

*Minutes of an Ordinary Meeting of the Regulatory Committee held on Monday 27
September 2004 in the Council Chambers, 101 Bank Street, Te Awamutu
commencing at 9.00am*

1 PRESENT

Councillor D Sharpe, Chairperson

Committee

His Worship the Mayor A Livingston; Committee Member P Tuteao;
Councillors B Taranaki, G Flay

In Attendance

Deputy Chief Executive – G Dyet, Planning Services Manager – W
Allan, Environmental Officer – Karl Tutty (item 8.1 only), Planner – T
Kelly (item 8.2 only), Planner Jude Marsden (items 8.3, 8.4 only),
Planner – N Richmond (item 8.4 only), S Bigwood (item 8.5 only), B
Faris (item 8.6 only), Council Secretary – C Shaw

2 APOLOGIES

RESOLVED

4/04/61

*That the apologies received from Cr GRP Webber and Cr EC Newlands,
for non attendance be received.*

Committee Member Tuteao/Cr Flay

3 LATE ITEMS

There were no late items.

4 CONFIRMATION OF ORDER OF BUSINESS

RESOLVED

4/04/62

That the order of meeting be confirmed.

Cr Taranaki/Mayor Livingston

5 CONFIRMATION OF PREVIOUS MINUTES

5.1 Regulatory Committee

File: 01-89-04

RESOLVED

4/04/63

That the minutes of the Regulatory Committee held on 30 August 2004, as circulated, be confirmed.

Mayor Livingston/Committee Member Tuteao

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

4/04/64

That the monthly schedule of Liquor License Applications Considered by Staff Under Delegated Authority for August 2004 be received.

Cr Taranaki/Mayor Livingston

7 GENERAL

7.1 Matters Considered Under Delegated Authority

File: 01-52-01

RESOLVED

4/04/65

That the schedule of Matters Considered Under Delegated Authority from 20 August 2004 to 16 September be received, a copy of which is attached to and forms part of these minutes.

Cr Taranaki/Cr Flay

8 HEARINGS

8.1 9.15am – 9.20am

Application for On Licence with hours in excess of District Licensing Agency Policy

File: 04492/114.00

Applicant Rose and Thorn Limited

Appearing for Council Karl Tutty – Liquor Licensing Inspector

Mr Tutty presented his report to the Committee and outlined the proposal for the Rose and Thorn premises to open at 7am for breakfast meetings without a special licence and to remain open until 1am the following day. If approved this would be consistent with the approved hours of operation for other bars within the Waipa District.

RESOLVED

4/04/66

That:

- a) *The report by the Liquor Licensing Inspector Karl Tutty dated 11 September 2004 be received;*
- b) *That the application for On Licence by Rose and Thorn Limited be approved and an On Licence be granted as applied for in respect of the Rose and Thorn Café and Bar;*
- c) *The Waipa District Licensing Agency accepts that the trading hours sought by the applicants are in line with publicly accepted licensing hours and that it proposes to review Sunday trading hours when the Liquor Licensing Agency Policy is next reviewed.*

Mayor Livingston/Cr Flay

8.2 9.30 am – 10.10am

Application to Subdivide and Vest Road in Council, Frontier Road being Lots 3 & 6 DPS46567

File: 04605/342.00

Applicant Mrs Shirley Brown
Mr Rod Keucke from CKL Surveys Ltd

Appearing for Council Planner Terrena Kelly
Group Manager - John Mills
Regulatory Engineer - Dale Eady
Property Officer - Colin Windleborne

The Chairperson welcomed everyone to the Hearing and outlined the procedure to be followed. She then welcomed Mr Keucke from CKL Surveys Ltd and invited him to present the proposal.

Mr Keucke presented the application for subdivision with road to

vest adjacent to Frontier Road, Pirongia, on behalf of his clients. He advised that his clients were happy with the Planners report but queried some conditions which related to fencing, roading and stormwater issues.

With regard to the fencing, the Chairperson advised that the requirement to have the fences constructed on the actual boundary was to protect prospective purchasers. There have been incidents where fences which were not erected on proper boundaries have been allowed to remain following a subdivision at the pleasure of the Council. Subsequently purchasers who were unaware of such an arrangement have been caught unaware when required to move fences onto the legal boundary due a Council requirement to conduct works on the road reserve.

The roading issues were discussed and it was expected the construction standard would need to be consistent with the recent Collison Street subdivision. The engineering staff confirmed that any traffic modelling work and in this locality would be for the purposes of designing the Frontier Road intersection.

The applicant was aware that there were stormwater issues within the area but considered that the work being requested would not be worthwhile unless stormwater work to the west was also carried out. Mr Keucke suggested that a stormwater plan similar to that as developed in the Cambridge North zone be devised.

Ms Kelly presented her report and addressed the Committee. Mayor Livingston asked for clarification with regard to the water reticulation condition being a trickle feed and whether this was consistent with the Collison Street subdivision. Regulatory Engineer Dale Eady confirmed this was so and it was an attempt to maintain a realistic pipe size and to meet the requirements of the Council's Water Supply Bylaw.

The issue of road names was discussed and it was suggested that the applicant consult with the Pirongia Ratepayers Association at the earliest opportunity with regard to the road name to be used in this subdivision. The applicant felt that the names already allocated to the unformed roads may be appropriate but she would check with the association.

The applicant had nothing to add in the right of reply.

[The Committee broke for morning tea at 10.16am and reconvened at 10.34am]

RESOLVED
4/04/67

That

- a) *The report from Terrena Kelly, Planner dated 9 September 2004 be received; and*
- b) *That in consideration of Section 104, and pursuant to Section 105, 108 and 220 of the Resource Management Act 1991, the Waipa District Council grants its consent to A J & S A Brown to subdivide Lots 3 & 6 DPS 46567 as shown on the plan of subdivision SP4203 subject to the following conditions:*

Cr Flay/Committee Member Tuteao

General Conditions Applicable to all stages

1 *That the Land Transfer Plan to give effect to this subdivision consent shall be generally consistent with the approved plan reference D2110C S3 dated March 2004 submitted with application SP4203, unless otherwise altered by the consent conditions. A copy of the approved plan is attached.*

2 *The consent holder shall 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 shall submit to the Council written confirmation from the local network operator that satisfactory arrangements have been made for the reticulation of the service to all lots in the subdivision. This is to include if necessary the resiting, repositioning or removal of any electric power lines which exist on the land being subdivided.*

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

3 *The consent holder shall arrange with a telephone company for the reticulation of telephone cables to serve all lots and pay all costs attributable to such work. The consent holder shall 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 shall be created for such services.

4 *No portion of the stopped unformed roads is to have the*

ownership transferred from Council to the consent holder until either roads are vested in Council by way of the subdivision, or adequate access is provided by the current roading pattern.

- 5 The consent holder shall submit to Council's Asset Manager Roding a request for naming of all proposed roads in Lots 23, 24 and 25 prior to the signing of the 224 Certificate for Stage 1. The road names shall be approved by Council prior to the signing of the 224 Certificate for State 2.

Stage 1

Reserve Contribution

- 6 That a reserve contribution of \$3548 (GST inclusive) shall be paid to Council. This is calculated on the basis of 2 additional allotments.

