

Minutes of a meeting of the Regulatory Committee held in the Council Chambers, 101 Bank Street, Te Awamutu on Monday 29 June 2009 commencing at 9.03am.

1 PRESENT

Councillor D Sharpe, Chairperson

Committee

His Worship the Mayor A Livingston, Councillors GH Jull, EC Newlands, BJ Taranaki, GRP Webber.

Staff

Deputy Chief Executive, G Dyet; Planning Services Manager, W Allen; Senior Planner, T Kelly; Project Planner, A McLellan; Consultant Engineer, J Kendall; Committee Secretary, S King.

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

4/09/32

That the order of the meeting be confirmed,

Councillor Webber / Councillor Taranaki

5 CONFIRMATION OF PREVIOUS MEETINGS

File: 01-89-04

5.1 Ordinary Meeting of Regulatory Committee held on 27 & 29 April 2009.

RESOLVED

4/09/33

That the Minutes of the Regulatory Committee held on 27 & 29 April 2009, be taken as read and confirmed as a true and correct record.

Councillor Newlands / Councillor Webber

5.2 Commissioner's Report & Decision on Resource Consent Application by Waipa District Council to Establish and Operate a Community Stadium for Sporting, Recreational and Cultural Use At Cambridge High School dated April 2009.

RESOLVED

4/09/34

That the Commissioner's Report & Decision on the Resource Consent Application by Waipa District Council to Establish and Operate a Community Stadium for Sporting, Recreational and Cultural Use at Cambridge High School dated April 2009 be received.

Councillor Taranaki / Councillor Newlands

Item 8 was taken at this time.

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

4/09/35

That the monthly schedule of Liquor License Applications Considered by Staff Under Delegated Authority for April & May 2009 be received.

Councillor Taranaki / Councillor Newlands

7 GENERAL

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

File: 01-52-01

RESOLVED

4/09/36

That the schedule of Matters Considered by Staff Under Delegated Authority for April & May 2009, be received, a copy of which is attached to and forms part of these minutes.

Mayor Livingston / Councillor Webber

8 APPOINTMENT OF HEARING COMMISSIONERS FOR THE PURPOSE OF HEARING RESOURCE CONSENT APPLICATIONS

RESOLVED

4/09/36

*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** Councillor GH Jull to be Hearing Commissioners to sit with the Regulatory Committee to hear Items 11.1 & 11.2.*

Mayor Livingston / Councillor Webber

Deputy Chief Executive said that a private plan change application had been lodged from Meridian 37 and outlined the reasons for and against the Committee hearing the application or alternatively using independent hearing commissioners. He said that independent commissioners would be used to hear and determine the proposed Airport plan change application and associated designations as Council is a shareholder in the Hamilton Airport and that it may be appropriate to utilize the same Hearing Commissioners to hear and determine both applications.

RESOLVED

4/09/42

That the Regulatory Committee request staff approach Mr D Arcus and Mr A Watson to be Hearing Commissioners to hear and determine:

- a) the Meridian 37 proposed private plan change application; and,*
- b) the proposed Airport private plan change application and any designations .*

Councillor Webber / Mayor Livingston

Item 11.1 was taken at this time.

9 ENVIRONMENTAL COURT APPEALS & ENFORCEMENT PROCEEDINGS

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

RESOLVED

4/09/37

That the information be received.

Councillor Newlands / Mayor Livingston

10 RESULTS OF MINISTRY FOR THE ENVIRONMENT RMA SURVEY OF LOCAL AUTHORITIES (2007/2008)

Report of Senior Planner dated 22 June 2009.

RESOLVED

4/09/38

That the report of the Senior Planner dated 22 June 2009 be received.

Mayor Livingston / Councillor Webber

11 HEARINGS

11.1 9.18am to 10.37am

File Reference - 04370/303.00

Senior Planner said that her report was not included in the agenda. She then clarified that the Applicant did not receive a copy of the report.

Chairperson Sharpe queried if the Applicant was prepared to continue the hearing or would prefer that the hearing be adjourned until the next Regulatory Committee meeting. Mr Skilton replied that the Applicant was prepared to continue.

Deputy Chief Executive noted that two separate hearings for the Applicant were to be heard and clarified that Councillor GH Jull was to hear the Section 357 Objection to Conditions of Resource Consent and would not hear the Application for Remission of Development Contributions.

DECISION OF REGULATORY COMMITTEE ON AN APPLICATION FOR REMISSION OF FINANCIAL CONTRIBUTIONS LEVIED PURSUANT TO THE DEVELOPMENT CONTRIBUTION POLICY AND THE LOCAL GOVERNMENT ACT 2009

THE HEARING

The hearing held on Monday 29 June 2009 was attended by the following:

Applicant	<i>Synergy (Cambridge) Trust</i>
Appearing for Applicant	<i>Peter Skilton – PRS Planning Services</i>
Appearing for Council	<i>Terrena Kelly – Senior Planner</i>

SENIOR PLANNER ON BEHALF OF COUNCIL

Senior Planner read her report.

Councillor Webber queried if paragraph 3.3 should read 3 July 2008 rather than 3 July 2009 and the Senior Planner replied that it should.

Senior Planner then said that section 'b' of the recommendation reflects the revised assessment of \$9,228.00 which due to an administrative error was not sent with the landuse consent. Councillor Newlands queried if Council's Engineering Staff have provided a view on the revised calculations given the disparity and the Senior Planner said that Council's Design Engineer peer reviewed both assessments and was happy with the calculations.

