

Minutes of a meeting of the Regulatory Committee held in the Council Chambers, Waipa District Council offices, 101 Bank Street, Te Awamutu on 29 July 2008 commencing at 9.00am

1 PRESENT

Councillor D Sharpe, Chairperson

Committee

Councillors EC Newlands [from 9.13am], BJ Taranaki, GR Webber

Others

Senior Planner, S O'Rourke; Environmental Health Officer & Liquor License Inspector, K Tutty [for Item 6]; Regulatory Engineer, T Hale [for Item 9.2]; Project Manager Heritage Development & Reserves Planning, T Roxburgh [for Item 9.3]; Consultant Engineer, J Kendall [for Item 9.2]; Design Engineer, L Kendrick; Consultant Planner, K Drew; Planning Officer, A McLellan [for Item 9.3]; Planning Officer, J McLellan [for Item 9.4]; Committee Secretary, S King.

2 APOLOGIES

RESOLVED

4/08/50

That the apologies from Mayor Livingston for non attendance & Councillor Newlands for lateness be received.

Cr Taranaki / Cr Webber

3 LATE ITEMS

There were no late items.

4 CONFIRMATION OF ORDER OF MEETING

File: 01-89-04

RESOLVED

4/08/51

That the order of the meeting be confirmed.

Cr Taranaki / Cr Sharpe

5 CONFIRMATION OF PREVIOUS MEETINGS

File: 01-89-04

5.1 Ordinary Meeting of Regulatory Committee held on 30 June 2008

RESOLVED

4/08/52

That the Minutes of the Regulatory Committee held on 30 June 2008, be received subject to clarification on page 51.

Cr Webber / Cr Taranaki

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

4/08/53

That the monthly schedule of Liquor License Applications Considered by Staff Under Delegated Authority for June 2008 be received.

Cr Taranaki / Cr Webber

Environmental Health Officer & Liquor License Inspector, K Tutty gave the Committee an update on the recent Police investigation where minors were sent into licensed premises to purchase alcohol.

Mr Tutty advised that another Police operation in planning stages will tackle the issue of alcohol related offences such as fights and disorderly conduct.

Councillor Newlands joined the meeting at 9.13am.

7 APPOINTMENT OF HEARING COMMISSIONERS TO REGULATORY COMMITTEE FOR THE PURPOSE OF HEARING RESOURCE CONSENT APPLICATIONS

There were no appointments required.

8 ENVIRONMENTAL COURT APPEALS & ENFORCEMENT PROCEEDINGS

An update on the status of Appeals and Enforcement proceedings was provided at the meeting.

Senior Planner, S O'Rourke provided an update on the upcoming hearing of the Cambridge BMX site.

RESOLVED

4/08/54

That the information be received.

Cr Webber / Cr Taranaki

The meeting adjourned for morning tea at 9.22am and recommenced at 10.15am with Item 9.2 taken.

9 HEARINGS

9.1 9.15am

Application for Remission of Financial Contributions Levied Pursuant to the Development Contribution Policy and the Local Government Act 2002 (LGA): SG & NZ Nelson, 7 Kaipaki Road, Ohaupo

File: 04581/550.01

This item was referred to a later date.

9.2 10.15am – 11.05am

Non-Notified Subdivision Consent Application: Mary Patricia Developments Ltd; Paterangi Road, Te Awamutu

File: 04611/023.04 SP 0041.08

DECISION OF REGULATORY COMMITTEE ON A NON-NOTIFIED RESOURCE CONSENT APPLICATION FOR A STAGED SUBDIVISION CONSENT TO CREATE 20 INDUSTRIAL LOTS IN THE INDUSTRIAL ZONE, TE AWAMUTU PURSUANT TO SECTION 113 OF THE RESOURCE MANAGEMENT ACT 1991

1 THE HEARING

The hearing was held on the 29th July 2008 and was attended by the following:

Applicant	<i>Mary Patricia Developments Ltd</i>
Appearing for Applicant	<i>Marlize Durandt – Planner - CKL Surveying and Planning Ltd Antonie Lambert – Civil Engineer - CKL Surveying and Planning Ltd Heather Thompson – Applicant Greg Banks</i>
Appearing for Council	<i>Kathryn Drew – Consultant Planner (Bloxam Burnett & Olliver) Lorraine Kendrick – Design Engineer Tony Hale – Regulatory Engineer Utilities John Kendall - Consultant Engineer (Bloxam Burnett & Olliver)</i>

2 SITE VISIT

The Regulatory Committee did not undertake a site visit, as they were either familiar with the site or had visited the site prior to the hearing.

