the principal issues that were in contention and visited the site. The main findings of fact determined by the Regulatory Committee, which have led to the following decision and the reasons for that decision are as follows.

- The proposal to retain an entrance off Cambridge Road is not consistent with the Cambridge Park Structure Plan.
- If the entrance were retained it would not be possible to prevent right turning traffic from using the entrance.
- There is an existing entrance to the Marae on the adjoining property. It would not be desirable to have another entrance in close proximity to that entrance.

## **8 RESOLVED**

4/07/07

*That*

- g) The report from Angela Bron, Planner dated 1 February 2007 be received.*
- h) Pursuant to Section 357 D of the Resource Management Act 1991, the Waipa District Council dismisses the objection to conditions 2, 3 and 4 from the consent holder and accept the staff decision to approve the subdivision for B & SJ McGowan and EH & LA Hill at 3910 Cambridge Road and 2 Thompson Street, Cambridge, legally described as Lot 1 DPS 32183 (CT SA29C/390) and Lots 2 to 5 DPS 38710 (CT SA41D/388, CT SA41D/389, CT SA41D/390, and CT SA41D/391).*

Cr Newlands/Cr Webber

## **REASONS FOR DECISION**

1. Rule 10.6.2.3C of the Operative Waipa District Plan requires all development in the Cambridge Park Residential Zone to comply with the Structure Plan approved as part of Plan Change 42 (Cambridge Park). This Structure Plan requires a roadside reserve along Cambridge Road that prevents future development having direct access to this primary

road. Further, access to Lot 1 can be obtained from the future road from Cambridge Road proposed in the Cambridge Park Structure Plan.

2. Consent to retain an entranceway off Cambridge Road would have an adverse effect on the integrity of the Cambridge Park Structure Plan, and thus public confidence in the consistent administration of the District Plan.
3. Closing the existing access points will minimise the disruption to traffic flow along Cambridge Road.

**8.2 10.27am – 11.09am**

**Application to Relocate a Dwelling in the Residential Zone as a Discretionary Activity: L & A Baker, 37 Herbert Street, Kihikihi  
File: 04552/262.00**

Applicant L & A Baker  
 Appearing for Council Rebecca Mehrtens – Consultant Planner

**DECISION OF REGULATORY COMMITTEE**

<b>RC: 4949</b>	<b>NOTIFIED RESOURCE CONSENT APPLICATION TO RELOCATE A DWELLING IN THE RESIDENTIAL ZONE AS A DISCRETIONARY ACTIVITY.</b>
<b>File No: 4552/262.00</b>	
<b>Date: 07 March 2007</b>	

**1 THE HEARING**

The hearing held on Monday 26<sup>th</sup> February 2007 was attended by the following:

<b>Applicant</b>	Mr & Mrs Baker
<b>Appearing for Council</b>	Rebecca Mehrtens, Consultant Planner from Opus International Consultants
<b>Submitters in Opposition</b>	Mrs Dunlop & Mr Wilson.
<b>Submitters in Support</b>	None

**2 SITE VISIT**

The Regulatory Committee undertook a site visit on Monday 26<sup>th</sup> February 2007.

### **3 THE RELEVANT STATUTORY PROVISIONS (RMA Section 113(1)(aa))**

The application was considered under the provisions of the Resource Management Act 1991 (RMA).

It was assessed as a **discretionary** activity and thus, was considered in accordance with sections 104, 104B and Part 2 of the RMA.

### **4 OTHER RELEVANT PROVISIONS CONSIDERED (RMA Section 113(1) (ab))**

The application was considered under the following relevant provisions.

#### **4.1 NATIONAL POLICY STATEMENT**

No provisions in the National Policy Statement were applicable in the assessment of this application

#### **4.2 NEW ZEALAND COASTAL POLICY STATEMENT**

No provisions in the New Zealand Coastal Policy Statement were applicable in the assessment of this application.

#### **4.3 WAIKATO REGIONAL POLICY STATEMENT**

No provisions in the Waikato Regional Policy Statement were applicable in the assessment of this application.

#### **4.5 PROPOSED REGIONAL POLICY STATEMENTS**

No provisions in the Proposed Regional Policy Statement were applicable in the assessment of this application.

#### **4.6 OPERATIVE WAIPA DISTRICT PLAN**

The following provisions in the Operative Waipa District Plan were considered in the assessment of the application.

- Rule 3.4 – Residential Zone Rules

#### **4.7 OTHER LEGISLATION**

No other legislation was applicable in the assessment of this application.

#### **5 THE PRINCIPAL ISSUES THAT WERE IN CONTENTION: (RMA Section 113(1) (ac))**

The principal issues that were in contention were:

- The written approvals of neighbours were required in order to relocate a dwelling onto the site. One neighbour did not provide their approval therefore the resource consent application was 'limited' notified.

#### **6 SUMMARY OF THE EVIDENCE HEARD (RMA Section 113(1) (ad))**

Evidence on behalf of the applicant was given by:

Mrs Anne Baker

Mrs Baker advised that she had nothing further to add to the Council Planner's report.

Evidence on behalf of the submitters was given by:

Mr Bryce Wilson presented written evidence on behalf of himself and Mrs Ann Dunlop.

Mr Wilson advised:

- The written approval of Richelle Merrick was given to the Council when she is the sister of the tenant at 39 Herbert Street.
- The house was moved onto 37 Herbert Street and a part of the boundary fence and a silk tree were removed in the process. Mrs Dunlop had not provided her written approval to the application.
- Approval was sought from Mrs Dunlop's son (Cameron – lives in Australia) as co-owner via telephone. Approval was sought from Mrs Dunlop while overseas on holiday via email. Both did not give written approval.
- Mrs Baker signed the Cameron and Ann Dunlop's names on the written approval form and gave it to Council.

