
1 MEMBERS

Councillor D Sharpe, Chairperson

Committee

His Worship the Mayor A Livingston, Committee Member Tuteao, GC Flay,
EC Newlands, BJ Taranaki, GRP Webber

2 APOLOGIES

3 LATE ITEMS

4 CONFIRMATION OF ORDER OF MEETING

File: 01-89-04

Recommendation

That the order of the meeting be confirmed.

5 CONFIRMATION OF PREVIOUS MEETINGS

File: 01-89-04

Minutes of meeting held on 27 April 2005.

24 - 45

Recommendation

*That the minutes of the Regulatory Committee held on 27 April 2005, having
been circulated, be taken as read and confirmed as a correct record.*

6 WAIPA DISTRICT LIQUOR LICENSING AGENCY

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

46 - 48

File: 01-85-10

Recommendation

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

7 GENERAL

- 7.1 Matters Considered by Staff Under Delegated Authority – Resource Management Act 1991** 49 - 51
File: 01-52-01

Recommendation

That the schedule of Matters Considered by Staff Under Delegated Authority from 15 April to 19 May 2005, be received, a copy of which is attached to and forms part of these minutes.

8 HEARINGS

- 8.1 9.15am** 52 - 62
Objection to Notice to Abate Nuisance Caused by Barking Dog: Anne Maxwell and her dog Patch, 1 Hulme Place, Cambridge
File: 33-15-07

Recommendation

That

- a) *The report of the Environmental Safety Manager dated 11 May 2005 be received.*
- b) *The Regulatory Committee uphold the "Notice to Abate Nuisance caused by Barking Dog" issued on 13 April 2005 pursuant to Section 55 of the Dog Control Act 1996 for a Jack Russell dog "Patch" owned by Anne Maxwell, residing at 1 Hulme Place, Cambridge.*

- 8.2 10.15am** 63 - 91
Section 357 Objection to Council Staff Decision on an Application for a non-complying Subdivision Consent: B N Hollamby, 190 Mystery Creek Road, being Lot 1 DPS 57287 (CT SA47A/737)

File: 04581/605.00

Applicant B N Hollamby

Appearing for R Eng – Consultant Planner
Council

Recommendation

That

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PAGE NO.

- a) *The report from R Eng, Consultant Planner, Beca Planning on behalf of the Planning Services Department, dated 30 May 2005 be received; and*
- b) *The objection by B N Hollamby to Council's decision under delegated authority dated 6 April 2005 which approved a two lot subdivision of Lot 1 DPS 57287 be dismissed pursuant to Section 357(7)(a) of the Resources Management Act 1991 for the following reasons:*

Reasons for Decision

- 1 The application for two additional lots as proposed is for an activity that is contrary to the objectives and policies of the Waipa District Plan.
- 2 It is considered that granting the application would not represent the consistent administration of the District Plan, particularly with regard to the creation of proposed Lot 1, which would effectively be the balance lot after subdivision of the Land Use consent (proposed Lot 2).
- 3 It is considered that the proposed subdivision would adversely affect the amenity characteristics of the area through a change in character and outlook brought by the potential future use of the sites, notwithstanding the potential safety risks of intensifying the use of a site adjacent to a Primary Road.
- 4 It is considered that cumulative adverse effects will arise as a result of continued subdivision.
- 5 There are no circumstances precluding approval of the Long Association Holding pursuant to Rule 10.3.2.2(a), provided the size of the lot is reduced to 5,000m²

8.3

11.15am

92 - 138

**Application for Limited Notified Subdivision
Consent: Farrell/Claridge Trust, 40-42 Moore
Street, Cambridge being Lot 1 DPS 40505 (CT
SA35D/685)**

Applicant Farrell/Claridge Trust

Appearing for S Bigwood – Consultant Planner
Council

Recommendation

That

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PAGE NO.