3 THE RELEVANT STATUTORY PROVISIONS

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

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

4 OTHER RELEVANT PROVISIONS CONSIDERED

4.1 Operative Waipa District Plan

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

Objectives and Policies:

- Objectives SU2 and SU3
- Policies IN1, IN7, IN12, SU3, SU4, SU6, SU10, SU11, SU17, SU19 and SU20

Rules:

- General Rules (Section 1.7)
- Industrial Zone Rules (Section 7)
- Subdivision Rules (Section 10)
 - Categories of Subdivision (Rule 10.3)
 - General Subdivision Provisions (Rule 10.4)
 - Subdivisional Standards for All Subdivisions (Rule 10.5)
 - Subdivision Standards for Industrial Zones (Rule 10.6), and in particular Rule 10.6.6 – Industrial Zone Subdivision Provisions.
 - Construction Standards (Rule 10.0)

4.2 Other Legislation

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

4.3 Other Policy Statements

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

5 THE PRINCIPAL ISSUES THAT WERE IN CONTENTION:

Since the planners report for the Regulatory Hearing was finalised for this application Council staff have had a number of discussions with the Applicant's consultant (CKL Surveying and Planning). As a result of these discussions a number of Council's concerns, in relation to the

design of the subdivision and its ability to adequately dispose of stormwater, have been alleviated. As a result there were no outstanding principles issues that were in contention.

6 SUMMARY OF THE EVIDENCE HEARD

Evidence on behalf of Council was given by Ms Drew – Senior Planner, Bloxam Burnett & Olliver.

Ms Drew's evidence outlined the application; the changes to the application that had been made since the planners report was prepared; the reasons for the consent; statutory matters (both the Resource Management Act 1991 and Operative Waipa District Plan matters); environmental effects and the recommendation, including recommended conditions.

Evidence on behalf of the applicant was given by Ms Durandt – Planner (CKL Surveying and Planning)

Ms Durandt confirmed that she concurred with the conclusions of the evidence presented by Ms Drew. Additionally, Ms Durandt's evidence outlined that Council staff's concerns in relation to stormwater disposal had been resolved and that subdivision of the site was suitable as it complied with the Industrial Zone subdivision provisions, the objectives and policies of the Operative Waipa District Plan and any adverse environmental effects could be mitigated by the condition of consent. Ms Durandt confirmed that her client agreed with the recommended conditions of consent.

7 THE MAIN FINDINGS OF FACT:

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

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

- Council's concerns and the sites ability to adequate dispose of stormwater and thus site suitability have been alleviated with the Applicant providing an amended stormwater management plan prior to the Regulatory Hearing. As a result of this information the Committee considers that there will not be any greater adverse environmental effect on downstream properties as a result of further development of the site.

- Any potential adverse environmental effects that may arise from the application can either be mitigated by the imposition of appropriate conditions of consent and/or will be no more than minor. In particular consent notice requirements will advise future owners of the special and continuing circumstances of the site.
- The application is able to meet the statutory tests imposed by Section 104 and 104B of the Resource Management Act 1991 for Discretionary Activities.
- The subdivision is not considered to be contrary to the relevant objectives and policies of the operative Waipa District Plan in relation to the Industrial Zone and subdivision of properties within the Industrial Zone.
- The proposal has been also been assessed as being consistent with Part II of the Resource Management Act, 1991.
- A decision has made that the staged subdivision application can be granted.