Mr Skilton queried if a credit applied for the existing water and sewerage connections and the Senior Planner said that a credit was not given for the connection itself. Mr

Skilton then commented that the existing dwelling on the land has a connection with some impact on Council's systems and why a credit was not applied for the existing impact on the system. The Senior Planner said that there was no credit provided as the Maunsell report supplied the actual demand figures and did not take into account the residence in its calculations. She then offered to review this aspect with Council's Design Engineer.

MR SMITH ON BEHALF OF THE APPLICANT

Mr Smith stated that his pitch was not to come and present rebuttals at a technical level but to present a history of the Trust. He said that although under a different name, the group behind the Trust had over 25 years in the Cambridge community with a reasonably significant investment in that community. He said quite simply the Trust's request is whether Council would be able to help them in this way. He said that the building would have a high profile and would be an asset to the community and, that in spite of the compelling technical information, could Council waive the DC's in light of what the building contributes to the Cambridge community.

This issue was adjourned for the Section 357 Objection to Conditions of Resource Consent. Meanwhile the Senior Planner spoke to the Design Engineer.

SENIOR PLANNER ON BEHALF OF COUNCIL

The Senior Planner said that following discussions on the issue of a credit for the existing residential residence and the actual demand indicated by the Maunsell report, staff felt that it would be appropriate to apply a credit. She said that the total development contributions would then be \$5,701.18.

DELIBERATIONS

Councillor Sharpe said that the decision was whether to remit the Development Contributions in part or in entirety. Mayor Livingston said that one household had been ignored and a reduction would be consistent with policy.

RESOLVED

4/09/39

That the application by Synergy Trust for the remission of development contributions charges be accepted in part, by reducing the development contribution required from \$9425.88 (GST Inclusive) to \$5701.18 (GST Inclusive).

Mayor Livingston / Councillor Newlands

DECISION OF REGULATORY COMMITTEE ON AN OBJECTION TO CONDITIONS 3, 4 AND 11 IMPOSED ON LANDUSE CONSENT LU/0130/08 TO ESTABLISH AND OPERATE A PLACE OF WORSHIP IN THE TOWN CENTRE ZONE PURSUANT TO SECTION 357 OF THE RESOURCE MANAGEMENT ACT 1991

1 THE HEARING

The hearing held on Monday 29 June 2009 was attended by the following:

Applicant	<i>Synergy (Cambridge) Trust</i>
Appearing for Applicant	<i>Peter Skilton – PRS Planning Services</i>
Appearing for Council	<i>Anna McLellan – Project Planner</i>

2 SITE VISIT

The Hearings 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. Specifically section 357A 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 357 D of the Resource Management Act 1991.

An objection to conditions 3, 4 and 11 of this consent was made pursuant to s357 of the RMA. The following is a report in accordance with s113(1) and s113(1)(a) RMA stating the decision and reasons for the decision.

4 OTHER LEGISLATION AND NON-STATUTORY DOCUMENTS

4.1 Operative Waipa District Plan

This application was deemed a non-complying activity under relevant provisions in the Operative Waipa District Plan (District Plan), and pursuant to sections 104, 104B, 104D and Part 2 of the Resource Management Act 1991 (RMA).

The relevant District Plan provisions include:-

- Commercial Objectives and Policies (Part 1, Section 5)
- Town Centre Zone Rules (Part 2, Section 6)

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 PRINCIPAL ISSUES OF CONTENTION

The principal issues that were in contention were:

- Condition 3 which requires a Cash in Lieu payment of \$32,500.00 (including GST, excluding CPI adjustment) for a shortfall of 20 carparks as required under Rule 6.4.5 – Offstreet Parking and Loading.
- Condition 4 which restricts the number of persons permitted onsite at any one time to no more than 95 during working hours (being 8am – 6pm Monday to Friday, exclusive of public holidays).
- Condition 11 which sets out specific standards for the noise level permissible within different zones of the Operative Waipa District Plan. The applicant is seeking a relaxation of these noise standards for the Town Centre and General Zones for Sundays and Public Holidays.

6 SUMMARY OF THE EVIDENCE HEARD

Ms McLellan on behalf of Council

Evidence on behalf of Council was given by Anna McLellan (Project Planner). Ms McLellan summarised the applicant's objection and commented on the objection as follows:

That the objection to condition 3 be dismissed on the basis that carparking demand will exceed that provided onsite during off peak times and on peak times when large events are held.

That the objection to Condition 4 be upheld as it is recognised that particular events such as funerals are a core function of the proposed activity being a church and that the infrequency of these types of activities subject to conditions will result in a no more than minor effects on the wider area.

Councillor Taranaki queried whether the use by the Cambridge Primary School could be included in this condition. Ms McLellan responded that the condition could be amended to include this use.

That the objection to Condition 11 be dismissed on the basis that it results in a new area of non-compliance with the District Plan which would be more appropriately dealt with by way of a Landuse Consent. Exceeding these levels without an approved Landuse Consent would negate the protection offered by the District Plan and would potentially remove affected parties from this process.

Mr Skilton on behalf of the applicant

Evidence on behalf of the applicant was given by Peter Skilton of PRS Planning.

With regards to Condition 3, Mr Skilton commented that reduction in Cash in Lieu was reasonable taking into consideration District Plan provisions which allow a lower standard of parking to be provided if the actual demand of the activity will be less than normal.

Mr Skilton commented that the applicant was in agreement with the Reporting Planner's recommended condition to replace Condition 4.

With regards to Condition 11, Mr Skilton focused on the actual and potential effects of exceeding the permitted noise standards of the District Plan and also referred to the Acoustic Report (prepared by Design Acoustics) submitted in support of the objection.

Mr Skilton provided written evidence at the hearing.

