

Minutes of a meeting of the Regulatory Committee held in the Council Chambers, 101 Bank Street, Te Awamutu on Monday 26 April 2010 commencing at 9.08am.

1 PRESENT

Councillor D Sharpe, Chairperson

Committee

Councillors EC Newlands, BJ Taranaki, GRP Webber.

Public

There were no members of the public in attendance.

Others

Manager Planning & Regulatory, W Allan; Committee Secretary, S King.

2 APOLOGIES

RESOLVED

4/10/16

That the apology for non attendance from His Worship the Mayor A Livingston, be received.

Councillor Taranaki / Councillor Webber

3 LATE ITEMS

There were no late items.

4 CONFIRMATION OF ORDER OF MEETING

File: 01-89-04

RESOLVED

4/10/17

That the order of the meeting be confirmed, subject to the withdrawal of the Ashford hearing, Item 10.1.

Councillor Webber / Councillor Sharpe

5 CONFIRMATION OF PREVIOUS MEETINGS

File: 01-89-04

Ordinary Meeting of Regulatory Committee held on 29 March 2010.

RESOLVED

4/10/18

That the Minutes of the Regulatory Committee held on 29 March 2010, as circulated, be confirmed as a true and accurate record.

Councillor Sharpe / Councillor Taranaki

6 WAIPA DISTRICT LIQUOR LICENSING AGENCY

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

File: 01-85-10

RESOLVED

4/10/19

That the monthly schedule of Liquor License Applications Considered by Staff Under Delegated Authority for March 2010 be received.

Councillor Webber / Councillor Taranaki

7 GENERAL

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

File: 01-52-01

RESOLVED

4/10/20

That the schedule of Matters Considered by Staff Under Delegated Authority for March 2010, be received, a copy of which is attached to and forms part of these minutes.

Councillor Webber / Councillor Newlands

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

There were no appointments made.

9 ENVIRONMENTAL COURT APPEALS & ENFORCEMENT PROCEEDINGS

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

Manager Planning & Regulatory, W Allan said all the outstanding issues associated with plan change 41 were being compiled to enable resolution. Regarding the Burton Morton appeal he said no court mediation date or hearing date had been set by the Environment Court.

RESOLVED

4/10/21

That the information be received.

Councillor Taranaki / Councillor Sharpe

10 HEARINGS

10.1 This hearing was postponed.

Section 357 Objection to Water and Sewer Connection Conditions Imposed on a Subdivision in the Residential Zone (SP/0004/10) – PA Ashford, AM Ashford, AA Ashford.

File Reference: 04552/401.00 / SP/0004/10

Mr John O’Callaghan notified his absence at 8.45am and requested the hearing be postponed.

The meeting adjourned at 9.22am and reconvened at 10.31am.

10.2 10.31am to 12.01pm

Application to Subdivide to Create 14 Residential Lots – MS & JE Woods

File Reference: 04481/192.00 / SP/5178

DECISION OF REGULATORY COMMITTEE ON A NOTIFIED RESOURCE CONSENT APPLICATION TO SUBDIVIDE TO CREATE 14 LOTS IN THE RESIDENTIAL ZONE PURSUANT TO SECTION 113 OF THE RESOURCE MANAGEMENT ACT 1991

1 THE HEARING

The hearing held on 26th April 2010 was attended by the following:

Applicant	Mrs Jayne Woods Mr Michael Woods
Appearing for Applicant	Murray Hislop
Appearing for Council	Jaime McLellan John Kendall

2 SITE VISIT

The Regulatory Committee undertook a site visit on 26 April 2010 to consider any particular aspects of 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.