**7 THE MAIN FINDINGS OF FACT:  
(RMA Section 113(1) (ae))**

The Regulatory Committee have considered the application, the evidence and submissions heard at the hearing, the report prepared by the planner, the relevant statutory and planning provisions, the principal issues that were in contention and visited the site. The main findings of fact determined by the Regulatory Committee, which have led to the following decision and the reasons for that decision are as follows.

1. Under Waipa District Council best practice, the written approvals of neighbouring property owners and occupiers are sought in any application for a relocatable dwelling. This was the case for this application.
2. The dwelling was relocated onto the site (37 Herbert Street) without consent.
3. The written approval of 39 Herbert Street was not provided, therefore the application was 'limited' notified to all neighbouring properties. Two submissions were received, both opposing the application. One wished to be heard at a hearing.
4. The application has been assessed against the provisions in the Operative Waipa District Plan, in particular against Rule 3.4 and 3.6.13. The proposal complies with the provisions of these Rules as a Discretionary Activity. As this is the case, the proposal will not have any significant effects on the environment that cannot be mitigated with consent conditions. The effects on the environment will be no more than minor, and the effects on the amenity of surrounding persons will be no more than minor.
5. The submitters raised issues regarding the current state of the house and its potential effect on residential property values. It is considered that with the bond to be imposed as a consent condition, the dwelling will be restored to an acceptable level and will not affect the amenity of the neighbourhood.
6. The dwelling was located on site without consent and retrospective consent was sought. However, there is no Resource Management Act reason why this dwelling cannot be established on the site, as it is provided for in the District Plan and complies with the requirements of a Discretionary Activity. Furthermore, the proposal is consistent with the objectives and policies of the District Plan.
7. It is considered that this consent application be granted with appropriate conditions imposed under Section 108 of the RMA.

**8 RESOLVED**  
4/07/08

That

- a) *That the report from Rebecca Mehrtens, Consultant Planner for Opus International Consultants dated 9 February 2007 be received; and*

- b) *That in consideration of Section 104 and pursuant to Sections 104B and 108 of the Resource Management Act 1991 and the Operative Waipa District Plan, the Waipa District Council grants landuse consent to L & A Baker to relocate a dwelling at the property located at 37 Herbert Street, legally described as Lot 4 DPS 45818, subject to the following conditions:-*

Cr Newlands/Cr Taranaki

**CONDITIONS**

1. *The proposed activity shall proceed in general accordance with the plans and details prepared by L & A Baker dated 23 May 2006 submitted with the application.*
2. *The consent holder must pay all reasonable costs associated with monitoring of this consent.*
3. *Any damage sustained during transit must be repaired within six (6) months of the building being relocated on site. Repairs must be to the satisfaction of Council's Building Control Manager.*
4. *The consent holder must carry out the following remedial works to the exterior of the building within nine (9) months of the building being located on site:*
  - a) *Re-clad exterior*
  - b) *Repaint windows*
  - c) *Repair spouting/downpipes*
  - d) *New roof cladding*

*All of the above works must be completed to the satisfaction of Council's Building Control Manager and in accordance with the New Zealand Building Code.*

**Note:** *The building was relocated onto the site three months ago.*

5. *Prior to implementing this consent the consent holder must enter into a cash or registered bond to the value of \$24,000.00 (GST inclusive) to ensure the performance of the aforementioned condition (condition 4). The consent holder must meet all administrative costs associated with the establishment of the bond and the administration of the bond conditions.*

**Note:** *Please contact Council to implement the bond condition and discuss options with regard to entering into a cash or registered bond.*

**Note:** *The building was relocated onto the site three months ago.*

6. *Pursuant to Section 36 of the Resource Management Act 1991 the consent holder shall be charged for any costs incurred for the Council carrying out any of its functions in relation to the administration, monitoring and supervision of this resource consent.*

7. *The consent holder shall reinstate within one month from the date of this consent the boundary fence and hedge that was removed when the dwelling was relocated on the site. The fence shall be reinstated to the same standard as existed prior to the dwelling being relocated onto the site. A new boundary hedge is to be planted in the area where the existing hedge was removed. Any variations to the standard of the fence and hedge is to be in agreement with the neighbouring property owner.*

## **REASONS FOR DECISION**

1. Any adverse environmental effects resulting from the proposed activity are deemed to be no more than minor, or can be mitigated by the imposition of appropriate consent conditions.
2. Subject to the above conditions the proposal is not contrary to the relevant objectives and policies of the Operative Waipa District Plan.
3. Pursuant to section 94 of the Resource Management Act 1991 the application was publicly notified as all parties considered potentially affected had not given their written approval to the activity.
4. Completion of the remedial works will help maintain the visual amenities of the environment.
5. A bond is required to ensure remedial works are completed within nine months of the building being relocated onto the site.
6. The Committee accepted that damage had been done to the neighbouring property when the dwelling was relocated on the site. Condition 7 requires the consent holder to remedy the damage undertaken on the boundary to the fence and hedge. Remedying any other damage on the neighbouring property (such as the removal of the silk tree) is a civil matter between the parties.