7 THE MAIN FINDINGS OF FACT:

The Regulatory Committee have considered the objections to Conditions 3, 4 and 11, the evidence presented at the hearing, the report prepared by the Council's Project 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 follow:

- There is currently a shortage of public carparking within the central business district of Cambridge. While the primary use of the facility will be largely on Sunday mornings when parking demand within the area is low, events such as funerals, will put greater demand on the limited carparking facilities in the area during peak times. Payment of Cash in Lieu allows Council to form additional carparks to meet this shortfall.
- Other places of worship in Cambridge have had to acquire land to provide adequate carparking onsite, it is therefore reasonable that a contribution be payable for the use of existing public carparking for this type of activity.
- Imposing Cash in Lieu where the required number of carparks in accordance with the Town Centre Zone of the District Plan cannot be provided is consistent with Council's approach to other applications for carparking dispensation within the Town Centre.
- Allowing use by the Cambridge Primary School of the proposed facilities during peak work hours is unlikely to generate additional

traffic demand within the immediate area given the proximity of the School to the proposed activity.

- The applicant must apply for dispensation via Landuse Consent to exceed the noise levels set out in Condition 11 and in the District Plan, alternately as suggested by the applicant, noise attenuation measures could be implemented during the design and construction of the facility.
- The Regulatory Committee notes that the permitted noise standards for the various zones are currently being revised as part of the review of the Operative Waipa District Plan.

8 RESOLVED

4/09/40

Date: 29/06/09

That

The report from Anna McLellan, Project Planner dated 9th June 2009 be received; and

Pursuant to Section 357 of the Resource Management Act 1991, the Waipa District Council uphold the objection to Condition 4 and dismiss the objection to Conditions 3 & 11 from Synergy (Cambridge) Trust.

Councillor Webber / Councillor Jull

The following condition is recommended (to replace Condition 4)

Occupancy

4. *No more than 95 persons are permitted to be onsite during working hours (being 8am – 6pm Monday to Friday, exclusive of public holidays).*

The Council will permit more than 95 people but no more than 400 to be onsite for occasional events/activities where the events are for the purpose of carrying out the church's core functions (such as funerals) or by the Cambridge Primary School, and where that event could not reasonably take place outside the hours of 8am – 6pm Monday to Friday (exclusive of public holidays).

The Consent Holder must maintain a register of all such events/activities, including date, time and purpose, which must be made available to Council's Planning Manager within 2 days of receiving a written request.

The maximum occupancy of the building must be no more than 400 persons at all other times.

Reasons for Decision

1. There is currently a shortage of public carparking within the central business district of Cambridge. While the primary use of the facility will be largely on Sunday mornings when parking demand within the area is low and can be accommodated in the existing parking facilities, events such as funerals, will put greater demand on the limited carparking facilities in the area during peak times. Payment of Cash in Lieu allows Council to form additional carparks to meet this shortfall. The Cash in Lieu imposed for 20 carparks (\$32,500.00 including GST, excluding CPI adjustment) is therefore considered reasonable and appropriate given the actual demand generated by the proposed activity.
2. It is recognised that particular events such as funerals are a core function of the proposed activity being a church and may not be able to be reasonably held outside of peak hours. In addition, use by the Cambridge Primary School (located opposite the site on Duke Street) is not likely to increase parking demand given the close proximity to the proposed activity. On the basis that large scale events during peak hours be limited to those that relate to the core functions of the church or for use by the Cambridge Primary School the effects of upholding the objection to Condition 4 will be no more than minor.
3. Relaxation of the noise requirements under Condition 11 will result in a new area of non-compliance with Rule 6.4.9 – Noise under the Operative Waipa District and must be addressed via a Landuse Consent. Exceeding these levels without an approved Landuse Consent would negate the protection offered by the District Plan and would potentially remove affected parties from this process.

The hearing ended at 10.37am.

The meeting adjourned for the morning tea break at 10.38am and reconvened at 10.58am.

11.2 10.58am to 11.43am

REPORT ON TWO NON-NOTIFIED SUBDIVISION CONSENT APPLICATIONS

File Number - 04380/386.01 & 04380/365.00

DECISION OF REGULATORY COMMITTEE ON A NON-NOTIFIED RESOURCE CONSENT APPLICATION TO SUBDIVIDE IN THE CAMBRIDGE NORTH RESIDENTIAL ZONE PURSUANT TO SECTION 113 OF THE RESOURCE MANAGEMENT ACT 1991

1 THE HEARING

The hearing held on 29th June 2009 was attended by the following:

Applicant	Dean Hoyle of Twin Willows Developments Ltd.
Appearing for Applicant	Dave Timms of Cambridge Environmental: Land Development Consultants
Appearing for Council	Anna McLellan – Project Planner John Kendall – Development 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 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.

- Rule 10.4 (General Subdivision Provisions);
- Rule 10.5 (Subdivisional Standards for all Subdivision);
- Rule 10.7 (Provisions for Financial and Reserve Contributions);
- Rule 10.8 (Financial Contributions for Services);
- Rule 10.9 (Reserves Contributions);
- Rule 10.10 (Construction Standards);
- Rule 10.6.2 (Residential Zone Subdivision Standards);
- Rule 10.3.14 (Road to Vest);
- Policies RS15a, SU3, SU4, SU5, SU6, SU8, SU9, SU10, SU11, SU17 and SU21; and
- Objectives SU2 and SU3.

4.2 Other Legislation

The following Plan Changes were considered in the assessment of the application:

- Plan Change (66) to rezone Stage 2 of Cambridge North Deferred Residential Zone to Residential Zone.
- Notice of Requirement (DN63) for the designation of the roadside amenity reserve located along the Swayne Road frontage of the site.

