

*Minutes of a meeting of the Regulatory Committee held in the Council Chambers,
Waipa District Council offices, 101 Bank Street, Te Awamutu on Monday
29 May 2006 commencing at 9.00am*

1 MEMBERS

Councillor D Sharpe, Chairperson

Committee

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

Deputy Chief Executive – G Dyet; Consultant Planner - K Drew (items 8.1
and 8.2 only); Planner – T Kelly (item 8.3 only); Secretary – C Shaw

2 APOLOGIES

There were no apologies.

3 LATE ITEMS

There were no late items.

4 CONFIRMATION OF ORDER OF MEETING

File: 01-89-04

RESOLVED

4/06/27

*That the order of the meeting be confirmed with item 8.4 an Application to
subdivide a surplus dwelling in the rural zone by Feenagh Farms of
Cambridge being deferred to the July meeting at the request of the
applicant.*

Cr Webber/Mayor Livingston

5 CONFIRMATION OF PREVIOUS MEETINGS

File: 01-89-04

5.1 Meeting of Regulatory Committee 1 May 2006

File: 01-89-04

RESOLVED

4/06/28

*That the minutes of the Regulatory Committee held on 1 May 2006,
having been circulated, be taken as read and confirmed as a correct
record.*

Cr Webber/Cr Newlands

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
4/06/29

*That the monthly schedule of Liquor License Applications
Considered by Staff Under Delegated Authority for April 2006 be
received.*

Cr Taranaki/Cr Flay

7 GENERAL

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

RESOLVED
4/06/30

*That the schedule of Matters Considered by Staff Under Delegated
Authority from 21 April to 18 May 2006, be received, a copy of which
is attached to and forms part of these minutes.*

Mayor Livingston/Cr Webber

8 HEARINGS

- 8.1 **9.15 – 10.41am**

**Application to Establish, Operate and Maintain a Nursery and
Associated Buildings within the rural Zone: GJ Flett, 57
Berquist Road, Ohaupo**

File: 04582/022.00

**DECISION OF REGULATORY COMMITTEE ON A LIMITED NOTIFIED
RESOURCE CONSENT APPLICATION TO ESTABLISH, OPERATE AND
MAINTAIN A NURSERY AND ASSOCIATED BUILDINGS WITHIN THE RURAL
ZONE PURSUANT TO SECTION 113 OF THE RESOURCE MANAGEMENT ACT
1991**

1 THE HEARING

The hearing was held on 29th May 2006 and was attended by the following:

Applicant	GJ Flett
Appearing for Applicant	Lucy Smith – Environmental Management Services Grant Flett – Applicant and Co-owner of Price Nurseries
Appearing for Council	Kathryn Drew – Consultant Planner – Lawrence Cross Chapman & Co Ltd.
Submitters in Opposition	Mr Tas Smith & Ms Smith – 817 Parallel Road, Ohaupo.
Submitters in Support	None

2 SITE VISIT

The Regulatory Committee undertook a site visit on 29th May 2006 to consider the location of the nursery within the subject property, the site layout of the nursery, the location of the submitters dwelling (Smith's) on the adjacent property and the height and location of the existing shelterbelt.

3 THE RELEVANT STATUTORY PROVISIONS (RMA Section 113(1) (aa))

The application was considered under the provisions of the Resource Management Act 1991 (RMA).

It was assessed as a **discretionary** activity and thus, was considered in accordance with sections 104, 104B and Part 2 of the RMA.

4 OTHER RELEVANT PROVISIONS CONSIDERED (RMA Section 113(1) (ab))

4.1 OPERATIVE WAIPA DISTRICT PLAN

The following provisions in the Operative Waipa District Plan (District Plan) were considered in the assessment of the application.

- Rule 2.4 Conditions for Permitted Activities
 - Rule 2.4.2 – Protection of Prime Agricultural Land
 - Rule 2.4.9 – Size of Activities
- Rule 2.7.10 – Activities which Limit the Future Use of Rural Land.

4.2 OTHER LEGISLATION

No other legislation was applicable in the assessment of this application.

4.3 OTHER POLICY STATEMENTS

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

5 THE PRINCIPAL ISSUES THAT WERE IN CONTENTION: (RMA Section 113(1) (ac))

The principal issues that were in contention were:

- The location of the proposed nursery adjacent the Smith's property boundary and dwelling.
- The proposed site layout of the nursery.
- The existing shelterbelt along the southern property boundary – height and maintenance.

6 SUMMARY OF THE EVIDENCE HEARD (RMA Section 113(1) (ad))

Evidence on behalf of the applicant was given by:

G Flett – Applicant and Co-owner of Price Nurseries

Mr Flett read from his statement of evidence. A summary of the main points from Mr Flett's evidence is as follows:

- Provided a history of Price's Nurseries, and explained their current operation within Hamilton East.
- Looking for an alternative site as the existing site prevents efficiency gains due to the shape of the site.
- Outlined the proposal, including the use of each of the buildings, number of staff, and vehicle movements to and from and within the site.
- Nursery operation requires large inputs of labour and capital per unit of land to produce crops with high value per unit of land – intensive agriculture.
- Current site and site layout has been designed to make best use of the site area. Alternative site layout considered would create an unusable

'dead space' near the southern boundary and could compromise the ability for truck manoeuvring.