Objectives and Policies:

- Objectives TR1, TR2, SU2 and SU3
- Policies TR2, TR7, TR8SU3, SU4, SU6, SU10, SU11, SU17, SU19 and SU20

Rules:

- General Rules (Section 1.7)
- Residential Zone Rules (Section 3)
- Subdivision Rules (Section 10)
 - Categories of Subdivision (Rule 10.3)
 - General Subdivision Provisions (Rule 10.4)
 - Subdivisional Standards for All Subdivisions (Rule 10.5)
 - Subdivision Standards for Industrial Zones (Rule 10.6), and in particular Rule 10.6.2 – Residential Zone Subdivision Provisions.
 - Construction Standards (Rule 10.10)

4.2 OTHER LEGISLATION

The provisions of the Local Government Act 2002 (LGA) are applicable to this proposal and have been considered in the assessment of the application. In particular, a development contribution has been levied to off-set the potential increase in demand for; roading and transport, water, stormwater, sewage, reserves, and community infrastructure, pursuant to Sections 197-212 of the LGA.

4.3 OTHER POLICY STATEMENTS

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

5 THE PRINCIPAL ISSUES THAT WERE IN CONTENTION:

The principal issues that were in contention were:

- The level of information required to make a decision.
- The development contributions levies.
- Adverse effects of stormwater from consequential development
- The design of the sewer pump station.
- The design of the road.

6 SUMMARY OF THE EVIDENCE HEARD

Evidence on behalf of the applicant was given by Murray Hislop. Mr Hislop presented a written presentation. The presentation provided commentary and the background to the application, including discussion on the further information that had been provided.

Mr Hislop noted that large lot sizes were provided to minimise the increase in stormwater 'run-off' from impervious surfaces and reduce the risk of flooding to downstream properties. He offered to restrict the future development to one dwelling on each lot to further manage stormwater 'run-off' and the demand for sewerage services.

Mr Woods advised that he had not experienced any flooding of the lower areas. He noted that the drain worked well and the implementation of the stormwater management plan prepared by G.A Hughes & Associates had addressed any flood risk. Mr Woods contended that the processing time and the level of technical information required was excessive.

Evidence on behalf of Council was given by Council's Planner - Mr McLellan. Mr McLellan's evidence outlined the application; the application process and the timeline with respect to further information; the reasons for the consent; statutory matters (both the Resource Management Act 1991 and Operative Waipa District Plan matters); environmental effects and the recommendation, including recommended conditions.

Mr McLellan accepted that future development, including further 'infill' subdivision could be restricted as a condition of consent. Mr McLellan added that the incremental changes in stormwater 'run-off' from future development

could be addressed at a later date when the full extent of the residential development was known, and Mr McLellan tabled a list of alternative conditions to this effect. Mr McLellan recommended that the alternative conditions could be inserted in place of conditions 25-27.

Mr McLellan advised that there was a discrepancy between the width of the new road and the width of the typical cross-section shown on the roading design plans. Mr McLellan noted that the minimum width of the road would need to be 6-metres to comply with Council's standards and to allow two vehicles to pass. Mr McLellan added that while the minimum 6-metre width did not provide for on-street parking, the lots sizes were sufficient to allow for off-street parking.

Mr Kendall advised that the proposal did not provide the necessary design details for the core infrastructure, including sewer lines and the pump station. Mr Kendall noted that while Council engineering staff could make recommendations on the design of the sewer lines and the pump station, they could not make recommendations on its necessary capacity without design calculations. Mr Kendall accepted that a restrictions on the number of dwellings would control the stormwater run-off, minimise traffic generation and restrict the demand on the proposed sewer pump station, if coupled with other mitigation measures recommended in the planner's report.

Regarding the level of technical information, Mr Kendall noted the stormwater information had been raised in letters to the applicants surveyor early in the process and it wasn't until the 24 September 2009 that the stormwater information had been received in full.

Mr Hislop replied to the Council's staff comments, maintaining that the importance of the stormwater information had not been clearly articulated in the further information requests and that other development in the vicinity, including the development of Ash Grove, had not required the same level of detail. Mr Hislop confirmed that the road within Lot 13 would indeed be designed and constructed to a 6-metre width.

In response to a question raised by Councillor Webber, Mr Hislop advised that the sewer pump and the area of lot 14 had been based on a development of Harrison Drive. Mr Hislop added that while the design sewer pump would have surplus capacity, the design-life of the infrastructure neither anticipated nor provided for further infill or multi-unit development.