## **Advisory Notes:**

1. All earthworks associated with any development of land must be undertaken in accordance with the following matters:
  - a) All earthworks must be carried out as to provide sound foundations as required under NZS 4431:1989 and avoid any hazard to persons or property;
  - b) All earthworks must be carried out so as to avoid or mitigate any detrimental effect on the environment particularly with regard to the unnecessary destruction of vegetation, the contamination of natural water or the diversion of surface or ground water flows;
  - c) The existing landform must not be altered in such a manner that adjoining properties will be detrimentally affected particularly through changes in drainage systems or abrupt changes in ground level;

- d) All earthworks must be carried out in accordance with the Waipa District Council Code of Practice for Land Development and Subdivision for formation and construction standards.
2. Where during earthworks, any archaeological features, artefact or human remains are accidentally uncovered or are suspected to have been discovered, the following protocol must apply:
- ( ) All works within the vicinity must cease immediately.
- In cases other than suspected human remains:
- (i) The contractor must immediately secure the area and advise the NZ Historic Places Trust of the occurrence.
- (ii) The consent holder must consult with a representative of the relevant iwi authority and the NZ Historic Places Trust to determine what further actions are appropriate to safeguard the site or its contents.
- Where human remains are suspected:
- (iii) The contractor must take steps immediately to secure the area in a way that ensures human remains are not further disturbed.
- (iv) The consent holder must notify the NZ Police of the suspected human remains as soon as is practicably possible after the remains have been disturbed. The consent holder must notify the relevant iwi authority and the NZ Historic Places Trust within 12 hours of the suspected human remains being disturbed or otherwise as soon as practicably possible.
- (v) Excavation of the site must not resume until the NZ Police, NZ Historic Places Trust and relevant Kaumatua have each given the necessary approvals for excavation to proceed.
3. The consent holder shall obtain the necessary building consents prior to the commencement of works on site.

8.3 12.33pm – 1.02pm

**Non Complying Subdivision Consent application creating two additional allotments in the Pirongia residential (non-sewered) zone: SW & PV Thackray, 654 Crozier Street & 611 Bellot Street, Pirongia**

File: 4605/260.00

Applicant SW & PC Thackray  
Appearing for Council Kath Drew – Consultant Planner

**DECISION OF THE REGULATORY COMMITTEE ON A RESOURCE CONSENT APPLICATION TO UNDERTAKE A NON COMPLYING SUBDIVISION CREATING TWO ADDITIONAL ALLOTMENTS IN THE PIRONGIA RESIDENTIAL (NON-SEWERED) ZONE, PURSUANT TO SECTION 113 OF THE RESOURCE MANAGEMENT ACT 1991**

**1 THE HEARING**

The hearing held on 26<sup>th</sup> February 2007 was attended by the following:

<b>Applicant</b>	<i>Steve Thackray</i>
<b>Appearing for Applicant</b>	<i>David Latham – Surveyor - CKL (Te Awamutu)</i>
<b>Appearing for Council</b>	<i>Kathryn Drew – Consultant Planner, Lawrence Cross &amp; Chapman</i>
<b>Submitters in Opposition</b>	<i>None</i>
<b>Submitters in Support</b>	<i>None</i>

**2 SITE VISIT**

The Regulatory Committee did not undertake a site visit as they were either familiar with the site or had visited the site individually.

**3 THE RELEVANT STATUTORY PROVISIONS  
(RMA Section 113(1) (aa))**

The application was considered under the provisions of the Resource Management Act 1991 (RMA).

It was assessed as a **non-complying** activity and thus, was considered in accordance with sections 104, 104B, 104D and Part 2 of the RMA.

## **4 OTHER RELEVANT PROVISIONS CONSIDERED** *(RMA Section 113(1) (ab))*

### **4.1 OPERATIVE WAIPA DISTRICT PLAN**

The following provisions in the Operative Waipa District Plan (District Plan) were considered in the assessment of the application.

#### Objectives and Policies

- Objective SU2 and SU3.
- Policies RS57, SU2, SU3, SU5, SU6, SU10, SU17, SU18, SU19 and SU20.

#### Rules

- Rule 10.3 – Categories of Subdivision
- Rule 10.3.3 – Residential Zone
- Rule 10.6.2 – Subdivision Standards for Residential Lots
- Rule 10.6.2.4 – Subdivision Assessment Criteria

### **4.2 OTHER LEGISLATION**

#### Waikato Regional Plan

The following provisions in the proposed Waikato Regional Plan were considered in the assessment of the application.

- Rule 3.5.7.4 – Permitted Activity Rule – Discharge of Domestic Sewage from Existing On-Site Systems
- Rule 3.5.7.5 – Permitted Activity Rule – Discharge of Domestic Sewage from New On-Site Systems
- Rule 3.5.7.6 – Discharge of Domestic Sewage from New, Improved On-Site Domestic Sewage Treatment and Disposal Systems.

### **4.3 OTHER POLICY STATEMENTS**

No provisions in any National Policy Statement, New Zealand Coastal Policy Statement, Waikato Regional Policy Statement or Proposed Regional Policy Statement were applicable to the assessment of this application.

**5 THE PRINCIPAL ISSUES THAT WERE IN CONTENTION:  
(RMA Section 113(1) (ac))**

The principal issues that were in contention were:

- Compliance with Rule 10.6.2.1(a) – Minimum Net Lot Area of 2,500m<sup>2</sup> for non-sewered residential allotments.

**6 SUMMARY OF THE EVIDENCE HEARD  
(RMA Section 113(1) (ad))**

**Evidence on behalf of the applicant was given by:**

**David Latham – CKL – Te Awamutu**

Mr. Latham outlined the proposal and described the subject site, as per the subdivision application.

Mr. Latham outlined that they wished to amend the subdivision scheme plan as follows:

- Reducing the size of Lot 4 to be less than 2,500m<sup>2</sup>
- Increasing the size of Lot 3 to be greater than 2,500m<sup>2</sup>

Mr. Latham outlined that amendment to lot size and shape proposed would not alter the non-compliance of the subdivision on the basis that only one lot would still be over 2,500m<sup>2</sup> and the other three would still be under 2,500m<sup>2</sup>.

Mr. Latham outlined that an amended scheme plan would need to be submitted to Council and the conditions as proposed in the planners report would need to be amended to reflect this change.

**Evidence on behalf of the Council was given by:**

**Kathryn Drew – Consultant Planner – Lawrence Cross Chapman & Co Ltd.**

Ms. Drew read through her planners report, outlining the proposal, Councils assessment of the application, an assessment of the application against the Resource Management Act, and the operative Waipa District Plan, including an interpretation of the proposal against the operative Waipa District Plan Rules.

