

Minutes of a meeting of the Regulatory Committee held in the Council Chambers, Waipa District Council offices, 101 Bank Street, Te Awamutu on Monday 1 May 2006, commencing at 9.00am

1 PRESENT

Councillor D Sharpe, Chairperson

EC Newlands (9.11am), GRP Webber

Deputy Chief Executive - G Dyet (until item 8.2 only); Planning Services Manager - W Allan; Consultant Planner - K Drew (items 5, & 8.1 only); Consultant Planner - J Marsden (item 8.3 only); Planner - A Bron (item 8.2 only); Planner - T Kelly (item 8.4 only), Development Engineer - M Brown (items 5, 8.2 and 8.3 only); Secretary - C Shaw

2 APOLOGIES

File: 01-89-04

RESOLVED

4/06/16

That the apologies from Mayor Livingston, Cr Flay and Cr Taranaki for non attendance be received.

Cr Sharpe/Cr Webber

3 LATE ITEMS

There were no late items for consideration.

4 CONFIRMATION OF ORDER OF MEETING

File: 01-89-04

RESOLVED

4/05/17

That the order of business for the meeting be confirmed with site visits to be included for the four hearings.

Cr Webber/Cr Sharpe

5 CONFIRMATION OF PREVIOUS MEETINGS

File: 01-89-04

5.1 Meeting of Regulatory Committee 27 March 2006

File: 01-89-04

RESOLVED

4/06/18

That the minutes of the Regulatory Committee held on 27 March 2006, having been circulated, be taken as read and confirmed as a correct record.

Cr Webber/Cr Sharpe

5.2 Matters Arising:

File: 01-85-10

Tristar Developments Ltd: Application to Subdivide and Vest Road in Council: Consultation with neighbouring Properties

Consultant Planner Kathryn Drew informed the Committee that following the meeting on 27 March 2006, she had consulted with the neighbour's as requested and advised that at this stage they did not wish to subdivide their property. She produced a new subdivision plan from Focus Surveying showing a new road linking to the undeveloped adjoining property to the west and amended conditions which has resulted after the consultation with the neighbours.

RESOLVED

4/06/19

That

- a) *The report of Kathryn Drew, Planner for Lawrence Cross and Chapman dated 15 March 2006 be received; and*
- b) *That pursuant to Section 243(a) the Waipa District Council approves the surrender of easements in gross on Lot 1 DPS 86211 (SA67C/512) (transfer H412890.1) and Lot 5 DPS30480 (SA28A/583) (transfer H412890.1) and*

- c) *That in consideration of Section 104, and pursuant to Sections 104A, 108 and 220 of the Resource Management Act 1991 and the Operative Waipa District Plan the Waipa District Council **grants** consent to Tristar Group Ltd to subdivide Picquet Hill and Cambridge Road legally described as Lot 2 DPS 304809 (SA28A/580), Lot 5 DPS 30480 (SA28A/583) and Lot 1 DPS 86211 (SA67C/512) as shown on the plan of subdivision SP:4908 subject to the following conditions:*

Cr Newlands/Cr Webber

Conditions Applicable to Both Stages

- 1 *The subdivision may be undertaken in two (2) stages: Stage 1 of 26 residential lots (Lots 2 – 10, 32-34, 64-77), an amalgamation with Lot 20 DPS 84805 (Lot 89), Local Purpose (Pedestrian Access) Reserve (Lot 1), Stormwater Detention Ponds to vest in Council (Lots 80 and 81), and Road to vest in Council (lot 82); and Stage 2 of 52 residential lots (Lots 11-31, 35-63, 83-88), Road to vest in Council (Lots 83 and 84), lots to vest in Council as Local Purpose Reserve (Lots 87 and 88).*

Administration and Monitoring Costs

- 2 *That any cost incurred in the processing of the application and the monitoring supervision and enforcement of any or all of the conditions are to be fully met by the consent holder pursuant to Section 36 of the Resource Management Act 1991.*

Power

- 3 *The consent holder shall arrange with a local network electricity operator for the underground reticulation of electricity to serve all lots and pay all costs attributable to such work. The consent holder shall submit to the Council written confirmation from the local network operator that satisfactory arrangements have been made for the reticulation of the service to all lots in the subdivision. This is to include if necessary the resiting, repositioning or removal of any electric power lines which exist on the land being subdivided.*

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

Telecommunications

- 4 *The consent holder shall arrange with a telephone company for the underground reticulation of telephone cables to serve all lots and pay all costs attributable to such work. The consent holder shall submit to the Council written confirmation from the telephone company that satisfactory arrangements have been made for the reticulation of the service to all lots in the subdivision. This is to include if necessary the resiting, repositioning or removal of any telephone cables which exist on the land being subdivided.*

Where telephone cables serving any lot are required to cross the boundary of any other lot or lots registered easements shall be created for such services.

Easements

- 5 *The consent holder shall arrange to create 3-metre minimum sewer and stormwater easements in gross, placed centrally over any existing or proposed Council pipe lines which will be located within any proposed new lots and arrange for Council's Solicitor to register the easements on the new titles. The consent holder shall meet all costs incurred.*
- 6 *The consent holder shall arrange to create 2-metre minimum width appurtenant sewer and stormwater easements, placed centrally over any proposed connections, which may be located within adjacent lots. The proposed easements shall be registered on the servient titles. The consent holder shall meet all costs incurred.*

Earthworks

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

Note: This condition is the same as condition 3 imposed on the Waipa District Council land use consent RC4825 dated 23 February 2006.

- 8 *When the earthworks are completed the consent holder shall supply a plan to the Council's Asset Manager Roading showing the location and depths of the cuts and fills. A report, which has been prepared by a Chartered Professional engineer, shall be prepared to the satisfaction of Council's Asset Manager Roading and show that the earthworks have been carried out to the required standards and that each Lot has a suitable location on which to erect a dwelling. If recommended by this report, Condition 9 below will require specific foundation design by a Chartered Professional Engineer on any identified Lots.*
- 9 *For all Lots identified as requiring specific foundation design under condition 8 above, the foundations of any building shall be designed by a Chartered Professional Engineer. This condition is to be complied with on a continuing basis by the consent holder and subsequent owners after the deposit of the survey plan and shall be the subject of a consent notice, pursuant to Section 221(1) of the Resource Management Act 1991, which shall be prepared by the Council's Solicitor and shall be registered on the certificate of title to each Lot at the expense of the consent holder.*

Stormwater Management Plan

- 10 *The consent holder shall provide a Stormwater Management Plan for the complete subdivision, including all proposed stages indicated in the application. The stormwater management plan shall include but not be limited to the following:*

- a) Stormwater from the proposed roads*
- b) Stormwater from the proposed right-of-ways*
- c) Overland flow paths*

Note:

- i) There shall be no increase in peak flow stormwater discharge resulting from the completed subdivision.*
- ii) Prior to commencement of any work the consent holder shall obtain a discharge permit from Waikato Regional Council or produce evidence that a discharge permit is not required.*
- iii) 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".*

Stormwater

- 11 *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.*

Construction Drawings for Approval

- 12 *The consent holder shall submit design drawings for approval for both stages of the subdivision. 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 stormwater down the roads as 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 Gleneagles Drive.*