Mr Woods advised that the costs of development, and the level of contributions required, would marginal whether the development would proceed. On this

basis. Mr Woods requested that the Councillors consider a reduction on the development contributions.

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, the principal issues that were in contention and visited the site.

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

- The proposed subdivision is consistent with the size, scale and character of development that has been envisaged in the District Plan
- Council's concerns and the sites ability to adequately dispose of stormwater and thus site suitability have been alleviated with the Applicant offering a restriction on the number of dwellings and a moratorium on further subdivision. This will enable the consent holder to calculate the potential yield and design of the sewer pump station, accordingly. In addition, these restrictions will ameliorate traffic generation, and stormwater run-off, and regulate the demand for reticulated water supply.
- The stormwater management plan, submitted as further information to the application, will adequately manage the potential increase in stormwater flows having consideration for the roading layout within the site and the proposed extensions to the stormwater reticulation.
- A specifically designed stormwater management plan will be required for any consequential development within each lot to avoid and mitigate the potential risks posed by incremental increases in stormwater discharges in the future.
- The Committee considers that there will not be any greater adverse environmental effect on downstream properties from as a result of further development of the site, provided the stormwater measures are implemented.
- The alignment of the new road, seal extensions, and services are considered to be necessary to service the proposed development having consideration for potential infrastructural demand, traffic safety, and topography. In addition, development contributions are also required to offset the capital cost to upgrade the wider network infrastructure and develop community facilities.
- The width of the proposed carriageway within Lot 13 can comply with the Council's Code of Practice for Land Development and Subdivision. The installation of parking bays will be at the consent holder's discretion. The painting of 'no stopping lines' may be initiated at a later date and determined under a separate Council resolution.

- The design and construction of the Preston Road shall be to urban standards on the southern side and to a rural standard on the northern side, having consideration for; the existing roading formation, and the location of the site on the cusp of the urban area.
- Council determined that the application did not warrant any remission on the development contributions levies.

8 RESOLVED

4/10/22

That:

- a) *The report from Jaime McLellan dated 31 March 2010 be received;*
- b) *That in consideration of Section 104, and pursuant to Sections 104B, 108 and 220 of the Resource Management Act 1991 and the Operative Waipa District Plan the Waipa District Council grants subdivision consent to M.S & J.E Woods to subdivide the property at Preston Road legally described as Lot 3 DP 351715 as shown on the plan of subdivision SP/5178 subject to the following conditions:-*

GENERAL

1. *That the Land Transfer Plan to give effect to this subdivision consent must be generally consistent with the approved plan prepared by Murray Hislop Surveyors reference 1076 dated 3 December 2009 submitted with application SP/5178, unless otherwise altered by the consent conditions. A copy of the approved plan is attached.*

EASEMENTS

2. *Where any sanitary sewerage, stormwater or water pipes or cable or power lines are required to cross another Lot or Lots or pass across the boundary of another Lot or Lots, a 2-metre minimum width easement is to be created and registered against the Certificates of Title of those lots affected.*
3. *Where any existing or proposed Council sewer, water or stormwater lines are located within Lots a 3-metre minimum easement in gross in favour of Council is required.*
4. *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 must be approved by the Council's solicitors at the cost of the consent holder.*

VESTING OF ROADS AND RESERVES

5. *That Lot 13 be vested in Waipa District Council as Road pursuant to Section 238 of the Resource Management Act 1991.*

6. That Lot 14 be vested in Waipa District Council as Local Purpose (Utility) Reserve pursuant to Section 239 of the Resource Management Act.

ADVISORY NOTE: The consent holder must ensure that the Land Transfer Plan shows the Lots 13 & 14 as land to vest in Council, prior to the issue of the certificate pursuant to Section 223 of the Resource Management Act 1991.