The following Structure Plan was considered in the assessment of the application:

- Cambridge North Residential Structure Plan

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:

- Compliance with the Cambridge North Residential Structure Plan, in particular the location of the collector and minor roads, location of the proposed sewer pump station and proposed Local Purpose Reserve.
- Re-grading the north east swale in Watkins Road to increase storage capacity to accommodate stormwater runoff in excess of the 2 year ARI event and from road reserves.
- Formation of the footpath in the Local Purpose Reserve prior to the upgrading of Swayne Road.

6 SUMMARY OF THE EVIDENCE HEARD

Evidence on behalf of Council was given by Anna McLellan (Project Planner) who briefly described the site and proposal. Ms McLellan commented that the proposed subdivision demonstrated full compliance with the subdivision provisions of the District Plan. She stated that the proposed subdivision was in general accordance with the Cambridge North Residential Structure Plan with the exception of the layout of the collector road (Tulip Drive) and the location of the sewer pump station. She noted that these changes were due to the roading layout of the adjoining Kings Garden subdivision and were of no more than minor consequence.

Ms McLellan also commented that the design and construction of the roundabout at the Swayne Road/Tulip Drive/Norfolk Drive intersection would be deferred until such time as the Swayne Road upgrade is undertaken.

Evidence on behalf of the applicant was given by Dave Timms of Cambridge Land Developments. Mr Timms commented that he was in general agreement with the Planner's report and the recommended conditions, with the exception of Condition 14. Mr Timms commented that the formation of the footpath in the proposed Local Purpose Reserve as required under Condition 14 would be better left until the Swayne Road upgrade was undertaken.

7 THE MAIN FINDINGS OF FACT:

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 proposed subdivision is in accordance with the provisions for subdivision in the Cambridge North Residential Zone;
- The proposed subdivision can be adequately serviced in accordance with the Cambridge North Structure Plan. Minor variations to the location of the collector road and sewer pump station will not affect the integrity of the Structure Plan and will provide for subsequent development of other lots in Stage 1.
- That Condition 14 be amended to allow the applicant to bond the works related to the formation of the footpath until such a time that Swayne Road is upgraded.

8 RESOLVED

4/09/41

Date 29/07/09

- A. *That the report of A McLellan, Project Planner for the Waipa District Council, dated 9th June 2009 be received; and*

SP/0246/08

- B. *That 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 application by Twin Willows Developments Ltd to subdivide the property at 44 and 64 Swayne Road, Cambridge, legally described as Lot 1000 DP 401198 and Lot 1 DPS 14474 subject to the conditions set out hereon.*

Councillor Webber / Councillor Jull

SP/0246/08 - CONDITIONS

CONDITIONS APPLICABLE TO ALL STAGES

Easements

1. Where any sanitary sewerage, stormwater or water pipes or cables or power lines are required to cross another Lot or Lots or pass across the boundary of another Lot or Lots, easements must be created and registered against the certificates of title of those Lots affected, and where necessary such easement must be an easement in gross in favour of the Council or other providing

authority. Easements for pipes and cables must be placed centrally over the pipe or cable location. All costs in connection with the easements must be met by the consent holder. Easements in gross in favour of the Council must be approved by the Council's solicitors at the cost of the consent holder.

Telecommunications

2. 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 for 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.

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

Design Plans

4. The consent holder must submit drawings for sewerage, water and stormwater reticulation systems to service all Lots within the subdivision. The design drawings must be submitted to Council's Development Engineer for approval prior to any work being carried out. The reticulation systems must be designed in accordance with Cambridge North Residential Zone Structure Plan (2004) and Council's standards as set out in the Code of Practice for Land Development and Subdivision, and must incorporate:
 - A sewerage reticulation system design that drains Lots 12 to 39 by gravity to the proposed sewage pumping station on Lot 2 being a subdivision of Lot 2 DP 61590 (SP/0273/08).

5. The consent holder must submit design drawings for all the roading (ie. the new road to vest Tulip Drive, Kowhai Drive and Cotter Place.) and associated works (ie. footpaths, street lighting, signage, etc) within the subdivision to the Council's Engineering Manager for approval prior to any work being carried out. The roads must be designed in accordance with the levels specified in the Cambridge North Residential Structure Plan and the Council's standards as set out in the Code of Practice for Land Development and Subdivision, and must incorporate:
 - All roads must have soakage systems attached to catchpits designed to cater for a 2-year Annual Recurrence Interval storm unless soakage proves to be impractical due to a high water table and/or low permeability soils. Soakage systems must be designed to enable cleaning and maintenance.
 - The alignment and levels of the roads must ensure overland flow of stormwater down the roads to the stormwater swale.
 - Kowhai Road (on the approved plan) must adjoin Lot 2 DPS 61590 to ensure future access is provided when Lot 2 DPS 61590 is subdivided.
6. The proposed intersection of Tulip Drive and Swayne Road must be designed as a standard intersection, however adequate land must be vested in Council to allow the installation of a future roundabout. Any proposed gated features must be submitted to Council prior to approval and must be located within private property.
7. As required, all new road intersections, kerb and channel, street lighting and footpaths must be extended beyond the boundaries of the subdivision to link up with existing work in Swayne Road and Tulip Drive. Application for cost subsidy, associated with work beyond the boundaries of this subdivision must be forwarded to the Manager of Development Engineering for approval.