Water Supply

- 7 The consent holder shall ensure that where existing pipelines cross boundaries between lots the pipelines shall be severed on a permanent basis to the satisfaction of the Services Department Manager.

Entrances and Access

- 8 The consent holder shall construct a Rural residential type rural vehicle entrance to Lot 3. 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 Roding Manager, and shall be at the consent holder's expense. The following issues shall also be addressed:
 - The entrance shall be constructed perpendicular to the road centreline.
- 9 The consent holder shall upgrade the existing vehicle entrance to Lot 2 to a rural residential type complying with Council's standards as set out in the Code of Practice for Land Development and Subdivision. The work shall be carried out and completed to the satisfaction of the Roding Manager, and shall be at the consent holder's expense. The following issues shall also be addressed:
 - The entrance shall be reshaped and sealed.

Road Upgrading

- 10 The consent holder shall establish the location of all existing fences on the south-eastern side of Frontier Road fronting the subdivision. If the fences are found to be located on road reserve then they shall be relocated to the

legal boundary. All works shall be designed, constructed and completed to the satisfaction of the Roading Manager, and shall be at the consent holder's expense.

Amalgamation

- 11 *That Lot 22 hereon be transferred to the owners of Lot 2 DPS 89508 (CT SA 70D/616) and that one Certificate of Title be issued to include both parcels. See Request.*
- 12 *That Lot 21 hereon and Sec 454 Town of Pirongia East (CT SA511/116) be held together pursuant to Section 220 and 240 of the Resource Management Act 1991.*

Stage 2

Reserve Contribution

- 13 *That a reserve contribution of \$5322.00 (GST inclusive) shall be paid to Council. This is calculated on the basis of three additional allotments.*

Water Supply

- 14 *The consent holder shall arrange a 4 metre minimum width water easement in gross over the existing Council watermain located within lots 10 & 11 and shall be registered against the new titles.*
- 15 *The consent holder shall ensure that where existing pipelines cross boundaries between lots the pipelines shall be severed on a permanent basis to the satisfaction of the Services Department Manager.*

Road Vesting

- 16 *That Lot 23 be vested in Council as road pursuant to Section 320 of the Local Government Act 1974.*

New Road

- 17 *The proposed road (Lot 23) shall be designed and constructed to the Council's standards as set out in the Code of Practice for Land Development and Subdivision for rural roads. All work shall be carried out and completed to the satisfaction of Council's Roading Manager, and shall be at the consent holder's expense.*

Where necessary the new road construction shall be extended beyond the boundaries of the subdivision to link up with existing work in Frontier Road.

Note: Reference shall be made to the required traffic assessment report. The final construction design will be assessed against the following:

- *7m wide sealed carriageway with flush concrete nib*

restraint for the full length of Lot 23, with a temporary provision for turning vehicles.

- *Street lighting is to be provided to provide a minimal level of lighting.*
- *The boundary of the road reserve is to be fenced with a permanent stock proof fence, in accordance with Schedule 2 of the Fencing Act 1978, along the entire length of formed road with exception of approved access points.*

An application, construction drawings and specification shall be submitted for approval prior to any work being carried out. As built plans and information of all infrastructure assets, to be vested in Council, shall be provided prior to the final inspection. This information is a statutory requirement.

Road Upgrading

- 18 *The consent holder shall upgrade Frontier Road fronting the subdivision to the Council's standards as set out in the Code of Practice for Land Development and Subdivision for rural roads. All works shall be designed, constructed and completed to the satisfaction of the Roding Manager, and shall be at the consent holder's expense.*

The works shall include:

- *The removal of all vegetation located on road reserve opposite the subdivision.*
- *Works associated with the intersection construction.*
- *Provision for roadside drainage.*

An application, construction drawings and specification shall be submitted for approval prior to any work being carried out. As-built plans and information of all infrastructure assets, to be vested in Council, shall be provided prior to the final inspection. This information is a statutory requirement.

- 19 *A report, which has been prepared by a Chartered Professional Engineer, shall be prepared to the satisfaction of Council's Roding Manager and shall be supplied to Council's Roding Manager. The report shall provide a Traffic Assessment for the subdivision, with consideration given to future development in the Pirongia Rural Residential Policy Area. The assessment shall be in sufficient detail to enable suitable standards to be adopted for the Frontier Road intersection. This report shall be supplied to Council for consideration and approval prior to*

the road design and construction as required by condition 18. All work shall be to the satisfaction of the Asset Manager Roding, and shall be at the consent holder's expense.

Entrances and Access

20 *The consent holder shall construct rural residential type rural vehicle entrances to Lots 1 and 11. The entrances 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 Roding Manager, and shall be at the consent holder's expense. The following issues shall also be addressed:*

- *The entrance to Lot 1 shall be located in the southern corner of that lot.*

Earthworks

21 *All earthworks shall be carried out in accordance with the standards set out in the Code of Practice for Land Development and Subdivision and in accordance with NZS 4431:1989.*

Note: Prior to the commencement of any earthworks the consent holder shall obtain all necessary approvals from the Waikato Regional Council.

22 *When the earthworks are completed, the consent holder shall supply a plan to the Council's Roding Manager showing the location and depths of the cuts and fills. A report, which has been prepared by a Chartered Professional Engineer, shall be prepared to the satisfaction of Council's Roding Manager and shall be supplied to Councils Roding 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, condition 23 below will require specific foundation design by a Chartered Professional Engineer on any identified lots.*

23 *For all lots identified as requiring specific foundation design under condition 22 above, the foundations of any building shall 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 shall be the subject of a consent notice, pursuant to Section 221(1) of the Resource Management Act 1991, which shall be prepared by the Council's Solicitor and shall be registered on the certificate of title to each Lot at the expense of the consent holder.*

Stormwater

- 24 *The stormwater drainage system shall be designed and installed in accordance with Council's Code of Practice for Land Development and Subdivision. Plans shall be submitted to Council's Roading Manager prior to commencement of construction of any roads. All works shall be to the satisfaction of Council's Roading Manager, and shall be at the consent holder's expense.*

Note: Where any new drain is to be created or an existing drain altered, then reference shall be made to "The Waipa District Drainage Bylaw 1991".

Consent Notice

- 25 *Pursuant to Section 221 of the Resource Management Act 1991 the consent holder shall enter into an agreement of an ongoing nature and register on the title of proposed Lots 10 and 11 that specific engineering design for building foundations and on site effluent disposal is required to be undertaken by a suitably qualified and experienced practitioner, to the satisfaction of Councils Building Control Manager.*

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

Such consent notice shall be prepared at the cost of the subdividing owner by Councils Solicitor and shall be registered against the affected Lot.

Stage 3

Reserve Contributions

- 26 *That a reserve contribution of \$10,644 (GST inclusive) shall be paid to Council. This is calculated on the basis of 6 additional allotments.*

Consent Notice

- 27 *Pursuant to Section 221 of the Resource Management Act 1991 the consent holder shall enter into an agreement of an ongoing nature and register on the title of proposed Lots 6, 7, 8 and 9 that specific engineering design for building foundations and on site effluent disposal is required to be undertaken by a suitably qualified and experienced practitioner, to the satisfaction of Councils Building Control Manager.*

This being a condition to be complied with on a continuing

basis by the subdividing owner and subsequent owner. After the deposit of the survey plan, the Council shall issue a consent notice pursuant to Section 221 of the Resource Management Act 1991 specifying the above conditions.

