

*Minutes of a meeting of the Regulatory Committee held in the Council Chambers,
Waipa District Council offices, 101 Bank Street, Te Awamutu on Monday 27
August 2007 commencing at 9.00am*

1 PRESENT

Councillor D Sharpe, Chairperson

Committee

His Worship the Mayor A Livingston, Councillors GC Flay, EC Newlands
(9.12am), BJ Taranaki, GRP Webber, Committee Member G Roberts

Other

Planning Services Manager – W Allan, Environmental Health Manager – J
McFarlane (until item 8.1), Environmental Health Officer – K Tutty (until item
8.1), Senior Planner – T Kelly (item 8.1 only), Planner – R Steenstra (item 8.2
only), Secretary – C Shaw.

2 APOLOGIES

There were no apologies.

3 LATE ITEMS

There were no late items.

4 CONFIRMATION OF ORDER OF MEETING

File: 01-89-04

RESOLVED

4/07/65

That the order of the meeting be confirmed.

Cr Taranaki/Mayor Livingston

5 CONFIRMATION OF PREVIOUS MEETINGS

File: 01-89-04

5.1 **Ordinary Meeting of Regulatory Committee held on 30 July
2007**

RESOLVED

4/07/66

That the Minutes of the Regulatory Committee held on 30 July 2007, having been circulated, be taken as read and confirmed as a true and correct record subject to "Raines" being changed to "Raynes" on page 5 and "Diane" being changed to "The Chairperson" on page 4.

Cr Webber/Cr Flay

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

4/07/67

That the monthly schedule of Liquor License Applications Considered by Staff Under Delegated Authority for July 2007 be received.

Cr Flay/Committee Member Roberts

7 GENERAL

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

File: 01-52-01

RESOLVED

4/07/68

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

Cr Newlands/Cr Flay

8 HEARINGS

8.1 9.18am – 9.40am

**Section 357 Objection to Additional Resource Consent
Processing Charges levied pursuant to Section 36 of the
Resource Management Act 1991: D Firth**

File: 65-07-28

Applicant D Firth

Appearing for Council T Kelly - Senior Planner

The Chairperson opened the meeting and outlined the procedure for the hearing. Ms Kelly presented her report and answered questions of clarification around defining public good. Ms Kelly advised that public good is something where the public at large would benefit from the application eg a sport and recreation centre or the like. This application would only benefit Mr Firth and the few people who would purchase sections.

Mr Firth advised that he considered that as his application had “a tick” from four of the five issues and he was disadvantaged by staff helping Mrs Cooper. Clarification was sought on this matter and it was established that no help was given to Mrs Cooper other than what was her right as a submitter. It was also clarified that a petition is a petition and not a submission for presentation to a hearing.

The Chairperson thanked Mr Firth and brought the hearing to a close.

RESOLVED

4/07/69

That

- a) *The report from Terrena Kelly, Senior Planner dated 24 July 2007 be received; and*
- b) *In accordance with Section 357D of the Resource Management Act 1991, the objection to the additional charges levied in accordance with Council's Fees and Charges Schedule and Section 36 of the Resource Management Act 1991 be dismissed, with no remittance of any charge, and that subsequently, the applicant be required to pay the additional charges of \$10,144.60 (GST inclusive) for the following reason:*

Cr Flay/Cr Webber

Reason for Decision

- 1 The charges invoiced reflect the actual and reasonable costs incurred to Council in processing Mr Firth's private plan change application. The proposed plan change had no elements of public good with justify Waipa residents funding Mr Firths private plan change application through rates. Mr Firth was advised of the fact that additional charges would likely be required, and Council's Fees and Charges Schedule is readily available to the public for inspection. Further, Mr Firth was not charged the full cost of the Commissioner hearing the application rather than the Regulatory Committee, and was therefore not disadvantaged by this. The private plan change process is a lengthy, complicated and expensive process and Mr Firth was advised of this through various mechanisms.

8.2 9.45am – 9.55am

**Notice of Requirement for State Highway 21 (Airport Road) –
Transit New Zealand**

File: 55-35-44

Applicant	Transit New Zealand
Appearing for Council	Rebecca Steenstra - Planner

RESOLVED

4/07/70

- a) *That the report from R Steenstra dated 15 August 2007 be received and;*
- b) *That pursuant to Section 168(2) and Section 171 of the Resource Management Act 1991 the Regulatory Committee recommends to Transit New Zealand to confirm the requirement to designate Airport Road (State Highway 21), extending from State Highway 3 intersection to Narrow's Bridge, as a State Highway.*

Cr Sharpe/Mayor Livingston

Reasons for Decision

- 1 Airport Road, known as State Highway 21, is currently under the ownership as well as gazetted by Transit New Zealand. It is an existing, fully functioning state highway.
2. Transit New Zealand requires the designation to allow the day-to-day safe, sustainable, responsive, integrated operation of Airport Road (State Highway 21).
3. Designation 39 held by Waikato Regional Airport Limited will not be adversely affected by the designation of Airport Road. A letter from Waikato Regional Airport Limited stated that they are in support of the designation.
4. The adverse effect of the designation of Airport Road (State Highway 21) is no more than minor. Legal advice stated that no parties were required to be served notice as they were not considered to be directly adversely affected. No submissions were received as a result of the public notification process.

8.3 **Application to Extend the Lakeview Tearooms and operate a
Restaurant, Bar and Wine Store on the Property: J H Goodman**
File: 04660/125.00

This item was deferred until 12 September 2007.

There being no further business the meeting closed at 10.00am

CONFIRMED AS A TRUE AND CORRECT RECORD

CHAIRPERSON: _____

DATE: _____