8 RESOLVED

4/08/55

- a) *That the report of KA Drew, senior planner for Bloxam, Burnett & Olliver Ltd dated 16 July 2008 be received; and*
- b) *That pursuant to Section 243(f)(ii) of the Resource Management Act, 1991, the Waipa District Council hereby resolves to cancel the compulsory right of way easement on DP 380494, shown as 'A'; and*
- c) *That in consideration of Section 104, and pursuant to Sections 104B, 108 and 220 of the Resource Management Act 1991, the Waipa District Council **approves** the application by Mary Patricia Developments Ltd to subdivide the property at Paterangi Road, Te Awamutu, legally described as Lot 3 DP 380494 (CT 322333), subject to the following conditions:*

Cr Newlands / Cr Taranaki

CONDITIONS APPLICABLE TO BOTH STAGES

Staging of Subdivision

1. The subdivision may be undertaken in 2 (two) stages as follows:

- Stage 1 (shown as Stage 3 on the approved plans) of 12 industrial allotments (Lots 1-10, 12 and 13), a Road to Vest in Council (Lot 24), a stormwater detention pond to vest in Council (Lot 11), a sewage pump station to vest in Council (Lot 14) and a balance lot (Lot 26); and
- Stage 2 (shown as Stage 4 on the approved plans) of 8 industrial allotments (Lots 15-22), a segregation strip to vest in Council (Lot 23), a Road to Vest in Council (Lot 25) and balance rural zoned allotment (Lot 26).

Administration and Monitoring Costs

2. That any costs 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.

Easements

3. Where any sanitary sewerage, stormwater or water pipes or cable or power lines are required to cross another Lot or Lots or pass across the boundary of another Lot or Lots, a 2-metre minimum width easement is to be created and registered against the Certificates of Title of those lots affected.
4. Where any existing or proposed Council sewer, water or stormwater lines are located within Lots a 3-metre minimum easement in gross in favour of Council is required.
5. Easements for pipes and cables must be placed centrally over the pipe or cable location. All costs in connection with the easements must be met by the consent holder. Easements in gross must be approved by the Council's solicitors at the cost of the consent holder.

Earthworks

6. All earthworks must be carried out in accordance with the standards set out in the Code of Practice for Land Development and Subdivision in accordance with NZS 4431:1989.

Advisory Note: Prior to any earthworks being carried out on the site the consent holder must obtain all necessary approvals from the Waikato Regional Council for such earthworks.

7. All earthworks must be carried out to ensure that each allotment is provided with a building platform which is at a minimum located at the

100 year return period flood or ponding level. The report required in Condition 8, must demonstrate compliance with this requirement.

8. When the earthworks are completed the consent holder must supply a plan to the Council's Engineering Manager showing the location and depths of the cuts and fills. A report must be prepared by a Chartered Professional Geotechnical Engineer or Engineering Geologist, to the satisfaction of Council's Engineering Manager. The report must conclude that the earthworks have been carried out to the required standards and that each Lot has a suitable location for a building platform. If recommended by this report, condition 29 (stage 1) and condition 50 (stage 2) below will require specific foundation design by a Chartered Profession Engineer on any identified lots.

Stormwater

9. The consent holder must provide the Final Stormwater Management Plan to the satisfaction of the Council's Engineering Manager for the complete subdivision. The Stormwater Management Plan must be provided at the consent holder's expense and must at a minimum address the following issues:
 - Information on existing stormwater systems, if applicable
 - Details of connection from and to existing stormwater systems and existing stormwater design calculations
 - Geotechnical engineering investigation, if applicable
 - Information for on site soakage and percolation tests, if applicable
 - Stormwater run-off design calculations from proposed development
 - Stormwater from roads
 - Stormwater from car parks
 - Stormwater from any sealed areas
 - Stormwater from lots
 - Preliminary assessment and layout of proposed stormwater system for development
 - Identification of overland flow paths and easements, if applicable
 - Preliminary design of the pond and associated calculations

Design Plans

10. The consent holder must submit drawings for approval, for both stages of the subdivision, to Council's Engineering Manager for sewerage,

water and stormwater reticulation systems to service all Lots within the subdivision and the roading network. Construction is not to proceed until Council's Engineering Manager has approved all final construction drawings. The design drawings must be designed in accordance with Council's standards as set out in the Code of Practice for Land Development and Subdivision, and at a minimum address the following issues:

- (a) A sewerage reticulation system design that drains all lots by gravity to the proposed pumping station. The design of the gravity reticulation system shall include provisions for gravity sewage connections, complying to appropriate standards and good engineering practice, to be provided to all other lots and pumped south along Paterangi Road to connect to Council's existing sewage reticulation.
- (b) A water reticulation system to service the subdivision comprising of a 150mm principle water main and 63mm mdpe ridermain and connection to the existing water main on Paterangi Road.
- (c) A stormwater reticulation system design for all lot connections and the roading network that includes soakage systems, overland flowpaths, a primary reticulated piped system and a stormwater detention pond (including fencing of the stormwater detention pond). The soakage system must be in accordance with the approved Stormwater Management Plan and the stormwater detention pond designed in accordance with Technical Publication 10 – Design Guideline Manual for Stormwater Treatment Devices – Auckland Regional Council.