Such consent notice shall be prepared at the cost of the subdividing owner by Councils Solicitors and shall be registered against the affected lot.

Water Supply

- 28 *The consent holder shall arrange a 4 metre minimum width water easement in gross over the existing Council watermain located within Lots 4, 5, 6 & 7 and shall be registered against the new titles.*
- 29 *The consent holder shall ensure that where existing pipelines cross boundaries between lots the pipelines shall be severed on a permanent basis to the satisfaction of the Services Department Manager.*

Road Vesting

- 30 *That Lot 24 be vested in Council as road pursuant to Section 320 of the Local Government Act 1974.*

ROW

- 31 *The ROW as shown on the scheme plan of subdivision be granted.*

New Road

- 32 *The proposed road (Lot 24) shall be designed and constructed to the Councils standards as set out in the Code of Practice for Land Development and Subdivision for Rural roads. All work shall be carried out and completed to the satisfaction of Council's Roading Manager, and shall be at the consent holder's expense.*

Note: Reference shall be made to the required traffic assessment report. The final construction design will be assessed against the following:

- 7m wide sealed carriageway with flush concrete nib restraint for the full length of Lot 24, with a temporary provision for turning vehicles*
- Street lighting is to be provided to provide a minimal level of lighting.*
- The boundary of the road reserve is to be fenced with a permanent stock proof fence, in accordance with Schedule 2 of the Fencing Act 1978, along the entire length of formed road with exception of approved access points.*

An application, construction drawings and specification shall be submitted for approval prior to any work being carried out. As-built plans and information of all infrastructure assets, to be vested in Council, shall be provided prior to the final inspection. This information is a statutory requirement.

Entrances and Access

- 33 *The consent holder shall construct a rural residential type rural vehicle entrance to the ROW to Lots 4, 5 and 6. 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 Roading Manager, and shall be at the consent holder's expense.*
- 34 *The consent holder shall construct the proposed ROW to Lots 4, 5 and 6 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 Roading Manager and shall be at the consent holder's expense. The following issues shall be at the consent holders expense. The following issues shall also be addressed:*
- *The ROW shall be sealed for the full length with provision for vehicles to pass at a point along its length.*

Earthworks

- 35 *All earthworks shall be carried out in accordance with the standards set out in the Code of Practice for Land Development and Subdivision and in accordance with NZS 4431:1989.*
- Note: Prior to the commencement of any earthworks the consent holder shall obtain all necessary approvals from the Waikato Regional Council.*
- 36 *When the earthworks are completed the consent holder shall supply a plan to the Council's Roading Manager showing the location and depths of the cuts and fills. A report, which has been prepared by a Chartered Professional Engineer, shall be prepared to the satisfaction of Council's Roading Manager and shall be supplied to Council's Roading 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, condition 37 below will require specific foundation design by a Chartered*

Professional Engineer on any identified Lots.

- 37 *For all Lots identified as requiring specific foundation design under Condition 36 above, the foundations of any building shall 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 shall be the subject of a consent notice, pursuant to Section 221(1) of the Resource Management Act 1991, which shall be prepared by the Council's Solicitor and shall be registered on the certificate of title to each Lot at the expense of the consent holder.*

Stage 4

Reserve Contribution

- 38 *That a reserve contribution of \$12,418 (GST inclusive) shall be paid to Council. This is calculated on the basis of 7 additional allotments.*

Water Supply

- 39 *The Consent holder shall ensure that where existing pipelines cross boundaries between lots the pipelines shall be severed on a permanent basis to the satisfaction of the Services Department Manager.*
- 40 *The consent holder shall arrange for Council's Solicitors for the uplifting of the existing easement doc.T347228, at the cost of Council.*

Road Vesting

- 41 *That Lot 25 be vested in Council as road pursuant to Section 320 of the Local Government Act 1974.*

New Road

- 42 *The proposed road (Lot 25) shall be designed and constructed to the Council's standards as set out in the Code of Practice for Land Development and Subdivision for Rural roads. All work shall be carried out and completed to the satisfaction of Councils Roding Manager, and shall be at the consent holder's expense.*

Note: Reference shall be made to the required traffic assessment report. The final construction design will be assessed against the following

- 7m wide sealed carriageway with flush concrete nib restraint for the full length of Lot 25, with a temporary provision for turning vehicles at both no exit points.*

- *Street lighting is to be provided to provide a minimal legal of lighting.*
- *The boundary of the road reserve is to be fenced with a permanent stock proof fence, in accordance with Schedule 2 of the Fencing Act 1978, along the entire length of formed road with exception of approved access points.*

An application, construction drawings and specification shall be submitted for approval prior to any work being carried out. As-built plans and information of all infrastructure assets to be vested in Council, shall be provided prior to the final inspection. This information is a statutory requirement.

Earthworks

- 43 *All earthworks shall be carried out in accordance with the standards set out in the Code of Practice for Land Development and Subdivision and in accordance with NZS4431:1989*

Note: Prior to the commencement of any earthworks the consent holder shall obtain all necessary approvals from the Waikato Regional Council.

- 44 *When the earthworks are completed the consent holder shall supply a plan to the Councils Roding Manager showing the location and depths of the cuts and fills. A report, which has been prepared by a Chartered Professional Engineer, shall be prepared to the satisfaction of Councils Roding Manager and shall be supplied to Councils Roding 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, condition 45 below will require specific foundation design by a Chartered Professional Engineer on any identified lots.*
- 45 *For all lots identified as requiring specific foundation design under Condition 44 above, the foundations of any building shall 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 shall be the subject of a consent notice, pursuant to Section 221(1) of the Resource Management Act 1991, which shall be prepared by the Council's Solicitor and shall be registered on the certificate of title to each Lot at the expense of the consent holder.*

Reasons for Decision

- 1 The proposal is consistent with the policies and objectives of the District Plan.
- 2 Any adverse effects resulting from the proposal are deemed to be less than minor.
- 3 Conditions have been imposed to ensure that the new roads are constructed to Councils standards.
- 4 A Section 221 consent notice has been imposed on Lots 6 – 11 to ensure that prospective purchasers of the properties are aware that specific design will be required for foundations of any building and on site effluent disposal.

8.3 10.34am – 11.18am

Section 357 Objection to a Declined Subdivision Application based on Topographic Restraint, E & S Meddings, 2527 Cambridge Road being Lots 1 and 2 DPS 86087 and Sec SO61062

File: 04631/114.00

Applicant E and S Meddings

Appearing for Council Planner - Ms Jude Marsden
Regulatory Engineer - Mr Dale Eady,
Building Control Officer - Mr Ian Fraser and
Asset Manager Roothing - Mr Chris Clarke.

The Chairperson welcomed the applicant to the meeting and asked him to present his application to the Committee.

Mr Meddings addressed the Committee and advised that the proposed allotment is quite worthless as part of the farming operation due to the separation by the Mangapiko Stream. He stated that the piece of land is approximately 1 km from his current house and he hoped to subdivide, build a house and sell the land. Mr Meddings passed photographs around showing issues relating to flooding.

