

*Minutes of a meeting of the Regulatory Committee held in the Council Chambers, Waipa District Council offices, 101 Bank Street, Te Awamutu on Monday 27 March 2006 commencing at 9.00am*

## **1 PRESENT**

---

Councillor D Sharpe, Chairperson

### **Committee**

His Worship the Mayor A Livingston, GC Flay, EC Newlands (from 9.07am), BJ Taranaki, GRP Webber

Deputy Chief Executive G Dyet, Planning Services Manager W Allan, Planner A Bron, Planner H Stevenson (item 8.2 only), Consultant Planner K Drew (item 8.1 only) Regulatory Engineer M Brown (item 7.2 onwards),

## **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**

4/06/09

*That the order of the meeting be confirmed.*

Cr Flay/Cr Webber

## **5 CONFIRMATION OF PREVIOUS MEETINGS**

---

File: 01-89-04

### **5.1 Meeting of Regulatory Committee 27 February 2006**

File: 01-89-04

### **RESOLVED**

4/06/10

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

Cr Webber/Cr Taranaki

[Cr Newlands arrived at 9.07am]

## **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**  
4/06/11

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

Mayor Livingston/Cr Taranaki

## **7 GENERAL**

---

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

**RESOLVED**  
4/06/12

*That the schedule of Matters Considered by Staff Under Delegated Authority from 11 February to 16 March 2006, be received, a copy of which is attached to and forms part of these minutes.*

Cr Flay/Cr Newlands

- 7.2 **Application for Transferable Development Rights,  
Mr N & Mrs E Keiser, Maungakawa Road,  
Cambridge**  
File: 01-52-01

The application for consideration of transferable titles received from Mr & Mrs Keiser was discussed by the Committee. The item had been referred to the Committee to give some guidance to staff with respect of the request from Mr & Mrs Keiser. Consideration of similar sites around the District was given and relative merits of other bush stands around the MEIT fence line.

Planning Services Manager Wayne Allan thanked the Committee for the consideration and advised that he would be giving feedback to Mr & Mrs Keiser, based on these discussions.

### 7.3 Appointment of Hearing Commissioner's

Planning Services Manager Wayne Allan advised the Committee that there were two instances in the near future where a Hearing Commissioner would need to be appointed. He advised that these related to Anzac Green and the Western Arterial Bypass designation.

#### **RESOLVED**

4/06/12

*That pursuant to Section 34(A)(1) of the Resource Management Act 1991 Mr Alan Withy be appointed as a Hearing Commissioner for the purposes of considering the submissions lodged to the Notice of Requirement detailed in Schedule 1 below and making a decision on the application in accordance with Section 168(A)(4) of the Resource Management Act 1991.*

#### **Schedule 1**

#### **Requiring authority**

*Waipa District Council*

#### **Application**

*Designation of a new road, known as the Te Awamutu Western Arterial. The road is located from Paterangi Road near the intersection with Alexandra Street and extends for approximately 4.6km to the intersection of St Ledger Road, Golf Road and SH No. 3*

*Cr Webber/Mayor Livingston*

**RESOLVED**

4/06/13

*That pursuant to Section 34(A)(1) of the Resource Management Act 1991 Mr Alan Withy be appointed as a Hearing Commissioner for the purposes of considering the submissions lodged to the Notice of Requirement detailed in Schedule 1 below and making a decision on the application in accordance with Section 168(A)(4) of the Resource Management Act 1991.*

**Schedule 1**

**Requiring authority**

**Application**

*Waipa District Council*

*Designation of land for road realignment purposes taking part of Anzac Green of which is part of the former north western corner of Anzac Green located on Vaile Street, Te Awamutu.*

Cr Webber/Mayor Livingston

**8 HEARINGS**

---

8.1 9.15am – 10.06am

**Application for Residential Subdivision of three existing allotments to create Seventy-eight residential allotments and vesting of roads and reserves: Tristar Group Ltd, Picquet Hill & Cambridge Road, Te Awamutu being Lot 2 DPS 30480 (SA28A/580), 5 DPS 30480 (SA28A/583) and Lot 1 DPS 86211 (SA67C/572)**

**File: 04481/494.00**

Applicant

Tristar Group Ltd  
Represented by Ms J Marsden and Mr B Milne of Focus Consulting

Appearing for Council

K Drew – Consultant Planner  
M Brown – Regulatory Engineer

The Chairperson welcomed those present and asked representatives of the Tristar Group to present their application for residential subdivision of three existing allotments to create 78 residential allotments and vesting of road and reserves with Council in Picquet Hill and Cambridge Roads, Te Awamutu.