ROADING NAMING

7. The consent holder must submit a request for names for the proposed roads prior to the issue of the certificate pursuant to Section 223 of the Resource Management Act 1991.
8. The request for names for the proposed roads must be approved by Council prior to the issue of the certificate pursuant to Section 224 of the Resource Management Act 1991.

ADVISORY NOTE: The road naming process may require consultation with the Te Awamutu Community Board and Ngaa Iwi Toopu O Waipa prior to any report being prepared for Council. This process may take up to three months to complete.

CONSTRUCTION AND DESIGN OF ROADS

9. The proposed road (Lot 13) and the sealed extension and upgrade of Preston Road must be designed and constructed to the Council's standards as set out in the Code of Practice for Land Development and Subdivision. All work must be carried out and completed to the satisfaction of Council's Manager (Development Engineering) and must be at the consent holder's expense.
10. Construction drawings and specification must be submitted for approval prior to any work being carried out. In particular, the following issues must be addressed:
- The new road within Lot 13 must include, but not be limited to: kerb and channel, street lighting, footpaths and is constructed in accordance with the approved scheme plan; and,
 - The seal extensions and remedial works to upgrade Preston Road must include, but not be limited to:
 - kerb and channel along the south-western side of Preston Road
 - Street lighting
 - Footpaths along the south-western side of Preston Road that extend between, and connect into, the existing footpath along Te Rahu Road and the proposed footpath within Lot 13.
 - Along the north-eastern side of Preston Road, the consent holder must install either:
 - A nib-kerb and swale drains must be installed; or

- Kerb and channel with the appropriately designed stormwater drainage.

PRODUCER STATEMENTS

11. 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 roads and intersection and the second must cover the construction of the roads and intersection. In addition the Confirmation form ROW 1 and Confirmation form ROW 2 must be filled out and submitted to Council prior to the issue of the certificate pursuant to Section 224 of the Resource Management Act 1991.

AS-BUILTS

12. The consent holder must provide, to the satisfaction of the Council's Engineering Manager, engineering as-built drawings of the proposed Roads to vest, and the structures located within the proposed Roads to vest at the completion of construction and prior to the issue of the certificate pursuant to Section 224 of the Resource Management Act 1991.

RAMM DATA

13. RAMM forms of road infrastructure assets, to be vested in Council, must be provided prior to the issue of the certificate pursuant to Section 224 of the Resource Management Act 1991.

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 Operation Manual" (PFM7). Update sheets must also be provided for any adjustments necessary to the RAMM information of an intersecting existing public or private road.

ENTRANCES

14. That the consent holder must construct a Figure 14 type residential vehicle crossing to Lots 1-12 & 14. The crossing is to be constructed to the Council's standards as set out in the Code of Practice for Land Development and Subdivision. All work is to be completed to the satisfaction of Council's Manager (Development Engineering) and must be at the consent holder's expense. The following issues must also be addressed:
 - The crossing must be formed with concrete from the edge of the road to the property boundary; and
 - The lots must be located away from any parking bays or retaining structures.

WATER

15. *The consent holder must submit drawings for approval to Council's Engineering Manager for water reticulation systems to service Lots 1-12 within the subdivision and the roading network. Construction is not to proceed until Council's Manager (Development Engineering) has approved all final construction drawings. The design drawings must be designed in accordance with Council's standards as set out in the Code of Practice for Land Development and Subdivision, and at a minimum address the following issues:*
16. *The consent holder must provide a water reticulation system and connections to service Lots 1-12. This system must be designed, constructed and recorded in accordance with the approved design plans under Condition 15 above and 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 Council's Manager (Development Engineering) and 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.*

SEWAGE

17. *The consent holder must submit drawings for approval to Council's Engineering Manager for sewerage reticulation systems to service all Lots within the subdivision and the roading network. Construction is not to proceed until Council's Manager (Development Engineering) has approved all final construction drawings. The design drawings must be designed in accordance with Council's standards as set out in the Code of Practice for Land Development and Subdivision, and at a minimum address the following issues:*
 - *A sewerage reticulation system design that drains all lots by gravity to the proposed pumping station. The design of the gravity reticulation system shall include provisions for gravity sewage connections, complying with appropriate standards and good engineering practice, to be provided to all other lots and pumped to connect to Council's existing sewage reticulation.*
18. *The consent holder must construct a sewage pump station on Lot 14 with associated reticulation and connections to services Lots 1-12. This system must be designed, constructed and recorded in accordance with the approved design plans under Condition 17 above and 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 Council's Manager (Development Engineering), and 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.