Committee Member Tuteao had some concerns with relation to the Nga Iwi Toopu o Waipa report as it was dated in 2001. Mr Meddings stated that he is aware of where the Maori lived and worked on the farm. The farm is on a Pa site and he was fully aware that there are burial sites and is aware of his obligations with regard to this. The proposed new allotment is remote from these sites.

Ms Marsden presented her report to the Committee and outlined that she would call on evidence to support her recommendation from Regulatory Engineer Dale Eady, Building Control Officer Ian Fraser and Asset Manager Roothing, Chris Clarke.

General discussions were held with regard to the proposed building site and the issues relating to stormwater. Photographs showed an amount of flooding in February 2004 which was considered to be due to an unusually high amount of rain. Recent photographs were also tabled showing ponding of water on the site following recent rain. In response to questions regarding the roading issues, Mr Clarke stated that the road traffic environment from Long Road through to Storey Road will be investigated following a recent fatality on this portion of road. Previous investigations have been carried out with regard to traffic movement in this area. Mr Meddings advised that the subject land lent itself to a road realignment including a new bridge which could be considered as a part of the investigation into the wider roading issues with this area.

In his right of reply Mr Meddings stated that for safety reasons his neighbours were using his driveway to access their property by car when there was traffic. He would also like to fill in a roadside drain to allow for cars to pull off to the road to get to the house site and this would make it safer for the neighbours also. The ponding area could be made into a water feature in the garden area of the house.

The Chairperson advised that the hearing would be adjourned and the Committee would like a site visit later in the afternoon.

[The Committee adjourned the hearing at 11.18am and embarked on a site visit at 12.05pm]

RESOLVED

4/04/68

That

- a) *That the report from Planner Ms Jude Marsden dated 1 September 2004 be received; and*
- b) *Pursuant to Section 357 of the Resource Management Act 1991, the Waipa District Council Regulatory Committee rejects the objection and upholds the decision to decline the subdivision for E and S Meddings being Lots 1 and 2 DPS 86087 and Sec SO61062 (CT67D/671)*
- c) *Recommend to Council that staff investigate options to improve traffic safety in this area. This may result in the subject area being a desirable asset for Council to*

purchase in relation to roading safety and its proximity to the Mangapiko Stream.

Mayor Livingston/Committee Member Tuteao

Reasons for Decision

1. The site is not considered an appropriate area to develop as a rural residential property due to the physical features of the site including:
 - i. The low-lying areas of the proposed lot flood at times of high rainfall.
 - ii. Ponding occurs on the lot after high rainfall. The types of vegetation in the low-lying areas (close to the proposed dwelling site) on the site are indicative of this.
 - iii. The entry point onto the site is on a portion of Cambridge Road that has a poor safety history. The applicant has indicated an intent to obtain a portion of land from the adjacent property owner to assist in sight distance lines from the north however Council is not confident of the safety for traffic exiting the site when turning right, towards Te Awamutu.
2. The proposal does not meet the requirements of Rule 10.5.2.2(a) which specifically requires that associated development of a site is not closer than 20m to any river (more than 3m wide).
3. The requirement for an esplanade strip or reserve has also been assessed and in the instance of this property the 20m width generally required has been reduced to 4.0m (as permitted by Subdivision Rule 10.9.3.3©. This creates a minimum set back of 9.0m for any development from the Mangapiko Stream (inclusive of the 5.0m setback from internal side boundaries), and further hinders the placement of the proposed dwelling.
4. The applicant has provided geo-technical information to confirm that an adequate site (from a foundations perspective) for a dwelling is attainable. Council accepts that information, however it is not satisfied that there is sufficient land above the portion of the allotment that floods and ponds to provide potential occupiers with a sufficient area surrounding the dwelling that would be expected for use as part of any dwelling.

8.3 11.30am – 11.40am

Application to Subdivide Land and Vest Road and Reserve in Council, Raeburne Properties Ltd, 449/2 Raeburne Street, Te Awamutu being Part Allotment 240 Parish of Mangapiko (CTSA 1026/208)

FILE: 04470/111.00

Applicant Raeburne Properties Ltd
Mr Murray Hislop

Appearing for Council Planner Jude Marsden
Regulatory Engineer – Dale Eady
Asset manager Roading – Chris Clarke

Mr Hislop presented the application to subdivide this property and vest road and reserve land in Council. He stated that this was a subdivision that had previously been approved for a different applicant who were unable to continue. The land was then bought by Mr Hislop and he has submitted a new subdivision plan based on changes to the District Plan which allows for sections down to 400m².

Mr Hislop stated that he was aware that the proposed Western Arterial route may affect this area and he requested the right to readjust the plan and that it not come back to the Committee in order to save a bit of time as there had already been delay's.

Asset Manager Roading informed the Committee that new information has come to light with regard to the western arterial and investigations are continuing regarding the potential route that this road would take.

Planner Jude Marsden addressed the Committee and presented her report. She confirmed that this was a resubmission of a previous application and the requirement for the proposal to come back to the Committee was due to the new plan layout and the creation of four further residential lots.

RESOLVED

4/04/69

That

- a) *The report from Jude Marsden, Planner dated 8 August 2004 be received; and*
- b) *That in consideration of Section 104, and pursuant to Section 104A, 108 and 220 of the Resource Management*

Act 1991, the Waipa District Council grants its consent to Raeburne Properties Ltd to subdivide Part Allotment 240 Parish of Mangapiko as shown on the plan of subdivision SP:4620 subject to the following conditions:

Mayor Livingston/Cr Flay

General

1 *That the Land Transfer Plan to give effect to this subdivision consent shall be generally consistent with the approved plan reference 725 dated June 2004 submitted with application SP4620, unless otherwise altered by the consent conditions. A copy of the approved plan is attached.*

2 *The consent holder shall 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 shall 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 cross the boundary of any lot registered easements shall be created for such services.

3 *The consent holder shall arrange with a telephone company for the underground reticulation of telephone cables to serve all lots and pay all costs attributable to such work. The consent holder shall 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 cross the boundary of any lot registered easements shall be created for such services.

4 *That Lot 9 be vested in Council as Reserve (Recreation) under the Public Works Act 1981.*

Roading

- 5 *That Lot 4 DPS 85852 be vested in Council as road pursuant to Section 320 of the Local Government Act 1974.*
- 6 *That Lot 13 be vested in Council as road pursuant to Section 320 of the Local Government Act 1974.*
- 7 *The Local Purpose Reserve (Road) at the end of Raeburne Street (Lot 4 DPS 85852) shall be designed and constructed to the Council's standards as set out in the Code of Practice for Land Development and Subdivision for Urban roads. All work shall be carried out and completed to the satisfaction of Council's Asset Manager Roading, and shall be at the consent holder's expense.*

An application, construction drawings and specification shall be submitted for approval prior to any work being carried out. As-built plans and information of all infrastructure assets, to be vested in Council, shall be provided prior to the final inspection. This information is a statutory requirement.

Where necessary, kerb and channel, street lighting and footpaths shall be extended beyond the boundaries of the subdivision to link up with existing work in Raeburn Street.