STAGE 1 SPECIFIC CONDITIONS

General

11. That the Land Transfer Plan to give effect to this subdivision consent must be generally consistent with the approved plan, reference H2186:S8 (Stage 3), dated July 2008, prepared by CKL Surveying and Planning submitted with the application and the further information to SP/0041/08, unless otherwise altered by the consent conditions. A copy of the relevant approved stage plan is attached.

Power

12. The consent holder must 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 must 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 serving any lot are required to cross the boundary of any other lot or lots registered easements must be created for such services.

Telecommunications

13. The consent holder must arrange with a telephone company for the underground reticulation of telephone cables to serve all lots and pay all costs attributable for such work. The consent holder must 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 must be created for such services.

Vesting of Roads, Segregation Strips and Land

14. That Lot 24 be vested in Waipa District Council as Road pursuant to Section 238 of the Resource Management Act 1991.
15. That Lot 11 be vested in Waipa District Council as Local Purpose (Stormwater Management) Reserve pursuant to Section 239 of the Resource Management Act 1991.
16. That Lot 14 be vested in Waipa District Council as Local Purpose (Utility) Reserve pursuant to Section 239 of the Resource Management Act.

Advisory Note: The consent holder must ensure that the Land Transfer Plan shows the Lots mentioned in Conditions 14-16 above as land to vest in Council prior to the issue of the certificate pursuant to Section 223 of the Resource Management Act 1991.

Roading

17. The consent holder must submit a request for names for the proposed roads prior to the issue of the certificate pursuant to Section 223 of the Resource Management Act 1991.

18. The request for names for the proposed roads must be approved by Council prior to the issue of the certificate pursuant to Section 224 of the Resource Management Act 1991.

Advisory Note: The road naming process may require consultation with the Te Awamutu Community Board and Ngaa Iwi Toopu O Waipa prior to any report being prepared for Council. This process may take up to three months to complete.

19. The proposed road (Lot 24) and Paterangi Road intersection must be designed and constructed to the Council's standards as set out in the Code of Practice for Land Development and Subdivision. All work must be carried out and completed to the satisfaction of Council's Engineering Manager and must be at the consent holder's expense.

Construction drawings and specification must be submitted for approval prior to any work being carried out. Where necessary, new roads, kerb and channel, street lighting and footpaths should be extended beyond the boundaries of the subdivision to link up with existing Council assets on Paterangi Road.

20. Two producer statements from a suitably qualified and experienced professional must be submitted to Council. The first must include pavement design and drainage of the roads and intersection and the second must cover the construction of the roads and intersection. In addition the Confirmation form ROW 1 and Confirmation form ROW 2 must be filled out and submitted to Council prior to the issue of the certificate pursuant to Section 224 of the Resource Management Act 1991.
21. The consent holder must provide, to the satisfaction of the Council's Engineering Manager, engineering as-built drawings of the proposed Roads to vest, and the structures located within the proposed Roads to vest at the completion of construction and prior to the issue of the certificate pursuant to Section 224 of the Resource Management Act 1991.
22. RAMM forms of road infrastructure assets, to be vested in Council, must be provided prior to the final inspection for each stage.

Advisory Note: A suitably qualified RAMM technician must 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 must also be provided for any adjustments necessary to the RAMM information of an intersecting existing public or private road.

Water

23. The consent holder must provide a water reticulation system and connections to service Lots 1-10, 12 and 13. This system must be designed, constructed and recorded in accordance with the approved design plans under Condition 10 above and the Council's standards as set out in the Code of Practice for Land Development and Subdivision. The consent holder must arrange for Council to connect to the existing public mains. All work must be to the satisfaction of Council's Engineering Manager and at the consent holder's expense. An application and construction drawings must 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, must be provided prior to the final inspection. This information is a statutory requirement.

