

*Minutes of a meeting of the Regulatory Committee held on Monday 28 February 2005 in the Council Chambers, 101 Bank Street, Te Awamutu commencing at 9.00am*

**1 PRESENT**

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Councillor D Sharpe, Chairperson

**Committee**

His Worship the Mayor A Livingston; Committee Member P Tuteao; Councillors B Taranaki, G Flay, E Newlands (from 9.13am) GRP Webber

Deputy Chief Executive – G Dyet, Planning Services Manager – W Allen, Planner T Kelly (item 8.1 only), Consultant Planner - C Callichan, Roading Regulatory Engineer - Malcolm Brown (item 8.2 only), Planner - N Richmond (item 8.3 only), Secretary - C Shaw

**2 APOLOGIES**

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There were no apologies.

**3 LATE ITEMS**

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There were no late items.

**4 CONFIRMATION OF ORDER OF BUSINESS**

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**RESOLVED**

4/05/01

*That the order of meeting be confirmed.*

Cr Flay/Mayor Livingston

**5 CONFIRMATION OF PREVIOUS MINUTES**

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**5.1 Regulatory Committee**

File: 01-89-04

**Ordinary Meeting – 14 December 2004**

**RESOLVED**

4/05/02

*That the minutes of the Regulatory Committee held on 14 December 2004 be confirmed as a correct record.*

Cr Webber/Cr Taranaki

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**6 WAIPA DISTRICT LIQUOR LICENSING AGENCY**

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

**File: 01-85-10**

**RESOLVED**

4/05/03

*That the monthly schedule of Liquor License Applications Considered by Staff Under Delegated Authority for December 2004 and January 2005 be received.*

Cr Flay/Mayor Livingston

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**7 GENERAL**

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

**File: 01-52-01**

**RESOLVED**

5/05/04

*That the schedule of Matters Considered by Staff Under Delegated Authority from 6 December 2004 to 16 February 2005, be received, a copy of which is attached to and forms part of these minutes.*

Committee Member Tuteao/Cr Flay

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**8 HEARINGS**

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- 8.1** 9.23 am – 9.43am

**Objection to Financial Contribution Conditions of Subdivision Consent Pursuant to Section 357 of the Resource Management Act 1991: TS & LJ Fookes, 630 Cambridge Road, Te Awamutu being Lot 10 DPS3190 (CT1207/47)**

File: 04481/391.00

**Applicant** TS & LJ Fookes

**Appearing for Applicant** Mr Murray Hislop, Surveyor

**Appearing for Council** Terrena Kelly - Planner

The Chairperson welcomed those present to the Hearing and asked Planner T Kelly to outline the basis of her report. Ms Kelly advised that the objection is in relation to the levy of development impact fees on a lapsed resource consent for a subdivision. The Objectors agents had let the subdivision consent lapse through failing to lodge the survey plan with Land Information New Zealand. Ms Kelly also advised that all of the Council's conditions of consent had otherwise been met.

Mr Hislop addressed the Committee and advised that this oversight had only become apparent when his client wished to use the title to obtain a loan against. Mr Hislop advised that all of the work had been done, money had been spent and the certificate required from the Council pursuant to section 224 of the Resource Management Act had been signed but that no refund of the reserve contribution had been received. Mr Hislop appealed that this would be on of only two subdivisions where the section 224 had been signed off and where the period for lodging it with the District Land Registrar had lapsed. He considered that this would not be seen as creating an undesirable precedent if the Committee was seen to support the objection.

- a) *The report from Terrena Kelly, Planner dated 14 January 2005 be received; and*
- b) *Pursuant to Section 357(7)(a) of the Resource Management Act 1991 the Waipa District Council Regulatory Committee rejects the objection to Conditions 4, 5 and 6 of 6 of subdivision consent SP4663 dated 2 December 2004.*

Cr Webber/Cr Flay

#### **Reasons for Decision**

- 1 The Financial Contributions levied by conditions 4, 5 and 6 of the subdivision consent were fair and reasonable, and correctly imposed in accordance with Rules 10.7 and 10.8.5.

- 2 The imposition of Financial Contribution will ensure that the integrity of the District Plan's rules, policies and objectives are maintained; and that there is not an undesirable precedent effect for other subdivisions that have lapsed.