Ms. Drew recommended changes to conditions as a result of the amended subdivision layout sought from the applicant.

**1 THE MAIN FINDINGS OF FACT:**  
*(RMA Section 113(1) (ae))*

The Regulatory Committee have considered the application, the evidence and submissions presented at the hearing, the planning assessment report prepared by the planner, the relevant statutory and planning provisions and the principal issues that were in contention.

The main findings of fact determined by the Regulatory Committee, which have led to the following decision and the reasons for that decision are as follows:

- The proposal is to subdivide two existing certificates of title in Pirongia to create two additional non-sewered residential allotments (total of four allotments). The proposal is unable to comply with Rule 10.6.2.1(a) which requires a minimum net lot area of 2500m<sup>2</sup> for non-sewered residential lots. The proposal will result in three lots under 2500m<sup>2</sup>.
- The proposal therefore does not meet the criteria for further non-sewered residential subdivision and the application is assessed as a Non-Complying Activity.
- Subdivision less than the minimum net lot area of 2500m<sup>2</sup> is considered appropriate for this particular site based on compliance with the provisions of the Waikato Regional Plan relating to the disposal of sewage and wastewater by septic tank treatment.
- The consent holder will be required to obtain a resource consent for a Discretionary Activity from the Waikato Regional Council for Lot 1 and Lot 4 on the basis of non-compliance with Rule 3.5.7.4 of the Waikato Regional Plan.
- To meet the Permitted Activity provisions of Rule 3.5.7.6 of the Waikato Regional Plan lot 3 will require the installation of an improved on site domestic sewage treatment and disposal package scheme producing secondary treated effluent using a bed disposal system.
- This report demonstrates that the proposal is consistent with the relevant objectives and policies of the operative Waipa District Plan, in particular policy RS 57 which seeks to allow for more infill urban housing in Pirongia when it is serviced with an approved sewage disposal system.
- Section 104D of the Resource Management Act 1991 sets out the particular restrictions for Non-Complying Activities. A consent authority may grant consent for a Non-Complying Activity only if it is satisfied that either the adverse effects of the activity on the environment will be minor; or that the activity will not be contrary to the objectives and policies of the District Plan.

- After considering the various matters of Section 104 of the Resource Management Act 1991, it is the Regulatory Committees view that the proposal has demonstrated that that it is able to satisfy both of these tests of Section 104D of the Resource Management Act, 1991.

## **9 RESOLVED**

4/07/09

- a) *That the report from Kathryn Drew Consultant Planner for Lawrence Cross Chapman & Co Ltd dated 9 February 2007 be received; and*
- b) *That in consideration of Section 104, and pursuant to Section 104B, 104D, 108 and 220 of the Resource Management Act 1991, the Waipa District Council **grants** consent to SW & PC Thackray to subdivide 654 Crozier Street & 611 Bellot Street, Pirongia, legally described as Sections 188 & 189 Town of Pirongia East as shown on the plan of subdivision SP/0157/06 subject to the following conditions:*

Cr Flay/Cr Taranaki

### **Land Transfer Plan**

1. *That the Land Transfer Plan to give effect to this subdivision consent must be generally consistent with the approved plan prepared by CKL Surveying and Planning reference: J2072:S3, dated: March 2007, submitted with application SP/0157/06, unless otherwise altered by the consent conditions. A copy of the approved plan is attached.*

### **Power**

2. *The consent holder must arrange with a local network electricity operator for the underground reticulation of electricity to serve all lots and pay all costs attributable to such work. The consent holder must submit to the Council written confirmation from the local network operator that satisfactory arrangements have been made for the reticulation of the service to all lots in the subdivision. This is to include if necessary the resiting, repositioning or removal of any electric power lines which exist on the land being subdivided.*

*Where electric power lines are crossing the boundary of any lots registered easements must be created for such services.*

### **Telephone**

3. *The consent holder must arrange with a telephone company for the underground reticulation of telephone cables to serve all lots and pay all costs attributable to such work. The consent holder must submit to the Council written confirmation from the telephone company that satisfactory arrangements have been made for the reticulation of the service to all lots in*

*the subdivision. This is to include if necessary the resiting, repositioning or removal of any telephone cables which exist on the land being subdivided. Where telephone cables serving any lot are required to cross the boundary of any other lot or lots registered easements must be created for such services.*

### **Amendments to Engineers Report**

4. *The consent holder must arrange for the report prepared by RW & V Roberts Consultancy, titled "General Septic Tank & Drainage Requirements for Proposed Subdivision of Sections 188 & 189 Town of Pirongia East 611 Bellot Street & 654 Crozier Street, Pirongia", to be amended to reflect layout contained within the approved plan prepared by CKL Surveying and Planning reference: J2072:S3, dated: March 2007. The following issues shall also be addressed:*
  - a. *Prior to the signing of the Section 224(c) certificate the consent holder must provide Council's Planning Department with a copy of the amended report.*

### **Building**

5. *That for subsequent development of Lots 2-3 a suitably qualified and experienced Geotechnical Engineer will be required to inspect the site and submit to Council for approval, at the time of building consent, design details on the foundations of the buildings.*

**Reason:** *The above condition is required to ensure that the foundations for any buildings are designed specifically by a Geotechnical Engineer based on the proposed building design and the underlying soil characteristics.*

*This being a condition to be complied with on a continuing basis by the subdividing owner and subsequent owners, before the deposit of the survey plan the Council shall issue a consent notice pursuant to Section 221 of the Resource Management Act 1991 specifying the above conditions.*

*Such consent notice must be either prepared or checked at the cost of the subdividing owner by the Council's solicitors and must be registered against the title to Lot 1.*