Earthworks

8. The earthworks associated with any development of the subdivision 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.
 - 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.
9. When the earthworks associated with the subdivision are completed the consent holder must supply a plan to the Council's Engineering Manager showing the location and depths of the cuts and fills. A report, which has been prepared by a Chartered Professional Engineer, must be prepared to the satisfaction of Council's Engineering Manager and must be supplied to Council's Engineering Manager to show that the earthworks have been carried out to the required standards and that each Lot has a suitable location on which to erect a dwelling. If recommended by this report, specific foundation design by a Chartered Professional Engineer on any identified Lots must be provided. Each Lot must contain a building platform sufficiently higher than the adjacent road centreline to allow for stormwater drainage to the road, and to remain at least 0.2m above the predicted overland flow flood level in a flood of 50 years Annual Recurrence Interval.

Stormwater

10. The consent holder must engage a suitably qualified person to provide Council with a stormwater disposal report that details management of stormwater runoff from all building roofs, driveways and impermeable surfaces to attenuate a 50% Annual Exceedance Probability storm in accordance with Section 4 of the Cambridge North Residential Zone Structure Plan (2004). The report must be to the satisfaction of Council's Engineering Manger and must:
- Be submitted to Council for approval prior to commencement of construction works;
 - Demonstrate soakage investigations undertaken in accordance with Council's guidelines for soakage within the Cambridge North Residential Zone; and
 - Provide recommended drawings and specifications for the construction and maintenance of a standardised onsite soakage system to be used on all lots where soakage is feasible, or a detention system where soakage is not feasible, including provision of an overflow connection to the piped stormwater system plus an overland flowpath that does not cause flooding nuisance on neighbouring properties.

The Consent Holder must provide a stormwater system include soakage, piped reticulation and overland flow paths to service the areas covered by the

proposed subdivision. The system must be consistent with the approved design.

Prior to application for 224(c) certificate for the subdivision the Consent Holder must submit as-built plans at a scale acceptable to Council, showing:

- Final site contours, including roading contours to demonstrate the overland flowpath complies with the approved design;
- Flood water levels during 2% Annual Exceedance Probability Storm;
- Road Soakage trench locations and volumes; and
- All other stormwater infrastructure to be vested with Council.

Legal

11. For all lots identified as requiring specific foundation design under Condition 9, the foundations of any building must be designed by a Chartered Professional Engineer. This condition is to be complied with on a continuing basis by the consent holder and subsequent owners after the deposit of the survey plan and must be the subject of a consent notice, pursuant to Section 221(1) of the Resource Management Act 1991, which must be prepared by the Council's Solicitor and must be registered on the certificate of title to each lot at the expense of the consent holder.
12. All future development of Lots 1-43, inclusive, must incorporate a soakage system in accordance with the recommendations of the report prepared under Condition 10, unless an alternative site specific engineering design is provided to ensure that run off from a 50% Annual Exceedance Probability storm is attenuated. This condition is to be complied with on a continuing basis by the consent holder and subsequent owners after the deposit of the survey plan and must be the subject of a consent notice, pursuant to Section 221(1) of the Resource Management Act 1991, which must be prepared by the Council's Solicitor and must be registered on the certificate of title to each lot at the expense of the consent holder.

CCTV Surveys and Testing

13. The consent holder must conduct a CCTV survey and pressure testing of all sewer, stormwater and water reticulation to assess, but not be limited to, pipe condition, pipe jointing, connections and gradient variations. CCTV survey of sewer and stormwater reticulation are to be recorded onto DVD format and pass for approval to the Council's Engineering Manager. All work must be at the consent holder's expense.

STAGE 1

General

1. That the Land Transfer Plan to give effect to this subdivision consent must be generally consistent with the approved plans, reference 7176-02A – Stage 1, dated October 2008 by Churchill Timms Ltd and Nicklin Surveying and Resource Management submitted with application SP/0246/08, unless otherwise altered by the consent conditions. A copy of the approved plans are attached.

Entranceways

2. That the consent holder must construct a figure 14 type urban vehicle crossing to Lots 42 and 43. The 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 entrance must be formed with concrete from the edge of the road to the property boundary.

Water Supply

3. The consent holder must provide water connections to service Lots 42 & 43. The connections must be designed, constructed and recorded in accordance with Council's standards as set out in the Code of Practice for Land Development and Subdivision. The consent holder must arrange for Council to install the new connection to the existing public water main. 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.

Sewerage

4. The consent holder must provide sewerage connections to service Lots 42 & 43. The connections must be designed, constructed and recorded in accordance with 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.

Stormwater

5. The consent holder must provide stormwater connections to service Lots 42 & 43. The connections must be designed, constructed and recorded in accordance with 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.

Financial Contributions

6. That a financial contribution of \$20,894.00 (GST inclusive) per lot shall be paid to Council for the two additional lots created by Stage 1. This financial contribution is for the cost of upgrading roading, water supply, sewerage and stormwater services. This is based on the following GST inclusive amounts per Lot:

Water supply	\$2,565.00
Sewerage	\$2,002.00
Stormwater	\$2,348.00
Roading	<u>\$3,577.00</u>

Total \$10,492.00

The amount of financial payable will be offset by the actual design and construction costs of the main trunk infrastructure work (as shown in the Structure Plan) constructed by the consent holder. The main trunk infrastructure to be constructed by the consent holder is listed in Schedule 1. The detailed design, tender process, construction supervision, approval of variations, and determination of the actual construction price for these works shall be carried out in general accordance with the procedures outlined in Schedule 2. Credit of financial contributions, may be carried forward and credited against future financial contributions on other stages.

7. That a reserve contribution of \$1,889.00 (GST inclusive) per Lot must be paid to Council for the 2 additional Lots created. This is a total reserve contribution of \$3778.00 (GST inclusive).