Chairperson Sharpe welcomed Planner Jude Marsden to the meeting noting that this was Ms Marsden's last meeting and the Chairperson thanked Ms Marsden for her work with the Regulatory Committee over her time at Council and invited her to join the Committee for morning tea.

[The meeting broke for morning tea at 10.06am and reconvened at 11.00am]

**8.2 11.15am – 12.35pm**

**Proposed Subdivision consent to create two multi-unit residential lots of 346m<sup>2</sup> and 380m<sup>2</sup> (466m<sup>2</sup> incl access) for C W Wilson, 69 King Street, Cambridge being Lot 1 DPS 573 and Part Allotment 299 Town of Cambridge East (CT SA3D/10)**

File: 04361/207.00 SP 4529

**Applicant** C W Wilson

**Appearing for Applicant** Grant Nicklin – Surveyor  
Craig Wilson  
Darren Wilson

**Appearing for Council** Consultant Planner, Cate Callichan  
Roading Regulatory Engineer – Malcolm Brown

The Chairperson welcomed those present and asked Mr Nicklin to present the proposal which is a non-notified subdivision to create two multi-unit residential lots in 69 King Street, Cambridge.

In response to questions Mr Nicklin confirmed that the only reason this application is before the Committee is that it was applied for before the District Plan had changed and the process had been held up along the way. The new rules do not allow for an application of this type in the future.

Consultant Planner C Callichan presented her report to the Committee along with the Roading Engineer M Brown. C Callichan confirmed that a site visit with the applicant had been held since her report had been completed and the plans as presented at the hearing did now comply with all of the District Plan requirements other than the size of the sections and width of

accessway.

The Committee requested clarification as to whether this application is to be considered under the rules prior to Plan Change 26. Planning Services Manager W Allan considered that this application needs to take into consideration all of the aspects of Plan Change 26.

In his right of reply G Nicklin confirmed that this would be the last of these types of applications as the application was lodged before Plan Change 26 became operative and delay occurred with regard to neighbour's consents and Planners requiring further information.

**RESOLVED**

**4/05/06**

*That*

- a) *The report of the Planning Consultant dated 1 February 2005 be received.*
- b) *In consideration of Section 104, and pursuant to Sections 104B, 104D, 108 and 220 of the Resource Management Act 1991, the Waipa District Council approves the application by C Wilson to subdivide the property at 69 King Street, Cambridge, legally described as Lot 1 DPS 573 and being part Allotment 299 Town of Cambridge East, comprised in Certificate of Title SA 3D/10, into two unit titles subject to the following conditions:*

Mayor Livingston/Cr Newlands

*General*

- 1 *That the Land Transfer Plan to give effect to this subdivision consent shall be generally consistent with the approved plan by Nicklin Surveying and Resource Management submitted as further information with application SP4529 (Drawing 2909 Sheets CP1 – CP3), unless otherwise altered by the consent conditions. A copy of the approved plan is attached.*

*Financial Contributions*

- 2 *That a reserve contribution of \$1,802.00 (GST inclusive) be paid to Council for the creation of one additional lot.*

*Roading*

- 3 *The consent holder shall upgrade the existing vehicle entrance to Unit Site Area "B", to a Residential type urban vehicle entrance 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.

- 4 The consent holder shall construct a 3 metre wide concrete driveway to provide access to Unit Site Area "B". The concrete driveway shall have a 5% crossfall falling away from the dwelling on Unit Site Area "A", and shall be constructed of Ordinary Grade 20 MPA with a single layer of 665 mesh with a minimum cover of 50mm. The concrete driveway shall have kerb and channel on the west side with associated stormwater disposal. Kerbing shall be provided on the east side of the access to guide vehicles away from the Unit "A" dwelling. The work shall be carried out and completed to the satisfaction of the Roding Manager, and shall be at the consent holder's expense.
- 5 Design drawings of the concrete access, including details of stormwater disposal, shall be provided to Council for approval. Construction is not to proceed until design drawings have been submitted and design approval has been obtained in writing from Council. Design drawings shall also include details of the services along the access required to service Unit "B".

