

Minutes of an Ordinary Meeting of the Regulatory Committee held on Monday 22 November 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; Councillors B Taranaki, G Flay, E Newlands (from 9.16am), GRP Webber

In Attendance

Deputy Chief Executive G Dyet, Planning Services Manager W Allan (except item 8.2), Community Planning and Liaison Manager A McFarlane (item 9 only), Planner J Marsden (Item 9 only), Consultant Planner (items 8.3 and 8.5 only), Environmental Safety Manager J McFarlane (items 8.1. and 8.2 only), Environmental Health Officer and Liquor Licensing Inspector B Faris (Items 8.1. and 8.2 only), Secretary, C Shaw

2 APOLOGIES

RESOLVED

4/04/73

That the apology from Cr Newlands for lateness be received.

Cr Taranaki/Cr Webber

3 LATE ITEMS

There were no late items.

4 CONFIRMATION OF ORDER OF BUSINESS

RESOLVED

4/04/74

That the order of meeting be confirmed.

Mayor Livingston/Cr Flay

5 CONFIRMATION OF PREVIOUS MINUTES

5.1 Regulatory Committee

File: 01-89-04

Ordinary Meeting – 27 September 2004

RESOLVED

4/04/75

That the minutes of the Regulatory Committee held on 27 September 2004 be received.

Cr Taranaki/Mayor Livingston

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

4/04/76

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

Cr Flay/Mayor Livingston

7 GENERAL

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

File: 01-52-01

RESOLVED

4/04/77

That the schedule of Matters Considered by Staff Under Delegated Authority from 16 September to 11 November 2004, be received, a copy of which is attached to and forms part of these minutes.

Cr Taranaki/Cr Webber

[Cr Newlands arrived at 9.16am]

8 HEARINGS

8.1 9.15am – 9.29am

**Mystery Creek Exhibition Centre Zone Activity
Days – Proposed 2005 Calendar**

File: 01-84-17 and 4581/202.00

Applicant Mystery Creek Events Centre

**Appearing for
Council** Jennie McFarlane, Environmental Safety
Manager

Mr Steve Walker, President of the Hamilton Kart Club was present at the hearing. In response to questions from the Committee Mr Walker outlined that all karts are monitored for noise compliance against levels set by the National Kart Federation and if they are over the limit they are asked to leave. He also advised that the national limit for noise is to be lowered from 2005.

RESOLVED
4/04/78

That:

- a) *The report of the Environmental Safety Manager, Jennie McFarlane dated 3 November 2004 be received.*
- b) *The Regulatory Committee approve the Mystery Creek Exhibition Zone Activity Day Calendar 2005.*

Mayor Livingston/Cr Webber

8.2 9.30 am – 9.59am

**Application for Special Licence – The Four Musketeers
Limited, Prince Albert Tavern, Cambridge**

File: 04370/129.00

Applicant The Four Musketeers Ltd
Mr Craig Fraser

**Appearing for
Council** Licensing Inspector – Bryan Faris

Submitters Constable Brian Higgins – NZ Police

Mr Faris outlined the application which was for a special liquor licence on Christmas Day at the Prince Albert Tavern in Cambridge, and the process which determined the need for the hearing. He then presented his report to the Committee. There were no questions to Mr Faris.

Constable Higgins addressed the Committee and outlined the position on behalf of the Police who have objected to this application. The Police consider that the event which is being used to justify a special licence is within the normal events of this establishment and not a special event. The reasons used by the applicant do not warrant the issue of a special licence and they do not fall into the special occasion or event category required. The Police believe this is a contrived event and therefore outside of Waipa District Council Licensing Authority policies.

The Police applauded reasons for allowing the extra time for drinking in Cambridge so people did not travel to Hamilton where extended opening hours have been permitted however, this was countered by evidence to suggest that 45% of fatal accidents occur within 10km of peoples own homes.

There was considerable debate regarding the potential for closing time trouble with all establishments closing at the same time and the “niggles” that occur in the carpark between people who are waiting for taxi transport. Discussion also centred on the possibility of trouble occurring if a licence is granted to just one premises for extended opening hours and all other establishments being required to close early. It was argued that this may result in additional patrons converging on the Prince Albert during the extended hours.