STAGE 2

General

1. That the Land Transfer Plan to give effect to this subdivision consent shall be generally consistent with the approved plans, reference 7176-02A – Stage 2,

dated October 2008 by Churchill Timms Ltd and Nicklin Surveying and Resource Management submitted with application SP/0246/08, unless otherwise altered by the consent conditions. A copy of the approved plans are attached.

Roading

2. That Tulip Drive, Kowhai Drive and Cotter Place on the approved plan by Churchill Timms Ltd reference 7176 dated October 2008 must be vested in the Waipa District Council as Road pursuant to Section 320 of the Local Government Act 1974.
3. That the formation of the proposed Roads must be consistent with the approved design. 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.
4. That the formation of Kowhai Drive (on approved plan) be extended to the boundary of Lot 2 DPS 61590 for the purpose of providing a future connection at the time this lot is developed.
5. The consent holder must construct the proposed Right of Way being Lot 46 (shown as Easement AA on the approved plan) which provides access to Lots 15 & 16 to the Council's standards as set out in the Code of Practice for Land Development and Subdivision. All work is to 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 right-of-way must have a 3 metre wide concrete surface.
6. Two producer statements from a suitably qualified and experienced professional must be submitted to Council. The first must include pavement design and drainage of the right-of-way and the second must cover the construction of the right-of-way. In addition the Confirmation form ROW 1 and Confirmation form ROW 2 must be filled out and submitted to Council prior to issuing of the S 224 certificate.

Entrances

7. The consent holder must construct a figure 14 type urban vehicle crossing to Lots 25, 26, 27, 46 and Lot 1 DPS 11438. 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 Council's Engineering Manager, and must be at the consent holder's expense. The following issues must also be addressed:
 - The entrances must be formed with concrete from the edge of the road to the property boundary.

- The entrance to Lot 25 must be formed as close as practical to the eastern boundary of this Lot in order to maximise separation distance from the Swayne Road/Tulip Drive intersection.

Water Supply

8. The consent holder must provide a water reticulation system and connections to service Lots 4 to 39. This system must be designed, constructed and recorded in accordance with 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 the new reticulation to the existing public water main. All work must be to the satisfaction of the Council's Utilities Services 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.

Wastewater

9. The consent holder must provide a sewerage reticulation system and connections to service Lots 4 to 39. This system must be designed, constructed and recorded in accordance with 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 Utilities Services 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.

Fence

10. The consent holder must construct a fence along the common southern boundary of Lot 28 and Lot 45. The fence must be designed to maintain visual permeability in accordance with the "*National Guidelines for Crime Prevention through Environmental Design in New Zealand*" prepared by the Ministry of Justice, 2005. The fence design must be approved by Council's Planning Manager prior to construction.

Fencing Covenants

11. At the consent holder's expense, the consent holder must enter into a fencing covenant with the Council which is to be registered against the title of Lot 28, to the effect that the Council will not be liable nor called on to repair or contribute to the cost of work as defined in the Fencing Act 1978 on the boundary fence between the southern boundary of Lot 28 and Local Purpose Reserve (Lot 45). The covenant must also stipulate that fence must be

maintained to ensure visual permeability with Lot 45 in accordance with the “National Guidelines for Crime Prevention through Environmental Design in New Zealand” prepared by the Ministry of Justice, 2005.

12. At the consent holder’s expense, the consent holder must enter into a fencing covenant with the Council which is to be registered against the titles of Lots 25 to 28, inclusive, to the effect that the Council will not be liable nor called on to erect or repair or contribute to the cost of work as defined in the Fencing Act 1978 on any dividing or boundary fence between the said Lot and Local Purpose Reserve (Lots 44, 45 & 45 DP 401198). Furthermore the covenant must stipulate that any fence constructed along the boundary must be of one of the types as described at Items 1 to 5 of the Second Schedule to the Fencing Act 1978.

NB: This applies to the western boundary of Lot 28 only.

Reserves

13. That Lot 44 & 45 on the approved plan, being a 5m wide Local Purpose Reserve, be vested in Council as a Local Purpose Reserve pursuant to Section 293 of the Resource Management Act 1991.
14. The consent holder must enter into a bond for the construction of a footpath in accordance with the Code of Practice for Land Development and Subdivision along the length of the Local Purpose Reserve (Lot 44 & 45), where it adjoins Swayne Road (excluding the portion that adjoins Lot 28 and Lot 1 DPS 11438 and connects with Cotter Place). 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. The location of the footpath must be approved prior to construction by Council’s Parks and Recreation Asset Manager.

NB. The works associated with the bond must be undertaken in conjunction with the upgrade works to Swayne Road.

15. The consent holder must construct a footpath in accordance with the Code of Practice for Land Development and Subdivision along Lot 45 (Local Purpose Reserve), from the connection with Cotter Place to the western boundary of Lot 28. 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. The location of the footpath must be approved prior to construction by Council’s Parks and Recreation Asset Manager.

Amalgamation

16. That Lot 46 hereon (Legal Access) be held as to two undivided one half shares by the owners of Lots 15 and 16 hereon as tenants in common in the said shares and that individual Certificates of Title be issued in accordance therewith. Reference 837506.

Advisory Notes – Development Contributions

- The Cambridge North Residential Structure Plan does not provide for development contributions payable to be offset by works to the main trunk infrastructure as detailed in Schedule 1. Where works contributing to the main trunk infrastructure are undertaken by the consent holder, the costs of these works may be credited towards the development contributions payable for this stage or may be carried forward against future development contributions on other stages.
- An agreed valuation of the proposed local purpose reserve and walkway along Swayne Road (Lot 44 & 45) may be credited towards the development contributions payable for this stage or may be carried forward against future development contributions on other stages.
- Development Contributions are collected under the current Development Contribution Policy of the Long Term Council Community Plan prepared under the Local Government Act 2002. A separate notice will be attached to the decision once issued and will advise the amount of Development Contributions payable.