Ms Marsden advised that there had been a change to this application as her client was selling via amalgamation land that had been encroached upon by a neighbour and now the application would need to be handled entirely as a Discretionary Activity.

Ms Marsden asked for clarification that as the application was lodged and heard before 1 July 2006, this subdivision and any subsequent building consents would be exempt from the proposed DCP levies. She was advised that as the proposed Policy was still in draft mode it is unlikely that these charges would be levied with regard to this application. She was also reminded that if fees are levied under the Resource Management Act then they could not be levied under the Local Government Act at a later date.

With regard to the Staff report, Ms Marsden advised that her clients were in agreement with the conditions imposed but considered that the vesting of stormwater reserves could be done under the Public Works Act rather than the Reserves Act in this instance.

Consultant Planner K Drew presented her report to the Committee.

Maintenance of stormwater detention ponds was discussed and Deputy Chief Executive G Dyet advised that this fell to the department who had the vested interest. It was his opinion, without seeing any engineering plans, that the maintenance of this area would fall to the parks and reserves department due to the size, end use and the amount of sections involved in this development.

Following a discussion on the possibility of grazing of the reserves it was advised that the areas will be developed and therefore not available for grazing. The applicant was working with Asset Manager Recreation of Waipa District Council to come up with a development plan for the area.

[Adjourned for morning tea at 10.07am and reconvened at 10.22am]

**RESOLVED**

4/06/14

*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*  
Cr Flay/Cr Webber
- 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 advises of its intent to grant the consent subject to actions listed in (d) below.*  
Cr Webber/Cr Taranaki
- d) *Before final approval of the application is given, Council in consultation with the developer (Tristar Group) and adjoining landowner (Wallace), investigates the incorporation of a connector road entrance between the extension of Gleneagles Drive and Lot 3 DPS30480 (Wallace Property) in the final design and subdivision of Stage 1 of the proposed subdivision.*  
Cr Newlands/Mayor Livingston

**8.2 11.10am – 12.28pm**

**Application to Establish and Operate a Café in the General Zone, the Great Kiwi Pie Company Ltd, 9 Cook Street, Cambridge  
File: 04510/163.00**

Applicant	The Great Kiwi Pie Co. Ltd (Cydney Gray) Represented by Ms J Marsden of Focus Mr N Robbins – Maunsell Engineering
Appearing for Council	Miss H Stevenson – Planner Mr M Brown – Development Engineer

The Chairperson welcomed those present and outlined the procedure for the hearing. She then asked Ms Marsden, acting for the Great Kiwi Pie Company to outline the application to establish and operate a café in the General Zone at the property at 9 Cook Street, Cambridge.

Ms Marsden presented the application and discussed issues identified by submitters which included concerns with regard to traffic impact, liquor licence, tables and chairs on footpath, litter and noise. She outlined that these have been addressed and included in the staff report forwarded to the submitters.

Ms Marsden produced photographic evidence with relation to signage and parking of other businesses in the area in question. She requested on behalf of her client that a number of amendments be made to the proposed conditions which related to the size of the signage, fencing and the ability to open on Public Holidays.

It was the applicant's view that signage as shown in the photographs were already in place and requested that the original size of the signs in the initial application, be accepted.

In response to questions related to trucks and parking, clarification was given that no parking lines would need to be painted on the road to the driveway that would be the exit of the café. This would leave room for at least two cars to park outside the front of the café on the road. The traffic impact report states that there will be limited truck movements as this is only an outlet shop and not the bakery. The trucks would be limited to the delivery of bread and supplies and be only a couple of times per week, usually in the early hours of the morning.

Submitter in opposition Tara Ingram produced written submission and spoke to this submission. Ms Ingram had concerns with the lowering of the value of her property, noise, litter, traffic, liquor and tables and chairs on the pavement. She was also not happy with the applicant's change of heart and opening on Public Holiday's. Ms Ingram also stated that the fence had been put up without consent or discussion.