In response to questions from the Committee, it was confirmed that Hamilton will have a clearly advertised closing time of 3am on Christmas morning and therefore those patrons in Cambridge who wished to continue drinking would have to travel by road once local hospitality had ceased.

The Police were of the opinion that while a later closing time would alleviate problems for the taxi services, it would in fact make it harder for the Police. Mr Faris read two recent decisions to the Committee which had been made by the Liquor Licensing Authority concerning special licences on Christmas Day.

RESOLVED

4/04/79

That

Comment [g1]: Can you please have this checked by Jennie and Bryan?

- a) *The report of the Licensing Inspector, Bryan Faris dated 4 November 2004 be received.*
- c) *The Waipa District Licensing Agency determine that the requirements of both Sections 73 and 79 of the Sale of Liquor Act 1989 have been met, the agency grant the application.*

Cr Newlands/Cr Webber

In approving the special licence the Committee were mindful of the recent decisions made by the Liquor Licensing Authority and the recommendation that the Authority had made to Parliament recommending a change to the Sale Of Liquor Act in relation to this matter.

8.3 10.37am – 10.48am

Application for Subdivision Consent to create three multi-unit residential lots of 342m², 344m² and 409m² at 50 Thompson Street, Cambridge being Lot 5 DPS 84458 and 1/5 share of Lot 12 DPS 84458 (CT SA67A/275)

File: 04510/746.00

Applicant J Turney
Appearing for Applicant – Grant Nicklin

Appearing for Council Consultant Planner, Steve Bigwood

Mr Bigwood presented the application and spoke to his report.

Mr Nicklin presented the application and stated that his client was happy with the conditions proposed in Mr Bigwoods report.

RESOLVED

4/04/80

That

- a) *The report of the Planning Consultant dated 4 November 2004 be received.*
- b) *In consideration of Section 104, and pursuant to Sections 104B, 108 and 220 of the Resource Management Act 1991, the Waipa District Council approves the application by J Turney to subdivide the property at 50 Thompson Street, Cambridge, legally described as Lot 5 DPS 84458 and 1/5 share of Lot 12 DS 84458, comprised in Certificate of Title SA67A/275, into three unit titles subject to the*

following conditions:

Cr Taranaki/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 Garry Thomas submitted with application SP4516, unless otherwise altered by the consent conditions. A copy of the approved plan is attached.*

Reserve Contribution

- 2 *That a reserve contribution of \$3,604.00 (GST inclusive) be paid to Council for the additional two lots created.*

Roading

- 3 *The consent holder shall construct separate Residential type urban vehicle crossings to Unit Sites A and C. 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 Roding Manager, and shall be the consent holder's expense.*
- 4 *The existing crossing to Unit Site A shall be removed and the road reserve reinstated to the satisfaction of the Roding Manager.*

Utilities

- 5 *The consent holder shall arrange for Council to install separate water connections to Unit Sites A, B and C and meet all costs incurred.*
- 6 *The consent holder shall locate and record the existing water connection 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. As-built plans and information of all infrastructure assets, which are to be vested in Council, shall be provided prior to the final inspection.*
- 7 *The consent holder shall provide separate sewer connections to Unit Sites A, B and C. These connections 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.

- 8 The consent holder shall locate and record the existing sewer connection 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. The connection shall be exposed and sealed with an approved cap at the road boundary. 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.
- 9 The consent holder shall arrange with the local network electricity operator for separate underground reticulation of electricity to serve Unit Sites A, B and C 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 local network operator that satisfactory arrangements have been made for the reticulation of the service to Unit Sites A, B and C. This is to include if necessary the resiting, reposition or removal of any electric power lines which exist on the land being subdivided.
- 10 The consent holder shall arrange with the local telecommunications company for separate underground reticulation of telephone cables to serve Unit Sites A, B and C 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 Unit Sites A, B and C. This is to include if necessary the resiting, repositioning or removal of any telephone cables which exist on the land being subdivided.

Removal of Buildings

- 11 That the existing Church Hall be removed.

Construction of Dwellings

- 12 That either the proposed dwellings 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 this site pursuant to Section 221 of the Resource Management Act 1991 which restricts the development to the dwellings 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.

Consent Notice

- 13 *The current and future owners of Unit Sites A, B and C 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, B and C.

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, B and C of the subject subdivision.