ADVISORY NOTE: The size of Lot 14 (to be vested in Council as Local Purpose Utility Reserve) must be increased to provide sufficient room within the lot boundaries for the sewage pump station and for service vehicles to park within the lot.

CCTV SURVEYS AND TESTING

19. *The consent holder must conduct a CCTV survey of all sewer reticulation and pressure testing of all sewer and water reticulation. These tests shall include, but not be limited to, an assessment of the pipe condition, pipe joining, connections and gradient variation. CCTV survey of sewer and stormwater reticulation are to be recorded onto DVD format and passed for approval to the Council's Manager -Development Engineering. All work must be at the consent holder's expense.*

PRODUCER STATEMENTS

20. *The consent holder must provide to Council's Manager (Development Engineering) four producer statements prepared by a suitably qualified and appropriately experienced professional on the approved Engineering plans and all the wastewater, stormwater and water reticulation to be vested in Council. The first must cover the design criteria. The second must cover design review of specific Engineering assets identified by Council for further review. The third must confirm that construction and installation of services is as per the approved design drawings. The fourth must cover construction monitoring of specific Engineering structures or assets identified by Council for further review.*

POWER

21. *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 resisting, 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

22. *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.

LEGAL

23. *The consent holder must enter into a fencing covenant with the Council which is to be registered against the Certificate of Title of Lots 6 & 7 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 the Local Purpose Reserve (Sewer Pump Station - Lot 14). Such covenant must be either prepared or checked at the cost of the subdividing owner by the Council's solicitors.*

CONSENT NOTICE - FOUNDATIONS

24. *That for subsequent development of Lots 1-12:*
- a) *a suitably qualified and experienced Geotechnical Engineer will be required to inspect the site and submit to Council for approval, at the time of building consent, design details on the foundations of buildings; and,*
 - b) *The minimum floor level must be no less than RL54.50*

Reason: *The site contains soft soils and development may be susceptible to flooding.*

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.

STORMWATER

25. *The consent holder must implement the stormwater management plan prepared by G.A Hughes and Associates Ltd entitled 'Stormwater Management Preston Road Te Awamutu - MS & JE Woods' dated 9 July 2009. All works must be carried out and completed to the satisfaction of Council's Development Manager (Development Engineering) and at the consent holders' expense.*

CONSENT NOTICE – ON-SITE STORMWATER DISPOSAL

26. *That for subsequent development of buildings, or hard surfaces (including metalled or sealed paving, decks) on Lots 1- 12 a stormwater management plan must be prepared by a suitably qualified and experience engineer that ensures that any future development on the respective sites maintains hydraulic neutrality for stormwater. Any stormwater management plan must include, but not be limited to the following:*
- *Details of connection from and to existing stormwater systems and existing stormwater design calculations*
 - *Stormwater run-off design calculations from proposed development*
 - *Stormwater from any sealed areas*
 - *Stormwater from the roof area of any buildings*
 - *Stormwater detention tanks must be designed to attenuate the stormwater flows (from roof area of any building and any other hard surfaced areas) for a storm event with a 2% AEP.*
 - *Identification of overland flow paths and easements, if applicable.*

The above information must be submitted with any application for building consent, pursuant to the Building Act 2004, or from time to time at the formal request by Council.

The stormwater management plan must be prepared, approved and implemented to the satisfaction of Council's Manager - (Development Engineering) and with regard to the approved stormwater management plan prepared by G.A Hughes and Associates Ltd entitled 'Stormwater Management Preston Road Te Awamutu - MS & JE Woods' dated 9 July 2009. All costs incurred must be met by the applicant.