L Smith – Environmental Management Services

Ms Smith read from her statement of evidence. A summary of the main points from Ms Smith's evidence is as follows:

- Considers Ms Drew's report provides the Committee with an appropriate review of the relevant resource management issues, however disagrees with several consent conditions.
- Summarises and clarifies aspects of Ms Drew's report.
- Identifies the issues raised by submitter – Mr Smith, and made the following comments.
 - The proposed activity will generate relatively low traffic movements both to and from the site, and within the site.
 - Noise effects are minor.
 - No adverse odour effects, as all media are benign materials that do not generate offensive odours.
 - Location of the nursery has been chosen because it reduces the disruption to the existing farming activities.
 - The shelterbelt is a civil issue and has existing use rights (established in 1992). The Flett's do not intent to remove the shelterbelt or undertake maintenance on Mr Smith's property.
 - Stormwater disposal from the buildings will be collected in two 30,000 litre tanks and used in nursery activities, overflow will be discharged into open drain.
- Alternative site layout considered, however Ms Smith see no effects-based reason to justify any further noise mitigation of the proposal. Reiterates that the alternative site layout is undesirable.
- Proposed amendments to proposed conditions:
 - Remove recommended condition 2 – amended site layout
 - Review condition 3 amended to refer specifically to noise effects, and review at yearly intervals and that Council has discretion over which conditions may be reviewed.
 - Condition 8 typographical error amendment.
 - Condition 10 regarding the shelterbelt be deleted.
 - Amendment to advice notes.

The evidence ended with questions from the Committee which were responded to by both Ms Smith and Mr Flett.

Evidence on behalf of the submitters was given by:

T Smith – Submitter – 817 Parallel Road, Ohaupo.

- The nature of Mr Smith's evidence was based on his submission.

- Mr Smith identified that the main reason the applicant did not wish to locate the proposed nursery on their northern boundary, was the same reason they did not wish the nursery to be located adjacent to their northern boundary.
- Mr Smith expressed concern with the location of the nursery in relation to the dwellinghouse on his property.
- Additionally Mr Smith expressed concern regarding the height, maintenance and shading of the shelterbelt, affecting the living area of the dwellinghouse.

Mr Smith's evidence ended with questions from the Committee.

7 THE MAIN FINDINGS OF FACT: (RMA Section 113(1) (ae))

The Regulatory Committee have considered the application, the evidence and submissions heard at the hearing, the planning assessment report prepared by the planner, the relevant statutory and planning provisions, the principal issues that were in contention and visited the site.

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

- The proposed nursery application is not inconsistent with the objectives and policies of the operative Waipa District Plan.
- The nursery is an intensive factory farming activity using approximately 1 hectare of prime agricultural land.
- The alternative site layout for the nursery was considered. The Committee was of the opinion that the original site layout submitted with the application was the more logical and efficient utilisation of the proposed site area. Additionally it was considered that the effects of the original site layout were minor, thus an amended site layout was unnecessary.
- It was considered that the existing shelterbelt was a very effective existing screen, and in order to mitigate the visual effects of the proposal a condition is recommended to require the applicants to maintain the existing shelterbelt to a minimum height of five metres.
- The Committee removed the hours of operation condition. It was considered that the hours of operation condition may limit general

nursery maintenance such as watering of the plants or machinery repairs on days and hours not specified within these hours and days of operation. The adverse effect sought to be controlled with the hours of operation condition is noise. Compliance with the operative Waipa District Plan noise standard, as conditioned, was considered to be an appropriate way of controlling noise associated with the proposal.

- In terms of the review condition the Committee did not have a comfort level with specifying a timeframe for review, as they felt this may hinder a review at any time, however did request amendment to the recommended condition to reflect a review at Council's discretion of any or all of the conditions, and specifically noise effects.
- Overall the Committee was satisfied that the adverse, visual, traffic and noise effects associated with the proposed nursery are minor and/or can be mitigated by the imposition of conditions.

8 RESOLVED

4/06/31

29/5/06

That

The report of Kathryn Drew, planner for Lawrence Cross and Chapman Co Ltd. dated 12th May 2006 be received; and

That in consideration of Section 104, and pursuant to Section 104B, 108 and 220 of the Resource Management Act 1991 of the Operative Waipa District Plan the Waipa District Council grants consent to GJ Flett and/or nominees to establish and operate a nursery at the property located at 57 Berquist Road, Ohaupo, legally described as Lot 1 District Plan 33585, Blk XI, subject to the following conditions:

Cr Flay/Cr Taranaki

General

- 1 *That the nursery shall proceed in general accordance with the application prepared by Environmental Management Services Ltd, dated March 2006 and plans accompanying the application (WDC reference: RC 4875), unless otherwise altered by the consent conditions.*