Reasons for Decision

- 1 This application was processed as a non-notified application and was considered with the written approval of affected parties.
- 2 The application is not in conflict with the Objectives and Policies of the Waipa District Plan and Plan Changes No. 2 and No. 26, and the potential adverse effects on the environment will be minor. The statutory tests imposed by Section 104 of the Resource Management Act 1991 for discretionary activities can therefore be satisfied. A decision has therefore been made that the application meets the requirement of Section 104B of the Resource Management Act 1991 and approval can be granted.
- 3 The application has demonstrated that future development of the land for residential purposes is not compromised. Furthermore, any potential adverse effects that may arise from the application will be no more than minor or will be mitigated by appropriate conditions of consent.

8.4 11.24am – 12.10pm

Application to Create an Additional Rural-Residential which is accessed from an Existing Right-of-Way in Excess of the District Plan Requirements at 103 Maungakawa Road, Cambridge being Lot 1 DP324431

File: 04445/330.08

Applicant	D J & F E MacLeod (unable to attend) Phil Cogswell
Appearing Council	for Planner Kathryn Drew Development Engineer – Malcolm Brown
Submitters	Kyle Truscott Rosalie Watt Gillian Thom

Mr Cogswell presented the application on behalf of his client and outlined the proposed development.

Mr Truscott and Ms Watt did not intend to present evidence at the hearing but would comment if required for any clarification by the Committee.

Comment [g2]: Did this Solicitor have a name?

Planner Kathryn Drew presented her report and brought the Committee's attention to pertinent points.

In response to a query from the Committee about how the Thom's would get access off the right of way, and why there was no requirement for a road, Kathryn Drew advised that the Thom's have access rights across the right of way. Council's Development Engineer, Malcolm Brown was question about when there was likely to be a need for a fully formed road to serve allotments in this area. He considered that if an application for further development were to be received by the Council then there would need to be a traffic study completed. However, the existing arrangements using a right of way were suitable for the application which was before the Committee.

The applicant advised that there would be considerable cost associated with an upgrade the right of way to a road standard and therefore it would not be economic to do this work for the creation of one additional lot.

RESOLVED

4/04/81

That

- a) *The report from the Planner, Kathryn Drew dated 4 November 2004 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 K Truscott; and*

Mayor Livingston/Cr Newlands

- c) *That in consideration of Section 104, and pursuant to Section 104B and 108 of the Resource Management Act 1991 the Waipa District Council approves the application by DJ & F E MacLeod to subdivide the property at 103 Maungakawa Road, Cambridge legally described as Lot 1 DP324431, 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 3251 by Cogswell Surveys Ltd dated May 2004 submitted with application SP4532, unless otherwise altered by the consent condition. A copy of the approved plan is attached.*

Power

- 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.

Telecommunications

- 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.

Financial Contributions

- 4 *That a reserve contribution of \$1,802.00 (GST inclusive) be paid to Council. This is calculated on the basis of 1 additional allotment.*

Legal

- 5 *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 Lot 1 that:*

- a) That the minimum floor level of any habitable buildings on this lot shall be set at 100.5metres (local datum).*
- b) That a suitably qualified and experienced geotechnical engineer will be required to inspect the site prior to the commencement of construction and submit to Council for approval design details on the foundations of the buildings.*
- c) That an effluent disposal system is designed and installed by a suitably qualified engineer to the satisfaction of Council's Manager Building Control.*

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 to the affected Lots.

Roading

- 6 *The consent holder shall upgrade the existing vehicle entrance at 103 Maungakawa Road to serve the existing Right of Way to a medium commercial 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:*
- *Any trees and vegetation in the road reserve shall be removed or trimmed to provide a minimum sight distance of 100 metres to the south west.*
- 7 *The consent holder shall upgrade the existing Right of Way to Lots 1 and 2 from the entrance off Maungakawa Road to the entrance into Lot 1 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 to the satisfaction of the Roding Manager and shall be at the consent holder's expense. The following issues shall be addressed:*
- *The consent holder shall upgrade the first 75 metres of the existing Right of Way to a sealed standard to a minimum width of 5 metres.*

Waikato Regional Council

- 8 *The consent holder shall provide written confirmation from the Waikato Regional Council (Environment Waikato) that the works outlined in their letter dated 9 July 2004 have been satisfactorily completed.*

Note: It is noted by Council that there is a Heads of Agreement private covenant which restricts building location and building heights between the proposed Lot 2 of this subdivision and Lot 1 DP322290 – 81 Maungakawa Road – D & J Mason and B Mackrell.

