

*Minutes of a meeting of the Regulatory Committee held in the Council Chambers, 101 Bank Street, Te Awamutu on Monday 31 March 2008, commencing at 9.00am*

## **1 PRESENT**

---

Councillor D Sharpe, Chairperson

### **Committee**

Councillors EC Newlands (9.12AM), BJ Taranaki

### **Other**

Cr Webber, Deputy Chief Executive – G Dyet; Senior Planner - T Kelly (item 11.1 only); Senior Planner – S O'Rourke (item 11.2 only); Planner – A McLellan (item 11.3 only); Consultant Planner – R Douch (item 11.4 only); Regulatory Engineer – T Hale (item 11.4 only); Secretary – C Shaw

## **2 APOLOGIES**

---

### **RESOLVED**

4/08/011

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

Cr Taranaki/Cr Sharpe

## **3 LATE ITEMS**

---

There were no late items.

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

---

File: 01-89-04

### **RESOLVED**

4/08/012

*That the order of the meeting be confirmed.*

Cr Taranaki/Cr Sharpe

## **5 CONFIRMATION OF PREVIOUS MEETINGS**

---

File: 01-89-04

### **5.1 Ordinary Meeting of Regulatory Committee held on 25 February 2008**

**RESOLVED**

4/08/013

*That the Minutes of the Regulatory Committee held on 25 February 2008, be confirmed as a true and correct record subject to the heading for the Hearing Commissioner being changed to read “*

[Cr Newlands arrived at 9.12am]

## **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**

4/08/014

*That the monthly schedule of Liquor License Applications Considered by Staff Under Delegated Authority for February 2008 be received.*

Cr Newlands/Cr Taranaki

## **7 GENERAL**

---

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

File: 01-52-01

**RESOLVED**

4/08/015

*That the schedule of Matters Considered by Staff Under Delegated Authority for February 2008, be received, a copy of which is attached to and forms part of these minutes.*

Cr Taranaki/Cr Newlands

**8 APPOINTMENT OF HEARING COMMISSIONERS TO REGULATORY COMMITTEE FOR THE PURPOSE OF HEARING RESOURCE CONSENT APPLICATIONS**

---

**RESOLVED**

4/08/016

- a) *That PURSUANT to Section 34 and Section 34A of the Resource Management Act the Regulatory Committee in exercise of the functions powers and duties delegated to it by the District Council DOES HEREBY APPOINT Cr Webber to be Hearing Commissioner to sit with the Regulatory Committee to hear the following hearings:*

11.2 *Application to Erect a garage 2.0 Metres from a Road Boundary in the Residential zone*

11.3 *Application to subdivide and create 12 Residential lots*

11.4 *Application to Designate a site for a network utility in the Industrial Zone.*

- b) *And for the Resource Consent hearings to be held at the Regulatory Committee for the meeting to be held on 28 April 2008.*
- c) *the Regulatory Committee recommend to Council that Cr Webber be appointed as a full member of the Regulatory Committee.*

*Cr Sharpe/Cr Taranaki*

**9 ENVIRONMENTAL COURT APPEALS & ENFORCEMENT PROCEEDINGS**

---

**An update on the status of Appeals and Enforcement proceedings will be provided at the meeting.**

**RESOLVED**

4/08/017

*That the information be received.*

*Cr Newlands/Cr Taranaki*

## **11 HEARINGS**

---

**11.1 9.15am**

**Application for Remission of Financial Contributions levied Pursuant to the Development Contribution Policy and the Local Government Act 2002: Narrows Park Ministry Trust**  
0581/191.00

Applicant	Narrows Park Ministry Trust
Appearing for Council	T Kelly – Senior Planner

### **RESOLVED**

4/08/018

That

- a) *The report from Terrena Kelly, Senior Planner dated 21 February 2008 be received; and*
- b) *The application for remission of the Development Contribution levied be upheld in part, by requiring a contribution of 50% of \$11,340.00 GST Inclusive. The total Development Contribution required being \$5670.00 (GST Inclusive).*

Cr Taranaki/Cr Sharpe

### **Reason for Decision**

- 1 The Regulatory Committee acknowledges that the Narrows Park Ministry Trust provides a valuable contribution to the community, and in particular notes and commends the Trust's focus on working with youth. However, the Regulatory Committee is required when making a decision on an application for remission to take into account the matters listed in Section 4.24 of the Development Contribution Policy (DCP).