6. *That for subsequent development of Lots 2 & 3 both effluent and stormwater disposal systems must be installed and continually maintained in accordance with that designed by RW & V Roberts Consultancy, titled "General Septic Tank & Drainage Requirements for Proposed Subdivision of Sections 188 & 189 Town of Pirongia East 611 Bellot Street & 654 Crozier Street, Pirongia", reference 06264, to the satisfaction of the Council's Building Control Manager.*

**Reason:** *The above condition is required to ensure that effluent and stormwater disposal systems for Lots 2 and 3 are designed in accordance with the RW & V Roberts Consultancy report and specifically to ensure*

*compliance with the permitted activity standards of the Waikato Regional Plan.*

*This being a condition to be complied with on a continuing basis by the subdividing owner and subsequent owners, before the deposit of the survey plan the Council shall issue a consent notice pursuant to Section 221 of the Resource Management Act 1991 specifying the above conditions.*

*Such consent notice must be either prepared or checked at the cost of the subdividing owner by the Council's solicitors and must be registered against the title to Lot 1.*

### **Effluent Disposal System**

7. *The consent holder must undertake one of the following prior to the signing of the Section 224(c) certificate by Council for the effluent disposal system for Lot 1.*
  - A. *The consent holder shall obtain resource consent from the Waikato Regional Council for Lot 1 for non-compliance with Rule 3.5.7.4 – Permitted Activity Rule – Discharge of Domestic Sewage from Existing On-Site Systems of the Proposed Waikato Regional Plan for both existing effluent disposal systems. The following issues shall also be addressed:*
    - b. *Prior to the signing of the Section 224(c) certificate the consent holder must provide Council's Planning Department with a copy of the approved resource consent.*
    - c. *Prior to the signing of the Section 224(c) certificate written confirmation must be submitted from the Waikato Regional Council, advising that the works (conditions) from the Environment Waikato consent have been carried out and completed to their satisfaction.*

**OR**

- B. *The consent holder must remove both existing effluent disposal system and install one effluent disposal system consistent with the recommendations in the report prepared by RW & V Roberts Consultancy, titled "General Septic Tank & Drainage Requirements for Proposed Subdivision of Sections 188 & 189 Town of Pirongia East 611 Bellot Street & 654 Crozier Street, Pirongia", reference 06264, dated 30 November 2006 to the satisfaction of the Council's Building Control Manager.*
8. *The consent holder must undertake one of the following prior to the signing of the Section 224(c) certificate by Council for the effluent disposal system for Lot 4.*
    - A. *The consent holder shall obtain resource consent from the Waikato Regional Council for Lot 4 for non-compliance with Rule 3.5.7.4 –*

*Permitted Activity Rule – Discharge of Domestic Sewage from Existing On-Site Systems of the Proposed Waikato Regional Plan for existing effluent disposal systems. The following issues shall also be addressed:*

- d. Prior to the signing of the Section 224(c) certificate the consent holder must provide Council's Planning Department with a copy of the approved resource consent.*
- e. Prior to the signing of the Section 224(c) certificate written confirmation must be submitted from the Waikato Regional Council, advising that the works (conditions) from the Environment Waikato consent have been carried out and completed to their satisfaction.*

**OR**

- B. The consent holder must remove the existing effluent disposal system and install one effluent disposal system consistent with the recommendations in the report prepared by RW & V Roberts Consultancy, titled "General Septic Tank & Drainage Requirements for Proposed Subdivision of Sections 188 & 189 Town of Pirongia East 611 Bellot Street & 654 Crozier Street, Pirongia", reference 06264, dated 30 November 2006 to the satisfaction of the Council's Building Control Manager.*

### **Roading**

- 9. That the consent holder must upgrade as required the existing vehicle entrance to Lot 1 to a figure 14 type vehicle crossing complying with Council's standards as set out in the Code of Practice for Land Development and Subdivision. The work must be carried out and completed to the satisfaction of Council's Engineering Manager and must be at the consent holders expense. The following issues must also be addressed:*
  - The entrance must be formed with asphalt from the edge of the road to the property boundary.*
- 10. That the consent holder must upgrade as required the existing vehicle entrance to Lot 4 to a figure 14 type vehicle crossing complying with Council's standards as set out in the Code of Practice for Land Development and Subdivision. The work must be carried out and completed to the satisfaction of Council's Engineering Manager and must be at the consent holders expense. The following issues must also be addressed:*
  - The entrance must be formed with asphalt from the edge of the road to the property boundary.*
- 11. That the consent holder must construct a figure 14 type double urban vehicle crossing to Lots 2 and 3. The crossing is to be constructed to the Council's standards as set out in the Code of Practice for Land Development and Subdivision. All work is to be completed to the satisfaction of Council's Engineering Manager and must be at the consent holder's expense. The following issues must also be addressed:*

- *The entrance must be formed with asphalt from the edge of the road to the property boundary.*

### **Services**

12. *The consent holder must submit to Council written and signed confirmation that, either, there are no water supply pipelines or effluent disposal lines crossing boundaries between lots, or, that all pipelines that do exist, have been severed on a permanent basis to the satisfaction of Council's Engineering Manager.*
13. *The consent holder must arrange for Council to install separate water connections to Lots 2 and 3. The consent holder must meet all costs incurred. Advice Note: The location of the water connection must comply with all aspects of Waipa District Council Water Supply Bylaws 1995; Clause 1.3.3.*