Review Condition

- 2 *That the Waipa District Council may give notice pursuant to Section 128(1) of the Resource Management Act (RMA) 1991 of its intention to review, at the consent holders expense, any or all conditions of this consent for the following purposes:*
 - *To review the effectiveness of the conditions of this consent in avoiding or mitigating any adverse effects on the environment, including noise from the exercise of this resource consent and if necessary to avoid,*

remedy, or mitigate such effects by way of further or amended conditions; or

- *To address any adverse effect on the environment which has arisen as a result of the exercise of this consent; or*
- *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*
- *To review the adequacy of and the necessity for monitoring undertaken by the consent holder.*

Noise

- 3 *That the noise level from the nursery shall not exceed the following levels when measured at or within the notional boundary of any rural dwelling:*

<i>Day Time</i>	<i>7:00am - 8:00pm</i>	<i>50dBA(L10)</i>
<i>Night Time</i>	<i>8:00pm – 7:00am</i>	<i>40dBA(L10)</i>

No single event noise level Lmax shall exceed 65dBA between 10:00pm and 7:00am.

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

That the noise level from the works authorised by this consent shall comply with and be assessed in accordance with the provisions of New Zealand Standard NZS 6803:1999 “Acoustics – Construction Noise”

Dust

- 4 *That as a result of activities authorised by this resource consent, there shall be no discharge of dust to air that causes an objectionable or offensive effect beyond the boundary of that land defined by Lot 1 DP 33585 Blk XI Hamilton SD.*

Vehicle Entrance and Access

- 5 *Prior to the commencement of the consent the consent holder shall construct a Figure 4 Medium Commercial type rural vehicle entrance to Lot 1. The entrance is to be constructed to the Council’s standards as set out in the Code of Practice for Land Development and Subdivision. All work is to be completed to the satisfaction of the Council’s Roading Manager and shall be at the consent holder’s expense. The following issues shall also be addressed:*

- *The entrance shall be sealed from the edge of the road to the property boundary.*

- 6 *Prior to the commencement of the consent the proposed access, carparking areas, and other vehicle manoeuvring areas (as demonstrated on the site plan) shall be constructed to a graded, metalled standards to*

the satisfaction of the Council's Roading Manager at the consent holder's expense.

- 7 *The consent holder shall maintain the accessway to a graded, metalled standard to the satisfaction of the Council's Roading Manager at the consent holder's expense.*

Screening/Landscaping

- 8 *The consent holder shall provide and maintain the existing shelterbelt screening along the southern boundary to a minimum height of five metres, for a length of at least 140 metres from the Berquist Road boundary.*

Note: If the existing shelterbelt vegetation is ever removed, it shall be replaced as soon as practicable. Replacement trees shall be a fast growing species and positioned as close as possible to each other, for the specific species, and be no less than 1.0m in height at the time of planting.

Advisory Notes:

- *Any signage for the site shall comply with Rule 2.4.22 of the operative Waipa District Plan.*
- *The consent holder shall obtain the necessary building consents prior to the commencement of works on site.*
- *The site contains soft peat soils. A specific engineering design will be required for any building foundations as peat soils are considered to be a natural hazard under the Building Act 2004.*
- *Any building consent application will be subject to the requirements of Sections 72-74 of the Building Act 2004.*
- *Due to the presence of a high water table any on site domestic sewage disposal system must comply with Waikato Regional Council Regional Plan Rule 3.5.7.6.*
- *In the event that bones or artefacts are discovered in the course of site excavation, the consent holder should cease works in that area and contact the New Zealand Police, New Zealand Historic Places Trust and Iwi to determine the appropriate method of recording and / or removal. Council's Planning Department also need to be advised. It is noted that all sites associated with human activity prior to 1900 have protection under the Historic Places Act 1993, regardless of whether the sites are registered.*

- *All earthworks associated with any subdivision or development of land shall be undertaken in accordance with the following:*
 - a) *Good engineering practice.*
 - b) *Any earthworks be carried out so as to provide sound foundations and avoid any hazard to persons or property.*
 - c) *Any earthworks be carried out so as to avoid or mitigate any detrimental effect on the environment particularly with regard to the unnecessary destruction of vegetation, the contamination of natural water or the diversion of surface or ground water flows.*
 - d) *The existing landform may not be altered in such a manner that adjoining properties will be detrimentally affected particularly through changes in drainage systems or abrupt changes in ground level.*

Reference should be made to the Waipa District Council Code of Practice for Land Development and Subdivision for formation and construction standards.

Reasons for Decision

- 1 The application to establish and operative a nursery within the Rural Zone is considered by Council to satisfy Section 104 and 104B of the Resource Management Act 1991 in respect of the land use consent.
- 2 The application is not inconsistent with the objectives and policies of the operative Waipa District Plan.
- 3 Condition 1 is required to ensure that the proposed nursery proceeds in accordance with the information provided with the application. It was considered that the original site layout will ensure that the adverse effects of the proposal on the adjacent land owner are minor. As a result the amended site layout has not been adopted by the Committee.
- 4 Review condition 3 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 4 will ensure that dust from the site will not cause any level of discomfort to neighbours.
- 6 The potential adverse effects of the activity will be able to be avoided, remedied or mitigated by the imposition of conditions 3. This condition will ensure that the operative Waipa District Plan noise limits for the Rural Zone are complied with.
- 7 Conditions 5-7 have been imposed to ensure that a vehicle entrance is constructed to cater for the level of traffic generated and to ensure that the access is constructed and maintained.