- 8 *The consent holder shall construct Residential type urban vehicle crossings to Lots 7,8,12 and 16. 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 Asset Manager - Roading, and shall be at the consent holder's expense.*
- 9 *The proposed road (Lot 13) shall be designed and constructed to the Council's standards as set out in the Code of Practice for Land Development and Subdivision for Urban roads. All work shall be carried out and completed to the satisfaction of Council's Asset Manager Roading, and shall be at the consent holder's expense.*

An application, construction drawings and specification shall be submitted for approval prior to any work being carried out. As-built plans and information of all infrastructure assets, to be vested in Council, shall be provided prior to the final inspection. This information is a statutory requirement.

Services

- 10 *The consent holder shall provide a stormwater disposal and/or reticulation system to Lots 1 to 18 and the associated road access. This system shall be designed, constructed and recorded in accordance with the Council's standards as set out in the Code of Practice for Land Development and Subdivision. Connections to each Lot shall be included in the reticulation design where onsite disposal is undesirable. All work shall be to the satisfaction of the Asset Manager Roding, and shall be at the consent holder's expense.*

*An application and construction drawings shall 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, to be vested in Council, shall be provided prior to the final inspection.*

- 11 *The consent holder shall arrange a 3 metre minimum width stormwater easement in gross to be placed centrally over all proposed and existing Council stormwater lines located within Lots 1 – 18 and the balance titles, and arrange for Council to register the easement on the new titles. The consent holder shall meet all costs incurred.*

- 12 *The consent holder shall arrange a 2-metre minimum width stormwater easement to be placed centrally over the proposed stormwater connections where they cross adjacent Lots of the subdivision. The proposed easements shall be registered against the new titles. The consent holder shall meet all costs incurred.*

- 13 *The consent holder shall provide a water reticulation system and connections to service Lots 1 - 8, 10 – 12 & 14 - 18. This system shall be designed, constructed and recorded in accordance with the Council's standards as set out in the Code of Practice for Land Development and Subdivision. The consent holder shall arrange for Council to connect the new reticulation to the existing public mains. All work shall be to the satisfaction of the Services Department Manager, and be at the consent holder's expense. An application and construction drawings shall 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, shall be provided prior to the final inspection. This information is a statutory requirement.*

- 14 *The consent holder shall provide a sewerage reticulation system and connections to Lots 1 – 8, 10 – 12 & 14 - 18. This system shall be designed, constructed and recorded in accordance with the Council's standards as set out in the Code of Practice for Land Development and Subdivision. All work shall be to the satisfaction of the Services Department Manager, and be at the consent holder's expense. An application and construction drawings shall 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, shall be provided prior to the final inspection. This information is a statutory requirement.*
- 15 *The consent holder shall arrange to create 3-metre minimum sewer easements in gross, placed centrally over any existing or proposed Council sewer lines which will be located within any proposed new lots and arrange for Council's Solicitor to register the easements on the new titles. The consent holder shall meet all costs incurred.*
- 16 *The consent holder shall arrange to create 2-metre minimum width appurtenant sewer easements, placed centrally over any proposed sewer connections, which may be located within adjacent lots. The proposed easements shall be registered on the servient titles. The consent holder shall meet all costs incurred.*
- 17 *The consent holder shall enter into a fencing covenant with the Council which is to be registered against the title to lots 1,2,7 and 8 to the effect that 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 Lot 9 and any part of the adjoining lots.*
- 18 *The consent holder shall realign the existing drain and clear all vegetation from its sides where it passes through Lots 8 and 9. The drain is to be straightened to run directly to the piped system inlet. This work is to be completed at the time of the required earthworks on Lot 8, as detailed in condition 18. The drain shall be designed, constructed and recorded in accordance with the Council's standards as set out in the Code of Practice for Land Development and Subdivision. All work shall be to the satisfaction of the Asset Manager Roading, and shall be at the consent holder's expense.*

*An application and construction drawings shall 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, to be vested in Council, shall be provided prior to the final inspection.*

Building

- 19 *The consent holder shall fill Lots 8 and 10 to a minimum level of RL48.00 over an area sufficient to provide a satisfactory building platform. The filling is to be carried out in accordance with NZS 4431:1989 –Code of Practice for Earth Fill for Residential Development. A certificate from an appropriately qualified and experienced practitioner shall be submitted to Council’s Roading Engineer to confirm that all works have been carried out in accordance with the standard NZS 4431:1989 prior to Certification pursuant to Section 224 of the Resource Management Act 1991.*
- 20 *Pursuant to Section 221 of the Resource Management Act 1991 the consent holder shall enter into an agreement of an ongoing nature and register on the titles of Lots 8 and 10 that the sites contain fill and that specific engineering design may be required for the foundations of any building.*

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

Such consent notice shall be either prepared or checked at the cost of the subdividing owner by the Council’s solicitors and shall be registered against the titles of the affected Lots.

Financial Contributions

- 21 *Water Supply DIF*

That pursuant to Rule 10.8.5.2 of the Waipa District Plan and Section 108(10) of the Resource Management Act 1991 a financial contribution of \$6760.00 (GST inclusive) for 4 new additional allotments, shall be paid to Council. This financial contribution is for water supply improvements, and is calculated as follows:

Water Supply Financial Contribution Te Awamutu:

\$1690.00 per new allotment (GST inclusive).

22 Sewage Supply DIF

That pursuant to Rule 10.8.5.3 of the Waipa District Plan and Section 108(10) of the Resource Management Act 1991 a financial contribution of \$6760.00 (GST inclusive) for 4 additional allotments, shall be paid to Council. This financial contribution is for sewage improvements, and is calculated as follows:

*Sewage Scheme Financial Contribution Te Awamutu:
\$1690.00 per new allotment (GST inclusive)*

23 Roding DIF

That pursuant to Rule 10.8.5.4 of the Waipa District Plan and Section 108(10) of the Resource Management Act 1991 a financial contribution of \$13,320.00 (GST inclusive) shall be paid to Council for four additional allotments. This financial contribution is for roading improvements, and is calculated as follows:

Roding Financial Contribution: \$3,330.00per new allotment (GST inclusive)

Note that the granting of the subdivision consent by Waipa District Council (in its regulatory role) does not constitute actual or implied agreement to the dedication as road of Lot 4 DPS 85852 (local purpose reserve (road) vested in Council). The consent holder must come to a separate agreement with Council Property Department (as reserve owner) in that regard before that dedication may be effected.

Note that the vesting of the Recreation Reserve (Lot 9) by Council is considered to be full and final settlement of all monies relating to the payment of reserve contributions by both parties.

Reasons for Decision

- 1 The application is consistent with the policies and objectives of the District Plan, and is a Controlled Activity.
- 2 Any adverse effects resulting from the proposal are deemed to be minor
- 3 It is considered fair and equitable to waive the Reserve Contributions payable in lieu of vesting Lot 9 as Recreational Reserve.

- 4 Conditions have been imposed to ensure that the development complies with Councils Code of Practice for Land Development and Subdivision.
- 5 Condition 19 has been imposed to ensure that the Lots 8 and 10 are filled in accordance with the recommendations made in the Geotechnical Engineers Report by R W & V Roberts Consultancy dated 12 November 2003.
- 6 A Section 221 (RMA 1991) Consent Notice has been imposed to ensure that prospective purchasers of Lots 8 and 10 are aware that the ground has been filled in accordance with condition 19 and that specific engineering design on the foundations of any building may be required.