### **Reasons for Decision:**

1. Pursuant to section 94 of the Resource Management Act 1991 the application has not been notified as the adverse effects of the proposal are deemed to be no more than minor. Accordingly, the application was processed on a non notified basis.
2. The subdivision is not contrary to the relevant objective and policies of the operative Waipa District Plan. In particular policy RS 57 which seeks to allow for more infill urban housing in Pirongia when it is serviced with an approved sewage disposal system.
3. The application has demonstrated that the site is suitable for non-sewered residential subdivision which is more intensive than the 2500m<sup>2</sup> minimum net lot area based on the site characteristics and compliance with the provisions of the Waikato Regional Plan relating to the disposal of sewage and wastewater by septic tank treatment.
4. Section 104(D) of the Resource Management Act 1991 sets out the particular restrictions for non-complying activities. A consent authority may grant consent for a non-complying activity only if it is satisfied that either the adverse effects of the activity on the environment will be minor or that the activity will not be contrary to the objectives and policies of the operative Waipa District Plan. In this particular case, the proposed subdivision consent is considered to meet both of the tests of Section 104D. The proposal therefore satisfies the tests of Section 104(D) of the Resource Management Act 1991, and Council is able to grant consent.
5. Engineering requirements will ensure that the subdivision is adequately provided with services when the area is developed. In particular conditions have been imposed relating to upgrading and construction entrances,

providing power and telephone connections and ensuring that no waterlines cross boundaries.

6. Consent notice conditions have been imposed to ensure that foundations, stormwater and effluent disposal systems are either designed by a qualified engineer or in accordance with the information provided in the report for the site prepared by R W & V Roberts Consultancy.
7. Changes to the RW & V Roberts Consultancy report requested in condition 4 are required to ensure that the engineering report is consistent with the subdivision layout approved. An accurate engineering report is also required as such report will be attached to the section 221 consent notices.
8. Two option conditions (condition 6 and 7) have been provided for the effluent disposal systems for Lot 1 and Lot 4. These conditions reflect the Waikato Regional Plan requirements for effluent disposal systems and provides the consent holder with some degree of flexibility.

**Advice Notes:**

**Earthworks**

All earthworks associated with any subdivision must be undertaken in accordance with the following matters :

- a) All earthworks must be carried out so as to provide sound foundations as required under NZS 4431:1989 and avoid any hazard to persons or property;
- b) All earthworks must be carried out so as to avoid or mitigate any detrimental effect on the environment particularly with regard to the unnecessary destruction of vegetation, the contamination of natural water or the diversion of surface or ground water flows
- c) The existing landform must not be altered in such a manner that adjoining properties will be detrimentally affected particularly through changes in drainage systems or abrupt changes in ground level
- d) All earthworks must be carried out in accordance with the Waipa District Council Code of Practice for Land Development and Subdivision for formation and construction standards.

**Discovery of Archaeological or Culturally Significant Finds**

Where during earthworks, any archaeological features, artefact or human remains are accidentally uncovered or are suspected to have been discovered, the following protocol must apply:

- ( ) All works within the vicinity must cease immediately.

In cases other than suspected human remains:

(vi) The contractor must immediately secure the area and advise the NZ Historic Places Trust of the occurrence.

(vii) The consent holder must consult with a representative of the relevant iwi authority and the NZ Historic Places Trust to determine what further actions are appropriate to safeguard the site or its contents.

Where human remains are suspected:

(viii) The contractor must take steps immediately to secure the area in a way that ensures human remains are not further disturbed.

(ix) The consent holder must notify the NZ Police of the suspected human remains as soon as is practicably possible after the remains have been disturbed. The consent holder must notify the relevant iwi authority and the NZ Historic Places Trust within 12 hours of the suspected human remains being disturbed or otherwise as soon as practicably possible.

(x) Excavation of the site must not resume until the NZ Police, NZ Historic Places Trust and relevant Kaumatua have each given the necessary approvals for excavation to proceed.

**8.4 1.22pm – 1.33pm**

**Application to Create One Additional Allotment in the Residential Zone, MA & CA Reason, 439 McClure Street, Pirongia  
File: 04605/364.00**

Applicant	MA & CA Reason
Appearing for Council	Louise Bourke – Consultant Planner

**DECISION OF REGULATORY COMMITTEE ON A NON-NOTIFIED RESOURCE CONSENT APPLICATION TO CREATE ONE ADDITIONAL ALLOTMENT IN THE RESIDENTIAL ZONE PURSUANT TO SECTION 113 OF THE RESOURCE MANAGEMENT ACT 1991**

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**1 THE HEARING**

The hearing held on 26 February 2007 was attended by the following:

<b>Applicant</b>	<i>M A &amp; C A Reason</i>
<b>Appearing for Applicant</b>	<i>Murray Hislop, Murray Hislop Surveyors</i>
<b>Appearing for Council</b>	<i>Louise Bourke, Consultant Planner, Planning Professionals Limited</i>
<b>Submitters in Opposition</b>	<i>None</i>
<b>Submitters in Support</b>	<i>None</i>

## **2 SITE VISIT**

The Regulatory Committee did not undertake a site visit as they were either familiar with the site or had visited the site individually.

## **3 THE RELEVANT STATUTORY PROVISIONS (RMA Section 113(1) (aa))**

The application was considered under the provisions of the Resource Management Act 1991 (RMA).

It was assessed as a **non-complying** activity and thus, was considered in accordance with sections 104, 104B, 104D and Part 2 of the RMA.

## **4 OTHER RELEVANT PROVISIONS CONSIDERED (RMA Section 113(1) (ab))**

### **4.1 OPERATIVE WAIPA DISTRICT PLAN**

The following provisions in the Operative Waipa District Plan (District Plan) were considered in the assessment of the application.

- *Subdivision Rules 10.3, 10.4, 10.5 and 10.6*
- *Subdivision Objectives SU2 and SU3*
- *Policy SU3*
- *Residential Policies RS38 and RS57*

### **4.2 OTHER LEGISLATION**

No other legislation was applicable in the assessment of this application.