Reasons for Decision

- 1 The proposed subdivision is in keeping with the Rural-residential Policy Area subdivision performance standards of the Waipa District Plan, 1997.
- 2 The effects of the proposed subdivision on the environment are considered to be no more than minor, provided that the conditions of approval are satisfied.
- 3 A consent notice (condition 5) has been imposed to inform potential purchases of Lot 1 that any building on this lot will have to have a minimum floor level, a specifically designed septic tank and foundations due to

physical characteristics of the proposed lot.

- 4 Council's solicitors have confirmed that no new ROW has been created, however an additional user of the ROW would be authorised, and as there is no restriction preventing further subdivision within the existing easement certificate the "dominant tenement" may lawfully require that there can be an additional user of the ROW.
- 5 Council's Development Engineer has confirmed that a formed road is not desirable in this location, however has imposed Conditions 6 and 7 to upgrade the existing ROW. These conditions will help to improve traffic safety and mitigate the effects of an additional user on the ROW.
- 6 The Committee were of the view that any future subdivision which created one additional allotment that utilized the existing Right of Way may be undertaken without the Right of Way being vested as a public road providing:
 - a) the subdivision complies with the Rural Subdivisional Standards and;
 - b) Confirmation from a suitably qualified traffic engineer demonstrating that the additional traffic generated from the subdivision can be catered for on the existing formation standards without the necessity to upgrade the Right of Way to public road standards.

Comment [g3]: We need to insert a reason for the late receipt of the submission by Truscott, can you get this from the planner please.

8.5 1.00pm – 3.10pm

Application to use Premises for Social Functions and a Conference Centre (Additional to Activities consented to under previous Planning and resource consent)

File: 04581/568.00

Applicant	Chris Edmeades (The Olde Creamery) Mark Chrisp - Environment Management Services Lucy Smith - Environment Management Services Hazel Edmeades
Appearing Council	for Consultant Planner Steve Bigwood Acoustic Engineer – Nevil Hegley
Submitters Present	Bill Clayton Elvene Mitchell Sue Bryan

The applicant asked for permission to tape the proceedings. The Chairperson advised that this was not acceptable as part of the Committee's process. All papers will be circulated and a record of the proceeding will be made by the Committee Secretary.

A letter from R & S Bryan dated 18 November 2004 wishing to be considered as a late submission was tabled and the Chairperson asked whether there were any objections. Mr Chrisp objected to this being a valid submission but had no objection to the applicant speaking in support of another submitter.

Lucy Smith of Environmental Management Services presented the application and evidence with respect to this application.

Clarification was sought from the Committee with regard to the location and wording of a proposed sign and the fence for screening and privacy being called an acoustic fence. Hours of operation and the number of patrons at any one time was also clarified.

Mr Clayton produced a list of houses and their location in relation to the application site, the number of tea/lunch places etc in the locality, and halls and venues available. Mr Clayton's main concerns included noise, traffic flow, accidents and signage.

Mrs Mitchell addressed the Committee and elaborated on her written submission by confirming that the incidents that were reported from the Jazz concert on the applicants site did in fact happen. She advised that the actions of patrons affected by alcohol that occurred during the festival had affected their son's health. Mrs Bryan addressed the Committee with her concerns, which included traffic and the affects of the Jazz festival with patrons actions causing considerable concern.

In response to questions, Mrs Bryan confirmed that the traffic safety issues were not solely related to the applicants site.

Mr Steve Bigwood, consultant planner for the Council presented his report and clarified the issue around sale of goods produced on the site. There were no further questions to Mr Bigwood.

Council's Development Engineer, Malcolm Brown produced a plan for a change to the entranceway or road widening in relation traffic safety concerns and the issues raised by submitters. He advised that some berm shaping may be required to stop people being able to park on the side of the road outside the applicants premises. Mr Brown determined that 31 carparks and a bus site is the absolute minimum that would be required for this site.