- 8 The proposed nursery has the potential to cause visual effects on the local environment, in particular along the southern boundary. Condition 8 will ensure that the adverse visual effects of the activity are mitigated by ensuring screening is provided for a minimum height of five metres along the southern boundary, adjacent to all nursery activities.

8.2 10.55am – 11.29

Application for Black Tiki Limited to Create an Additional Residential Allotment which is accessed from an Existing Right of way off Greenhill Drive, Te Awamutu

File: 04471/521.02

DECISION OF REGULATORY COMMITTEE ON A LIMITED NOTIFIED RESOURCE CONSENT APPLICATION TO CREATE AN ADDITIONAL RESIDENTIAL ALLOTMENT WHICH IS ACESSED FROM AN EXISTING RIGHT-OF-WAY IN THE RESIDENTIAL ZONE PURSUANT TO SECTION 113 OF THE RESOURCE MANAGEMENT ACT 1991

1 THE HEARING

The hearing held on Monday the 29th May 2006 and was attended by the following:

Applicant	Wayne Grinter
Appearing for Applicant	Murray Hislop – Murray Hislop Surveyors
Appearing for Council	Kathryn Drew – Consultant Planner Malcolm Brown – Development Engineer
Submitters in Opposition	CC & DN Tonks did not attend the hearing
Submitters in Support	None

2 SITE VISIT

The Regulatory Committee did not undertake a site visit.

**3 THE RELEVANT STATUTORY PROVISIONS
(RMA Section 113(1) (aa))**

The application was considered under the provisions of the Resource Management Act 1991 (RMA).

It was assessed as a **controlled** activity and thus, was considered in accordance with sections 104, 104A and Part 2 of the RMA.

4 OTHER RELEVANT PROVISIONS CONSIDERED *(RMA Section 113(1) (ab))*

4.1 OPERATIVE WAIPA DISTRICT PLAN

The following provisions in the Operative Waipa District Plan (District Plan) were considered in the assessment of the application.

- Rule 10.4 – General Subdivision Provisions
- Rule 10.5 – Subdivisional Standards for all Subdivision
- Rule 10.6.2 – Standards for Residential Allotments
- Rule 10.7 – Provision for Financial and Reserve Contributions
- Rule 10.8 – Financial Contributions for Services
- Rule 10.9 – Reserve Contributions
- Rule 10.10 – Construction Standards

4.2 OTHER LEGISLATION

No other legislation was applicable in the assessment of this application.

4.3 OTHER POLICY STATEMENTS

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

5 THE PRINCIPAL ISSUES THAT WERE IN CONTENTION: *(RMA Section 113(1) (ac))*

The principal issues that were in contention were:

An additional Residential lot being created which access via an existing right-of-way, which leads to concerns surrounding:

- Maintenance of the Right-of-Way;
- Increased traffic on the Right-of-Way;
- Restricted town views.

6 SUMMARY OF THE EVIDENCE HEARD *(RMA Section 113(1) (ad))*

Evidence on behalf of the applicant was given by:

Murray Hislop

Mr Hislop outlined the proposed subdivision, reading from his application. He identified that the proposed subdivision complied with the minimum performance standards for Residential subdivision. The proposed subdivision sought to authorise an additional user onto an existing right-of-way. Written approval was unable to be obtained from one party with shared ownership of the right-of-way, thus the application was limited notified. Issues raised in the submission received (C & D Tonks) was maintenance of the Right-of-Way, increased traffic and restricted views.

Mr Hislop identified that maintenance of the right-of-way is dealt with by the right-of-way agreement, and the Property Law Act. He also considered he felt the extra traffic generation was not an issue. In terms of restricted town views Mr Hislop confirmed no firm design of dwellings was known, however didn't feel that any restrictions on views would have a detrimental effect on the Tonk's dwelling.

The submitter did not attend the hearing, thus no evidence on behalf of the submitters was given.

Kathryn Drew – Consultant Planner

Ms Drew read through her planners report, outlining the proposal, an assessment of the application against the Resource Management Act, and the operative Waipa District Plan and an assessment of the environmental effects of the proposed subdivision.

7 THE MAIN FINDINGS OF FACT: *(RMA Section 113(1) (ae))*

The Regulatory Committee have considered the application, the evidence at the hearing, the planning assessment report prepared by the planner, the relevant statutory and planning provisions and the principal issues that were in contention. The main findings of fact determined by the Regulatory Committee, which have led to the following decision and the reasons for that decision are as follows.

- The proposed subdivision complies with the minimum performance standards set out in the Waipa District Plan for Residential Subdivision, accordingly the subdivision is a Controlled Activity.

- The proposed subdivision is not inconsistent with the relevant policies and objectives of the operative Waipa District Plan.
- The effects of authorising an additional user on the right-of-way are minor and/or can be mitigated by the imposition of conditions.