In relation to items 4.24.1 to 4.24.5 of the DCP, the Regulatory Committee considers that the Development Contribution levied is consistent with Council's DCP, the financial modelling, the funding and financial policy; and that the development does not reduce the need for works proposed by Council in its capital works program.

In relation to items 4.24.6, the Regulatory Committee considers that the Narrows Park Ministry Trust facility generally supports Council's wider objectives set out in Council's Long Term Council Community Plan, in particular:

- Council's goal to "provide services and/or actively support community boards, community and welfare organisations in meeting the physical, recreational, employment, cultural and social needs of the residents of the District"; and
- Waipa's high level goal to have a "vibrant and strong Waipa", and specifically the community outcome – "Social and Cultural Wellbeing".

The Regulatory Committee considers that the Narrows Park Ministry Trust facility (in particular the work with youth), contributes towards these goals and community outcomes; and therefore considers that a remission of 50% of the total contribution of \$11,340.00 (GST Inclusive) is appropriate in these circumstances.

The Regulatory Committee notes that regardless of the site's location on SH21, and the fact that SH21 is linked with SH3 and SH1; a demand on Council's Roading and Transport Infrastructure is still generated by this development. Council's roading network will still be utilised by residents when travelling to schools, Council facilities, events, or residences in the Waipa District.

Cr Taranaki/Cr Sharpe

**11.2 10.20am – 10.39am**

**Application to Erect a Garage 2.0 metres from a Road Boundary in the Residential Zone: P G Cartwright, 1 Browning Street, Cambridge**

04510/559.00A

Applicant	Peter and Jackie Cartwright
Appearing for Council	S O'Rourke – Senior Planner

**DECISION OF REGULATORY COMMITTEE ON A NON NOTIFIED RESOURCE CONSENT APPLICATION TO ERECT A GARAGE WITHIN THE ROAD BOUNDARY SETBACK IN THE RESIDENTIAL ZONE PURSUANT TO SECTION 113 OF THE RESOURCE MANAGEMENT ACT 1991**

## 1 THE HEARING

The hearing held on 31<sup>st</sup> March 2008 was attended by the following:

<b>Applicant</b>	<i>Peter Geoffrey Cartwright</i>
<b>Appearing for Council</b>	<i>Suzanne O'Rourke (Planner)</i>

## 2 SITE VISIT

Members of the Regulatory Committee either undertook a site visit prior to the hearing or were familiar with the site.

## 3 THE RELEVANT STATUTORY PROVISIONS

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

### 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.

- Residential Activities Objectives and Policies (Part 1, Section 3)
- Residential Zone Rules (Part 2, Section 3)

### 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:**

The principal issue in contention was the proposed location of the double garage 2.0 metres from the Shelley Street frontage and whether this would compromise the amenity values of the surrounding Residential Zone.

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

##### **Mr Peter Cartwright - the Applicant**

Evidence on behalf of the applicant was given by Mr Peter Cartwright as the owner and occupier of the site. Mr Cartwright stated that the proposal provided the best location for the garage particularly as it would allow the existing driveway to be used for access. It was noted that if the garage was located in a complying position, as per the plan submitted with the application, access to it would be compromised by an existing power pole and fire hydrant on Browing Street. It was proposed to retain the existing fencing and planting along both street frontages to assist with screening the structure. Further, the garage would be finished in the same colours as the existing dwelling being cream walls with a green roof.

##### **Suzanne O'Rourke – Council Planner**

Ms O'Rourke outlined the Planners report as prepared by Angela Bron (ex-Council Planner). The report assessed the application against the applicable District Plan and Resource Management Act provisions. Particular consideration was given to the effect on amenity values and factors compromising the ability to locate the garage in a complying position. In summary it found that the proposal would not adversely impact on the amenity values of the surrounding residential area and was not contrary to the District Plan or RMA.