8.4 1.04pm – 2.17pm

Application to Establish and Operate a Commercial Boat Cruise and Waterskiing Venture along the Waikato River in the vicinity of Lake Karapiro

File: **04650/215.00**

Applicant Michael and Sandra McKenzie
Mark Chrisp – Environmental Management
Lucy Smith – Environmental Management

Submitters Mr Ian Fraser - Finlay Park
Raukawa Trust & Pohara Marae – Mr Steve Wilson
Mr Peter Bichan

Appearing for Council Planner Natalie Richmond

Lucy Smith from Environment Management Services presented the application to operate a cruise boat and waterskiing venture on Lake Karapiro, utilising the existing landings and Council reserves.

In response to questions regarding the size of the boat and motor, Mr McKenzie advised that they had considered catering for 40 people as this is the size that a tourist bus accommodated. The size of the motor would be chosen so that the boat does not have to run at high revs and would therefore be quieter as the boat motor would not be straining.

Ian Fraser – Director of Finlay Park

Mr Fraser advised his concern was that the main problem is sound. The Trustees for the Park needed to ascertain just what 40dba proposed in the consent conditions would sound like. He also advised that the Trust have been very happy with the consultation with the applicants and appreciate the boat not using the lagoon adjacent to the Park. Mr Fraser advised that during the setting up of a similar operation involving a house boat they had encountered concerns regarding sewerage collection and disposal. Mr Fraser offered a plan for a holding tank that could be utilised on the cruise boat to resolve any problems.

Peter Bichan

Mr Bichan also had concerns regarding noise. He considered that if the boat was parked up in close proximity to houses then the noise would carry. Mr Bichan advised that he considered that using the side arms up the Lake could cause some safety concerns for his operation with kayaks and other activities on the adventure courses.

Mr Wilson – Raukawa Trust

The Iwi have concerns with river bank erosion, waka on the river and discharges of sewerage and food contamination. He advised that dialogue was being held with the applicants and this would continue.

Planner Natalie Richmond presented her report to the Committee and advised that most of the outstanding issues were being addressed by the applicant with advice from Environmental Management Services.

In his right of reply, Mr Chrisp highlighted the fact that at the time of notification closing there had been 10 submitters and with consultation and amendments by his clients this has been reduced to three submitters appearing at the Hearing. He advised that they had taken steps to avoid adverse noise effects, which included the boat travelling at 8 knots and the proposed restrictions on the operation in Zone 8, as shown in Environment Waikato's Navigation Bylaw.

RESOLVED

4/04/70

That

- a) *The report from Natalie Richmond Planner dated 8 September 2004 be received; and*

- b) *That in consideration of Section 104, and pursuant to Section 104B and 108 of the Resource Management Act 1991 the Waipa District Council grants consent to M & S McKenzie to establish and operate a commercial boat cruise and waterskiing venture along the Waikato River in the vicinity of Lake Karapiro with pick up and drop off points at Karapiro, Horahora, Keeley and Moana Roa Reserves, based at 55 Westlea Road, Cambridge being Lot 2 DPS 28108 subject to the following conditions:*

Cr Taranaki/Mayor Livingston

[Committee Member Tuteao declared an interest and took no part in discussions or voting on this item]

- 1 *The establishment and operation of the proposed venture shall be sited and carried out in general accordance with the information and plans and further information which accompanied the application for resource consent, and the evidence presented at the hearing by the applicant except where specified in these conditions of approval.*
- 2 *That the cruise boat, and cruise boat operator and ski boat are to be certified at all times in accordance with the Maritime Safety Authority's Safe Ship Management System and the Maritime Transport Act 1994.*
- 3 *That no more than 40 patrons be on board the cruise boat at any one time.*
- 4 *That the hours of operation of the cruise boat shall be between 9am and 11pm*
- 5 *That refuse on each boat shall be collected, handled and stored in a covered container awaiting disposal either by a waste disposal company, or alternatively to an approved landfill, in a manner to the satisfaction of Councils Environmental Health Officer.*
- 6 *That the cruise boat be equipped with an effluent holding tank so that no black or grey water is discharged into Lake Karapiro. The effluent holding tank shall incorporate a warning device to signal when the capacity of the tank has been reached. Prior to commencing operations, the holding tank shall be inspected and approved by Councils Environmental Health Officer.*
- 7 *That the cruise boat be equipped with ablution facilities prior to the commencement of operations to provide for maximum patronage and staff on board to the satisfaction*

of Council's Environmental Health Officer.

- 8 *All black and grey water shall be collected and disposed of by a waste disposal company. The means of waste collection and disposal is to be approved by Councils Environmental Health Officer.*
- 9 *That all routine external maintenance and cleaning of the cruise boat and ski boat shall be undertaken on the specified storage and wash down area on the base site at 55 Westlea Road. This condition does not include maintenance taken off site to a workshop*
- 10 *That the boats be removed from the water when they are not being used in a commercial capacity.*
- 11 *That the cruise boat shall not enter the Pokaiwhenua Stream, at any time, nor shall it enter the Finlay Park Slalom course (as shown in the Environment Waikato Navigation Safety Bylaw 2002) at any time unless permission has been granted by the Finlay Park Adventure Park Manager.*
- 12 *That the cruise boat and water ski boat do not enter booked zones on Lake Karapiro during programmed events at any time, unless permission has been granted by the organisers of booked events.*
- 13 *The applicants shall have regard to the waterfowl hunting season particularly the first two weeks in May. The cruise boat and water ski boat shall not be launched with patrons on board within zone 8 during the waterfowl hunting season from 1 May to 31 May.*
- 14 *That light spill from the cruise boat and ski boat does not exceed the standards of the Waipa District Plan for the rural zone (rule 2.4.27 Glare see attached).*
- 15 *All activities including music and entertainment shall be conducted to ensure that noise levels at or within the notional boundary of any rural dwelling or at the banks of the Waikato River within Zone 8 shall not exceed the following limits:*

<i>Day Time</i>	<i>9.00am – 8.00pm</i>	<i>50dBA (L10)</i>
<i>Night Time</i>	<i>8.00pm – 11.00pm</i>	<i>40dBA (L10)</i>

No single event noise level L_{max} shall exceed 65dBA between 10.00pm and 11.00pm.

The noise levels shall be measured and assessed in accordance with the requirements of NZS 6801:1991 Measurement of Sound and NZS 6802:1991 Assessment of Environment Sound.

16 *The consent holder shall gain written approval to occupy and operate the proposed activity from Council Reserves from Councils Property Department prior to the commencement of the operation on Council's Reserves.*

17 *Pursuant to Section 128 of the Resource Management Act (RMA) 1991, Council may at the consent holders expense, on 1 April 2005 and every year thereafter, serve notice on the consent holder under Section 128(1) of the RMA, of its intention to review the conditions of this consent for the following purposes:*

- To review the effectiveness of the conditions of this consent in avoiding or mitigating any adverse effects on the environment from the exercise of this consent, and if necessary to avoid, remedy, or mitigate such effects by way of further or amended conditions; or*
- If necessary and appropriate, to require the consent holder to adopt the best possible option to remove or reduce these adverse effects on the surrounding environment; or*
- To review the adequacy of and the necessity for monitoring undertaken by the consent holder.*

18 *The consent holder shall pay all reasonable costs associated with monitoring of this consent.*

Note: That the commercial boating activities shall comply at all times with the Environment Waikato Navigation Safety Bylaw 2002 and any subsequent amendments including the specific restrictions applying to Lake Karapiro within Schedule 1.1 of this Bylaw.