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.

CONSENT NOTICE - NUMBER OF DWELLINGS - NO FURTHER SUBDIVISION

27. *No more than one dwelling will be permitted on each lot, and*

Each lot must not be subdivided further.

Reason: *The water, stormwater, sewer and roading infrastructure has been engineer designed and installed to service 12 residential dwellings. Any additional development may increase the demand on the existing services. This incremental increase in the demand will conflict with the finite capacity of*

infrastructure assets, and may reduce the level of service elsewhere in the network.

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.

CONSENT NOTICE - MAINTENANCE OF THE OPEN DRAIN

28. *That the registered proprietors of Lots 9 & 10 shall be responsible for the on-going maintenance of the open waterway. This area shall be kept clear and free of obstruction. Any maintenance work must be at the land-owners expense. No obstruction may be placed in or over the waterway without the prior consent of Council's Manager Water Services.*

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 9 & 10.

CONSENT NOTICE - MAINTENANCE OF THE RETENTION AREA

29. *That the registered proprietors of Lot 10 shall be responsible for the on-going maintenance of the retention area, labelled as 'L' on the approved scheme plan. This area shall be kept clear and free of obstruction. Any works must be at the land-owners expense. No obstruction may be placed in or over the retention area without the prior consent of Council's Manager Water Services.*
30. *The retention area must be planted in grass and maintained to a height of no greater than 0.3 meters. Wetland species may be planted, in place of grass, with the approval of Council's Manager Water Services.*

No buildings or structures will be permitted in the area marked 'L' on the approved scheme plan, which has been identified for stormwater retention.

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 Lot10.

REASONS FOR DECISION

- a) Pursuant to Section 94 the application was processed as a non-notified application as there were no special circumstances that warranted notification, access was not being obtained from a state highway and the effects on the environments from this subdivision are considered to be minor and/can be mitigated by the imposition of conditions. Accordingly, the application was processed on a non-notified basis.
- b) The subdivision is not contrary to the relevant objectives and policies of the operative Waipa District Plan in relation to the Residential zone and subdivision of properties within the Residential Zone. The proposal has also been assessed as being consistent with Part II of the Resource Management Act, 1991.
- c) The application is able to meet the statutory tests imposed by Section 104 and 104B of the Resource Management Act 1991 for Discretionary Activities. A decision has therefore been made that the staged subdivision application can be granted.
- d) Any potential adverse environmental effects that may arise from the application will be no more than minor and/or will be mitigated by the imposition of appropriate conditions of consent
- e) Engineering requirements will ensure that the subdivision is adequately provided with services when the area is developed.
- f) The consent notices will advise future owners of the special and continuing circumstances of the site. In particular,
 - o The presence of soft soils and areas of organic matter render the site unsuitable for standard building foundations. Foundations must be specifically designed by an engineer according to the size, siting and design of any future residential development. The floor minimum floor levels have been specified to avoid the potential risk from flooding.
 - o Further stormwater management will be required of the owners or developers of each lot to avoid the cumulative adverse effects of incremental development and ensure that any future development of each respective lot can maintain hydraulic neutrality.
 - o The applicant has offered to restrict that level of development of each lot to one dwelling per lot to provide a design capacity for the sewer pump station. Council have accepted that restrictions on future development and subdivision will provide:
 - design parameters for the sewer and stormwater system and the roading design,

- an acceptable demand on water supply

In addition, Council have decided that no further infill subdivision will be approved to ensure that the incremental increase in development does not result in cumulative adverse effects.

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.
- The consent holder must obtain all necessary consents from the Waikato Regional Council.

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.

Meeting adjourned for the lunch break at 12.03pm and reconvened following the site visit for deliberations at 1.33pm. Councillor Newlands did not rejoin the meeting.

There being no further business the meeting closed at 1.52pm.

CONFIRMED AS A TRUE AND ACCURATE RECORD

CHAIRPERSON: _____

DATE: _____