Council's Acoustic Consultant, Mr Hegley advised that the most common sources of noise from establishments such as that proposed by the applicant are vehicles, people and music. In response to questions, Mr Hegley indicated that people sitting and conversing outside at night could exceed some of the noise levels set within the District Plan but with effective screening in place the Creamery should comply with the levels set. Mr Hegley was also of the opinion that the limit of 20 days for the occasions in total was appropriate and he did not have a particular concern about the spacing of these occasions.

Mr Chrisp confirmed for the Committee that the hours of operation would not affect the current Devonshire Tea operation but in fact would mean that the whole complex could be used for different things on the same day.

Mayor Livingston questioned whether the requirement for no off site signage would address the concerns of the submitters and asked the Committee to give some consideration to this during the site visit.

In his right of reply, Mr Chrisp outlined the concerns of the applicants. He considered that "no parking" signs would be acceptable to his client but was of the opinion that directional signage should not be seen as a distraction, rather these would be beneficial to road safety by eliminating the possible overshooting of the Café by patrons.

Mr Chrisp did not agree with the number of carparks suggested by the Council's Development Engineer and the upgrading of Kaipaki Road was a concern to his client at this stage. He also referred to the sale of goods on the property and felt that the interpretation in the Council's consultant planners report was not appropriate as his clients would be serving meals, not produce or handcrafts as rule 2.4.20 implied. He also wished to record his "amazement" that the Council report recommended no warning signage as this did not address the concerns of the submitters – warning signs here would be just as important as warning signs for dangerous curves in the road to give motorists adequate warning to slow down.

[The committee adjourned this hearing at 3.25pm to attend a site visit and reconvened on site at 4.00pm]

RESOLVED
4/04/82

That

a) *The report of SG Bigwood, Senior Planner for Bloxam*

Burnett & Olliver Ltd dated 9 November 2004 be received.

- b) *Pursuant to Section 37 of the Resource Management Act 1991, the time period for lodging submissions pursuant to Section 97 of the Resource Management Act 1991 is extended by one working day. With this time extension, the submission by A M Scott is declared valid.*

Cr Webber/Cr Newlands

- c) *That the submission on 18 November 2004 by S & R Bryan is declared to be out of time pursuant to Section 97 of the Resource Management Act 1991 and ruled invalid.*

Cr Newlands/Mayor Livingston

- d) *In consideration of Sections 104 and 104D, and pursuant to Sections 104B and 108 of the Resource Management Act 1991, the Waipa District Council approves the application by C Edmeades and G Orchard (The Olde Creamery) to operate a venue for meetings and social functions at the Kaipaki Road, Kaipaki property, legally described as Part Allotment 317 Te Rapa Parish (CT105/80), subject to the following conditions:*

General

- 1 *That the operation and development proceed in general accordance with the application and plans, and further information accompanying the application (WDC reference: RC4338), unless otherwise altered by the consent conditions.*
- 2 *For the avoidance of doubt, the conditions in this resource consent (RC4338) shall prevail over conditions in other existing resource consents for activities on the site, where there relate to similar matters.*
- 3 *For the purposes of this consent and for avoidance of doubt, social functions and meetings and conferences are defined as:*

“Social Functions” means any gathering to carry out, celebrate, observe or mark an event. Examples include a birthday, anniversary, wedding, retirement, commemoration, etc.

“Meetings and Conferences” means any gathering where guests, members or delegates discuss or learn about a subject, issue or matter, which follows a set agenda or

programme, and where minutes or conference notes are commonly recorded.

Review of Consent Conditions

- 4 *That pursuant to Section 128(1) of the Resource Management Act 1991, the Waipa District Council may, in the twelve (12) months after the commencement of this consent and every year thereafter, serve notice on the consent holder of its intention to review the conditions of this resource consent for the following purposes:*
- i. To review the effectiveness of the conditions of this resource consent in avoiding or mitigating any adverse effects on the environment from the exercise of this resource consent particularly on-site parking, transportation, noise and amenity effects, and if necessary to avoid, remedy or mitigate such effects by way of further or amended conditions; or*
 - ii. To address any adverse effect on the environment which has arisen as a result of the exercise of this consent; or*
 - iii. If necessary and appropriate, to require the holder of this resource consent to adopt the best practicable option to remove or reduce adverse effects on the surrounding environment due to the meetings and social functions and associated transportation activities; or*
 - iv. To review the adequacy of and the necessity for monitoring undertaken by the consent holder.*