Road Names

- 13 *The consent holder shall submit names selected from the Te Awamutu Community Board List of names for the proposed roads for the Council's approval prior to issuing of the Section 223 certificate.*

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

Conditions Applicable to Stage 1

- 14 *That the Land Transfer Plan to give effect to this subdivision consent shall be generally consistent with the approved plan prepared by Focus Surveying and Resource Management reference 1088 dated 10 March 2006 submitted with application SP:4908, unless otherwise altered by the consent conditions. A copy of the approved plan is attached.*

Amalgamation

- 15 *That Lot 89 hereon be transferred to the owner of Lot 20 DPS 84805 (SA67B/329) and that one certificate of title be issued to include both parcels. See Request 544428.*

Vesting Local Purpose Reserves (Pedestrian Access and Stormwater)

- 16 *The pedestrian access (Lot 1) to the Reserve RV345 between Lots 2, 80 and Lot 77 on the approved Stage 1 plan by Focus Surveying and Resource Management Ltd, reference 1088 dated 10 March 2006 shall vest in the Council as Local Purpose Reserve (pedestrian access) and be formed in accordance with Council's Code of Practice for Land Development and Subdivision. The accessway shall be a width of no less than 4.0 metres.*
- 17 *That proposed Lots 80 and 81 on the approved Stage 1 plan by Focus Surveying and Resource Management Ltd, reference 1088, dated 10 March 2006 shall vest in Council as Local Purpose Reserves (Stormwater).*

Fencing

- 18 *The consent holder shall construct along all boundaries of the accessway referred to in Condition 16 above a fence of one of the types as described at items 1-5 of the Second Schedule to the Fencing Act 1978. The consent holder shall enter into a fencing covenant with the Council which is to be registered against the title to each of the Lots adjoining the fence to the effect that the Council will not be liable nor called on to erect or repair or contribute to the cost of work as defined in the Fencing Act 1978 on any dividing or boundary fence between the accessway and any part of the adjoining lots.*

Lots 80 and 81 – Earthworks, Landscaping and Planting

- 19 *That prior to the issue of the Section 224 certificate the earthworks necessary for the creation of Lots 80 and 81 as stormwater retention areas for the subdivision shall be completed to the satisfaction of the Asset Manager Roading and in accordance with the provisions of the approved Waipa District Council earthworks consent (REF RC6048 and the Environment Waikato earthworks consent (REF: RC6048).*

- 20 *That prior to the issue of the Section 224 certificate there be approved by the Council's Asset Manager – Recreation a complete landscape and planting plan for proposed Lots 80 and 81. Such a plan to be prepared by and at the cost of the Consent Holder.*

Note: The consent holder is required to consult further with Council's Asset Manager – Recreation in relation to the landscape plans already submitted for Lots 80 and 81.

- 21 *That no later than 12 months from the date of the issue of the Section 224 certificate the landscaping and planting of Lots 80 and 81 shall be completed in accordance with the approved landscape planting plan and to the reasonable satisfaction of Council's Asset Manager Recreation. The consent holder shall have rights of access to Lots 80 and 81 for this purpose.*

- 22 *That the consent holder maintain the planting for two planting seasons (May to October periods) after all the planting has been completed in accordance with the landscape and planting plan. Such maintenance shall include:*

- Irrigation as necessary*
- Replacement of any plants which die or do not flourish*
- Establishment of the plantings to the point where they are able to be treated as permanent.*

Maintenance is to be carried out to the reasonable satisfaction and under the reasonable directions of Council's Asset Manager – Recreation and the consent holder has rights of access to the reserve areas for this purpose.

- 23 *Prior to the issue of the Section 224 certificate a Bond is to be given to the Council pursuant to the provisions of Section 108A of the Resource Management Act 1991. Such bond is to require the consent holder to carry out the landscaping and planting works set out in Condition 21 and the maintenance of the planting set out in Condition 22.*

The Bond is to secure a sum of \$25,000 or such lesser sum as the Council may certify as appropriate having regard to any landscaping and planting carried out by the consent holder prior to the execution of the bond.

The bond is to be supported by a guarantee given to the Council by a Bank or other approved financial institution. The consent holder may, if it wishes, enter into a cash bond and deposit the amount of the bond money with the Council and in that case no guarantee will be required.

The bond document is to be prepared by the Council's Solicitors at the cost of the consent holder.

Roading

- 24 *That Lot 82 shall be vested in Council as road.*
- 25 *That the consent holder shall vest in Council as road the proposed connection road between the extended Gleneagles Drive to Lot 3 DPS 30480 (located between 73 and 75). This land shall be vested as a separate allotment (ie Lot 85).*
- 26 *That the consent holder shall undertake to obtain a valuation, by a registered valuer, of the land area to be vested to provide connectivity from the extended Gleneagles Drive to Lot 3 DPS 30480 (located between Lots 73 and 75). Once this valuation has been obtained please liaise with Councils Planning Services Manager to reach an agreement on this valuation. Upon agreement been reached for this land to be vested, this value shall be offset against the Roothing financial contributions payable under conditions 43 and 50 of this consent.*
- 27 *That a corner splay on each boundary of the intersection on Lots 66 and 67 on the corner of Cambridge Road and the proposed road (Lot 82) shall be provided in accordance with Council's standards as set out in the Code of Practice for Land Development and Subdivision and vested in Council as road.*

- 28 *That the proposed road (Lot 82) shall be designed and constructed to the Council's standards as set out in the Code of Practice for Land Development and Subdivision. 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. The construction of the intersections and short sections of road up to the Stage 2 boundary on Lots 83 and 8, and the provision of temporary turning heads shall be included in Stage 1.*

New roads, kerb and channel, street lighting, footpaths and services on Lot 82 shall be extended beyond the boundaries of the subdivision as required, to link up with the existing infrastructure in Gleneagles Drive. 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.

- 29 *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.*
- 30 *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.

Stormwater

- 31 *The consent holder shall provide a stormwater reticulation system and connections to Lots 3-10, 32-34 and 64-77. This system shall be designed, constructed and recorded in accordance with the Council's standards as set out in the Code of Practice for Land Development and Subdivision. All work shall be to the satisfaction of Council's Utilities Services Manager and shall be at the consent holder's expense. An application and construction drawings shall be submitted for approval prior to any work being carried out. An inspection is required prior to any backfill being placed. As-built plans and information of all infrastructure assets, to be vested in Council, shall be provided prior to the final inspection.*

Note: Prior to commencement of any work the consent holder shall obtain a discharge permit from Waikato Regional Council or produce evidence that a discharge permit is not required.

Water

- 32 *The consent holder shall provide a water reticulation system and connections to service Lots 3-10, 32-34 and 64-77 and shall include a 250mm diameter main within the extended Gleneagles Drive from the existing main in Cambridge Road to the boundary of Lot 2. 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 Council's Utilities Services 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.*

Sewage

- 33 *The consent holder shall provide a sewerage reticulation system and connections to service Lots 3-10, 32-34 and 64-77. This system shall be designed, constructed and recorded in accordance with the Council's standards as set out in the Code of Practice for Land Development and Subdivision. All work shall be to the satisfaction of the Council's Utilities Services Manager and be at the consent holders 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.*

Financial Contributions

- 34 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 \$81,098.00 (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)).
- 35 That pursuant to Rule 10.8.5.2 of the operative Waipa District Plan and Section 108(10) of the Resource Management Act 1991 a financial contribution of \$41,147.00 (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: \$1789.00 per new allotment (GST inclusive)).