Note: Rule 4.2.12.1 of the Proposed Waikato Regional Plan refers to the use, erection, reconstruction, placement, alteration or extension of any boat ramp or jetty, and associated bed disturbances in, on, under or over the bed of a river or lake as a discretionary activity requiring resource consent. If such structures are to be implemented as part of the proposed activity, resource consent authorisation will be required by Environment Waikato.

Note: The consent holder shall gain land owner written approval from Land Information New Zealand (LINZ) and Mighty River Power prior to commencing operations on the land owned by LINZ and over which Mighty River Power has an operating easement.

Note: The consent holder will be required to obtain from Council, a Liquor Licence under the Sale of Liquor Act 1989 and to be registered under the Food Hygiene Regulations 1974 prior to providing food and liquor to patrons as proposed in the application for resource consent.

Note: The Waikato River forms the boundary between Waipa District, and South Waikato District. The applicant should be aware that the South Waikato District Council has jurisdiction over portions of the Waikato River and land on the eastern side.

Reasons for Decision

- 1 Conditions of consent can avoid or mitigate the actual and potential effects of the activity on the rural and lake environments ensuring that the overall impact will be no more than minor.
- 2 The proposal is not contrary to the objectives and policies of the Waipa District Plan. Conditions can be imposed so that the special qualities of the Environments are protected and the existing recreational lake activities are protected.
- 3 The requirements and regulations of other authorities and recreational groups have been considered and can be provided for.
- 4 A condition which allows the consent to be reviewed has been included. This provides for the Waipa District Council to deal with any adverse effect on the environment which may arise after the exercise of this consent and which it is appropriate to deal with at a later stage, or which became evident after the date of commencement of the consent. Following the Environment Court Decision in Wymondley against the Motorway Action Group vs Transit New Zealand (Env Ct A22/2003) a review may only take place for Resource Management purposes. For a review to take place to ensure compatibility with a possible Treaty of Waitangi settlement would not be a Resource Management purpose.

8.5 2.17pm – 3.09pm

Addendum Report to Notified Subdivision Consent Application – Reconvened Hearing for Twin Star Developments Ltd, 24 Kelly Road, Cambridge

File: 04445/163.00

Applicant Twin Star Developments Ltd

Appearing for Council Consultant Planner – Steve Bigwood

Mr Bigwood reminded the Committee that this was a reconvened hearing that was adjourned so that further independent engineering assessments of the stormwater compliance issues could be carried out.

A letter received from Alan and Jill Weidenbohm, submitters in opposition, to the proposal was read by Planning Services Manager Wayne Allan.

Mr Osmond represented Mr and Mrs Emerson and presented his concerns to the proposal which related mostly to the provision of stormwater services in the area. He considered that for this subdivision proposal to proceed, a Plan Change would be required.

Mr Chrisp addressed the Committee and spoke to the concerns that had been raised. He was of the opinion that the stormwater issues could be addressed and noted that there were two qualified engineers providing evidence to the hearing who both agreed that this proposal could be engineered so that it would not cause any environmental effects that were no more than minor.

Council's Consultant Planner Steve Bigwood addressed the Committee and recommended that Council grant this proposal as a subdivision without doing a private plan change. He advised that a lot of consultation had been held with the applicants and engineers and it was his opinion that the subdivision could proceed now that the stormwater issues had been addressed.

[The Committee broke for afternoon tea at 3.14pm and reconvened at 3.34pm]

RESOLVED

4/04/71

That

- a) *The addendum report of the Planning Consultant dated 13 September 2004 be received.*
- 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 Star Developments Ltd to subdivide the property at 24 Kelly Road, Cambridge, legally described as Lot 1 DPS 11955 (CT SA14A/252), subject to the following conditions:*

Cr Flay/Committee Member Tuteao

General

- 1 *That the Land Transfer Plan to give effect to this subdivision consent shall be generally consistent with the approved plan reference 3211 by Cogswell Surveys Ltd dated August 2004 submitted in evidence to support application SP4407, unless otherwise altered by the consent conditions. A copy of the approved plan is attached.*

Financial Contributions

- 2 *That a reserve contribution of \$16,218.00 (GST inclusive) be paid to Council for the nine additional lots created.*

Roading

- 3 *That the right of ways shown on the approved plan of subdivision to serve Lots 2 and 3 and Lots 6 and 7 be granted. This shall be shown on the 223 Survey Plan to the satisfaction of Council's Asset Manager – Roding.*
- 4 *That the consent holder shall construct the proposed right of ways identified in condition 3 above 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 Council's Asset Manager – Roding and shall be at the consent holder's expense. The following issues shall also be addressed:*
 - *Provision shall be made for onsite collection and disposal of stormwater runoff*
 - *The right of ways shall be constructed to ensure that they are no lower than 0.2m below the 50year flood*

level established by Hydraulic Modelling Services Ltd as required in Condition 18 below.

- 5 *That vehicle crossings to the proposed right of ways identified in condition 3 above shall be formed and constructed to a residential type complying with Council's standards as set out in the Code of Practice for Land Development and Subdivision. The work shall be carried out and completed to the satisfaction of Council's Asset Manager – Roading and shall be at the consent holders expense.*

- 6 *That the existing vehicle crossings to Lots 9 and 10 shall be upgraded to a Residential type complying with Council's standards as set out in the Code of Practice for Land Development and Subdivision. The work shall be carried out and completed to the satisfaction of Council's Asset Manager – Roading and shall be at the consent holder's expense. The following issues shall also be addressed:*
 - *The entrances shall be reshaped, culverts installed and sealed to the boundary*

- 7 *That Kelly Road fronting the subdivision shall be upgraded to Council's standards as set out in the Code of Practice for Land Development and Subdivision for Urban Roads. The roadside berm shall be reshaped to provide positive drainage to the existing drain at the northern end of Kelly Road. Culverts shall be installed where necessary. All works shall be designed, constructed and completed to the satisfaction of Council's Asset Manager – Roading, and shall be at the consent holder's expense.*

An application, construction drawings and specification shall be submitted for approval prior to any work being carried out. As built plans and information of all infrastructure assets to be vested in Council shall be provided prior to the final inspection.

Water Supply

- 8 *That the consent holder shall arrange for Council to install separate water connections to Lots 1 to 9 (inclusive) and meet all costs incurred.*

Advice Note: The existing water connection to Lot 1 DPS 11955 shall be utilised for Lot 10.

- 9 *That the consent holder shall ensure that where existing*

water pipelines cross boundaries between lots the pipelines shall be severed on a permanent basis to the satisfaction of Council's Regulatory Engineer – Utilities.

Sewerage

- 10 *That the consent holder shall provide a sewerage reticulation system and connections to service Lots 1 – 9 (inclusive). This system shall be designed, constructed and recorded in accordance with the Council's standards as set out in the Code of Practice for Land Development and Subdivision. All work shall be to the satisfaction of Council's Regulatory Engineer – Utilities and be at the consent holder's expense. An application and construction drawing shall 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, shall be provided prior to the final inspection.*

Advice Note: The existing sewer connection to Lot 1 DPS 11955 shall be utilised for Lot 10.