- a) *The report of the Planning Consultant dated 9 May 2005 be received.*
- b) *In consideration of Section 104, and pursuant to Sections 104A, 108 and 220 of the Resource Management Act 1991, the Waipa District Council approves the Stage 1 application by the Farrell/Claridge Trust to subdivide the property at 40-42 Moore Street, Cambridge, legally described as Lot 1 DPS 40505, comprised in Certificate of Title SA 35D/685, into three residential lots subject to the following conditions:*

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 reference 2900 sheet CP1 Issue 6 dated April 2004, submitted with application SP4527, unless otherwise altered by the consent conditions. A copy of the approved plan is attached.*

Financial Contributions

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 a Residential type urban vehicle crossing to the garage on Lot 3. The crossing is to be constructed to the Council's standards, as set out in the Code of Practice for Land Development and Subdivision. All work is to be completed to the satisfaction of the Roding Manager, and shall be at the consent holder's expense.*
4. *The existing crossing to the old garage shall be removed as necessary 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 Lots 1 and 2 and meet all costs incurred.*

- 6 *The consent holder shall provide separate sewer connections to Lots 1 and 2. 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 a 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.*
- 7 *The consent holder shall remove the unused septic tank from Lot 1. 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.***
- 8 *The consent holder shall arrange with the local network electricity operator for separate underground reticulation of electricity to serve Lots 1 and 2 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 Lots 1 and 2. This is to include if necessary the resiting, reposition or removal of any electric power lines which exist on the land being subdivided.*
- 9 *The consent holder shall arrange with the local telecommunications company for separate underground reticulation of telephone cables to serve Lots 1 and 2 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 Lots 1 and 2. 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

- 10 *That the old garage over the Lot 1/Lot 3 boundary and the shed over the Lot 2/Lot 3 boundary be removed.*

Consent Notice

- 11 *That a Registered Engineers report shall be produced in respect of the subsoil area where the unused septic tank has been removed and any subsequent fill placed on Lot 1.*

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 Lot 1.

Upon the issue of a certificate pursuant to Section 224(c) 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 Title for Lot 1 of the subject subdivision.

- 12 *That a Registered Engineers report shall be produced in respect of the subsoil area where the roots of the walnut tree have been removed and any subsequent fill placed on Lot 2.*

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 Lot 2.

Upon the issue of a certificate pursuant to Section 224(c) 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 Title for Lot 2 of the subject subdivision.

Reasons for decision

- 1 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 controlled activities can therefore be satisfied. A decision has therefore been made that the application meets the requirements of Section 104A of the Resource Management Act 1991 and approval can be granted.

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- 2 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.
- c) *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 stage 2 application by the Farrell/Claridge Trust to subdivide the property at Burns Street, Cambridge legally described as Lot 2 being a subdivision of Lot 1 DPS 40505, into two cross lease titles subject to the following conditions:*

General

- 1 *That the Land Transfer Plan to give effect to this subdivision consent shall be generally consistent with the approved plans by Nicklin Surveying and Resource Management reference 2900 sheet CP1 Issue 6 dated April 2004 and Lethborg Homes dated 26 April 2005 submitted with application SP4527, unless otherwise altered by the consent conditions. A copy of the approved plans are attached.*

Financial Contributions

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

Roading

- 3 *The consent holder shall construct separate Residential type urban vehicle crossings to Unit Sites A and B. 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.*

Utilities

- 4 *The consent holder shall arrange for Council to install separate water connections to Unit Sites A and B and meet all costs incurred.*

- 5 *The consent holder shall provide separate sewer connections to Unit Sites A and B. 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 an 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*
- 6 *The consent holder shall arrange with the local network electricity operator for separate underground reticulation of electricity to serve Unit Sites A and B 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 and B. This is to include if necessary the resiting, reposition or removal of any electric power lines which exist on the land being subdivided.*
- 7 *The consent holder shall arrange with the local telecommunications company for separate underground reticulation of telephone cables to serve Unit Sites A and B 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 and B. This is to include if necessary the resiting, repositioning or removal of any telephone cables which exist on the land being subdivided.*

Construction of Dwellings

- 8 *That either the proposed dwellings shown on the approved plans 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 dwellings shown on the approved plans. 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.*

Advice Note: *“Constructed” for the purposes of condition 8 shall mean the completion of the ‘shell’ of the dwelling (ie. the floor, roof and outside walls).*

Consent Notice

- 9 *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 224(c) 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.

Reasons for Decision

- 1 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 the discretionary activities can therefore be satisfied. A decision has therefore been made that the application meets the requirements of Section 104B of the Resource Management Act 1991 and approval can be granted.
- 2 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.
- 3 The amended scheme plan and building plans comply with the residential living standards of the Waipa District Plan and now can generally satisfy the development density concerns of the submitter opposing the application.