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

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 the site characteristics. 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 property is a corner site with a wide road reserve thus, there will be no more than a minor effect for traffic on the surrounding roading network;
- The character and materials of the garage are consistent with the character and materials of the existing dwelling thus, the residential character of the zone will not be compromised;
- Erecting a double garage in a complying location on the site would compromise the outdoor living area; and
- Retaining existing fencing and planting along both street frontages would assist in mitigating the effect on visual amenity values.

## **8 RESOLVED**

4/08/019

*That:*

- a) The report of Angela Bron, Planner dated 14 March 2008 be received; and*
- b) 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 land use consent to Peter Cartwright to locate a garage within the road boundary setback at the property located at 1 Browning Street, Cambridge legally described as Lot 9 DPS 36960 (CT SA33B/988), subject to the following conditions:-*

*Cr Webber/Cr Taranaki*

*[Cr Newlands asked that his vote against be recorded]*

### **General**

- 1. The proposed activity must proceed in general accordance with the plans and details prepared by P Cartwright titled "Site Plan – Cartwright – 1 Browning St" and "Elevations – Cartwright – 1 Browning St" submitted with the application. A copy of the approved plans is attached.*
- 2. The consent holder must pay all reasonable costs associated with monitoring of this consent.*
- 3. The garage must be sited at least 2.0m from the Shelley Street road boundary, and 5.0m from the Browning Street road boundary.*

4. *The building must be used for the purpose stated in the application i.e. garage.*
5. *The consent holder must retain the existing vegetation and fencing along the western and southern boundaries to a minimum height of 1.5m and to the satisfaction of Councils Planning Services Manager.*

### **Reasons for Decision**

- a. 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.
- b. Subject to the above conditions the proposal is not contrary to the relevant objectives and policies of the Operative Waipa District Plan.
- c. 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 all parties that were considered potentially adversely affected by the granting of this consent have provided their written approval. Accordingly, the application was processed on a non notified basis.
- d. Consent has not been granted to use the building for habitable purposes.
- e. Landscaping will assist with maintaining visual amenities in the Residential Zone.

### **Advisory Notes**

#### **Earthworks**

- All earthworks associated with any development of land must be undertaken in accordance with the following matters:
  - 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;
  - 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;

- 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; and
- 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:

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

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

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.

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.

**11.3 11.00am – 11.26am**

**Application to Subdivide and Create 12 Residential Lots:  
Cicadoidea Limited, 19 -21 Walmsley Street, Kihikihi  
04552/744.00**

Applicant Cicadoidea Limited  
Appearing for Council A McLellan - Planner

**DECISION OF REGULATORY COMMITTEE**

<b>Consent No:</b> SP/0318/07	Non-notified thirteen lot residential subdivision including road to vest.
<b>File No:</b> 04552/744.00	
<b>Date:</b> 31 <sup>st</sup> March 2008	

**1 THE HEARING**

The hearing held on 31<sup>st</sup> March 2008 was attended by the following:

<b>Appearing for Applicant</b>	P Cogswell (Cogswell Surveys Ltd)
<b>Appearing for Council</b>	A McLellan (Planner) J Kerr (Engineering Manager) T Hale (Services Engineer)

**2 SITE VISIT**

The Regulatory Committee did not undertake a site visit.

**3 THE RELEVANT STATUTORY PROVISIONS**

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, 108 and 220 and Part 2 of the RMA.

**4 OTHER RELEVANT PROVISIONS CONSIDERED**

The application was considered under the following relevant provisions.

#### **4.1 Operative Waipa District Plan**

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

- Subdivision Objectives and Policies (Part 1, Section 8)
- Subdivision Rules (Part 2, Section 10)

#### **4.2 Operative Waikato Regional Plan**

The Operative Waikato Regional Plan was not considered in this instance.

#### **4.3 Other Legislation**

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

#### **4.4 Other Policy Statements**

No provisions in any National Policy Statement or New Zealand Coastal 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 formation of vehicle crossings to all lots;
- The extension of the kerb, channel and footpath along Walmsley Street.

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

**Mr Phil Cogswell of Cogswell Surveys Limited on behalf of the applicant Cicadoidea Limited**

Evidence on behalf of the applicant was given by Mr P Cogswell.