### **4.3 OTHER POLICY STATEMENTS**

No provisions in any National Policy Statement, New Zealand Coastal Policy Statement, Waikato Regional Policy Statement or Proposed Regional Policy Statement were applicable to the assessment of this application.

**5 THE PRINCIPAL ISSUES THAT WERE IN CONTENTION:**  
*(RMA Section 113(1) (ac))*

The principal issues that were in contention were:

- Compliance with Rule 10.6.2.1(a) – Minimum Net Lot Area of 2,500m<sup>2</sup> for non-sewered residential allotments.

**6 SUMMARY OF THE EVIDENCE HEARD**  
*(RMA Section 113(1) (ad))*

**Evidence on behalf of the applicant was given by:**

**Murray Hislop, Murray Hislop Surveyors**

Mr Hislop advised that he had no objections to the planner's report.

**Evidence on behalf of the Council was given by:**

**Louise Bourke, Consultant Planner, Planning Professionals Limited**

Miss Bourke spoke briefly to each section of the planner's report, outlining;

- the site;
- the proposal;
- further information requested;
- interdepartmental and agency comments;
- affected parties;
- Waipa District Plan assessment;
- Resource Management Act 1991 assessment;
- financial contributions; and
- the recommendation.

Miss Bourke made a correction to condition 6 as outlined in the recommendation and recommended an additional condition to ensure that no effluent disposal lines cross the proposed boundaries.

**7 THE MAIN FINDINGS OF FACT:**  
*(RMA Section 113(1) (ae))*

The Regulatory Committee have considered the application, the evidence presented at the hearing, the planning assessment report prepared by the planner, the relevant statutory and planning provisions, the principal issues that were in contention and visited the site. The main findings of fact determined by the Regulatory Committee, which have led to the following decision and the reasons for that decision are as follows.

- Although proposed Lots 1 and 2 have areas less than the minimum net lot area of 2500m<sup>2</sup>, the proposed lots are capable of accommodating residential development that subject to the recommended conditions outlined in the planner's report, would not create any adverse environmental effects that would be more than minor, and would not be contrary to the relevant objectives and policies of the Waipa Operative District Plan.

## **8 RESOLVED**

4/07/10

*That*

- a) That the report from Louise Bourke, Consultant Planner for Planning Professionals Ltd dated 5 February 2007 be received; and*
- b) That in consideration of Section 104, and pursuant to Sections 104B, 104D, 108 and 220 of the Resource Management Act 1991 and the Operative Waipa District Plan the Waipa District Council grants consent to MA and CA Reason to subdivide 439 McClure Street, Pirongia described as Lot 3 DPS 86480 as shown on the plan of subdivision SP/0012/06 subject to the following conditions:-*

*Cr Newlands/Cr Webber*

### **CONDITIONS**

#### **General**

- 1. That the Land Transfer Plan to give effect to this subdivision consent must be generally consistent with the approved plan prepared by Murray Hislop Surveyors reference 1089 dated June 2006 submitted with application SP/0012/06, unless otherwise altered by the consent conditions. A copy of the approved plan is attached.*

#### **Easements**

- 2. That all necessary easements must be duly granted and reserved to ensure that Lots 1 and 2 hereby approved have the right to convey water, electricity and telecommunications, and the right to drain effluent and stormwater where appropriate.*

#### **Water**

- 3. The consent holder shall arrange for Council to reposition the existing service to Lot 2 so as to comply with Councils Water Supply Bylaws 1995. The consent holder shall meet all costs incurred.*

4. *The consent holder shall submit to Council written and signed confirmation that the existing water service line has been relocated within the boundary of Lot 2 and connected onto the repositioned water connection to the satisfaction of the Council's Engineering Manager.*

### **Geotechnical**

5. *That for subsequent development of Lots 1 and 2 building works must be undertaken in accordance with the Geotechnical Report provided by RW and V Roberts Consultancy titled 'Site Report – Proposed Subdivision of Lot 3 DPS 86480, 439 McClure Street, Pirongia' reference 06267 dated 8 December 2006 to the satisfaction of Council's Building Control Manager.*

*This being a condition to be complied with on a continuing basis by the subdividing owner and subsequent owners, before the deposit of the survey plan the Council shall issue a consent notice pursuant to Section 221 of the Resource Management Act 1991 specifying the above conditions.*

*Such consent notice shall be either prepared or checked at the cost of the subdividing owner by the Council's solicitors and shall be registered against the titles to Lots 1 and 2.*

### **Effluent and Stormwater Disposal**

1. *That the existing effluent disposal system and effluent disposal field for the existing dwelling contained within Lot 2 must be wholly contained within the lot boundaries. This must be certified by a registered drain layer and an as laid plan submitted to Council for approval by Council's Building Control Manager.*
2. *That the consent holder must submit to Council written and signed confirmation that either there are no effluent disposal lines crossing boundaries between Lots 1 and 2, or that all pipelines that do exist, have been severed on a permanent basis to the satisfaction of Council's Engineering Manager.*
3. *That the consent holder must undertake one of the following prior to the signing of the Section 224(c) certificate by Council for the effluent disposal system for Lot 2.*
  - A. *The consent holder shall obtain resource consent from the Waikato Regional Council for Lot 2 for non-compliance with Rule 3.5.7.4 – Permitted Activity Rule – Discharge of Domestic Sewage from Existing On-Site Systems of the Proposed*

*Waikato Regional Plan for the existing effluent disposal system. The following issues shall also be addressed:*

- 1. Prior to the signing of the Section 224(c) certificate the consent holder must provide Council's Planning Department with a copy of the approved resource consent.*
- 2. Prior to the signing of the Section 224(c) certificate written confirmation must be submitted from the Waikato Regional Council, advising that the works (conditions) from the Environment Waikato consent have been carried out and completed to their satisfaction.*