8.4 1.00pm

139 - 183

Report on a Section 127 Application to Change Conditions (1), (13) and (16) of Resource Consent RC4338 "To use Premises for Social Functions and A Conference Centre"

File: 04581/568.00

Applicant Chris Edmeades and Geoff Orchard (The Olde Creamery)

Appearing for S Bigwood – Consultant Planner
Council

Recommendation

That

a) *The report of SG Bigwood, senior planner for Bloxam Burnett & Olliver Ltd dated 9 May 2005 be received*

b) *In consideration of Section 127 of the Resource Management Act 1991, the Waipa District Council approves the proposal to amend the conditions of consent RC4338 granted by Council's Regulatory Committee on 22 November 2004, by amending conditions 1, 12, 13, 14 and 16, and adding condition 15A. Land use consent RC4338 shall be amended on the terms set out below:*

(i) *Condition 1 be deleted and replaced with the following condition:*

1. *That the operation and development proceed in general accordance with the application and plans, further information accompanying the application (WDC reference: RC4338) and as amended by the Section 127 application received by Council on 7 February 2005, unless otherwise altered by the consent conditions.*

(ii) *Condition 12 be deleted and replaced with the following condition:*

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

No social functions and meeting sand conferences shall commence or end between the hours 5.00pm to 6.00pm, Monday to Friday inclusive.

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- (iii) *Condition 13 be deleted and replaced with the following condition:*
13. *The maximum number of visitors to the site, excluding staff and owners/occupiers shall be sixty (60) 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).*
- (iv) *Condition 14 be deleted and replaced with the following condition:*
- i. *The consent holder shall construct the proposed carparking facilities to an 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 Asset Manager – Roading and shall be at the consent holders expense. The following shall be addressed:*
- a. *The carpark shall have no less than 25 parking spaces for visitors and staff, and*
- b. *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.*
- (v) *New condition 15A to be inserted:*
- 15A *No on-site or off-site parking or drop off areas shall be permitted for vehicles associated with this activity, with a seating capacity greater than 12 or more persons.*
- (vi) *Condition 16 to be deleted and replaced with the following condition:*

16. *The consent holder shall upgrade the existing vehicle entrance to the Olde Creamery, as required, to a Standard Rural Vehicle Entrance Medium Commercial type complying with Council's standards as set out in the Code of Practice for Land Development Subdivision. The work shall be carried out and completed to the satisfaction of the Roading Manager, and shall be at the consent holder's expense.*

The following issue shall also be addressed:

Sight benching, and removal of trees and vegetation, shall be carried out on the berm on the east side of the entrance to achieve sight distances of 250 metres in accordance with Code of Practice for Land Development and Subdivision, to the satisfaction of the Roading Manager.

Reasons for Decision

1. Conditions (1), (12), (13), (14) and (16) of the decision have been amended at the request of the consent holder, to reduce the maximum number of guests permitted from 80 to 60, to limit the starting and finishing times of events, and to exclude any buses from visiting the property.
2. The reduction in the maximum number of guests permitted will result in an overall reduction in the scale and intensity of the site activities, and traffic movements, and will not affect the integrity of the consent, or the remaining resource consent conditions.
3. The proposal to reduce the number of guests from 80 to 60, and to exclude any buses from visiting the property has led to a reassessment of the vehicle crossing requirements, and subsequent amendments to Condition (16) of the decision. The sight benching that is now required to the east of the entrance is necessary to improve existing sight distances to comply with current Code of Practice standards.
4. Condition (15a) is required to prohibit any heavy vehicles from visiting the property. By excluding heavy vehicles (buses or passenger vehicles with a seating capacity of 12 or more persons), the road widening works required in the original consent decision are no longer required opposite the site entrance.
5. The proposed medium commercial type standard crossing, along with the reduced visitor numbers and exclusion of buses, will not impose a traffic safety concern and thus meet the traffic safety concerns of submitters.

Operational Management Plan

- 3 *Within one month of the issue of this resource consent, the consent holder shall submit an operational management plan to Council for approval. The operational management plan shall apply to the overall site activities, incorporate existing site development, and two additional duck sheds and implement shed that are now proposed. The Operational Management Plan shall identify how the site operations are to be managed in a manner which ensures that noise, odour, dust and other effects on the environment are kept to a minimum, in accordance with Sections 16 and 17 of the Resource Management Act 1991.*

Advisory Note:

Under Sections 16 and 17 of the Resource Management Act 1991, the consent holder has a duty to avoid unreasonable noise effects, and to avoid, remedy or mitigate any adverse effects.