Sewage

24. The consent holder must construct a sewage pump station on Lot 14 with associated reticulation and connections to services Lots 1-10, 12 and 13. This system must be designed, constructed and recorded in accordance with the approved design plans under Condition 10 above and the Council's standards as set out in the Code of Practice for Land Development and Subdivision. All work must be to the satisfaction of Council's Engineering Manager and at the consent holder's expense. An application and construction drawings must 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, must be provided prior to the final inspection. This information is a statutory requirement.

Advisory Note: The size of Lot 14 (to be vested in Council as Local Purpose Utility Reserve) must be increased to provide sufficient room within the lot boundaries for the sewage pump station and for service vehicles to park within the lot.

Stormwater

25. The consent holder must provide a stormwater reticulation system and connections to service Lots 1-10, 12 and 13. This system must be designed, constructed and recorded in accordance with the approved design plans under Condition 10 above and the Council's standards as set out in the Code of Practice for Land Development and Subdivision.

All work must be to the satisfaction of the Council's Engineering Manager and be at the consent holder's expense. An application and construction drawings must 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, must be provided prior to the final inspection. This information is a statutory requirement.

CCTV Surveys and Testing

26. The consent holder must conduct a CCTV survey of all sewer and stormwater reticulation and pressure testing of all sewer and water reticulation. These tests shall be to assess, but not be limited to, pipe condition, pipe joining, connections and gradient variation. CCTV survey of sewer and stormwater reticulation are to be recorded onto DVD format and passed for approval to the Council's Engineering Manager. All work must be at the consent holder's expense.

Producer Statements

27. The consent holder must provide to Council's Engineering Manager four producer statements prepared by a suitably qualified and appropriately experienced professional on the approved Engineering plans and all the wastewater, stormwater and water reticulation to be vested in Council. The first must cover the design criteria. The second must cover design review of specific Engineering assets identified by Council for further review. The third must confirm that construction and installation of services is as per the approved design drawings. The fourth must cover construction monitoring of specific Engineering structures or assets identified by Council for further review.

Legal

28. For all Lots identified as requiring specific foundation design under Condition 8 above, the foundations of any building must 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 must be the subject of a consent notice, pursuant to Section 221 of the Resource Management Act, 1991. Such consent notice must be prepared or checked at the cost of the subdividing owner by the Council's solicitors and must be registered against the Certificate of Titles of the relevant lot(s).

Reason: This consent notice will advise future owners that earthworks have been carried out on the site which have resulted in building platforms that require foundations to be specifically designed.

29. For subsequent development of Lots 1-10, 12 and 13 Council may impose Development Contributions. Any contributions payable will be calculated at the time of building consent application and will be based on the size and nature of the industrial activity.

Reason: This consent notice will advise future owners that Council's Development Contributions may be levied in the future depending on the type of industrial activity proposed to establish.

30. Subsequent development of Lots 1-10, 12 and 13 are subject to the provisions of Rule 7.4.23 – Special Provisions, Location within the Hautapu Industrial Zone and the Industrial Zone around the Te Awamutu Dairy Factory and Rule 7.2.24 – Special Provisions, Location within Flood Risk Areas, of the operative Waipa District Plan.

Reason: This consent notice will advise future owners that a resource consent for future development will be required to be obtained from Council for future development of the site because the site is located within the Te Awamutu Dairy Factory Industrial Zone and within a Flood Hazard Area.

31. Conditions 29-30 above are to be complied with on a continuing basis by the subdividing owner and subsequent owners, before the deposit of the survey plan the Council must issue a consent notice pursuant to Section 221 of the Resource Management Act 1991 specifying the above condition.

Such consent notice must be either prepared or checked at the cost of the subdividing owner by the Council's solicitors and must be registered against the Certificate of Titles to Lots 1-10, 12 and 13.

32. The consent holder must enter into a fencing covenant with the Council which is to be registered against the Certificate of Title of Lots 10 and 12 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 and the Local Purpose Reserve (Stormwater Management - Lot 11). Such covenant must be either prepared or checked at the cost of the subdividing owner by the Council's solicitors.