STAGE 3

General

1. That the Land Transfer Plan to give effect to this subdivision consent shall be generally consistent with the approved plans, reference 7176-02A – Stage 3, dated October 2008 by Churchill Timms Ltd and Nicklin Surveying and Resource Management submitted with application SP/0246/08, unless otherwise altered by the consent conditions. A copy of the approved plans are attached.

Easements

2. That right of way, right to convey water and gas, right to transmit electricity and telecommunications, and right to drain water and services easements labelled AB and R on the approved plan be created and duly granted or reserved.

Amalgamation

3. That Lot 48 hereon (Legal Access) be held as to two undivided one half shares by the owners of Lot 40 and 41 hereon as tenants in common in the said shares and that individual Certificates of Title be issued in accordance therewith. Reference 837506.

Entrances

4. That the consent holder must construct a figure 14 type urban vehicle entrance to the Right of Way to Lot 48. The 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 formed with concrete from the edge of the road to the property boundary.
5. That the consent holder must construct a figure 14 type urban vehicle entrance to Lot 1. The 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 formed with concrete from the edge of the road to the property boundary.
 - The entrance must be formed as close as practical to the eastern boundary of this Lot in order to maximise separation distance from the Swayne Road/Tulip Drive intersection.

Right of Way

6. The consent holder must construct the proposed Right of Way being Lot 48 (shown as Easement AB and R on the approved plan) which provides access to Lots 40 & 41 to the Council's standards as set out in the Code of Practice for Land Development and Subdivision. All work is to 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 right-of-way must have a 3 metre wide concrete surface.
7. Two producer statements from a suitably qualified and experienced professional must be submitted to Council. The first must include pavement design and drainage of the right-of-way and the second must cover the construction of the right-of-way. In addition the Confirmation form ROW 1 and Confirmation form ROW 2 must be filled out and submitted to Council prior to issuing of the S 224 certificate.

Water Supply

8. The consent holder must provide water connections to service Lots 1, 2, 3, 40 & 41. The connections must be designed, constructed and recorded in accordance with Council's standards as set out in the Code of Practice for Land Development and Subdivision. The consent holder must arrange for Council to install the new connection to the existing public water main. All work must be to the satisfaction of the Council's Utilities Services 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.

Sewerage

9. The consent holder must provide sewerage connections to service Lots 1, 2, 3, 40 & 41. The connections must be designed, constructed and recorded in accordance with 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 Utilities Services 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.

Fencing Covenant

10. At the consent holder's expense, the consent holder must enter into a fencing covenant with the Council which is to be registered against the titles of Lots 1, 40, 41, to the effect that the Council will not be liable nor called on to erect or repair or contribute to the cost of work as defined in the Fencing Act 1978 on any dividing or boundary fence between the said Lot and Local Purpose Reserve (Lots 44). Furthermore the covenant shall stipulate that any fence constructed along the boundary shall be of one of the types as described at Items 1 to 5 of the Second Schedule to the Fencing Act 1978.

Financial Contributions

11. That a financial contribution of \$20,894.00 (GST inclusive) per Lot shall be paid to Council for the two additional Lots created by Stage 1. This financial contribution is for the cost of upgrading roading, water supply, sewerage and stormwater services. This is based on the following GST inclusive amounts per Lot:

Water supply	\$2,565.00
Sewerage	\$2,002.00
Stormwater	\$2,348.00
Roading	<u>\$3,577.00</u>
Total	\$10,492.00

The amount of financial payable will be offset by the actual design and construction costs of the main trunk infrastructure work (as shown in the Structure Plan) constructed by the consent holder. The main trunk

infrastructure to be constructed by the consent holder is listed in Schedule 1. The detailed design, tender process, construction supervision, approval of variations, and determination of the actual construction price for these works shall be carried out in general accordance with the procedures outlined in Schedule 2. Credit of financial contributions, may be carried forward and credited against future contributions on other stages.

12. That a reserve contribution of \$1,889.00 (GST inclusive) per Lot must be paid to Council for the 2 of the four additional Lots created. This is a total reserve contribution of \$3778.00 (GST inclusive).

Advisory Note – Development Contributions

- The Cambridge North Residential Structure Plan does not provide for development contributions payable to be offset by works to the main trunk infrastructure as detailed in Schedule 1. Where works contributing to the main trunk infrastructure are undertaken by the consent holder, the costs of these works may be credited towards the development contributions payable for this stage.
- Should the value of the public infrastructure works to be carried out by the consent holder exceed the consent holder's contribution to those works calculated under the LGA and the RMA, the consent holder or its nominee shall be entitled to reimbursement by Council or a credit against all development contributions in respect of public infrastructure works for any future subdivision of other land within the Cambridge North area.
- Development Contributions are collected under the current Development Contribution Policy of the Long Term Council Community Plan prepared under the Local Government Act 2002. A separate notice will be attached to the decision once issued and will advise the amount of Development Contributions payable.

Reasons for Decision

1. This application was processed as a non-notified application and was considered without the need to obtain the written approval of affected parties, as the subdivision was in compliance with the Structure Plan. The Structure Plan is an integrated development approach to the Cambridge North area.
2. The application is not in conflict with the Objectives and Policies of the Waipa District Plan, and the potential adverse effects on the environment will be minor. The statutory tests imposed by sections 104 and 104B of the Resource Management Act 1991 for discretionary activities can therefore be satisfied. A decision has therefore been made that the application meets the requirements of section 104B of the Resource Management Act 1991 and approval can be granted.