Mr Cogswell stated that both he and his client, Cicadoidea Limited, were in general agreement with the Planner's Report and sought minor changes to the conditions of consent as follows:

With regard to Condition 6, Mr Cogswell noted that the kerb and channel to the north of the site on Walmsley Street was some distance from the application site. Mr Cogswell believed that extended the kerb, channel and foot path to the end of the property boundary would be sufficient in this instance.

With regard to Condition 9, Mr Cogswell stated that vehicle crossings to all lots did not need to be formed at the time of subdivision and could be addressed at the time future purchasers sought Building Consent. He recommended that this condition be limited to lots 5-8, inclusive.

With regard to Condition 13, Mr Cogswell sought clarification of this condition with respect to Condition 12.

Mr Cogswell submitted the name of Cicada Place for Lot 13 (road to vest) and noted that Cicadas appeared to be a recurring theme in Kihikihi.

#### **Anna McLellan on behalf of Council**

Mrs McLellan presented her report and outlined the proposal and the relevant provisions under the Operative Waipa District Plan and the Resource Management Act 1991, including her assessment against the relevant objectives and policies and rules of the District Plan. Overall she concluded that the proposed subdivision was suitably designed and sized to ensure that lots can accommodate future residential development. Furthermore, conditions of consent would ensure that the subdivision is constructed to appropriate standards where necessary.

In regards the issues raised by Mr Cogswell, she commented that where a residential lot has less than 6m of road frontage the entranceway must be formed at the time of subdivision. In excess of this requirement then the entranceway can be formed at the time of Building Consent.

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

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, 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 sites residential zoning verifies that the land is suitable for residential land use and subdivision.

- The proposed lots are suitably designed and sized to ensure that they can accommodate future residential development.
- The formation of vehicle entrances at the time of subdivision will ensure that all lots are provided with a complying vehicle crossing that is formed to Council's standards under the Code of Practice for Land Development and Subdivision.
- That the kerb, channel and footpath must be extended to the northern edge of the property boundary on Walmsley Street.

**8 RESOLVED**

4/08/020

*That*

- a. The report from the Planner, Anna McLellan dated 29 February 2008 be received; and*
- b. In consideration of Section 104, and pursuant to Sections 104B, 108 and 220 of the Resource Management Act 1991, the Waipa District Council approves the subdivision application by Cicadoidea Limited to subdivide the property at 19-21 Walmsley Street, Kihikihi legally described as Allotment 191-192 Town of Kihikihi subject to the following conditions:*

Cr Taranaki/Cr Newlands

**Land Transfer Plan**

1. *That the Land Transfer Plan to give effect to this subdivision consent must be generally consistent with the approved plans prepared by Cogswell Surveys Limited reference 3520 dated October 2007 and submitted with application SP/0318/07, unless otherwise altered by the consent conditions.*

**Removal of Buildings**

2. *That all existing buildings indicated on the scheme plan be removed from the site.*

**Power**

3. *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**

- 4. 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.*

### **Roading**

- 5. That Lot 13 be vested in Waipa District Council as Road pursuant to Section 238 of the Resource Management Act 1991.*
- 6. That the proposed road (Lot 13) must be designed and constructed to the Council's standards as set out in the Code of Practice for Land Development and Subdivision for Urban roads. All work must be carried out and completed to the satisfaction of Council's Engineering Manager and must be at the consent holder's expense.*

*Construction drawings and specification must be submitted for approval prior to any work being carried out. As-built plans and information of all infrastructure assets to be vested in Council must provided prior to the final inspection.*

*Where necessary, new roads, kerb and channel, street lighting and footpaths shall be extended to the boundary of the subdivided site.*

- 7. The consent holder must provide to the satisfaction of the Council's Engineering Manager, engineering as-built drawings of the proposed road to vest, and the structures located within the proposed road to vest at the*

*completion of construction and prior to the issuing of the Section 224 certificate.*

8. *RAMM forms of road infrastructure assets, to be vested in Council, must be provided prior to the final inspection for each stage.*