STAGE 2 SPECIFIC CONDITIONS

General

33. That the Land Transfer Plan to give effect to this subdivision consent must be generally consistent with the approved plan, reference H2186:S8 (Stage 4), dated July 2008, prepared by CKL Surveying and

Planning submitted with the application and the further information to SP/0041/08, unless otherwise altered by the consent conditions. A copy of the relevant approved stage plan is attached.

Power

34. The consent holder must 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 must 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 serving any lot are required to cross the boundary of any other lot or lots registered easements must be created for such services.

Telecommunications

35. The consent holder must arrange with a telephone company for the underground reticulation of telephone cables to serve all lots and pay all costs attributable for such work. The consent holder must 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 must be created for such services.

Vesting of Roads, Segregation Strips and Land

36. That Lot 25 be vested in Waipa District Council as Road pursuant to Section 238 of the Resource Management Act 1991.
37. That Lot 23 on the approved plan be vested in Waipa District Council as Local Purpose (Segregation) Reserve pursuant to Section 239 of the Resource Management Act 1991. Lot 23 shall have a width of 0.2m (200mm).

Advisory Note: The consent holder must ensure that the Land Transfer Plan shows the Lots mentioned in Conditions 36 and 37

above as land to vest in Council prior to the issue of the certificate pursuant to Section 223 of the Resource Management Act 1991.

Removal of Buildings

38. That all existing buildings indicated on the scheme plan must be removed from the site or resited to a complying position on Lot 26 in accordance with Rural Zone rules, Rule 2.4.13 – Building Setback from Road Boundaries and Rule 2.4.14 – Building Setback from Internal Site Boundaries of the operative Waipa District Plan.

Roading

39. The proposed road (Lot 25) must be designed and constructed to the Council's standards as set out in the Code of Practice for Land Development and Subdivision. All work must be carried out and completed to the satisfaction of Council's Engineering Manager and must be at the consent holder's expense.

Construction drawings and specification must be submitted for approval prior to any work being carried out. Where necessary, new roads, kerb and channel, street lighting and footpaths should be extended.

40. Two producer statements from a suitably qualified and experienced professional must be submitted to Council. The first must include pavement design and drainage of the road and the second must cover the construction of the road. In addition the Confirmation form ROW 1 and Confirmation form ROW 2 must be filled out and submitted to Council prior to the issue of the certificate pursuant to Section 224 of the Resource Management Act 1991.
41. The consent holder must provide, to the satisfaction of the Council's Engineering Manager, engineering as-built drawings of the proposed Road to vest, and the structures located within the proposed Road to vest at the completion of construction and prior to the issue of the certificate pursuant to Section 224 of the Resource Management Act 1991.
42. RAMM forms of road infrastructure assets, to be vested in Council, must be provided prior to the final inspection for each stage.

Advisory Note: A suitably qualified RAMM technician must 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 must also be provided for any adjustments necessary to the RAMM information of an intersecting existing public or private road.

43. That the consent holder must construct a Figure 14 type industrial vehicle crossing to Lot 26 from Lot 25 (Road to vest). The crossing is to be constructed to the Council's standards as set out in the Code of Practice for Land Development and Subdivision. All work is to be completed to the satisfaction of Council's Engineering Manager and must be at the consent holders expense. The following issues must also be addressed:
- (a) The crossing must be formed with concrete from the edge of the road to the property boundary.
44. That the consent holder must permanently close the entrances to adjacent to and/or traversing through Lots 16-18. These entrances shall be permanently fenced and the roadside drainage reinstated. All work is to be completed to the satisfaction of Council's Engineering Manager and must be at the consent holder's expense.

Water

45. The consent holder must provide a water reticulation system and connections to service Lots 15-22. This system must be designed, constructed and recorded in accordance with the approved design plans under Condition 10 above and the Council's standards as set out in the Code of Practice for Land Development and Subdivision. The consent holder must arrange for Council to connect to the existing public mains. All work must be to the satisfaction of Council's Engineering Manager and at the consent holder's expense. An application and construction drawings must 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, must be provided prior to the final inspection. This information is a statutory requirement.

Sewage

46. The consent holder must provide a sewerage reticulation system and connections to services Lots 15-22. This system must be designed, constructed and recorded in accordance with the approved design plans under Condition 10 above and the Council's standards as set out in the Code of Practice for Land Development and Subdivision. All work must be to the satisfaction of Council's Engineering Manager and at the consent holder's expense. An application and construction drawings must 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, must be provided prior to the final inspection. This information is a statutory requirement.