8 RESOLVED

No.4/06/32

Date: 30/5/2006

That

The report from the Kathryn Drew, planner Lawrence Cross and Chapman dated 12th May 2006 be received; and

*That in consideration of Section 104, and pursuant to Section 104A, 108 and 220 of the Resource Management Act 1991 and the Operative Waipa District Plan the Waipa District Council **grants** its consent to Black Tiki Ltd to subdivide 251 Greenhill Drive, Te Awamutu, legally described as Lot 5 DPS 65945 (SA 53B/400) as shown on the plan of subdivision SP:4887 subject to the following conditions:-*

Cr Newlands/Mayor Livingston

General

1. *That the Land Transfer Plan to give effect to this subdivision consent shall be generally consistent with the approved plan prepared by Murray Hislop Surveyors, reference 823 dated August 2005 submitted with application SP: 4887.*

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.

Telephone

3. *The consent holder shall arrange with a telephone company for the reticulation of underground 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.

Reserve Contribution

4. *That pursuant to Rule 10.9 (Reserves Contributions) of the Operative Waipa District Plan and Section 108(10) of the Resource Management Act 1991 a reserve contribution of \$1834.00 (GST inclusive) shall be paid to Council. (This reserve contribution is for the acquisition and development of reserves and is calculated as \$1,834.00 per new allotment (GST inclusive)).*

Financial Contributions

5. *That pursuant to Rule 10.8.5.4 (Development Impact Fees – Roothing) of the Operative Waipa District Plan and Section 108(10) of the Resource Management Act 1991 a financial contribution of **\$3526.00** (GST inclusive) shall be paid to Council. (This financial contribution is for roading improvements, and is calculated as Roothing Financial Contribution: \$3,526.00 per new allotment (GST inclusive)).*
6. *That pursuant to Rule 10.8.5.2 (Development Impact Fees – Water Supply) of the Waipa District Plan and Section 108(10) of the Resource Management Act 1991 a financial contribution of **\$1789.00** (GST inclusive) shall be paid to Council. (This financial contribution is for water supply improvements, and is calculated as Water Supply Financial Contribution Te Awamutu & Pirongia: \$1,789.00 per new allotment (GST inclusive)).*
7. *That pursuant to Rule 10.8.5.3 (Development Impact Fees – Sewage) of the Waipa District Plan and Section 108(10) of the Resource Management Act 1991 a financial contribution of **\$1789.00** shall be paid to Council. (This financial contribution is for sewage improvements, and is calculated as: Sewage Scheme Financial Contribution Te Awamutu: \$1,789.00 (post 1 June 2005) per new allotment (GST inclusive)).*

Roading

8. *The consent holder shall construct a standard type urban vehicle crossing to Lot 1 and 2. The crossing is to be constructed to the Council's standards, as set out in the Code or Practice for Land Development and Subdivision. All work is to be completed to the satisfaction of the Roding Manager, and shall be at the consent holder's expense. The following issues shall also be addressed:*
 - *The entrance shall be concrete from the edge of the road to the property boundary.*
9. *The consent holder shall construct the proposed Right-of-Way A and B to the Council's standards, as set out in the Code or Practice for Land Development and Subdivision. All work is to be completed to the satisfaction of the Roding Manager, and shall be at the consent holder's expense. The following issues shall be addressed:*
 - *Right-of-Way A and B shall be sealed for its full length.*
10. *The consent holder shall upgrade as required the existing Right-of-Way to the Council's standards, as set out in the Code or 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.*
11. *For both conditions 9 and 10 above, two producer statements from a suitably qualified professional shall be submitted to Council. The first shall include pavement design and drainage of the Right-of-Ways, and the second shall cover the construction of the Right-of-Ways.*

Services

12. *The consent holder shall arrange for Council to install separate water connections to Lots 1 and 2 and meet all costs incurred.*

Note: The location of the water connection shall comply with all aspects of Waipa District Supply Bylaw 1995; Clause 1.3.3.

13. *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 drawings shall be submitted for approval prior to any work being carried out. An inspection is required prior to any backfill being placed. As-built plans and information of all infrastructure assets, which are to be vested in Council, shall be provided prior to the final inspection.*

14. *The consent holder shall arrange to create a 2 metre minimum width sewer easement appurtenant to Lot 1, placed centrally over any proposed sewer connections located within Lot 2. The proposed easement shall be registered on the new title. The consent holder shall meet all costs incurred.*
15. *The consent holder shall provide separate stormwater 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 drawings shall be submitted for approval prior to any work being carried out. An inspection is required prior to any backfill being placed. As-built plans and information of all infrastructure assets, which are to be vested in Council, shall be provided prior to the final inspection.*
16. *The consent holder shall arrange to create a 2 metre minimum width stormwater easement appurtenant to Lot 1, placed centrally over any proposed stormwater connections located within Lot 2. The proposed easement shall be registered on the new title. The consent holder shall meet all costs incurred.*

Foundations for Buildings

17. *That for subsequent development on Lots 1 and 2, any foundations shall be designed in accordance with the report prepared by R W & V Roberts Consultancy, dated 3 November 2005. An alternative design will need to be approved by an appropriately qualified engineer to the satisfaction of Council's Building Control Manager.*

This being a condition to be complied with on a continuing basis by the subdividing owner and subsequent owners, before the deposit of the survey plan the Council 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 Lot 1 and 2.