*Advisory Note: A suitably qualified RAMM technician must complete RAMM update forms for the construction site. The forms are available in the manual entitled "Transfund New Zealand Local Authority RAMM Database Manual" (PFM7). Update sheets must also be provided for any adjustments necessary to the RAMM information of an intersecting existing public or private road.*

9. *That the consent holder must construct Residential type urban vehicle crossings to Lots 1 – 12, inclusive. The vehicle crossings are 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 vehicle crossings must be constructed in concrete from the edge of the road to the property boundary.*
  - Vehicle crossings to Lots 1 and 12 must be off Lot 13. The vehicle crossings to Lots 1 and 12 must be at least 8m from the intersection junction of Lot 13 and Walmsley Street.*
10. *The consent holder must submit names for the road for Council's approval prior to the issue of a certificate pursuant to Section 223 of the Resource Management Act 1991. If names are not submitted, Council may name the road without reference to the consent holder.*

*Advisory Note: This process will require consultation with the appropriate Community Board prior to any report to Council. This process may take up to three (3) months to complete.*

### **Consent Notice**

11. *That for subsequent development of Lots 1 – 12, inclusive, 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 foundation of the buildings.*

*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 must 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 titles to Lots 1 – 12.*

### **Water Supply**

12. *The consent holder must provide a water reticulation system and connections to service Lots 1 to 12. This system must be designed, constructed and recorded in accordance with the Council's standards as set out in the Code of Practice for Land Development and Subdivision. The consent holder must arrange for Council to connect to the existing public mains. All work must be to the satisfaction of the Council's Engineering Manager and be at the consent holder's expense. An application and construction drawings must be submitted for approval prior to any work being carried out. **An inspection is required prior to any backfill being placed.** As-built plans and information of all infrastructure assets, which are to be vested in Council, must be provided prior to the final inspection. This information is a statutory requirement.*
13. *The consent holder must arrange for Council to disconnect the existing water service line from Walmsley Street for Lots 1 & 12. The consent holder must meet all costs incurred.*

### **Sewer**

14. *The consent holder must provide a sewerage reticulation system and connections to service Lots 1 & Lots 3 to 12. This system must be designed, constructed and recorded in accordance with the Council's standards as set out in the Code of Practice for Land Development and Subdivision. All work must be to the satisfaction of the Council's Engineering Manager and be at the consent holder's expense. An application and construction drawings must be submitted for approval prior to any work being carried out. **An inspection is required prior to any backfill being placed.** As-built plans and information of all infrastructure assets, which are to be vested in Council, must be provided prior to the final inspection. This information is a statutory requirement.*
15. *The consent holder must locate the existing sewer connection . The connection must be exposed and sealed with an approved cap at the*

- boundary of the new Lot 2. The abandoned pipe within Lot 2 must be removed. All work must be to the satisfaction of Council's Engineering Manager and be at the consent holder's expense. **An inspection is required prior to any backfill being placed.** As-built plans and information of all infrastructure assets, which are to be vested in Council, must be provided prior to the final inspection.*
16. *The consent holder must arrange to create 3-metre minimum sewer easements in gross, placed centrally over any existing or proposed Council sewer lines which will be located within any proposed new lots and arrange for Council's Solicitor to register the easements on the new titles. The consent holder must meet all costs incurred.*
17. *The consent holder must arrange to create 2-metre minimum width appurtenant sewer easements, placed centrally over any proposed sewer connections, which may be located within adjacent lots. The proposed easements must be registered on the servient titles. The consent holder must meet all costs incurred.*

### **Stormwater**

18. *The consent holder must provide a Stormwater Management Plan to the satisfaction of the Council's Engineering Manager for the complete subdivision. The stormwater management plan must be provided at the consent holder's expense and must include but not be limited to the following:*
- *Information on existing stormwater systems, if applicable*
    - *Details of connection from and to existing stormwater systems and existing stormwater design calculations*
  - *Geotechnical engineering investigation, if applicable*
  - *Information for on site soakage and percolation tests, if applicable*
  - *Stormwater run-off design calculations from proposed development*
    - *Stormwater from roads*
    - *Stormwater from car parks*
    - *Stormwater from right-of-way*