Raewyn Tidd submitter in opposition. Ms Tidd advised that her main concern other than litter, noise, parking, was school children on their way to school – biking along this busy road with cars and/or trucks parking outside the café there is nowhere for them to go. She also advised that the parking in front of her house is for the saddlery shop and they lease the ground. It is not public parking.

Council's Planner, Miss Stevenson presented her report and addressed the issues raised by the applicant and submitters. Council's Development Engineer, Mr Brown spoke about the need to have review conditions to keep updated on the traffic impact. However, under Section 128 a resource consent cannot be cancelled and therefore any decision will need to be made on the evidence from the Maunsell report.

In the right of reply Ms Marsden confirmed that verbal approval had been given for the fence. Traffic comparisons were carried out using KFC and Subway with suggestions on parking restrictions and the proposed carpark structure being included in the traffic report. The report asked for entry and exit signage to be on the buildings rather than on the road.

The Chairperson thanked all who attended the hearing for their input and advised that the Committee would be making a site visit before making a decision on this application.

The hearing adjourned for lunch at 12.28pm and reconvened on site 1.30pm.

**RESOLVED**

4/06/15

*That*

- a) *The report from the Planner, Hanna Stevenson dated 13 March 2006 be received; and*
- b) *That in consideration of Section 104 and pursuant to Sections 104B, 104D and 108 of the Resource Management Act 1991 and the Operative Waipa District Plan, the Waipa District Council grants consent to The Great Kiwi Pie Co. Ltd (C.-Cydney Gray) to establish and operate a café in the general zone at the property located at 9 Cook Street, Cambridge, legally described as Lot 1 DPS 62550, subject to the following conditions:*

Cr Newlands/Cr Flay

*General*

- 1 *The proposed activity shall proceed in general accordance with the application and plans, and further information and supporting information reference submitted with the application (Waipa District Council reference RC4774), unless otherwise altered by the consent conditions.*

*Monitoring*

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

*Review of Consent Conditions*

- 3 *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, the 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 from the exercise of the resource consent (in particular parking, loading, noise and amenity effects) 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*

- 4 *All activities shall be conducted and buildings located, designed and used to ensure that noise levels do not exceed the following limits:*

a) *Within the boundary of any site zoned Residential  
Monday to Friday*

*7.00am – 10.00pm 50dBa (L10)*

*Saturday*

*7.00am – 6.00pm 50dBA (L10)*

*At all other times including public holidays 35dBA (L10)*

b) *Within the boundary of any site zoned General*

*Monday to Saturday*

*7.00am – 10.00pm 50dBA(L10)*

*At all other times including public holidays 40dBA(L10)*

*No single event noise level Lmax shall exceed 70dBA or exceed the background noise level by more than 30dBA at night time (10.00pm to 7.00am) during the periods covered by “all other times”.*

*Hours of Operation*

- 5 *The maximum hours of operation for the site activities shall be between the hours of 6am to 6pm Monday to Friday and 8am to 6pm Saturdays. No opening is permitted on Sunday's.*

*Outdoor Storage and Waste Disposal*

- 6 *Any storage areas and/or areas to be used for trade processes shall be located inside the buildings on the subject site.*

*Or*

*Any storage areas and/or areas to be used for trade that will be outdoors shall be suitably screened from the road, public places and the buildings of adjoining residential properties as per Rule 5.4.5 of the Operative Waipa District Plan.*

- 7 *That all waste from the operation be stored in suitable containers with appropriate lids and be removed from the site when required. All waste shall be transported to approved refuse disposal sites.*

*Seating*

- 8 *The maximum number of seated patrons shall be 32 at any one time.*
- 9 *A maximum of 16 seats (maximum four tables) may be located in the outdoor area directly in front of the existing building towards Cook Street.*

*Fencing*

- 10 *The consent holder shall erect and maintain a close board boundary fence along the south west and north east boundaries of the subject site.*

*Landscaping*

- 11 *The consent holder shall provide landscaping (either potted or in the ground) along the road boundary as per the approved plan (reference 1171, dated January 2006).*

*Signage*

- 12 *The signage shall be in accordance with the signage information provided in the application.*
- 13 *There shall be no signage situated on the western external face of the building. Directional signs of a suitable size as required in condition 15 shall be exempt from this condition.*