Reasons for Decision

1. Pursuant to section 94 of the Resource Management Act 1991 the application has not been notified as the proposed subdivision seeks to authorise an

additional user onto an existing Right-of-Way, and written approval was unable to be obtained from all users of the Right-of-Way.

2. The proposed subdivision complies with the minimum performance standards set out in the Waipa District Plan for Residential subdivision.
3. The proposed subdivision is not inconsistent with the relevant objectives and policies of the operative Waipa District Plan.
4. Any adverse environmental effects resulting from the proposal are deemed to be no more than minor, or can be mitigated by the imposition of appropriate consent conditions.
5. Engineering requirements will ensure that the subdivision is adequately provided with services when the area is developed.
6. A consent notice has been imposed to ensure that both foundations and stormwater disposal systems for any new dwellings on Lots 1 and 2 are designed by a qualified engineer on the basis of the information provided in the report for the site prepared by R W & V Roberts Consultancy, dated 28 March 2006.
7. Financial and Reserve contributions are required to be collected for roading improvements, sewage, water and reserves under the relevant rules of the operative Waipa District Plan and Section 108 (10). Conditions have been subsequently imposed reflecting these requirements.

ADVISORY NOTES:

- All retaining walls must be contained wholly within one allotment. A building consent and resource consent may be required for any retaining walls. Please contact Council Building and Planning staff for further information.
- All earthworks associated with any subdivision or development of land shall be undertaken in accordance with the following:
 - e) Good engineering practice
 - f) Any earthworks be carried out so as to provide sound foundations and avoid any hazard to persons or property
 - g) Any earthworks be carried out so as to avoid or mitigate any detrimental effect on the environment particularly with regard to the unnecessary destruction of vegetation, the contamination of natural water or the diversion of surface or ground water flows
 - h) The existing landform may not be altered in such a manner that adjoining properties will be detrimentally affected particularly through changes in drainage systems or abrupt changes in ground level

- e) Reference should be made to the Waipa District Council Code of Practice for Land Development and Subdivision for formation and construction standards.
- In the event that bones or artefacts are discovered in the course of site excavation, the consent holder should cease works in that area and contact the New Zealand Police, New Zealand Historic Places Trust and Iwi to determine the appropriate method of recording and / or removal. Council's Planning Department also need to be advised. It is noted that all sites associated with human activity prior to 1900 have protection under the Historic Places Act 1993, regardless of whether the sites are registered.

8.3 11.42am – 12.07pm

Application to Subdivide and Vest Road and Reserve in Council. Grass Patch Developments Ltd, Mountain View Drive, Te Awamutu

File: 04482/518.03

DECISION OF REGULATORY COMMITTEE ON AN APPLICATION TO SUBDIVIDE AND VEST ROAD AND RESERVE IN COUNCIL IN THE RESIDENTIAL ZONE PURSUANT TO SECTION 113 OF THE RESOURCE MANAGEMENT ACT 1991

1 THE HEARING

The hearing held on 29 May 2006 was attended by the following:

Applicant	<i>Grasspatch Developments Limited (S Meddings)</i>
Appearing for Applicant	<i>David Latham (CKL Surveying and Planning)</i>
Appearing for Council	<i>Terrena Kelly (Planner) Malcolm Brown (Development Engineer)</i>

2 SITE VISIT

As all members of the Regulatory Committee were familiar with the site no site visit was undertaken.

3 THE RELEVANT STATUTORY PROVISIONS

The application was considered under the provisions of the Resource Management Act 1991 (RMA).

It was assessed as a **Controlled** activity and thus, was considered in accordance with sections 104, 104A, and Part 2 of the RMA.

4 OTHER RELEVANT PROVISIONS CONSIDERED

4.1 OPERATIVE WAIPA DISTRICT PLAN

The following provisions in the Operative Waipa District Plan (District Plan) were considered in the assessment of the application.

- Subdivision Rules (Part 2, Section 3)

4.2 OTHER LEGISLATION

No other legislation was applicable in the assessment of this application.

4.3 OTHER POLICY STATEMENTS

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

5 THE PRINCIPAL ISSUES THAT WERE IN CONTENTION:

The principal issues that were in contention were:

- The wording of condition 16
- The wording of condition 22

6 SUMMARY OF THE EVIDENCE HEARD

Evidence on behalf of the applicant was given by:

- David Latham

Mr Latham outlined the proposed subdivision on behalf of his client and explained that the Council Planners Report was consistent with their

expectations. Mr Latham queried two of the proposed conditions, conditions 16 (earthworks) and condition 22 (consent notice for sewer pump stations).

Mr Latham had concerns with the wording of condition 16 in terms of the requirement in the condition to identify that each lot had a suitable location on which to erect a dwelling. Mr Latham stated that the cut and fill for the road would not affect the building platforms, and at the most may encroach into the residential sites no greater than 5m (which is the required road setback for buildings).