The amount of financial contribution payable will be off-set at the election of the consent holder, by either:

- i) the construction cost estimates, based on the difference of the unit rates between a 150mm diameter and a 250mm diameter water main as scheduled in the Waipa District Council report dated 19 August 2005 and titled “Bond Road Industrial Plan Change 45 – Water Supply” for the Picquet hill trunk water main infrastructure work, installed for use by the consent holder; or*
- ii) by the actual construction costs, based on the difference of the tendered unit rates between a 150mm diameter and a 250mm diameter water main, installed for use by the consent holder. The maximum off-set amount shall be based on the estimated unit rate as established in option (i) above.*

Should the consent holder choose the actual construction cost option (option ii above) the tender process shall be carried out in accordance with the procedures outlined in Council's Policy Manual. If no tenders are submitted, the consent holder shall be entitled to negotiate the unit rates for the works with a selected contractor. Where the negotiated unit rates for the works are in excess of the construction unit rates estimate, the maximum off-set amount shall be based on the estimate unit rate as established in option (i) above.

If, at the completion of Stage 1 the value of the off-set amount exceeds the amount payable by way of financial contribution for that Stage, the balance shall be carried forward as a credit against the financial contributions due in Stage 2.

Council reserves the right to review or limit the scope of the works in order to keep the off-set amount within the available financial contribution.

- 36 *That pursuant to Rule 10.8.5.3 of the Waipa District Plan and Section 108(10) of the Resource Management Act 1991 a financial contribution of \$41,147.00 (GST inclusive) shall be paid to Council. (This financial contribution is for sewage improvements and is calculated as Sewage Scheme Financial contribution Te Awamutu: \$1789.00 per new allotment (GST inclusive)).*

Conditions Applicable to Stage 2

- 37 *That the Land Transfer Plan to give effect to this subdivision consent shall be generally consistent with the approved plan prepared by Focus Surveying and Resource Management reference 1088 dated 10 March 2006 submitted with application SP4908, unless otherwise altered by the consent conditions. A copy of the approved plan is attached.*

Fencing Covenants

- 38 *The consent holder shall enter into a fencing covenant with the Council which is to be registered against the titles of Lots 44, 47, 53, 54, 58, 59, 61-66 to the effect that the Council will not be liable nor called on to erect or repair or contribute to the cost of work as defined in the Fencing Act 1978 on any dividing or boundary fence between the said Lot at the Local Purpose Reserve (Pedestrian Access).*

Roading

- 39 *That Lots 83 and 84 shall be vested in Council as road pursuant to Section 320 of the Local Government Act 1974.*

- 40 *That the ROWs providing vehicular access to Lots 43 and 44, shown as "AP" "AR" "AO" and "AS" on the approved plan prepared by Focus Surveying and Resource Management reference 1088 dated 10 March 2006 submitted with application SP:4908, be duly granted and reserved.*
- 41 *The consent holder shall construct the proposed ROW providing vehicular access to Lots 43 and 44, shown as "AP" "AR" "AO" and "AS" on the approved plan prepared by Focus Surveying and Resource Management reference 1088 dated 10 March 2006 submitted with application SP:4809, to the Council's standards as set out in the Code of Practice for Land Development and Subdivision. All work is to be carried out and completed to the satisfaction of the Council's Roading Manager and shall be at the consent holder's expense. The consent holder also submit the following to Council:*
- a) *Two producer statements from a suitably qualified professional, with appropriate experience. The first producer statement shall include pavement design and drainage of the right-of-ways and the second producer statement shall cover the construction of the right-of-ways.*
- 42 *That the proposed road (Lots 83 and 84) shall be designed and constructed to the Council's standards as set out in the Code of Practice for Land Development and Subdivision. In particular, the consent holder shall ensure that the surface of all turning heads on the proposed roads on Lots 83 and 84 be finished with asphalted concrete. 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.*
- 43 *That the consent holder shall construct residential type urban vehicle crossings to Lots 15, 17, 23, 25, 41, 47, 53, 54, 55, 58 and 63. The crossings are to be constructed to the Council's standards, as set out in the Code of Practice for Land Development and Subdivision, from the road kerb to the property boundary. All work is to be completed to the satisfaction of the Council's Roading Manager, and shall be at the consent holder's expense.*
- 44 *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.*

- 45 *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 technical 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" (PMF7). Update sheets shall also be provided for any adjustments necessary to the RAMM information of an intersecting existing public or private road.

Stormwater

- 46 *The consent holder shall provide a stormwater reticulation system and connections to Lots 11-31, 35-63, 85-86. This system shall be designed, constructed and recorded in accordance with the Council's standards as set out in the Code of Practice for Land Development and Subdivision. All work shall be to the satisfaction of Council's Utilities Services Manager and shall be at the consent holder's expense. An application and construction drawings shall be submitted for approval prior to any work being carried out. An inspection is required prior to any backfill being placed. As-built plans and information of all infrastructure assets, to be vested in Council, shall be provided prior to the final inspection.*

Note: Prior to commencement of any work the consent holder shall obtain a discharge permit from Waikato Regional Council or produce evidence that a discharge permit is not required.

- 47 *The consent holder shall provide a water reticulation system and connections to service Lots 11-31, 35-41, 45-63, 85 and 86. 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 Council's Utilities Services 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.*

- 48 *The consent holder shall arrange for Council to install separate water connections to Lots 42, 43 and 44. The consent holder shall submit as built plans of the connections and meet all costs incurred. Note: The location of the water connection shall comply with all aspects of Waipa District Council Water Supply Bylaws 1995: Clause 1.3.3.*
- 49 *The consent holder shall provide a sewerage reticulation system and connections to service Lots 11-31, 35-63, 85 and 86. This system shall be designed, constructed and recorded in accordance with the Council's standards as set out in the Code of Practice for Land Development and Subdivision. All work shall be to the satisfaction of the Council's Utilities Services 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 an 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.*

Financial Contributions

- 50 *That pursuant to Rule 10.8.5.4 (Development Impact Fees – Roding) of the Operative Waipa District Plan and Section 108(10) of the Resource Management Act 1991 a financial contribution of \$183,352.00 (GST inclusive) shall be paid to Council. (This financial contribution is for roading improvements and is calculated as Roding Financial Contribution: \$3,526.00 per new allotment (GST included)).*
- 51 *That pursuant to Rule 10.8.5.2 of the operative Waipa District Plan and Section 108(10) of the Resource Management Act 1991 a financial contribution of \$93,028.00 (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: \$1789.00 per new allotment (GST inclusive)).*
- 52 *That pursuant to Rule 10.8.5.3 of the Waipa District Plan and Section 108(10) of the Resource Management Act 1991 a financial contribution of \$93,028.00 (GST inclusive) shall be paid to Council. (This financial contribution is for sewage improvements and is calculated as Sewage Scheme Financial Contribution Te Awamutu: \$1789.00 per new allotment (GST inclusive)).*

Reasons for Decision

- 1 The application was processed as a non-notified application and was considered without the need to obtain the written approval of affected parties, as the subdivision was in compliance with the Residential Zone performance standards for residential subdivision.
- 2 The subdivision is not contrary to the objectives and policies of the Waipa District Plan, in particular Objectives SU2 and SU3 and Policies SU3, SU8, SU11, SU17, SU19< SU20 and FC2.
- 3 The application is able to meet the statutory tests imposed by Section 104 and 104B of the Resource Management Act 1991 for Discretionary Activities. A decision has therefore been made that the staged subdivision application can be granted.
- 4 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.
- 5 A reserve contribution has not been levied on the basis that further development of the subject site at a density less than 9.3 hectares is exempt from requiring to pay reserve contribution due to the prior payment of reserve contribution in the form of land.
- 6 Financial contributions have been levied for roading and sewage and water in accordance with the operative Waipa District Plan and Section 108(10) of the Resource Management Act 1991.
- 7 A bond is required in order to secure the performance by the consent holder of the landscaping, planting and maintenance provisions which are to be performed after the issue of the Section 224 certificate.