Lighting and Glare

- 5 *That outdoor lighting on the site shall be so selected, located, aimed, adjusted and screened as to ensure that the glare resulting from the lighting does not cause any level of discomfort to any occupants of properties beyond the application site boundary, which in the opinion of Council's Enforcement Officer is creating an unacceptable nuisance.*

Noise

- 6 *The site shall be designed and operated to the following noise levels are not exceeded at the notional boundary of any rural dwelling:*

7.00am – 8.00pm	50dBA L_{10}
8.00pm – 7.00am	40dBA L_{10}
10.00pm – 7.00pm	65dBA L_{max}

- 7 *For up to twenty (20) social events each year the noise levels as set out in condition 6 above may be increased from 40dBA L_{10} to 50dBA L_{10} between 8.00pm – 10.00pm. A log shall be kept of these events and, if requested, made available to Council's Enforcement Officer.*
- 8 *The noise shall be measured in accordance with the requirements of NZS6801:1991 Measurement of Sound and assessed in accordance with the requirements of NZS6802:1991 Assessment of Environmental Sound.*
- 9 *There shall not be any live amplified music played on site.*
- 10 *That the proposed acoustic fence along the common access boundary with Lot 2 DP333780 be located within 5m of the property boundary. The acoustic fence shall have a minimum height of 1.8m and shall be constructed of solid materials such as coloursteel or wood.*
- 11 *Prior to commencing any of the activities related to this consent the consent holder shall provide a report to Council's Environmental Health Officer demonstrating that the noise control work (ie fencing) to achieve the above limits has been completed.*

Hours of Operation

- 12 *That the hours of operation for social functions and meetings and conferences shall be restricted to 9.00am to 11.00pm inclusive, with a maximum of twenty (20) social functions permitted in any calendar year.*

Maximum Number of People on Site

- 13 *The maximum number of visitors to the site, excluding staff and owner/occupiers, shall be eighty (80) at any one time. For avoidance of doubt, this maximum is the total number of visitors for all activities on the site (ie from the florist/flower business, Devonshire Tea Café, social functions and meeting/conferences).*

Traffic and Parking

- 14 *The consent holder shall construct the proposed carparking facilities to all weather standard. Reference should be made to the Council's standards as set out in the Code of Practice for Land Development and Subdivision as a guide to satisfactory standards. All work is to be carried out and completed to the satisfaction of the Asset Manager – Roading and shall be at the consent holder's expense. The following shall also be addressed:*
- *The carpark shall have no less than 25 parking spaces for visitors and staff, and shall also have a separate reserved space for at least one bus to be parked for the duration of any event; and*
 - *The site shall have further provision for 10 overflow parking spaces. A site plan showing the location of the overflow parking area(s) shall be submitted to and approved by the Asset Manager – Roading.*
- 15 *No visitors shall be parked on Kaipaki Road. At all times visitors vehicles to the site shall be parked on site.*
- 16 *The consent holder shall upgrade Kaipaki Road fronting the proposed site to the Council's standards. Reference shall be made to RTS 6, Guidelines for Visibility at Driveways, Figure 3; Seal Widening on Rural Roads for Low Volume Driveways. All works shall be designed, constructed and completed to the satisfaction of the Asset Manager – Roading, and shall be at the consent holder's expense.*

An application, construction drawings and specifications 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.

Outdoor Storage and Waste Disposal

- 17 *That all outdoor storage of material be located within the confines of the buildings or a screened outdoor storage area.*
- 18 *That all waste from the operation be stored in suitable containers with appropriate lids and be removed from the site when full. All waste shall be transported to approved refuse disposal sites.*

Signage

- 19 *That two (2) on –site signs shall be permitted giving the name, address, contact details and related information of the facility. Each sign shall not exceed 1.2m² sign area.*
- 20 *That a single off site sign displaying the word “CAFÉ” followed by a directional arrow shall be located entirely within the boundary of the property described as Lot 2 DPS 80394. The sign shall be located approximately opposite the vehicle crossing to the site and at a height that is clearly visible to motorists, especially those travelling from the east. The sign shall not exceed 0.85m² sign area visible in any one direction with a maximum of 1.5m² total. A plan showing the design, lettering and colouring of the sign shall be submitted to and approved by the Asset Manager – Roading prior to being put in place.*