Landscape and Screen Planting

- 4 *The existing shelter trees and screen planting shall be retained and maintained in perpetuity to the satisfaction of Council, and in accordance with the plan submitted with the application. Where any trees die or are damaged, they shall be replaced by the consent holder no later than the following planting season. Where any trees are to be felled or harvested, replacement planting or alternative screening shall be in place to the satisfaction of Council prior to the tree felling or tree harvesting. The purpose of the planting is to form a dense screen of vegetation to reduce the visual impact of the factory farming buildings from the abutting properties and public road.*

Advisory Note:

This condition shall not apply to the 6 trees that are to be removed to allow vehicular access to the duck shed building proposed on the southern side of the existing hatchery buildings.

Review of Consent Conditions

- 5 *That the Waipa District Council may give notice pursuant to Section 128(1) of the Resource Management Act 1991 of its intention to review the conditions of this resource consent at any time 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 noise, dust 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; or*
 - iv. to review the adequacy of and the necessity for monitoring undertaken by the consent holder;*

Noise Generated by On-Site Activity

- 6 *That the noise level from all activities on the site shall not exceed the following levels when measured at or within the notional boundary:*

Day Time (7am to 8pm): 50dBA (L_{10})

Night Time (8pm to 7am): 40dBA (L_{10})

No single event noise level L_{max} shall exceed 65dBA between 8pm and 7am.

The noise level shall be measured and assessed in accordance with the requirements of New Zealand Standard NZS 6801:1991 "Measurement of Sound" and New Zealand Standard NZS 6802:1991 "Assessment of Environmental Sound" except for the requirements specifically stated in this control.

Noise levels shall be measured in accordance with the requirements of clause 5.3.3 of New Zealand Standard NZS 6801: 1991 "Measurement of Sound" and the duration of any measurement period shall not be less than 30 minutes.

Note: *Notional Boundary means a line 20 metres from the external walls of any rural dwelling outside the application site boundary or legal boundary of the rural dwelling whichever is the closer to the rural dwelling.*

- 7 *The consent holder may be required to provide a design certificate from an appropriately qualified acoustic engineer to Council's Environmental Safety Manager to demonstrate compliance with the stated noise levels specified in condition 6 above.*
- 8 *That the noise level from construction activities (i.e. construction of the building, earthworks and construction of any internal access roads) shall comply with and be assessed in accordance with the provisions of New Zealand Standard NZS 6803:1999 "Acoustics – Construction Noise".*

Transportation

- 9 *Truck movements to the site for the purpose of servicing the duck rearing operation shall be restricted to within the hours of 6:00am and 8:00pm daily.*
- 10 *Five (5) on-site carparking spaces shall be provided for the factory farming activities. The carparking spaces shall be formed, delineated and set out in general accordance with Councils Code of Practice for Land Development and Subdivision, to the satisfaction of Council.*

Waste Storage and Disposal

- 11 *That all shed litter and solid effluent shall be removed from the sheds at regular intervals:-*
 - (i) *in appropriate sealed and covered units, to prevent any nuisance conditions arising from odour or flies; and*
 - (ii) *dry litter shall be regularly applied to the floors of the sheds to prevent excessive moisture within the litter floor.*
- 12 *No outdoor storage of manure and poultry house cleanings shall occur on site.*
- 13 *All dead stock must be removed from the duck sheds daily, and refrigerated then removed off the site and disposed in an approved manner.*

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- 14 *That all waste from the operation be stored in suitable containers with appropriate lids and be removed from the site when full.*
- 15 *Any under-floor drainage channels must be washed down daily.*
- 16 *The poultry sheds must be regularly treated for fly control.*
- 17 *All poultry feeds must be stored in rodent-proof containers/storage compartments.*
- 18 *Any odour nuisance must be abated without delay, to the satisfaction of Council. In the event of any extreme case of persistent offensive odour, Council may insist that the best practical option to remedy or mitigate any adverse effect could be to remove all ducks from the shed(s) and thoroughly clean the shed(s) in question.*
- 19 *The drinker systems for the duck rearing sheds shall be designed to avoid excess water spillage on the litter floors.*
- 20 *Prior to the issue of the building consent(s) for the duck sheds and implement shed, the consent holder shall obtain all necessary resource consents from Environment Waikato. Should no further consents be required for the proposed extensions to the existing factory farming activities, the consent holder shall submit to Council a letter from Environment Waikato stating that no further resource consents are required.*