[Cr Newland's arrived at 9.11 am]

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

4/06/20

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

Cr Webber/Cr Newlands

Mr Latham drew the Committee's attention to the site plan and aerial photograph which showed the size of the two bush stands. He said that the approximate areas had not been included on the plan as there was no requirement to do so. He said that the larger area is approximately 2ha and the smaller, better bush coverage area, is approximately .5ha. Mr Kessells in his report has advised that the smaller stand is of a better density and has a better bush coverage at this stage.

The Chairperson asked whether it would be possible to have a site visit and whether the bush stands were easily accessible. Mr Latham said that both areas of bush were very easily accessible and his client would ensure the gate would be unlocked if we could call with an approximate time.

The Chairperson then asked Consultant Planner K Drew to present her report to the Committee.

In the right of reply, Mr Latham stated that he sought a title for each of the bush stands and reiterated that the Waipa District Plan did not provide for any limit in area for such entitlement. He questioned the term one lot per feature type and stated that there is one title for every separate bush stand. In Mr Latham's opinion the rule is clear and unambiguous and his client is not asking for anything more than one title per separate bush stand.

Mr Latham said that, "should the Committee be of a mind to only provide one title as compensation for protecting the bush stands, he felt it would be unfair and unreasonable to ask his clients to covenant and fence both bush areas as that implies that the bush is worthy of protection but not a title".

With regard to the entranceways, it was his opinion that the conditions relating to the right of way be was already consented and reference to this in the proposed conditions should be deleted. Mr Latham said that conditions asking for 10m width is inconsistent with other standards being imposed around the District.

The Chairperson thanked everyone for their attendance and stated that the Committee would be making a site visit either later on the day or the next day.

[The Committee adjourned this hearing at 10.15am and reconvened on Tuesday 2 May with a site visit to the applicant's place at 12.45pm]

[Committee broke for morning tea at 10.25am and reconvened at 10.40pm]

RESOLVED

4/06/22

That

- a) *The report of Kathryn Drew, planner for Lawrence Cross and Chapman dated 12 April 2006 be received, and*
- b) *That in consideration of Section 104, and pursuant to Sections 104B, 108 and 220 of the Resource Management Act 1991 and the Operative Waipa District Plan the Waipa District Council **grants** its consent to FJ & KG Boggiss to, subdivide at 373 Sainsbury Road legally described as Pt Allot 365 Pirongia Parish as shown on the plan of subdivision SP: 4983 subject to the following conditions:-*

Cr Sharpe/Cr Newlands

General

- 1 *That in accordance with Section 138 of the Resource Management Act 1991 the consent holder shall surrender the subdivision consent SP 4389 (granted 15th January 2004) by giving written notice to the Planning Manager, Waipa District Council. This written notice shall be received and acknowledged by the Planning Manager prior to the issue of the Section 223(c) of this approved subdivision (SP4983).*
- 2 *That the Land Transfer Plan to give effect to this subdivision consent shall be generally consistent with the approved plan prepared by CKL Surveying and Planning reference F2158:S3 dated January 2006 submitted with application SP: 4983.*

Power

- 3 *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

- 4 *The consent holder shall arrange with a telephone company for the underground reticulation of telephone cables to serve all lots and pay all costs attributable to such work. The consent holder shall submit to the Council written confirmation from the telephone company that satisfactory arrangements have been made for the reticulation of the service to all lots in the subdivision. This is to include if necessary the resiting, repositioning or removal of any telephone cables which exist on the land being subdivided.*

Where telephone cables 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

- 5 *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 \$5502.00 (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

- 6 *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 \$10578.00 (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 allotment (GST inclusive)).*

Bush Conservation Covenant

- 7 *That the plan submitted for Section 223(c) approval shall show survey boundaries and the total area of the bush conservation areas marked as “Area A & Area B” on Figure 1 of Kessels and Associates Natural Feature Assessment, prepared for F & K Boggiss and titled “Assessment of Proposed Natural Features” 2005.*

- 8 *That the perimeter of the entire bush conservation covenant areas on Lot 4 of approximately 2ha and 0.5ha marked “Area A & Area B” on Figure 1 of Kessels and Associates Natural Feature Assessment of Proposed Natural Features” 2005, be stock proofed with a seven wire post and batten boundary fence.*
- 9 *That the consent holder shall enter into an agreement of an ongoing nature and register on the title of proposed Lot 4 that:*
- The bush areas marked “Area A & Area B” on figure 1 of Kessels and Associates Natural Feature Assessment, prepared for F & K Boggiss and Titled “Assessment of Proposed Natural Features” 2005 shall be protected and preserved. Every person who owns Lot 4 shall undertake the following (at their cost):*
- a) *Every reasonable step to ensure that the native bush is protected and preserved, the stock proof fence is maintained, that no person shall carry out any activity in, on, under or over the native bush, or in the vicinity of the native bush that endangers or is likely to endanger it, or in any way detracts from the interest or significance of the native bush.*
 - b) *Provide Council with a report (every 2 years) detailing the works undertaken to protect and maintain the bush area in perpetuity. In particular the report shall identify compliance with the recommendations for future management outlines in the Kessells and Associates Natural Feature Assessment, prepared for F & K Boggiss and Titled “Assessment of Proposed Natural Features” 2005. This report shall be submitted prior to the Section 224(c) certificate being signed by Council, and then prior to this date every two years thereafter.*

This being a condition to be complied with on an 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 Councils solicitors and shall be registered against the titles to Lot 4.

Consent Notice – No Further Environmental or Heritage Protection Lots

- 10 *That pursuant to section 221 of the Resource Management Act 1991, the consent holder shall enter into an agreement of an ongoing nature and register on the title of proposed Lot 4 that no further subdivision of Lot 4 shall be permitted pursuant to Rule 10.3.2.2(f) (Environmental or Heritage Protection Lots) of the Operative Waipa District Plan.*

This being a condition to be complied with on an 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 4.