- 11 *That the consent holder shall arrange to create 3 metre minimum width sewer easements in gross, placed centrally over any proposed Council sewer lines located within Lots 2 to 8 (inclusive) and arrange for Council's solicitor to register the easements on the new titles. The consent holder shall meet all costs incurred.*
- 12 *That the consent holder shall arrange to create 2 metre minimum width private sewer easements, placed centrally over any proposed sewer drainage which will be located within an adjacent lot. The proposed easements shall be registered on the new title. The consent holder shall meet all costs incurred.*

Power

- 13 *That the consent holder shall arrange with the local network electricity operator for separate underground reticulation of electricity to serve Lots 1 – 9 (inclusive) and pay all costs attributable to such work. The consent holder shall submit to the Council's Planning Services Manager written confirmation from the local network operator that satisfactory arrangements have been made for the reticulation of the service to all Lots.*

Telecommunications

- 14 *That the consent holder shall arrange with the local telecommunications company for separate underground reticulation of telephone cables to serve Lots 1 – 9 (inclusive) as required, and pay all costs attributable to such work. The consent holder shall submit to the Council's Planning Services Manager written confirmation from the telecommunications company that satisfactory arrangements have been made for the reticulation of the service to all Lots.*

Removal of Buildings, Structures and Cables

- 15 *That all buildings and structures on Lot 9 be removed.*
- 16 *That any telephone and/or electricity cables which cross the proposed Lot 9/10 boundary shall be disconnected and removed.*

Stormwater

- 17 *That the consent holder shall provide a stormwater reticulation and detention system to Lots 1 to 10 inclusive. This system shall be designed and constructed in general accordance with the plans prepared by Mr Morton of Mark T Mitchell Ltd (dated 30 August 2004) and submitted to Council in evidence. Application and construction drawings shall be submitted for approval prior to any work being carried out. All work shall be to the satisfaction of Council's Asset Manager – Roading, and shall be at the consent holder's expense.*
- 18 *That the consent holder shall provide a plan showing both the 50 year flood level established by Hydraulic Modelling Services Ltd for the subdivision, and the existing ground levels at a common survey datum. This plan shall be prepared by a registered surveyor at the consent holder's expense. All work is to be carried out and completed to the satisfaction of Council's Asset Manager – Roading.*
- 19 *All building floor level shall be 0.3m above the 50 year flood level established by Hydraulic Modelling Services Ltd in condition 18 above for the site.*
- 20 *All vehicular access ways including driveways and road crossings shall be no lower than 0.2m below the 50 year flood level established by Hydraulic Modelling Services Ltd for the site.*

- 21 *Conditions 19 and 22 above are to be complied with on a continuing basis by the consent holder and subsequent owners after the deposit of the survey plan and shall be the subject of a consent notice pursuant to Section 221(1) of the Resource Management Act 1991 which shall be prepared by the Council's Solicitor and shall be registered on the certificate of title to each allotment at the cost in all things of the consent holder.*
- 22 *That the consent holder shall prepare the following plans for approval by Council's Asset Manager – Roading. The plans shall be in the form approved by Council's Asset Manager Roading and shall include:*
- *Identified building floor levels in accordance with condition 19 above;*
 - *Proposed levels for all access ways and road crossings in accordance with condition 20 above*
 - *Stormwater swale cross section and long sections;*
 - *The identification of secondary flow paths;*
 - *The location and cross sectional dimensions of the detention device diameters, pipe grades and available pipe cover;*
 - *Details of the proposed stormwater outlet to the Kelly Road drain, including any necessary erosion control works; and*
 - *Details of all proposed culverts.*
- 23 *That the consent holder shall provide detailed calculations of the hydraulic capacity of the proposed stormwater system under design conditions including submergence of all piped outlets. The design calculations shall be undertaken in accordance with the alternative design guideline as approved by Council's Asset Manager – Roading.*
- 24 *That the plans and all supporting design calculations as described in conditions 22 and 23 above shall be forwarded to Council's Asset Manager – Roading for approval prior to exercising this consent.*
- 25 *That a plan shall be prepared by a registered surveyor identifying all easements to be created for the management*

of stormwater. The plan shall include proposed wording for the easement, inclusive of the stormwater management measures recommended by Mr Morton of Mark T Mitchell Ltd (dated 30 August 2004) submitted to Council in evidence. The plan shall be forwarded to Council's solicitor for approval, prior to exercising this consent.

Advice note: Areas A and B on the approved plan shall be easement areas not subject to land covenants as shown.

Earthworks

- 26 *That all earthworks shall be carried out in accordance with the standards set out in the Code of Practice for Land Development and Subdivision and in accordance with NZS 4431:1989. A report, which is to be prepared by a suitably qualified and experienced Engineer acceptable to Council and approved by Council's Asset Manager – Roading shall 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. For all Lots identified as requiring specific foundation design, the foundations of any building shall 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 shall be the subject of a consent notice, pursuant to Section 221(1) of the Resource Management Act 1991, which shall be prepared by Council's Solicitor and shall be registered on the certificate of title to each Lot at the expense of the consent holder.

Reasons for Decision

- 1 The subdivision proposal is inconsistent with the objectives and policies of the Waipa District Plan. However, Council are of a view that the subdivision will have only minor effects on the environment and this outweighs the inconsistencies with the objectives and policies.
- 2 The Kelly Road area is zoned Deferred Residential because the area is not serviced by an adequate stormwater system and suffers problems associated with drainage and stormwater ponding. Council is however satisfied that the proposed private stormwater management measures and system to be installed will ensure that stormwater problems will not eventuate for the lots within and neighbouring this subdivision and thus that

the land is suitable for residential living and development.

- 3 The adverse environmental effects caused by the subdivision and the future development associated therewith will be no more than minor.
- 4 Deferred Residential zoned land needs to be managed so that its development potential is maximised. Council is satisfied that the subdivision contributes to this long term development aim for the area.

8.6 3.10pm – 3.14pm

Application for Renewal with Variation of an On Licence: Air New Zealand Ltd, Koru Club Lounge
File: 04581/220.00

Applicant Air New Zealand

Appearing for Liquor Licensing Inspector Bryan Faris
Council

Mr Faris presented his report and outlined that a precedent has already been set in this building and the hours of operation would be consistent with the operation of other Koru Club Lounges throughout the country.

RESOLVED

4/04/72

That

- a) *The report of the Liquor Licensing Inspector, Bryan Faris dated 13 September 2004 be received.*
- b) *The Waipa District Licensing Agency grant the application by Air New Zealand Limited to vary the condition (b) on Licence 016/ON/17/03 attached to the Koru Lounge, Hamilton International Airport to permit the sale and supply of alcohol at any time during any day that the premises are being operated as a reception lounge and renew the ON Licence as varied.*

Cr Taranaki/Mayor Livingston

At the conclusion of the meeting the Deputy Chief Executive thanked the Committee for their work over the past three years. Chairperson Diane Sharpe thanked her Committee and Cr Taranaki applauded the Chairperson for the way that she led the Committee through some trying issues.

There being no further business the meeting closed at 4.47pm

CONFIRMED AS A TRUE AND CORRECT RECORD

CHAIRPERSON: _____

DATE: _____