*Traffic*

- 14 *That the two arrows for the entry and exit points from Cook Street indicating traffic direction as shown on the approved plan (reference 1171, dated January 2006) be provided on the upgraded entrances to the site prior to the commencement of the activity on the site.*
- 15 *That signage is provided to ensure that traffic flows in the intended direction indicated in the approved plan (reference 1171, dated January 2006) prior to the commencement of the activity on the site.*
- 16 *That the existing no stopping restriction on the southern side of Cook Street from Burns Street intersection be extended east to the existing vehicle crossing adjacent to the western boundary prior to the commencement of the activity on the site.*

*Parking*

- 17 *That written confirmation is provided to Council (on a yearly basis, on the anniversary of consent approval), confirming off site parking is provided for staff on an ongoing basis.*
- 18 *That there is provision for the parking of 7 vehicles at the rear of the property and that the parking spaces be delineated prior to the commencement of the activity on the site.*
- 19 *That there is provision for small trucks that have a wheelbase of less than 4.00 metres to unload at the rear of the site.*
- 20 *That the existing lean-to structure at the rear of the building is removed prior to commencement of the activity on the site.*

*Entrance Ways*

- 21 *That the consent holder shall upgrade the existing vehicle crossings as indicated in the application Focus Drawing 1171. The crossings are to be constructed to the Council's standards as set out in the Code of Practice for Land Development and Subdivision and be constructed prior to the commencement of the activity on the site. The following issues shall also be addressed:*
  - *The entrances shall extend from the road kerb and channel to the property boundary.*
- 22 *All works associated with conditions 14 to 21 are to be completed to the satisfaction of Council's Roading Manager and shall be at the consent holder's expense.*

*Reasons for Decision*

- 1 Pursuant to section 94(1) of the Resource Management Act 1991 the application has been limited notified as all parties that were considered potentially adversely affected by the granting of this consent have not provided their written approval. Accordingly, the application has been processed on a limited notified basis.
- 2 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.
- 3 The proposal is not inconsistent with the relevant policies and objectives of the operative Waipa District Plan.

- 4 The application to establish a café in the General Zone is considered by the Council to satisfy Sections 104, 104B and 104D of the Resource Management Act 1991 in respect of the land use consent.
- 5 Review condition 3 provides Council with the flexibility to review the exercise of the consent and address any significant adverse effects that might arise during the exercise of the consent.
- 6 Condition 4 is imposed to ensure that there are no adverse noise affects from the activity on residents of nearby properties.
- 7 The hours of operation and number of seating patrons at any one time is controlled to ensure the activity operates at such a level to not create a nuisance to residents of nearby properties.
- 8 Fencing and landscaping conditions (10 and 11) have been imposed to a standard consistent with provisions of the operative Waipa District Plan to protect the visual amenity of the locality.
- 9 Fencing is not required on the south eastern boundary of the subject site as the adjoining land is used for an access leg. The land on the opposite side of the access leg to the subject site is used for carparking. Thus, screening is not required to protect visual amenities.
- 10 An assessment of the traffic issues associated with this application has confirmed that the adverse effects of the activity will be minor on the road network. Conditions 14 to 21 have been imposed to ensure that adequate parking is provided for the activity and traffic impacts minimised.
- 11 That the existing lean-to structure at the rear of the building is required to be removed to maximize vehicle manoeuvring at the rear of the subject property.
- 12 The environmental effects associated with the proposal are not considered to be any greater than those that would be anticipated with any activity that is permitted in the General Zone.
- 13 Signage is permitted as per that proposed in the application as it is in keeping with other signage along Cook Street.
- 14 The Committee had no regard to the lease agreement termination provided at the hearing as it is not a relevant resource management issue.

Advisory Notes

- The consent holder shall obtain the necessary building consents prior to the commencement of works on site.
- The applicant shall obtain all relevant licences and approvals prior to the commencement of the operation eg Liquor Licence if required.
- 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.
- Litter generated from the activity shall be controlled and monitored by the consent holder to ensure it does not create any level of discomfort to any occupants or owners of properties beyond the application site boundary, which in the opinion of Council's Enforcement officer is creating an unacceptable nuisance.

There being no further business the meeting closed at 2.23pm

**APPROVED AS A TRUE AND CORRECT RECORD**

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

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