Roading

- 11 *That the Right-of-Way shown as A and B on the scheme plan of subdivision SP4983 be duly granted and reserved.*
- 12 *That the consent holder shall upgrade the entrance to Right of Way A to a Fig 3 Rural Residential type rural vehicle entrance complying with Council's standards as set out in the Code of Practice for Land Development and Subdivision. The work shall be carried out and completed to the satisfaction of the Roding Manager, and shall be at the consent holder's expense.*
- 13 *The consent holder shall upgrade the existing Right of Way A to the Council's standards as set out in the Code of Practice for Land Development and Subdivision. All work is to be carried out to the satisfaction of the Council's Roding Manager and shall be at the consent holder's expense. The following issues shall also be addressed:*
- The right of way shall have a 3.0m wide all weather surface on a 9.0m wide formation.*
- 14 *That the consent holder shall upgrade the entrance to Right-of-Way B to a Fig 4 Medium Commercial type rural entrance complying with Council's standards as set out in the Code of Practice for Land Development and Subdivision. The work shall be carried out and completed to the satisfaction of the Roding Manager, and shall be at the consent holder's expense.*

- 15 *The consent holder shall upgrade the existing Right of Way B to the Council's standards as set out in the Code of Practice for Land Development and Subdivision. All work is to be carried out to the satisfaction of the Council's Roading Manager and shall be at the consent holder's expense. The following issues shall also be addressed:*
- *The right of way shall have a 3.0m wide all weather surface on a 9.0m wide formation.*
- 16 *Two producer statements from a suitably qualified professional, with appropriate experience, shall be submitted to Council. The first producer statement shall include pavement design and drainage of the right-of-way's and the second producer statement shall cover the construction of the right-of-way's.*

Consent Notice – Building

- 17 *That for subsequent development on Lots 2 & 3 an effluent disposal system and storm water disposal system shall be installed and continually maintained in accordance with that designed 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 to 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 2.

Additional Advisory Notes

- i) *Note: Part of the boundary fence appears to encroach on to the Road Reserve. Council may, at any time, require that all fences be relocated to the legal property boundary at the property owner's expense.*
- ii) *Note: There are a number of trees planted along the boundary fence that are on the Road Reserve. Council accepts no responsibility for the maintenance of these trees. Also, Council may at any time, require that the trees be removed or relocated onto private property at the property owner's expense.*

Reasons for Decision

- 1 Pursuant to section 94 of the Resource Management Act 1991 the application has not been publicly notified as the adverse effects of the proposal are deemed to be minor. Accordingly, the application was processed on a non notified basis.
- 2 The subdivision is not contrary to the relevant objectives and policies of the operative Waipa District Plan. In particular objective HG5 and policy HG4 encourages the preservation of natural features in return for development incentives.
- 3 The proposal meets the criteria for subdivision pursuant to Rule 10.6.1.4(a) – Dwelling for a Person with a Long Association with a Holding.
- 4 The application has demonstrated that it will be preserving two topographically separated fragments of bush. The application and supporting information has demonstrated that these bush areas are worthy of protection and individually warrant the approval of an Environmental or heritage Protection Lots. Two Environmental or Heritage Protection lots have been subsequently approved.
- 5 The applicant has demonstrated that the allotments created under Environmental and Protection Lots are to be utilised on the subject property which is not classified as prime agricultural land. The effects of the proposed subdivision are thus considered to be less than minor that if the titles were to be utilised as Transferable Development Rights to create allotments on prime agricultural land.
- 6 A consent notice condition imposed will ensure that the bush fragments are preserved for perpetuity. Additionally to ensure ongoing management of the bush is provided from the owner of Lot 4 a report must be provided to Council every 2 years outlining the works that have been undertaken to preserve and protect this bush over this time period.
- 7 Any potential adverse effects that may arise from the application will be no more than minor or will be mitigated by appropriate conditions of consent.
- 8 A reserve contribution is required to be collected under Rule 10.9 of the Waipa District Plan and Section 108(10) of the Resource Management Act 1991. Condition 5 has thus been imposed.

- 9 A financial contribution is required to be collected for roading improvements under rule 10.8.5.4 of the Waipa District Plan and Section 108(10) of the Resource Management Act 1991. Condition 6 has thus been imposed.
- 10 A consent notice has been imposed to ensure that both effluent and stormwater disposal systems for any new dwellings are designed by a qualified engineer on the basis that the site has poor soakage. Condition 16 and/or 23 has thus been imposed.

8.2 10.40am – 11.05

Section 357 Objection to Roading Conditions Imposed on a Rural Residential Subdivision: Trident Trust, 138 Maungakawa Road, Cambridge

File: 04445/332.07

Applicant	Trident Trust Leighton Osmond Alistair Osmond Ms Mischewski
Appearing for Council	A Bron – Planner M Brown – Development Engineer

The Chairperson welcomed those present to the meeting and asked Mr Osmond to present their objection to conditions 7, 8 and 9 of the rural residential subdivision at 138 Maungakawa Road in Cambridge.

Mr Osmond said that it was his opinion that the decision to impose these conditions was in fact ultra vires as any change to the Code of Practice for Land Development and Subdivision needs to go through an District Plan Change process. Planning Services Manager advised the Committee that an amendment to legislation has provided for the code of practice able to be changed without reference to a plan change.

With regard to the sealing of the right of way, Mr Osmond asked whether the sealing could be just past the houses rather than the entire length. Development Engineer Mr Brown stated that any gaps in the sealing would mean that some properties would be affected by dust. He said that the entranceway was up to standard although not sealed to the property boundary, it is the correct width.

Mr Osmond stated that an existing hedge on the northern boundary of the Right of Way will prevent dust being blown on to the adjoining site which is the direction of the prevailing wind. Mr Osmond indicated there had been no dust complaints at present. He also said that they have not challenged the entrance being sealed to the boundary, they are happy to do this but reiterated that the objection is to sealing the whole length of the right of way and the need to provide a passing bay. He said that a camper van and a large car are able to pass along the drive way now and it is not necessary to provide a passing bay.

The Chairperson thanked everyone for attendance and said that the Committee would be having a site visit and the applicant would be advised of their decision within 14 working days.

[The Committee adjourned the hearing at 11.05am and reconvened with a site visit at 9.30am on Tuesday 2 May 2006]

RESOLVED

4/06/23

That

- a) *The report from Angela Bron, Planner dated 11 April 2006 be received; and*
- b) *Pursuant to Section 357D of the Resource Management Act 1991, the Waipa District Council uphold in part the objection to condition 8 and dismisses the objections to conditions 7 and 9 from the consent holder and accept the staff decision to approve the subdivision for Trident Trust being Lot 6 DPS 81890 (CT SA64D/205)*
- c) *Condition 8 of the approval to subdivide be amended as follows:*

The consent holder shall construct the proposed Right of Way to Lots 1 and 2 to a sealed standard for a length of 125 metres from Maungakawa Road to Council's standards as set out in the Code of Practice for Land Development and Subdivision. All work is to be carried out and completed to the satisfaction of the Roading Manager and shall be at the consent holders expense. The following issues shall also be addressed:

- *The sealed section of the Right of Way shall be 3.0 metres wide on a 6.0 metre formation.*

Cr Webber/Cr Newlands

Reasons for Decision

- 1 Roading conditions imposed are consistent with the requirements specified in the Waipa District Council Code of Practice for Land Development and Subdivision.
- 2 The subject property is adjacent to two existing dwellings. Sealing then length of 125 metres of the right-of-way will mitigate potential adverse effects such as noise and dust and improve the visual amenity of the rural-residential area.
- 3 The standards of formation required for both the entrance and the right-of-way are designed to suit rural-residential properties where no farm traffic or tankers will be using the access.
- 4 Producer Statements from a qualified person are still required to be supplied from the consent holder to Council relating to the pavement design, drainage and seal construction of the Right of Way in accordance with the Code of Practice for Land Development and Subdivision.