3. The application has demonstrated that future development of the land for residential purposes is not compromised. Furthermore, any potential adverse effects that may arise from the application will be no more than minor or will be mitigated by appropriate conditions of consent.
4. Lot 1000 DP 401198 has four 'historical' financial contributions available under the Waipa District Plan. These have been imposed on Stage 1 and 3. Development contributions at the current rate have been imposed for the remainder of the lots.

Advisory Notes:

Discovery of Archaeological or Culturally Significant Finds

1. 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.

Structure Plan

2. Where there is any conflict in these conditions between the specific requirements of the Structure Plan (Tonkin & Taylor Ltd, February 2004) and

the Council's Code of Practice for Land Development and Subdivision, the requirements of the Structure Plan shall take precedence.

Upgrade to the Swale

3. Conditions have not be imposed regarding the upgrade works to the north eastern swale on Watkins Road Works are to be completed by the consent holder under a separate contract with Council's Utility Services Group prior to the issue of the Section 224c Certificate.

SP/0273/08

RESOLVED

4/09/42

*That 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 application by Twin Willows Developments Ltd to subdivide the property at 40 Swayne Road, Cambridge, legally described as Lot 2 DPS 61590 subject to the conditions set out hereon.*

Councillor Webber / Councillor Jull

SP/0273/08 - CONDITIONS

General

1. That the Land Transfer Plan to give effect to this subdivision consent shall be generally consistent with the approved plans, reference 8090-01, dated August 2008 by Churchill Timms Ltd and Nicklin Surveying and Resource Management submitted with application SP/0273/08, unless otherwise altered by the consent conditions. A copy of the approved plans are attached.

Design Plans

2. The consent holder must submit drawings for the sewage pump station and rising main. The design drawings must be submitted to Council's Development Engineer for approval prior to any work being carried out. The sewage pump and rising main must be designed, constructed and recorded in accordance with Cambridge North Residential Zone Structure Plan (2004) and Council's standards as set out in the Code of Practice for Land Development and Subdivision, and must enable gravity sewerage connections from Lots 12-39 under SP/0246/08 and all potential lots within Lot 2 DPS 61590 and Lot 1 DP 41283. 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. All work must be to the satisfaction of Council's Development Engineer, and be at the consent holder's expense. The following matter must also be addressed:

- The sewer pump station must include commercial grade access.
3. That Lot 2 must be vested in the Waipa District Council as Local Purpose 'Utility' Reserve.

Power

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

Telecommunications

4. The consent holder must arrange with a telephone company for the reticulation of telephone cables to serve all lots and pay all costs attributable for 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.

Easements

5. Where any sanitary sewerage, stormwater or water pipes or cables or power lines are required to cross another Lot or Lots or pass across the boundary of another Lot or Lots, easements are to be created and registered against the certificates of title of those Lots affected, and where necessary such easement shall be an easement in gross in favour of the Council or other providing authority. Easements for pipes and cables must be placed centrally over the pipe or cable location. All costs in connection with the easements must be met by the consent holder. Easements in gross in favour of the Council must be approved by the Council's solicitors at the cost of the consent holder.
8. That the rising main, right of way, right to convey water and gas, right to transmit electricity and telecommunications, and right to drain water and

services easements labelled A , B, C on the approved plan be created and duly granted or reserved.

Right of Way

9. That the consent holder must construct proposed Right of Way A & B to Council's Right of Way standards as set out in the Code of Practice for Land Development and Subdivision. All work is to be carried out and 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 ROWs must be formed with concrete or asphalt.
10. Two producer statements from a suitably qualified and experienced professional must be submitted to Council. The first must include pavement design and drainage of the right-of-ways and the second must cover the construction of the right-of-ways. In addition the Confirmation form ROW 1 and Confirmation form ROW 2 must be filled out and submitted to Council prior to issuing of the S 224 certificate.

Reasons for Decision

1. This application was processed as a non-notified application and was considered without the need to obtain the written approval of affected parties, as the subdivision was in compliance with the Structure Plan. The Structure Plan is an integrated development approach to the Cambridge North area.
2. The application is not in conflict with the Objectives and Policies of the Waipa District Plan, and the potential adverse effects on the environment will be minor. The statutory tests imposed by sections 104 and 104B of the Resource Management Act 1991 for discretionary activities can therefore be satisfied. A decision has therefore been made that the application meets the requirements of section 104B of the Resource Management Act 1991 and approval can be granted.
3. The application has demonstrated that future development of the land for residential purposes is not compromised. Furthermore, any potential adverse effects that may arise from the application will be no more than minor or will be mitigated by appropriate conditions of consent.

Advisory Notes:

Discovery of Archaeological or Culturally Significant Finds

1. 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:
 - (ii) All works within the vicinity must cease immediately.

In cases other than suspected human remains:

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

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

Structure Plan

- 2. Where there is any conflict in these conditions between the specific requirements of the Structure Plan (Tonkin & Taylor Ltd, February 2004) and the Council's Code of Practice for Land Development and Subdivision, the requirements of the Structure Plan shall take precedence.

The meeting adjourned for the lunch break at 12.28pm and reconvened at 12.56pm.

The Regulatory Committee held their deliberations after the lunch break.

There being no further business the meeting closed at 1.20pm.

CHAIRPERSON _____

DATE _____

CONFIRMED AS A TRUE AND CORRECT RECORD OF PROCEEDINGS.