Stormwater

47. The consent holder must provide a stormwater reticulation system and connections to service Lots 15-22. This system must be designed, constructed and recorded in accordance with the approved design plans under Condition 10 and Council's standards as set out in the Code of Practice for Land Development and Subdivision. All work must be to the satisfaction of the Council's Engineering Manager and be at the consent holder's expense. An application and construction drawings must 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, must be provided prior to the final inspection. This information is a statutory requirement.

CCTV Surveys and Testing

48. The consent holder must conduct a CCTV survey of all sewer and stormwater reticulation and pressure testing of all sewer and water reticulation. These tests shall be to assess, but not be limited to, pipe condition, pipe joining, connections and gradient variation. CCTV survey of sewer and stormwater reticulation are to be recorded onto DVD format and passed for approval to the Council's Engineering Manager. All work must be at the consent holder's expense.

Producer Statements

49. The consent holder must provide to Council's Engineering Manager four producer statements prepared by a suitably qualified and appropriately experienced professional on the approved Engineering plans and all the wastewater, stormwater and water reticulation to be vested in Council. The first must cover the design criteria. The second must cover design review of specific Engineering assets identified by Council for further review. The third must confirm that construction and installation of services is as per the approved design drawings. The fourth must cover construction monitoring of specific Engineering structures or assets identified by Council for further review.

Legal

50. For all Lots identified as requiring specific foundation design under Condition 8 above, the foundations of any building must 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 must be the subject of a consent notice, pursuant to Section 221 of the Resource Management Act, 1991. Such consent notice must be prepared or checked at the cost of the subdividing owner by the Council's solicitors and must be registered against the Certificate of Titles of the relevant lot(s).

Reason: This consent notice will advise future owners that earthworks have been carried out on the site which have resulted in building platforms that require foundations to be specifically designed.

51. For subsequent development of Lots 15-22 Council may impose Development Contributions. Any contributions payable will be calculated at the time of building consent application and will be based on the size and nature of the industrial activity.

Reason: This consent notice will advise future owners that Council's Development Contributions may be levied in the future depending on the type of industrial activity proposed to establish.

52. Subsequent development of Lots 15-22 are subject to the provisions of Rule 7.4.23 – Special Provisions, Location within the Hautapu Industrial Zone and the Industrial Zone around the Te Awamutu Dairy Factory and Rule 7.2.24 – Special Provisions, Location within Flood Risk Areas, of the operative Waipa District Plan.

Reason: This consent notice will advise future owners that a resource consent for future development will be required to be obtained from Council for future development of the site because the site is located within the Te Awamutu Dairy Factory Industrial Zone and within a Flood Hazard Area.

53. Conditions 51 and 52 above are to be complied with on a continuing basis by the subdividing owner and subsequent owners, before the deposit of the survey plan the Council must issue a consent notice pursuant to Section 221 of the Resource Management Act 1991 specifying the above condition.

Such consent notice must be either prepared or checked at the cost of the subdividing owner by the Council's solicitors and must be registered against the Certificate of Titles to Lots 15-22.

Advisory Note:

Discovery of Archaeological or Culturally Significant Finds

Where during earthworks, any archaeological features, artefact or human remains are accidentally uncovered or are suspected to have been discovered, the following protocol must apply:

- (i) All works within the vicinity must cease immediately.

In cases other than suspected human remains:

- (ii) The contractor must immediately secure the area and advise the NZ Historic Places Trust of the occurrence.
- (iii) The consent holder must consult with a representative of the relevant iwi authority and the NZ Historic Places Trust to determine what further actions are appropriate to safeguard the site or its contents.

Where human remains are suspected:

- (iv) The contractor must take steps immediately to secure the area in a way that ensures human remains are not further disturbed.
- (v) The consent holder must notify the NZ Police of the suspected human remains as soon as is practicably possible after the remains have been disturbed. The consent holder must notify the relevant iwi authority and the NZ Historic Places Trust within 12 hours of the suspected human remains being disturbed or otherwise as soon as practicably possible.
- (vi) Excavation of the site must not resume until the NZ Police, NZ Historic Places Trust and relevant Kaumatua have each given the necessary approvals for excavation to proceed.