- *Stormwater from lots*
- *Preliminary assessment & layout of proposed stormwater system for development.*
- *Identification of overland flow paths and easements, if applicable.*
- *The stormwater design must be based on the approved Stormwater Management Plan and must be designed in accordance with Council's Code of Practice for Land Development and Subdivision.*
- *Prior to commencement of any work the consent holder must obtain a discharge permit from Waikato Regional Council or produce evidence that a discharge permit is not required.*
- *All work must be to the satisfaction of Councils Engineering Manager, and must be at the consents holder's expense.*

### **Advisory Notes**

#### **Earthworks**

- *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***

- *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:*

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

*(iii) 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:*

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

*(v) 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.*

*(vi) 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.*

**Reasons for Decision**

- a) Subject to the above conditions the proposal is not contrary to the relevant objectives and policies of the Operative Waipa District Plan.

- b) 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.
- c) 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. Accordingly, the application was processed on a non notified basis.
- d) Engineering requirements will ensure that the subdivision is adequately provided with services when the area is developed.
- e) The consent notice will advise future owners of the special and continuing circumstances of the site.
- f) The sites residential zoning verifies that the land is suitable for residential land use and subdivision.
- g) The proposed lots are suitably designed and sized to ensure that they can accommodate future residential development.

**11.4 12.30pm – 12.57pm**

**Application to Designate a Site for a Network Utility  
in the Industrial Zone: WEL Networks Ltd, 201  
Airport Road  
04581/220.00**

Applicant	Wel Networks Ltd
Appearing for Council	Richard Douch - Consultant Planner

**RECOMMENDATION OF THE REGULATORY COMMITTEE ON A NOTICE OF  
REQUIREMENT TO DESIGNATE LAND FOR ELECTRICITY SUBSTATION  
PURPOSES IN THE INDUSTRIAL ZONE PURSUANT TO SECTION 171(2) OF  
THE RESOURCE MANAGEMENT ACT 1991**

---

**1 THE HEARING**

The hearing held on Monday 31 March was attended by the following:

---

<b>Applicant</b>	Wel Networks Ltd
<b>Appearing for Applicant</b>	Kimberley Rolton (Environmental Challenge Ltd) Mike Robinson (Environmental Challenge Ltd) David Mollekin (Wel Networks Ltd)
<b>Appearing for Council</b>	Richard Douch (Beca)
<b>Submitters in Opposition</b>	-
<b>Submitters in Support</b>	-

## **2 SITE VISIT**

The Regulatory Committee noted that they were familiar with the site and made a decision that a site visit was not required.

## **3 THE RELEVANT STATUTORY PROVISIONS**

The Notice of Requirement (NoR) was considered under the provisions of the Resource Management Act 1991 (RMA).

The NoR was lodged by a requiring authority (Wel Networks Ltd) under section 168 of the RMA and was assessed under section 171 of the RMA.

In particular the following aspects were had regard to:

- Part 2 of the RMA;
- The Effects on the environment;
- Relevant policies and plans;
- Alternative sites & methods for undertaking the works;
- Necessity of the works.

## **4 OTHER RELEVANT PROVISIONS CONSIDERED**

### **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.

- Part 1 – Sections 4 (Industrial Activities) & 9 (Public Works & Utilities)
- Part 2 – Sections 12 (Utility Services)

#### **4.2 OTHER LEGISLATION**

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

#### **4.3 OTHER POLICY STATEMENTS**

Sections 3.3.8 (soil contamination), 3.4.5 (water quality), and 3.10.4 (discharge of contaminants) of the Waikato Regional Policy Statement were considered. The proposal was deemed to not be inconsistent with these provisions. No other national and/or regional policy statements were considered applicable to the proposal.

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

The principal issues that were in contention related to recommended conditions 2, 4 & 6, with the applicant preferring that these were advisory notes only.

The table on the following page outlines each of the conditions as recommended in the planners report, the suggested changes by the applicant and the response by the reporting planner to the suggested changes.

In their right of reply as applicants, Wel accepted the Council planner's response to these suggested amendments.