Archaeological

- 21 *That in the event that an archaeological site and or any artefacts or remains are found during any development undertaken as part of this proposal, the consent holder will cease work in that area immediately and consult Ngaa Iwi Toopu O Waipa and the New Zealand Historic Places Trust. If further disturbance is unavoidable an authority from the Historic Places Trust will be necessary. Any removals or reburials are to be in accordance with iwi protocols and are to be done prior to work recommencing in the location of the discovered site.*

Administration and Monitoring Charges

- 22 *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 of its functions in relation to the administration, monitoring and supervision of this resource consent.*

Reasons for Decision

- 1 The proposal to extend the existing factory farming activities by erecting two new duck sheds and an implement shed is considered to be consistent with the Rural zone objectives and policies of the Operative Waipa District Plan, which aim to protect prime agricultural land from non-farming development.

The site is comprised predominantly of Class VI soils that are not deemed to be 'prime agricultural land' according to the District Plan definition. The expansion of an existing factory farming activity on a site predominantly comprised of land that is not 'prime agricultural land' is considered compatible with the rural zoning of the site and the surrounding environs.
- 2 The application is an extension to the existing factory farming activities already established on the site, and legally consented to by resource consent RC1412
- 3 Review condition 5 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.
- 4 The potential adverse acoustic effects of the activity will be able to be avoided, remedied or mitigated by the imposition of conditions 6, 7 and 8. These conditions will ensure that the District Plan maximum noise limits for the Rural Zone are complied with.
- 5 No external lighting is proposed as a result of the extension to the existing factory farming activities. Council is therefore satisfied that there will be no light spill and glare from the site that will cause any level of discomfort to neighbours.
- 6 Condition 10 will ensure that sufficient on-site carparking is provided for staff and visitors.
- 7 Conditions 11 – 14 will ensure that any liquid or solid waste is appropriately stored and/or disposed of.
- 8 Conditions 2, 4 and 12 will ensure that the adverse visual effects of the activity are mitigated. The proposal will introduce three new buildings into an existing factory farming operation. The buildings are similar in design, scale and appearance to the existing factory farming buildings already established on the property, and will be sited to maximise the screening potential of the existing planting and topography.

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- 9 The conditions imposed are considered to address the relevant planning concerns of the submitter in opposition to the application.
- 10 Council is satisfied that the factory farming activities are consistent with the rural zoning of the site, and can be operated and managed without any potential adverse effects on the environment.
- 11 The two buildings proposed on the southern side of the property (the proposed implement shed and the 1,000 capacity duck shed) shall be setback at least 82 metres from the nearest boundary, and will be screened from the abutting properties by the existing planting. Both buildings comply with the 30m minimum setback requirement for factory farming and the 50m setback required from neighbouring dwellings. A suitable buffer area is therefore provided between the buildings, and the dwelling on the abutting property (384 Oreipunga Road, G & J Stacey).
- 12 The proposal to demolish the existing piggery buildings on the northern side of the property, and erect a new duck shed in its place, does not comply with the 30m minimum setback requirement. However, the proposal does comply with the 50m minimum setback required from neighbouring dwellings. The duck shed will be sited 19.7m (20m) from the northern boundary, and 56.7m from an existing farm cottage on the abutting property. The adjoining property (338 Oreipunga Road) is owned by S Laxon & R Emery of Victoria, Australia. In accordance with Section 94(1) of the Resource Management Act 1991, Council served notice on the owners and occupiers of the aforementioned property. However, neither party lodged a submission to the proposal. The proposal to build within the 30m side yard requirement can be approved by Council on the basis that the land between the proposed duck shed and the adjacent farm cottage is a heavily planted gully area. The topography and planting therefore provide a natural buffer /screening between the two differing landuses.

8.5

10.15am

238 - 325

Notified Land Use Consent Application – Andelyne Trust, 438 Peake Road, Cambridge being Part Allotment 96A Hautapu Parish (DP 361) and Allotment 95 Hautapu Parish (SO 96/1) (CT SA40/229)

File: 04445/026.00

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Applicant Andelyne Trust

Appearing for S Bigwood – Consultant Planner
Council

Recommendation

That

- a) *The report of SG Bigwood, senior planner for Bloxam Burnett & Olliver Ltd dated 13 May 2005 be received.*
- b) *The submission by GR & KE Discombe be declared out of time pursuant to Section 97 of the Resource Management Act 1991 and ruled invalid.*
- c) *That in consideration of Sections 104 and 104D, and pursuant to Section 104B and 108 of the Resource Management Act 1991, the Waipa District Council approves the application by Andelyne Trust to establish and operate a horse training and agistment operation at the Peake Road, Cambridge property, legally described as Allotment 95 and Part Allotment 96A Hautapu Parish (CT SA40/229), 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: RC 4518), unless otherwise altered by the consent conditions.*
For avoidance of doubt, the training track shall be located as shown on the approved Concept Plan by Cogswell Surveys Ltd reference 3288 dated May 2005. A copy of the approval plan is attached.