8.3 11.30am – 12.19pm

Application to create two rural residential allotments (one additional lot) not complying with the average and minimum net lot area requirements of the Waipa District Plan: B and S Mackintosh, 214 Thornton Road, Cambridge being Lot 1 DPS 60065

File: 04445/345.04

Applicant B and S Mackintosh were represented by:
Lucy Smith Environmental Management Services
Phil Cogswell – Cogswell Surveys Ltd

Appearing for Council J Marsden – Consultant Planner

The Chairperson welcomed those present and outlined the process for the hearing. She then invited Ms Smith from Environmental Management Services to present the application to create two rural residential allotments at 214 Thornton Road, Cambridge on behalf of her clients Mr & Mrs Mackintosh. In response to questions she said that this application was unique as it is in direct alignment with other residential subdivisions in this area that were zoned rural residential. She said that the proposed ROW does meet the Council criteria for width and is designed to accommodate the application.

In response to a question from the Committee, Mr Cogswell advised that there was a water reticulation connection available on a trickle feed basis at the applicant's site. He also confirmed that Environment Waikato had given approval for the installation of a septic tank at the site.

Ms Marsden then presented her staff report. In response to questions from the Committee she confirmed that this application would not add to the cluster or density of houses in the area as it is in the middle of other developments, most notably the Boone subdivision. However, the Boone subdivision was not a non-complying activity.

Discussion within the Committee was held on the possible precedent or cumulative effects that could occur from the granting this application. It was considered that the effect would be minor As there are few locations within the District having similar circumstances to Thornton Road. Another factor to consider with this application is the close proximity to the Oaklands residential subdivision across the road.

During her right of reply, Ms Smith said that she stood by her assessment that the application can meet the Resource Management Act thresholds as the site can be serviced and the amenity of the area preserved. She urged the Committee to conduct a site visit and this would enforce this belief. She reiterated that this application was close to urban development and was very much more residential than rural residential.

Ms Smith also argued that there is a shift in perception and there is a change in how rural residential and residential subdivisions are viewed. This was evidenced in the lack of opposition to the application and in fact all affected parties had given consent. She said that this application was an exception with sufficient distinguishing factors and an approval would not have an adverse cumulative or precedent effect on the District Plan.

The Chairperson thanked everyone for their attendance and advised that prior to a decision being made the Committee would be making a site visit, on Tuesday morning 2 May 2006. She said that the applicant would be advised of the decision within 15 working days.

RESOLVED

4/06/24

That

- a) *The report from the Consultant Planner Ms Jude Marsden dated 8 April 2006 be received; and*

- b) *That in consideration of Section 104, and pursuant to Sections 104B, 104D, 108 and 220 of the Resource Management Act 1991 the Waipa District Council grants consent to B and S MacKintosh to create two Rural Residential lots (one additional) not complying with the Rural Residential average and minimum lot size requirements at the property located at 214 Thornton Road, Cambridge legally described as Lot 1 DPS 60065 (SA480/631), subject to the following conditions:*

Cr Webber/Cr Sharpe

General

- 1 *That the Land Transfer Plan to give effect to this subdivision consent shall be generally consistent with the approved plan reference 3311 by Cogswell Surveys Ltd dated January 2006 submitted with application SP:4966, unless otherwise altered by the consent condition. A copy of the approved plan is attached.*

Power

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

Telecommunications

- 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.

Financial Contributions

- 4 *That a reserve contribution of \$1834.00 (GST inclusive) be paid to Council. This is calculated on the basis of one additional allotment.*
- 5 *That pursuant to Rule 10.8.5.4 of the Waipa District Plan and Section 108(10) of the Resource Management Act 1991 a financial contribution of \$3526.00 (GST inclusive) shall be paid to Council. This financial contribution is for roading improvements and is calculated as follows:*

Roading Financial Contribution: \$3526.00 per allotment (GST inclusive).

Legal

- 6 *That pursuant to Section 221 of the Resource Management Act 1991 the consent holder shall enter into an agreement of an ongoing nature and register on the title of Lot 2 that:*
- a) *For subsequent development of Lot 2 an effluent disposal system and stormwater disposal system shall be designed, installed and continually maintained to the satisfaction of the Council's Building Manger. Refer to the Mark T Mitchell report dated 12 August 2005.*
 - b) *That for subsequent development of Lot 2 building works shall be undertaken in accordance with the Geotechnical Report provided by Mark T Mitchell (reference W-8243) dated 12 August 2005 to the satisfaction of the Council's Building Manager.*

- c) *That for subsequent development of Lot 2 a suitably qualified and experienced Geotechnical Engineer will be required to inspect the site and submit to Council for approval, at the time of building consent, design details on the foundations of the buildings.*

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

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

Roading

- 7 *The consent holder shall upgrade as required the existing vehicle entrance to Lot 1 to a Figure 3 Standard rural type complying with Council's standards as set out in the Code of Practice for Land Development and Subdivision. All work is to be carried out and completed to the satisfaction of the Roding Manager and shall be at the consent holder's expense. The following shall be addressed:*
- *The entrance shall be sealed from the edge of the road to the property boundary.*
- 8 *The consent holder shall upgrade as required the existing ROW to Lots 1 and 2 to the Council's standards as set out in the Code of Practice for Land Development and Subdivision. All work is to be carried out and completed to the satisfaction of the Roding Manager and shall be at the consent holder's expense.*
- 9 *A producer statement from a suitably qualified professional shall be submitted to Council. The producer statement shall state whether the ROW has been constructed to Council's standards and that adequate provision has been made for stormwater disposal from the existing ROW, in accordance with Council's standards.*
- 10 *That the Right of Way shown as A and B on the scheme plan of subdivision SP:4966 be duly granted and reserved.*

Utilities

- 11 *If the consent holder requests an additional water connection to the Council supply, a water supply development impact fee of \$2165.00 (GST inclusive) shall be paid to Council pursuant to Rule 10.8.5.2 of the Waipa District Plan and Section 108(10) of the Resource Management Act 1991.*

(This financial contribution is for water supply improvements and is calculated as Water Supply Financial Contribution Cambridge: \$2165.00 per new allotment (GST inclusive)).

Alternatively:

If the consent holder does not require an additional water connection to the Council supply at this time, then future developers of the Lot will be made aware of the requirement for the financial contribution (in the event of future application to connect to the water supply is made). This will be by way of a S221 Consent Notice on Lot 2 as follows:

Pursuant to Section 221 of the Resource Management Act 1991 the consent holder shall enter into an agreement of an ongoing nature and register on the title of Lot 2, that pursuant to Rule 10.8.5.2 of the Waipa District Council Plan and Section 108(10) of the Resource Management Act 1991 a financial contribution of \$2165.00 (GST inclusive) shall be paid to Council, at the time an application for a water connection is made to Council for a connection to this lot.