<b>Original Planners Conditions</b>	<b>Suggested Amendments</b>	<b>Response to Amendments</b>
<p><b>Condition 2</b></p> <p>That an outline plan of works be submitted pursuant to section 176A prior to works commencing on site. The outline plan shall address the issues outlined within Section 176A(3) and in particular shall include:</p> <ul style="list-style-type: none"> <li>• A planting plan specifying the plant species, the density of planting and height at maturity. The planting plan should also include any proposed security fencing;</li> <li>• The bulk and location of the structures, including any provision for lighting; and</li> <li>• Access and circulation provision.</li> </ul>	<p><b>Advice Note</b></p> <p>An outline plan application may be required pursuant to Section 176A of the RMA if the design of the substation building changes significantly from that provided with the notice of requirement, or for any future works undertaken on the designated land.</p>	<p><b>Advice Note</b></p> <p>That an outline plan need not be required provided the works undertaken on site are in general accordance with the plans and information provided as part of the Notice of Requirement. Any works proposed which are not in accordance with the documents provided in the application may require an outline plan of works pursuant to section 176A of the RMA</p>
<p><b>Condition 4</b></p> <p>That a Construction Traffic Management Plan be provided for the movement of materials to and from the site during the construction phase. The Construction Traffic Management Plan must include the proposed routes for delivery of the 33/11kv transformers. The Construction Traffic Management Plan must be approved by the Regulatory Engineer prior to the commencement of construction works.</p>	<p><b>Advice Note</b></p> <p>A Construction Traffic Management Plan must be provided for the movement of materials to and from the site during the construction phase in accordance with Transit New Zealand's Code of Practice for Temporary Traffic Management (TNZ COPTTM) Level 1. The Construction Management Plan must include the proposed routes for delivery of the 33/11kv transformers. The Construction Traffic Management Plan must be approved by the Regulatory Engineer prior to the commencement of construction works.</p>	<p><b>Condition</b></p> <p>A Construction Traffic Management Plan must be provided for the movement of materials to and from the site during the construction phase in accordance with Transit New Zealand's Code of Practice for Temporary Traffic Management (TNZ COPTTM) Level 1. The Construction Management Plan must include the proposed routes for delivery of the 33/11kv transformers. The Construction Traffic Management Plan must be approved by the Regulatory Engineer prior to the commencement of construction works.</p>
<p><b>Condition 6</b></p> <p>That street opening permits be obtained for any cable trenches or excavations within the road reserve prior to the activity taking place.</p>	<p><b>Advice Note</b></p> <p>Street opening permits must be obtained for any cable trenches or excavations within the road reserve prior to the activity taking place in accordance with the Code of Practice for Working in the Road (SNZ HB 2002:2003)</p>	<p><b>Advice Note</b></p> <p>Street opening permits must be obtained for any cable trenches or excavations within the road reserve prior to the activity taking place in accordance with the Code of Practice for Working in the Road (SNZ HB 2002:2003)</p>

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

Evidence on behalf of the applicant was given by:

- Kimberley Rolton on behalf of Wel Networks Ltd.
- Ms Rolton's evidence summarised that in her opinion, the proposal:
  - Would have no more than minor adverse effects on the environment;
  - Would be consistent with relevant policies and plans;
  - Has had adequate consideration to alternative sites and methods;
  - Is necessary for achieving the objectives of the requiring authority;
  - Is consistent with Part 2 of the RMA;
- Ms Rolton commented on the planners report and suggested amendments to conditions 2,4 & 6 as outlined in the table above. Ms Rolton also recommended an additional advisory note, which reflects discussions that have formed an agreement between Telecom NZ (a submitter who advised that they no longer wished to be heard) and Wel.

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

The Regulatory Committee have considered the NoR, the evidence 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:

- Will have no more than minor adverse effects on the environment;
- Is consistent with relevant policies and plans;
- Has had adequate consideration to alternative sites and methods;
- Is necessary for achieving the objectives of the requiring authority;
- Is consistent with Part 2 of the RMA;

## **8 RESOLVED**

4/08/21

*That*

- a) *The report of Richard Douch (Consultant Planner) dated 14 March 2008 be received.*