Review of Consent Conditions

- 2 *That the Waipa District Council may give notice pursuant to Section 128(1) of the Resource Management Act 1991 of its intention to review the conditions of this resource consent at any time 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 dust 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.*

Construction Noise

- 3 *That the noise level from construction activities (ie. construction of the building, earthworks and construction of training track and any internal access roads) shall comply with and be assessed in accordance with the provisions of New Zealand Standards NZS 6803:1999 "Acoustics – Construction Noise".*

Lighting and Glare

- 4 *That outdoor lighting on the site shall be so selected, located, aimed, adjusted and screened as to ensure that 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.*

Traffic

- 5 *That 17 parking spaces be provided on site, to be laid out and marked to the standards specified in the District Plan, and maintained as such.*
- 6 *That all access, manoeuvring and parking areas be formed and constructed to a hard standing metal surface generally in accordance with the Council's standards set out in the Code of Practice for Land Development and Subdivision.*

Landscape and Screen Planting

- 7 *That, prior to an application for building consent, the landscape screening and planting along the Bruntwood Road boundaries of the site identified on the "Mars Confectionery Factory – Bruntwood Landscape Concept" plan (drawing 270 CP1/I by LA4 Landscape Architects dated August 1992) shall be put in place and maintained.*
- 8 *That all areas of the site to be planted under condition 7 above shall be protected from livestock by a stock proof fence.*

Dust

- 9 *That as a result of activities authorised by this resource consent, there shall be no discharge of dust to air that in the opinion of Council's Enforcement Officer causes an objectionable or offensive effect beyond the boundary of the site.*
- 10 *That the existing training track adjacent to the southern boundary of the site be rehabilitated to pasture by the placement of topsoil and regrassing.*

Signage

- 11 *That on-site signage shall not exceed one sign giving the name, address, contact details and related information of the facility. The sign shall not exceed 1.2m² sign area visible in any one direction with a maximum of 2.4m² in total.*

Financial Contribution

- 12 *That a reserve contribution of \$1,802.00 (GST inclusive) be paid to Council for the proposed new dwelling at the time of lodging the Building Consent application.*

Administration and Monitoring Charges

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

Reasons for Decision

- 1 The application to utilise an Industrial zoned site which was established to accommodate a specific activity (Mars Factory) that is now not to proceed for rural activities is considered unusual. Accordingly, the application will not have a significant effect on the integrity of the Waipa District Plan. Furthermore, it is considered appropriate in the circumstances that the applicant property owner should enjoy some flexibility as to the way the property is used rather than be curtailed by activity specific objectives, policies and rules which are unique to the site.
- 2 The Resource Management Act is intended to provide flexibility to look beyond zone boundaries. The fact that an activity is not specifically mentioned within a zone will not always outweigh the more flexible approach of the effects of the activity on the environment. This application is considered to be a case in point whereby the effects on the environment are minor and the activity will not prevent or hinder the future development of the site in a manner anticipated by the zone.
- 3 Review condition 2 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.
- 4 The potential adverse acoustic effects of the construction activities will be able to be avoided, remedied or mitigated by the imposition of condition 3.
- 5 Condition 4 will ensure that light spill and glare from the site will not cause any level of discomfort to neighbours.
- 6 An assessment of the traffic issues associated with this application has confirmed that the adverse effects of the activity will be minor on the local road network. Conditions 5 and 6 have nevertheless been imposed to ensure that adequate on site parking and suitable hard standing access and manoeuvring areas are provided.
- 7 The activity has the potential to cause adverse visual effects on the local environment. Conditions 7, 8 and 11 will ensure that the adverse visual effects of the activity in the short and long term are mitigated.
- 8 Conditions 9 and 10 will ensure that dust from the site will not cause a level of discomfort to neighbours.