(This financial contribution is for water supply improvements and is calculated as Water Supply Financial Contribution Cambridge: \$2165.00 per new allotment (GST inclusive)).

- 12 *The consent holder shall arrange for Council to install a separate water connection to Lot 1. The consent holder shall meet all costs incurred.*

Advice Note: Arrangements for installation of a new connection to Lot 2 shall be done if and when a new connection to Lot 2 is applied for.

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

Reasons for Decision

- 1 The application is non-complying with the District Plan subdivision rules for Rural Residential Policy Areas, on the basis of proposed lot sizes. Therefore consideration has been given by Section 104D of the Resource Management Act 1991, to the actual effects of the proposal in this locality. The environmental effects of two non-complying sized rural residential lots (one additional) close to a residential zoned area, and specifically within the Thornton Road Rural Residential Policy Area are not considered adverse or detrimental to the amenity and physical state of the locality. Approval of this subdivision will be generally consistent with the size of the existing allotment in this Policy Area.
- 2 The majority of properties in the surrounding Thornton Road Rural Residential Policy Area are already developed with regard to potential (cumulative) effects of future subdivision.
- 3 The effects of the proposed subdivision on the environment are considered to be no more than minor, provided the conditions of approval are satisfied.
- 4 All parties deemed to be affected by the proposal have been notified via limited notification and only submissions in support of the application have been received.
- 5 Environment Waikato staff have assessed the proposal due to the proposed lot sizes being less than 2500m², with regard to the disposal of effluent and stormwater management. It is considered that the additional site is suitable for future rural residential development subject to compliance with the conditions imposed relating to effluent and stormwater disposal, and foundation design of future buildings.
- 6 Pursuant to Section 94(1) of the Resource Management Act 1991 the application has been limited notified as requested by the applicant. Accordingly, the application has been processed on a limited notified basis.

[The Committee broke for lunch at 12.14pm and reconvened at 1.30pm]

8.4 1.30pm – 4.30pm

**Non complying application to subdivide seven additional allotments utilising “Transferable Development Rights” (TDR)
Rule: Coombes Development Trust and LA & DAT Coombes,
Fletcher Road being Lot 1 DP359808**

File: 04570/196.01

Applicant	Coombes Development Trust and LA & DAT Coombes Joan Forrett - Solicitor David Latham - Surveyor
Appearing for Council	T Kelly – Planner M Brown – Development Engineer
Submitters Present	M J Fulton D & D Williamson K M Forbes BR & M T McGill (not wishing to speak) B R & K J Carswell CH & G M Schinkel H Flay E T Brodnax

The Chairperson welcomed everyone to the hearing and conducted a roll call to see who was present and who wished to speak to their submission. She then outlined the procedure for the hearing and asked Ms Forrett to present the application for subdivision on behalf of her clients.

In response to questions regarding complaints to her clients about farming operations, Ms Forrett advised that these had occurred over a number of years and not since the application has been lodged. It is apparent that maize harvesting is a main cause for concern by complainants and perhaps this is because the residents are not used to intense farming practices.

Mr L Coombes then read his written submission. Cr Webber asked whether the Tuhikaramea Road access was for the subdivision or heavy vehicle access. Mr Coombes said that the access was for the heavy vehicles as it would alleviate some of the nuisance caused to the Fletcher Road residents during the maize harvesting.

Mr Cameron Coombes read his written evidence which mainly concerned the production and quality of the soil at both the Fletcher Road property and the Home Farm property located on Old School Road.

Mr Latham produced written evidence and spoke to this. In response to questions he said that he had visited Fletcher Road and that of the 22 properties along this road, 30 per cent, or six properties, would have a view of this development.

[Adjourned for afternoon tea at 3.10pm and reconvened at 3.26pm]

Mr Fulton – Submitter in opposition.

Mr Fulton stated that he had bought his property after obtaining information about zoning and the probability that intensive subdivision would not occur in this zone. He was concerned that if the subdivision was approved then the residents of Fletcher Road would be subjected to a lot of intensive noise with construction being carried out over the next couple of years. He said that the impact from seven new houses at the end of Fletcher Road would bring safety concerns with increased traffic in a rural area.

Mr Fulton was also concerned that transferable titles are used in this case just for monetary gain. He said that if the Coombes were committed to the preservation of the bush blocks then they would fence them anyway. He said that a score of 4 out of 11 on the Waikato Regional Policy Statement of significance was hardly compelling and was in effect only 47% of a regional or national significance.

Mr Fulton was also concerned with reverse sensitivity occurring with the subdivision as there is a boiler chicken farm not far away and also other farming activities occurring close to this area.

Mrs Forbes – Submitter in Opposition

Mrs Forbes stated that she opposed the application in its entirety. Her reasons for this were that the proposed seven free titles effectively creates a rural residential subdivision in a rural area; significant increase in traffic; adverse effect on the quality and character of Fletcher Road; issues of reverse sensitivity; de facto settlement rural residential; transferable development rights should not be used to enable multiple subdivisions and transferable development rights are not applicable to this application

Mr Hoogland – Submitter in Opposition

Mr Hoogland stated that he had nothing new to add and just wanted to hear what the Coombes family had to say. He said that combining the titles off the home farm and protecting the bush is commendable but not by transferring the titles to Fletcher Road just to enable financial gain to the family.

Mrs Carswell – Submitter in Opposition

Mrs Carswell stated that she had lived in the area for 10 years and had never complained. She wanted to re-emphasise that transferable development rights cannot be transferred to other than non sensitive properties. The transferable development rights option had already been used in relation to the Fletcher Road property and therefore is ineligible and should never be allowed to make seven new dwellings.

She stated that Fletcher Road is prime agricultural land – prime agriculture land falls within classes 1 – 3. The home farm may be classed as 1 but with Fletcher Road being classed as a 3 it is still prime land.

With regard to the areas of bush Mrs Carswell stated that if the family were genuine and sincere this can be done anyway. She was also concerned that if approval was given to this application then every farmer with a large holding and some bush could make an application and that is not what is intended in the District Plan.

Mrs Carswell also had concern with the increase in traffic along the rural road with children riding bikes, horses and walking in a rural atmosphere. She said that seven additional houses would change this and the District Plan does not allow the subdivision therefore it should not be allowed to proceed.

Ms Flay – Submitter in Opposition

Ms Flay stated that she had not heard of anyone who has complained about farming operations on adjacent land and that most often during the maize harvesting time people stay off the road as it is only a short 48 hour timeframe.

Ms Flay had concerns with ongoing construction and the increase in traffic to the end of the road which is currently the metal part of the road. She said seven houses would have a huge impact to this road in terms of safety and maintenance. She said that soil testing showed that the property on Old School Road was a mix of class 2 and 1 and that Fletcher Road was a mix of class 2 and 3 and is therefore still considered prime agricultural land.

Ms Flay informed the Committee that her house is the one at the top of the hill and looks down to the lower area and directly to where the subdivision would be. This would affect her outlook immensely as intensive housing is not a rural outlook.

Mr Brodnax - Submitter in Opposition

Mr Brodnax advised that he lived adjacent to the proposed subdivision. He said that he had read through the Planners Report and it had covered every point that he had raised and could see no sense in going through them. He said that the report reinforces the points that are contrary to the District Plan and in fact, in most cases the whole subdivision is contrary to the intent as well as the actual rules.