Mr Latham also expressed concerns with the wording of Condition 22 which states that "...for subsequent development of Lots 11, 12 & 13 a private sewer pump station..." Mr Latham said that the wording 'private sewer pump station' was not correct and inferred that one pump station would service all three lots, rather than each lot having their own private sewer pump.

7 THE MAIN FINDINGS OF FACT:

The Regulatory Committee have considered the application, the evidence heard at the hearing, the report prepared by the planner, the relevant statutory and planning provisions, and the principal issues that were in contention. The main findings of fact determined by the Regulatory Committee, which have led to the following decision and the reasons for that decision are as follows.

- The proposal is a Controlled Activity and therefore must be approved by the Committee;
- Condition 16 is able to be clarified to
- Condition 22 (Section 221 consent notice) is able to be clarified to make it explicit that each lot may require a private sewer pump.

8 RESOLVED

4/06/33(29 May 2006)

That:

- a) The report from Terrena Kelly, Planner dated 3 May 2006 be received; and*
- b) That in consideration of Section 104, and pursuant to Section 104A, 108 and 220 of the Resource Management Act 1991, the Waipa District Council grants its consent to Grass Patch Developments Limited to subdivide Lot 22 DPS 313972 as shown on the plan of subdivision SP: 4550 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 reference F2259*

S1 dated April 2004 submitted with application SP4550, unless otherwise altered by the consent conditions. 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 underground 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.

Telephone

- 3 *The consent holder shall arrange with a telephone company for the underground reticulation of telephone cables to serve all lots and pay all costs attributable to such work. The consent holder shall submit to the Council written confirmation from the telephone company that satisfactory arrangements have been made for the underground 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.

Reserve Contributions

- 4 *That pursuant to Rule 10.9 (Reserves Contributions) of the Operative Waipa District Plan and Section 108(10) of the Resource Management Act 1991 a reserve contribution of **\$12,614.0** (GST inclusive) shall be paid to Council.*

(This reserve contribution is for the acquisition and development of reserves and is calculated as \$1,802.00 per new allotment (GST inclusive)).

Note that ½ the payable levies have been waived in lieu of the vesting of the reserve (Lot 15).

Road to vest

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

New Road

- 6 The proposed road (Lot 16) shall be designed and constructed to the Council's standards as set out in the Code of Practice for Land Development and Subdivision for urban roads. All work shall be carried out and completed to the satisfaction of Council's Roading Manager, and shall be at the consent holder's expense.
- 7 The consent holder shall submit names for the proposed roads for the Council's approval prior to the issuing of the S 223 certificate.

Advisory Note: This process will require consultation with the appropriate Community Board prior to any report to Council. This process may take up to three (3) months to complete.

- 8 The consent holder shall provide to the satisfaction of the Council, Engineering as-built drawings of the proposed roads to vest, and the structures located within the proposed road to vest at the completion of construction and prior to the issuing of the section 224 certificate for each stage.
- 9 RAMM forms of road infrastructure assets, to be vested in Council, shall be provided prior to the final inspection for each stage.

Note: A suitably qualified RAMM technician shall complete RAMM update forms for the construction site. The forms are available in the manual entitled "Transfund New Zealand Local Authority RAMM Database Operation Manual" (PFM7). Update sheets shall also be provided for any adjustments necessary to the RAMM information of an intersecting existing public or private road.

- 10 The consent holder shall submit design drawings for approval of the proposed road and associated works. The design shall be in accordance with Council's standards as set out in the Code of Practice for Land Development and Subdivision

Design plans for roading and associated works (ie. footpaths, street lighting, signage, etc) within the subdivision to the Council's Asset Manager - Roading for approval prior to any work being carried out, and shall incorporate but not be limited to:

- a) *The alignment and levels of the roads shall ensure overland flow of any stormwater down the roads indicated in the Stormwater Management Plan.*
- b) *Where necessary new road, kerb and channel, street lighting and footpaths shall be extended beyond the boundaries of the subdivision to link up with the existing infrastructure in Mountain View Drive*

Entrances and Access

- 11 *The consent holder shall construct a residential type urban vehicle crossing to Lots 4, 7 and 11. Lot 15 shall be provided with a residential type urban vehicle crossing with the addition of a single layer of 665 mesh in 100 mm thick 20Mpa concrete. 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 at the consent holder's expense.*

Stormwater

- 12 *The consent holder shall provide a stormwater reticulation system to Lots 1 to 15. This system shall be designed, constructed and recorded in accordance with the Council's standards as set out in the Code of Practice for Land Development and Subdivision. The design shall be inclusive of Stormwater Treatment structures where applicable. All work shall be to the satisfaction of the Council's Utilities Services Manager, and shall be at the consent holder's expense.*
- 13 *The consent holder shall provide written confirmation (to the satisfaction of Council's Roding Manager) from Environment Waikato that the completed subdivision complies with Resource Consent Number 103507 and that all works have been carried out to their satisfaction.*
- 14 *The consent holder shall arrange a 3 metre minimum width stormwater easement in gross over all proposed reticulation up to the point of discharge. The easements shall be shown on the Section 223 Survey Plan to the satisfaction of Council's Roding Manager and shall be registered against the new titles following the supplying of as-built drawings.*
- 15 *The consent holder shall provide a Stormwater Management Plan for the complete subdivision to the satisfaction of Council's Utilities Manager prior to the lodgement of any construction plans for approval.*