*Advisory Note: All services associated with Unit Site Area "A" shall be clear of the access leg to Unit Site Area "B".*

#### *Utilities*

##### *Water Supply*

- 6 The consent holder shall arrange for Council to install a separate water connection to Unit Site A and meet all costs incurred.
- 7 The consent holder shall divert the existing water service line from the dwelling to the new water connection on Unit Site A. The service line shall be contained within the cross lease boundaries of Unit Site A. All work shall be to the satisfaction of the Regulatory Engineer – Utilities, and be at the consent holder's expense.

##### *Sewerage*

- 8 The consent holder shall provide a separate sewer connection to Unit Site B. The connection shall be 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 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.

- 9 The consent holder shall locate and record the existing sewer drainage to the point of connection with the existing Council system and submit an as-built plan 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 Regulatory Engineer – Utilities, and be at the consent holder's expense. **An inspection is required prior to any backfill being placed.** As-built plans and information of all infrastructure assets, which are to be vested in Council, shall be provided prior to the final inspection.

#### Construction of Dwellings

- 10 That either the proposed dwelling shown on the approved plan shall be constructed on site prior to the issue of the completion certificate pursuant to Section 224 of the Resource Management Act 1991, or the consent holder shall register a consent notice on the title of the site pursuant to Section 221 of the Resource Management Act 1991 which restricts the development to the dwelling shown on the approved plan. Any consent notice shall be prepared by the Council's solicitor and shall be registered on the title at the expense of the consent holder.
- 11 The dwelling, garaging and any associated accessory buildings proposed on Unit Site Area B shall have a combined maximum gross floor area of 96m<sup>2</sup>, and shall be in accordance with the plans presented at the Hearing.

#### Consent Notice

- 12 The current and future owners of Unit Sites A and B shall be informed that the percentage of permeable area of each respective Unit Site shall be at least 40% at all times.

Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be prepared by the Council's solicitors at the consent holder's expense to ensure compliance with this condition on a continuing basis by the subdividing land owner and subsequent owners of Unit Sites A and B.

Upon the issue of a certificate pursuant to Section 224c of the Resource Management Act 1991 or at such earlier time

*as may be required, the consent notice pursuant to Section 221 of the Resource Management Act 1991 will be issued. The consent notice will specify this condition is to be registered against the Certificate of Titles for Unit Sites A and B of the subject subdivision.*

*Consent Notice*

- 13 *The current and future owners of Unit Sites A and B shall be informed that the eaves of the existing dwelling house on Unit Site A encroach into the access strip serving Unit Site B.*

*Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be prepared by the Council's solicitors at the consent holder's expense to ensure that the subdividing land owner and subsequent owners of Unit Sites A and B are aware of the eave encroachment.*

*Upon the issue of a certificate pursuant to Section 224c of the Resource Management Act 1991 or at such earlier time as may be required, the consent notice pursuant to Section 221 of the Resource Management 1991 will be issued. The consent notice will specify this condition is to be registered against the Certificate of Titles for Unit Sites A and B of the subject subdivision.*

*Screen Fence*

- 14 *A solid screen 1.8 metre high fence shall be erected along the length of the western and southern boundaries of Unit Site A, where it abuts Unit Site B.*

*Reasons for Decision*

- 1 Written approvals were obtained from all parties Council considers to be potentially affected by the proposal to subdivide to create two multi-unit allotments that do not comply with the 400m<sup>2</sup> minimum unit site area.
- 2 A consent notice is required to be registered on the certificates of title for the site to advise the subsequent land owners that the eaves of the dwelling house on Unit Site A encroach into the access strip to Unit Site B.
- 3 The under-width access is approved as the application was lodged prior to the Plan Change 26 matters relating to minimum access width being settled.
- 4 Conditions regarding the formation of the driveway serving Unit Site Area "B" are required to ensure that high commercial vehicles using the access do not damage the eaves of the existing dwelling on Unit Site Area A, where they encroach into the proposed access.