Administration and Monitoring Charges

- 21 *That charges set out in accordance with Section 36 of the Resource Management Act 1991 shall be paid to the Waipa District Council for carrying out its functions in relation to the processing, administration, monitoring and supervision of this resource consent.*

Reasons for Decision

- 1 The application to operate a venue for meetings and social functions within the Rural Zone is considered by Council to satisfy Sections 104, 104B and 104D of the Resource Management Act 1991 in respect of the land use consent.
- 2 The application is in general accordance with objectives RU1 and RU2 and related policies RU39, RU40, RU63 and CO22 of the Waipa District Plan.
- 3 The proposed off site advertising and directional sign, while contrary to Policy RU61, is seen by the Regulatory Committee in the circumstances as contributing to rather than affecting traffic safety in the locality. The view of the Regulatory Committee was formed from its site visit, and from the evidence presented at the hearing by the submitters and Councils Development Engineer.
- 4 Review Condition 4 will ensure that any adverse effects that may arise from the exercise of this consent can be addressed by reviewing the adequacy of the conditions.

- 5 Condition 5 will ensure that light spill and glare from the site will not cause any level of discomfort to neighbours.
- 6 The potential adverse acoustic effects from the activity will be able to be avoided, remedied or mitigated by the imposition of conditions 6 to 11 inclusive.
- 7 The application has been assessed on a maximum occupancy and for specific hours of operation. Conditions 12 and 13 ensure that these criteria are not increased beyond that assessed in order that adverse effects are no more than that considered.
- 8 Conditions 14 and 15 have been imposed to ensure that adequate on site parking is provided and Kaipaki Road is not used for overflow parking which could adversely affect traffic safety or contribute to traffic hazard.
- 9 An assessment of the traffic issues associated with this application has generally confirmed that the adverse effects of the activity will be minor on the local road network. However, it is considered that Kaipaki Road in the locality is not constructed to a width suitable for the proposed traffic demands. Accordingly, Condition 16 has been imposed to ensure that the local roading network and traffic safety are maintained.
- 10 The activity has the potential to cause adverse visual effects on the local environment. Conditions 17, 18, 19, and 20 will ensure that the adverse visual effects of the activity in the short and long term are mitigated.

9 ADMINISTRATION OF TRANSFERABLE TITLES - SUBDIVISION

A background paper had been prepared by Council Planner Jude Marsden and was circulated for consideration by members of the Committee.

Staff have now received approaches from potential subdividers adjacent to the Maungatautari Mountain who wish to use the transferable development right provisions created at the last rural subdivision District Plan Change. Subdividers are looking to maximise entitlements to allotments. Council staff favour a conservative approach to the interpretation of these rules, however sought guidance from the Regulatory Committee on it's interpretation of the District Plan rules. Council's Planning Services Manager made a presentation to the Committee.

General discussion was held with regard to the number of properties that could be entitled to obtain a transferable subdivision development right in this locality and the varying number and size of allotments that may be sought. It was established that there were 39 landowners around the periphery of the proposed Maungatautari Ecological Island Trust fence but not all had requested or shown an interest in obtaining a transferable title.

After discussions, the Committee considered that as a guide for staff a land owner could be entitled to one allotment for permitting a pest proof fence on their property, along with associated easements for access, plus an additional allotment as compensation for additional land vested in public ownership. Any allotments sought in addition to this allocation should be referred to the Regulatory Committee for consideration. No resolution was required to be passed by the Committee as the forgoing is expressed as an interpretation by the Committee of the existing rules and policies in the District Plan.

10 MEETING DATES

RESOLVED

4/04/85

That the following schedule of meetings be adopted for the Regulatory Committee commencing at 9.00am be confirmed:

*Tuesday 14 December 2004
No meeting in January 2005
Monday 28 February 2005
Monday 21 March 2005
Wednesday 27 April 2005
Monday 30 May 2005
Monday 27 June 2005
Monday 25 July 2005
Monday 29 August 2005
Monday 26 September 2005
Monday 31 October 2005
Monday 28 November 2005
Monday 19 December 2005*

Cr Flay/Cr Webber

There being no further business the meeting at 4.56pm

CONFIRMED AS A TRUE AND CORRECT RECORD

CHAIRPERSON: _____

DATE: _____