The stormwater management plan shall include but not be limited to the following:

- *Interface with stormwater systems associated with previously completed adjacent subdivisions*
- *stormwater from the proposed roads*
- *stormwater from the proposed right-of-ways*
- *In ground disposal*
- *Overland flow paths.*
- *Compliance with Environment Waikato Resource Consent Number 103507*

The stormwater design shall be based on the approved Stormwater Management Plan and shall be in accordance with Council's Code of Practice for Land Development and Subdivision. All work shall be to the satisfaction of Council's Utilities Manager, and shall be at the consent holder's expense.

Earthworks

- 16 *When the earthworks are completed the consent holder shall supply a plan to the Council's Roading Manager showing the location and depths of the cuts and fills. If cuts or fills affect the building platforms on adjoining residential allotments a report, which has been prepared by a Chartered Professional Engineer, shall be prepared to the satisfaction of Council's Roading Manager and shall be supplied to Council's Roading Manager to show that the earthworks have been carried out to the required standards; and that the building envelope for each Lot has a suitable location on which to erect a dwelling. If recommended by this report, condition 17 below will require specific foundation design by a Chartered Professional Engineer on any identified Lots.*
- 17 *For all Lots identified as requiring specific foundation design under condition 16 above, the foundations of any building shall be designed by a Chartered Professional Engineer. This condition is to be complied with on a continuing basis by the consent holder and subsequent owners before the deposit of the survey plan and shall be the subject of a consent notice, pursuant to Section 221 of the Resource Management Act 1991, which shall be prepared by the Council's Solicitor and shall be registered on the certificate of title to each Lot at the expense of the consent holder.*

- 18 *Prior to certification pursuant to Section 224 of the Resource Management Act 1991 the consent holder shall re-contour the reserve (Lot 15) and re-grass to the satisfaction of Council's Asset Manager Recreation. The consent holder shall submit to Council's Asset Manager Recreation a plan and details of the work proposed for approval prior to the commencement of works on the reserve.*

Consent Notice- Building

- 19 *That any subsequent building on Lots 1 & 12 will require specifically designed foundations designed by an appropriately qualified and experienced Geotechnical Engineer.*

This being a condition to be complied with on a continuing basis by the subdividing owner and subsequent owners, before the deposit of the survey plan the Council 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 Lots 1 & 12.

Water Supply

- 20 *The consent holder shall provide a water reticulation system and connections to service Lots 1 to 14. This system shall be designed, constructed and recorded in accordance with the Council's standards as set out in the Code of Practice for Land Development and Subdivision. The consent holder shall arrange for Council to connect to the existing public mains. All work shall be to the satisfaction of the Services Department Manager, and be at the consent holder's expense. An application and construction drawings shall be submitted for approval prior to any work being carried out. **An inspection is required prior to any backfill being placed.** As-built plans and information of all infrastructure assets, which are to be vested in Council, shall be provided prior to the final inspection. This information is a statutory requirement.*

Sewerage

- 21 *The consent holder shall provide separate sewer connections to service Lots 1 to 14. 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 drawings shall be submitted for approval prior to any work being carried out. **An inspection is required prior to any backfill being placed.** As-built plans and information of all infrastructure assets, which are to be vested in Council, shall be provided prior to the final inspection.*

- 22 *That for subsequent development of Lots 11, 12 & 13 individual private sewer pump stations may be required if deemed necessary by Council's Utility Services Manager. If required, the sewer pump stations shall be installed and continually maintained to the satisfaction of Council's Building Control Manager. The consent holder shall meet all costs incurred.*

This being a condition to be complied with on a continuing basis by the subdividing owner and subsequent owners, before the deposit of the survey plan the Council 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 Lots 11-13.

Advisory Note

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

Reasons for Decision

- 1 The proposal is consistent with the policies and objectives of the District Plan.
- 2 Any adverse effects resulting from the proposal are deemed to be less than minor.
- 3 Conditions have been imposed to ensure that the new road is constructed to Councils standards.
- 4 Condition 22 (consent notice) has been imposed as the site levels are lower than the nearest public gravity reticulation thus, a typical gravity sewer will not be able to drain to the public system.
- 5 Condition 18 has been imposed to ensure that the re-contouring and re-grassing of the reserve is completed to Council's satisfaction prior to the Section 224 Certificate being released by Council.

8.4 1.30pm

**Application to Subdivide a Surplus Dwelling in the Rural Zone,
Feenagh Farms Ltd, 470 Victoria Road, Cambridge**

File: 04445/411.00

Applicant Feenagh Farms Ltd
Appearing for A Bron - Planner
Council

**This application was deferred to the July meeting at the request
of the applicant.**

There being no further business the meeting closed at 1.20pm

CONFIRMED AS A TRUE AND ACCURATE RECORD

CHAIRPERSON: _____

DATE: _____