- b) *That in consideration of Section 171, and pursuant to Section 171(2) of the Resource Management Act 1991 and the Operative Waipa District Plan, the Waipa District Council recommends to Wel Networks Ltd that it confirms the requirement to designate land for Electricity Substation Purposes to allow for the establishment, construction, operation, maintenance, repair, and minor upgrading of substations and works for, or relating to, electricity transformation and distribution on proposed Lot 1 of Lot 6 DPS 13297 (corner of Steele & Ingram Roads, Rukahia) detailed in Appendix 15 – Designations of the Waipa District Plan as follows:*

Map	Code	Facility	Designating Authority	Activity	Underlying Zoning	Location	Expiry Date	Legal Description
6,23		Airport Substation	Wel Networks	Establishment, construction, operation, maintenance, repair and minor upgrading of substations and works for, or relating to, electricity transformation and distribution	Industrial	Ingram Road, Rukahia	April, 2013	Proposed Lot 1 of Lot 6 DPS 13297

*subject to the following conditions:*

Cr Webber/Cr Newlands

### **CONDITIONS**

1. *The works shall be undertaken in general accordance with the information contained within the application prepared by The Environmental Challenge Ltd and titled 'Hamilton Airport Substation: New Substation Build: Notice of Requirement.'*
2. *That a figure 15 type Industrial vehicle crossing shall be constructed, located as indicated on the application plan BBO ref 135700/03/P100 dated 15.3.07. 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 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 formed with concrete from the edge of the road to the property boundary.*
3. *That a Construction Traffic Management Plan be provided for the movement of materials to and from the site during the construction phase in accordance with Transit New Zealand's Code of Practice for*

*Temporary Traffic Management (TNZ COPTTM). The Construction Traffic Management Plan must include the proposed routes for delivery of the 33/11kv transformers. The Construction Traffic Management Plan must be approved by the Regulatory Engineer prior to the commencement of construction works.*

4. *That construction works, including the storage of materials and equipment be managed to ensure they do not encroach onto the road reserve unless separate approval is obtained from the Regulatory Engineer.*
5. *All earthworks 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.*
6. *Where during earthworks, any archaeological features, artefact or human remains are accidentally uncovered or are suspected to have been discovered, the following protocols, together with the protocols agreed between the consent holder and NITOW/NAMTOK must apply:*
  - (i) *All works within the vicinity must cease immediately.*

*In cases other than suspected human remains:*

- (ii) *The contractor must immediately secure the area and advise the NZ Historic Places Trust of the occurrence.*
- (iii) *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:*

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

## **REASONS FOR DECISION**

- a. The adverse environmental effects arising from the proposal are either deemed to be no more than minor, or can be mitigated by the imposition of appropriate conditions.
- b. The proposal was considered pursuant to the relevant provisions of policy statements and plans, including the Operative Waipa District Plan and was not considered to be contrary to such provisions.
- c. Adequate consideration has been given to alternative sites and methods for undertaking the proposed works, with the proposed site and method for undertaking the works considered to be suitable for the activity proposed.
- d. The works are considered to be reasonably necessary for achieving the objectives of the requiring authority and in particular will provide security of electricity supply to the area.
- e. The proposal is considered to be consistent with the overarching purpose and principles within Part 2 of the RMA.

## **ADVISORY NOTES**

- 1. That an outline plan need not be required provided the works undertaken on site are in general accordance with the plans and information provided as part of the Notice of Requirement. Any works proposed which are not in accordance with the documents provided in the application may require an outline plan of works pursuant to section 176A of the RMA
- 2. Street opening permits must be obtained for any cable trenches or excavations within the road reserve prior to the activity taking place in

accordance with the Code of Practice for Working in the Road (SNZ HB 2002:2003)

3. Induced voltages from the substation (and their duration) shall not exceed:
  - a) In respect of a fault in a a.c. system of supply of electricity:
    - i) 430 volts a.c. for a duration of 5 seconds; and
    - ii) 650 volts a.c. for a duration of 0.5 seconds: or
  - b) In respect of a fault on a d.c. system of system of electricity, or in respect of a fault on an electrified railway operating on a d.c. system of supply of electricity, 1000 volts per peak.

There being no further business the meeting closed at 1.15pm

**CONFIRMED AS A TRUE AND ACCURATE RECORD**

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

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