He said that it was his belief that the evidence which as been presented is compelling, the most important item that concerned him is the precedent that this application will set, not only in Fletcher Road but throughout the District. He said it is inconceivable that you could over ride the views of the Planners as they are the experts but it was his argument that even though the Committee have the right to do that as, the Committee should not expose the Council to a challenge in the Environment Court.

He stated that the Fletcher Road residents were a united group who are against this proposal and hoped the Committee would reach a decision shortly to refuse this application in its entirety.

Mrs Schenkel - Submitter in Opposition

Mrs Schenkel said that there was not a lot that she wished to add to her submission but advised that she was not aware of any of the current residents in Fletcher Road who have complained about farming activities. She said that the residents are aware and tolerant of the maize growing operation and that this will result in one or two days, once or twice a year of inconvenience and they have all accepted that. Everyone is happy with what is happening on the farm in the rural environment.

She said that the problem has occurred because it was not their expectation that the areas was going to end up in a rural residential environment and everyone investigated the Plans before they purchased their property and saw it was a zone rural and not rural residential and these expectations need to be maintained.

Mrs Schenkel said that there would be an increase in the end of the road as it is a no exit and she said it would result in a 200% increase in traffic at the bottom end of the road with the increased activity and she doubted that the road will cope with that increase in traffic volume.

The Chairperson thanked the submitters for their submissions and invited the Ms Kelly, Council's Planner to present her report. She also indicated that it would be helpful to the Committee to include a site visit before making their decision.

There were no questions to Ms Kelly.

[Adjourned at 4.08 for applicant to confer with counsel and reconvened at 4.14pm]

Ms Forrett responded to issues raised by the submitters.

With regard to Mr Fulton she stated that Mr Coombes had already provided evidence that they have been protecting these bush stands for the past 10 years and have already set aside these wetlands, it is not a last minute activity. She said that a score of 5 out of 11 on the Waikato Regional Policy Statement of Significance is actually pretty good as the other six measure don't even apply to this area of land which shows that these are of such significance in terms of the regional policy statement. She also said that the applicant would be happy to have a condition which required that no further consent for subdivision would be approved while the area remains rural.

Mrs Forbes had concerns with regard to the creation of a rural residential block and really most of the land in the environment is already well under the 25ha minimum which is required under the plan. The traffic report reported that there was no adverse affect and nobody has yet articulated the terrible adverse affect on the neighbourhood is going to be. De facto settlement, yes it is contrary to the rule but is that of itself a bad thing. Transport development rights are available on the home farm and by taking them to Fletcher Road would release 3.3 ha of prime land and are on their own property and not elsewhere in the district which could in turn see small lots created all around the district on prime soils.

Ms Forret said in response to Ms Flay's submission that the complainants had been from Hodges, Forlong (stating he was a delegate for all of the residents on Fletcher Road and the one to threaten to call the Police) and Carters who had now moved away. There were also incidents of people leaving complaints, sometimes at midnight, but did not identify themselves.

In response to Mr Hoogland's question about "why do a transfer"?, well the District Plan allows for this. There are benefits for the District and the Region in protecting significant natural areas and the landowner wants some recompense for this. Part 2 of the Plan is there for the applicants as well as submitters and residents, they are allowed to receive some benefit, many people are totally altruistic in their applications.

Again, the Carswells have noted that Fletcher Road is highly productive but it is not as productive as Old School Road. We agree that other people are doing their own protection but they are not exercising their rights as Mr Coombes is and that is not the applicants concern. With regard to safety we suggest that six houses are better than large agricultural trucks.

Ms Forrett said that the residents of Fletcher Road had expectations that the rural aspect should remain. This is not consistent with other lots around the Coombes property. In regard to precedent effects, any other application would need to demonstrate to the Committee that they have a heritage protection lot and have a property with lower quality soils to transfer to, you would commend this but not to equal or higher quality soils as this would not be a benefit. Each application would need to be considered on its merits and other factors taken into account.

Expectations of the rural and – not consistent with other lots around the Coombes property – others have done it. Precedent affects – would have to show that this is something that is of benefit to the district to the Committee. Others with class 1 and heritage protection lots and proposing to transfer to lower quality soils you would like to commend this, but to equally high quality soils not a benefit – if it is a benefit to the district – then not necessarily adverse effects, they are to be considered on each application and considered as other factors to take into account.

Mr Brodnack questioned whether the Coombes were genuine in their intent to protect the environment lots. Evidence has been presented to the Committee to the effect that the Coombes have already started this process and that a site visit will show the rejuvenation of the bush stands.

Ms Forrett stated that the Planners report included a statement about rural amenity and de facto residential development but again it has not been articulated as to what effect the six houses are going to have.

She said that the Rules 10.6.1.4e – 10.3.2.f – of the District Plan state that one says you can create allotments and the other says that you can transfer them.

The Chairperson thanked those present for their participation in the hearing and advised that the Committee would be undertaking a site visit and the applicant could expect to hear the decision within 15 working days.

[The Committee adjourned the hearing at 4.30pm and reconvened with a site visit at 11.30am at the Fletcher Road site and then the Old School Road site on Tuesday 2 May 2006]

RESOLVED

4/06/25

That

- a) *The report from Terrena Kelly, Planner dated 10 April 2006 be received; and*
- b) *That in consideration of Section 104, and pursuant to Sections 104B & 104D of the Resource Management Act 1991 and the Operative Waipa District Plan the Waipa District Council declines its consent to Coombes Development Trust and LA & DAT Coombes to subdivide Lot 3 DPS91842 (transferee title, Fletcher Road) and Sec 1 SO60816, Lot 3 DP21344 (CT46061), Lot 2 DPS67676, Lots 1 & 2 DPS 84177 (CT SA66D313) and Pt Lots 1 & 2 DP21344 and Pt Allot 415 Tuhikaramea Parish (CT48C/115) (transferor titles) under the provisions of Transferable Development Rights (Rule 10.6.1.4(e)) as shown on the plan of subdivision SP4984.*

Cr Newlands/Cr Webber

Reasons for Decision

- 1 The proposal is contrary to the Policies and Objectives of the District Plan, in particular Policies SU2B, SU13, SU16B and Objectives SU2

- 2 The proposal will result in a de-facto rural residential settlement in the Rural Zone, which Rule 10.6.1.5(h) specifically seeks to avoid. Rule 10.6.1.5(h) states that a subdivision seeking to transfer a development right entitlement may only be approved where the development resulting from any subdivision on the recipient property will not result in the aggregation of urban form in the locality.
- 3 The proposal is not consistent with Part II of the Resource Management Act 1991, for which any resource consent application is subject to, and the adverse effects resulting from the proposal are considered to be more than minor.
- 4 There are no unique characteristics or special circumstances that would set this property aside from others within the rural Zone that would warrant approval. Granting consent to this proposal would have an adverse cumulative effect, in that Council would have difficulty declining consent to future similar applications.

There being no further business the meeting closed at 4.37pm on Monday 1 May 2006, reconvened at the Cambridge Service Centre at 9.00am on Tuesday 2 May 2006 and closed at 4.19pm.

CONFIRMED AS A TRUE AND CORRECT RECORD

CHAIRPERSON: _____

DATE: _____