- 5 The erection of a solid screen fence along the length of the internal boundary Unit Site Areas A and B will retain the privacy and amenity values of each of the Unit Site Areas, and the surrounding residential neighbourhood.
- 6 The amended plans presented at the Hearing are for a smaller dwelling to be erected on Unit Site Area B than was initially proposed (a 36m<sup>2</sup> garage and a 60m<sup>2</sup> dwelling are now being proposed). The amended plans comply with the District Plan requirements for setbacks, height in relation to boundary and outdoor living areas. By ensuring that any buildings erected on Unit Site Area B have a maximum total combined floor area of 96m<sup>2</sup>, the proposal is able to retain the open appearance of the surrounding residential neighbourhood and a reduction in the 400m<sup>2</sup> minimum site area can therefore be approved.

Mayor Livingston left the meeting at 1.20pm

### **8.3 1.20pm – 2.00pm**

**Application to Carry out Extensions to Building Exceeding Site Coverage in the Cambridge Residential Character Area: Alpha Lodge No. 81, Bryce Street, Cambridge, being Lot 2 DP 8719**

File: 04351/870.00

**Applicant** The Alpha Lodge No. 81

**Appearing Applicant for** Mr H Pettit  
Mr W Roberts

**Submitters in Opposition present** Ms Koopman  
Ms Bruder

**Appearing for Council** Natalie Richmond - Planner

The Chairperson welcomed those present to the meeting and asked each to introduce themselves. She then invited Mr Pettit to present the application for the building extensions on behalf of the Alpha Lodge which exceed site coverage rules laid down in the District Plan for the residential zone in Cambridge.

Mr Pettit presented the application and answered questions from the Committee.

Ms Koopman addressed the Committee and outlined her reasons for opposing the application. Ms Koopman indicated that she is happy for the Lodge to have extensions but would like to see a 1.8m high fence built on her boundary as the access way and the main entrance for the Lodge is outside her bedroom window and should be screened for privacy. Ms Koopman advised that people entering or exiting the Lodge through this door could see right into her bedroom window. She also had concerns with regard to the security light which shines into her window.

Ms Bruner addressed the Committee and advised that there had been a tree on the Lodge property until recently which had provided some level of protection and privacy but now it is gone and this has left her property quite exposed. Some planting or a fence would alleviate her concerns also.

Planner N Richmond presented her report to the Committee and responded to questions from the floor.

In the Alpha Lodge' right of reply Mr Roberts considered that a 1.8 metre high fence would not greatly aid the privacy of the submitters. Discussion regarding other options was held in respect of permanent fencing, covering in the ramp and privacy issues.

By way of clarification, Mr Allan confirmed that the Committee's attention should be directed to dealing with the environmental effects arising out of the proposed extensions to the Lodge.

**RESOLVED  
4/05/07**

*That:*

- a) *The report from Natalie Richmond, Planner dated 26 January 2005 be received; and*
- b) *That pursuant to Section 37 of the Resource Management Act 1991, the Waipa District Council waives a failure to comply with submission time frames within which a submission is lodged by J Koopman.*

Cr Newlands/Cr Flay

**RESOLVED  
4/05/08**



*adjoining residential sites are not adversely affected by an increase in noise and loss of privacy.*

- 7 *The remainder of the site shall be kept in grass or landscaping so as to ensure the permeable surface area is not further depleted.*

*Note The applicant may choose to consider the screening of the existing ramped access point on the northern side of the building. Screening carried out at this point may lessen the effect of the existing use on the neighbouring properties.*

*Note Any fencing between properties is a civil matter and should be agreed by both parties pursuant to the Fencing Act 1978. Obligations and rights of land owners are considered under this Act.*

Reasons for Decision

- 1 The proposal is in general accordance with the policies and objectives of the District Plan.
- 2 Conditions have been imposed to avoid or mitigate potential effects on the environment and any adverse environmental effects resulting from this proposal are deemed to be no more than minor.
- 3 The site currently operates under existing use rights. The extension to the building is the only matter under consideration. On this basis, conditions have been imposed relating to the extension only, and do not include the consideration of the existing activity carried out on site.
- 4 The proposed Hall extension will increase the floor area of the Hall by 6%. This will increase the degree of non compliance with the District Plan rules marginally, however this will not result in any increase in the intensity of use of the site.

There being no further business the meeting closed at 2.37pm

**CONFIRMED AS A TRUE AND CORRECT RECORD**

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

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