**OR**

- B. The consent holder must remove the existing effluent disposal system and install an effluent disposal system to the satisfaction of the Council's Building Control Manager.*
- 4. That for subsequent development of Lot 1 effluent and stormwater disposal systems must be designed, installed and continually maintained to the satisfaction of the Council's Building Control Manager.*

*This being a condition to be complied with on a continuing basis by the subdividing owner and subsequent owners, before the deposit of the survey plan the Council shall issue a consent notice pursuant to Section 221 of the Resource Management Act 1991 specifying the above conditions.*

*Such consent notice shall be either prepared or checked at the cost of the subdividing owner by the Council's solicitors and shall be registered against the titles to Lot 1.*

### **Entrances**

- 5. That the consent holder must construct a Figure 3 type rural vehicle entrance to Lot 1. The crossing/entrance is to be constructed to the Council's standards as set out in the Code of Practice for Land Development and Subdivision. All work is to be completed to the satisfaction of the Council's Engineering Manager and must be at the consent holder's expense. The following issues must also be addressed:*
  - The entrance must be sealed from the edge of the road to the property boundary.*
  - The width of the entranceway may be reduced from 7 metres to 5 metres at the road edge.*

6. *That the consent holder must upgrade as required the existing vehicle entrance to Lot 2 to a Figure 3 type complying with Council's standards as set out in the Code of Practice for Land Development and Subdivision. The work must be carried out and completed to the satisfaction of the Council's Engineering Manager and must be at the consent holder's expense. The following issues must also be addressed:*
- *The entrance must be sealed from the edge of the road to the property boundary.*
  - *The width of the entranceway may be reduced from 7 metres to 5 metres at the road edge.*

### ***Electricity and Telecommunications***

7. *That the consent holder must arrange with a local network electricity operator for the underground reticulation of electricity to serve all lots and pay all costs attributable to such work. The consent holder must submit to the Council written confirmation from the local network operator that satisfactory arrangements have been made for the reticulation of the service to all lots in the subdivision. This is to include if necessary the resiting, repositioning or removal of any electric power lines which exist on the land being subdivided.*

*Where electric power lines are crossing the boundary of any lots registered easements must be created for such services.*

8. *The consent holder must arrange with a telephone company for the underground reticulation of telephone cables to serve all lots and pay all costs attributable to such work. The consent holder must submit to the Council written confirmation from the telephone company that satisfactory arrangements have been made for the reticulation of the service to all lots in the subdivision. This is to include if necessary the resiting, repositioning or removal of any telephone cables which exist on the land being subdivided.*

*Where telephone cables serving any lot are required to cross the boundary of any other lot or lots registered easements must be created for such services.*

### **REASONS FOR DECISION**

1. Any adverse environmental effects resulting from the proposal are deemed to be no more than minor, or can be mitigated by the imposition of appropriate consent conditions.

2. Subject to the above conditions the proposal is not contrary to the relevant objectives and policies of the Operative Waipa District Plan.
3. Pursuant to section 94 of the Resource Management Act 1991 the application has not been publicly notified as the adverse effects of the proposal are deemed to be minor and no parties were considered potentially adversely affected by the granting of this consent. Accordingly, the application was processed on a non notified basis.
4. Engineering requirements will ensure that the subdivision is adequately provided with services when the area is developed.
5. The consent notice will advise future owners of the special and continuing circumstances of the site.

#### **ADVISORY NOTES**

##### ***Earthworks***

1. All earthworks associated with any subdivision or development of land must be undertaken in accordance with the following matters :
  - a) All earthworks must be carried out so as to provide sound foundations as required under NZS 4431:1989 and avoid any hazard to persons or property;
  - b) All earthworks must be carried out so as to avoid or mitigate any detrimental effect on the environment particularly with regard to the unnecessary destruction of vegetation, the contamination of natural water or the diversion of surface or ground water flows
  - c) The existing landform must not be altered in such a manner that adjoining properties will be detrimentally affected particularly through changes in drainage systems or abrupt changes in ground level
  - d) All earthworks must be carried out in accordance with the Waipa District Council Code of Practice for Land Development and Subdivision for formation and construction standards.

##### ***Discovery of Archaeological or Culturally Significant Finds***

2. Where during earthworks, any archaeological features, artefact or human remains are accidentally uncovered or are suspected to have been discovered, the following protocol must apply:
  - (i) All works within the vicinity must cease immediately.

In cases other than suspected human remains:

- (i) The contractor must immediately secure the area and advise the NZ Historic Places Trust of the occurrence.
- (ii) The consent holder must consult with a representative of the relevant Iwi authority and the NZ Historic Places Trust to determine what further actions are appropriate to safeguard the site or its contents.

Where human remains are suspected:

- (iii) The contractor must take steps immediately to secure the area in a way that ensures human remains are not further disturbed.
- (iv) The consent holder must notify the NZ Police of the suspected human remains as soon as is practicably possible after the remains have been disturbed. The consent holder must notify the relevant Iwi authority and the NZ Historic Places Trust within 12 hours of the suspected human remains being disturbed or otherwise as soon as practicably possible.
- (v) Excavation of the site must not resume until the NZ Police, NZ Historic Places Trust and relevant Kaumatua have each given the necessary approvals for excavation to proceed.

***Boundary Fence***

- 3. Part of the boundary fence appears to encroach on to the Road Reserve. Council may at any time require that all fences be relocated to the legal property boundary and at the property owner's expense.

***Trees***

- 4. There are a number of trees planted along the boundary fence that are on the Road Reserve. Council accepts no responsibility for the maintenance of these trees. Also, Council may at any time require that the trees be removed or relocated onto private property at the property owner's expense.

There being no further business the meeting closed at 2.20pm

**CONFIRMED AS A TRUE AND CORRECT RECORD**

**CHAIRPERSON:** \_\_\_\_\_

**DATE:** \_\_\_\_\_