REASONS FOR DECISION

1. Pursuant to Section 94 the application was processed as a non-notified application as there were no special circumstances that warranted notification, access was not being obtained from a state highway and the effects on the environments from this subdivision are considered to be minor and/can be mitigated by the imposition of conditions. 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 relation to the Industrial zone and subdivision of properties within the Industrial Zone. The proposal has also been assessed as being consistent with Part II of the Resource Management Act, 1991.
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 environmental effects that may arise from the application will be no more than minor and/or will be mitigated by the imposition of appropriate conditions of consent
5. Engineering requirements will ensure that the subdivision is adequately provided with services when the area is developed.
6. The consent notices will advise future owners of the special and continuing circumstances of the site.

9.3 12.30pm – 1.33pm

Application to Subdivide Pursuant to Rule 10.6.1.1(d) Boundary Relocation and Rule 10.3.2.2(f) and 10.6.1.4(f), Environmental Protection Lots: Cassies Farm Trust, 815 Maungakawa Road, Cambridge
File: 04445/571.01

Consent: SP/0129/08	NON-NOTIFIED CONSENT TO SUBDIVIDE BY WAY OF A BOUNDARY RELOCATION AND TO CREATE TWO ENVIRONMENTAL PROTECTION LOTS.
File No: 04445/571.01	
Date: 5th August 2008	

1 THE HEARING

The hearing was held on the 29th July 2008 and was attended by the following:

Applicant	I Brennan and P Wren
Appearing for Applicant	Noel Armstrong – Surveyor for Nicklin Surveys and Resource Management
Appearing for Council	Anna McLellan – Planner Tony Roxburgh – Project Manager – Heritage Development and Reserves Planning

2 SITE VISIT

The Regulatory Committee undertook a site visit on 29th July 2008 to familiarise themselves with the site and surrounding area.

3 THE RELEVANT STATUTORY PROVISIONS

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

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

4 OTHER RELEVANT PROVISIONS CONSIDERED

The application was considered under the following relevant provisions.

4.1 Operative Waipa District Plan

The following provisions in the Operative Waipa District Plan were considered in the assessment of the application:

- Section 10.6 – Subdivision standards for Individual Zones and Rule 10.6.1.4.f – Environmental or Heritage Protection Lots
- Objectives SU2, SU3, SU6, SU7, SU15A, SU16 and Policy SU2B.

4.2 Other Legislation

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

4.3 Other Policy Statements

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

5 THE PRINCIPAL ISSUES THAT WERE IN CONTENTION:

The principal issues that were in contention were:

- The application for two Environmental Protection Lots from one feature type being 2.17ha of tawa forest remnant; and
- The suitability of the proposed lots for residential development.

6 SUMMARY OF THE EVIDENCE HEARD

Evidence on behalf of the applicant was presented by Mr Noel Armstrong of Nicklin Surveys and Resource Management and I Brennan, the applicant.

Mr Noel Armstrong

Mr Armstrong outlined the proposed subdivision, summarising from his application. He highlighted reasons why this application warranted approval for two Environmental Protection Lots.

Mr Brennan

Mr Brennan commented on the restoration work that had been completed to date and his future plans for the property.

Evidence on behalf of Council was provided by Ms Anna McLellan (Council's Planner) and Mr Tony Roxburgh (Project Manager – Heritage Development and Reserves Planning).

Ms Anna McLellan

Ms McLellan summarised her report and commented on the two main points of contention, first, whether the feature was of such national or regional significance to warrant approval of more than one Environmental Protection Lot and secondly, if approved, whether the decision would be inconsistent with previous subdivision approvals for Environmental Protection Lots based on the size of the natural feature and thus, create an undesirable precedent.

Mr Tony Roxburgh

Mr Roxburgh presented a map to the Regulatory Committee which showed the ecological corridor between Maungakawa and Maungatautari. He commented that the subject site is located within this area and it is therefore important to secure protection for the bush stands.

Mr Armstrong's Right of Reply

Mr Armstrong commented on the non-compliance of the right of way width and the suitability of the proposed building sites.

7 THE MAIN FINDINGS OF FACT:

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

- The 2.17ha feature type in isolation is not sufficient to justify two Environmental Protection Lots. However, inclusion of the areas re-vegetated to date as shown on the plan referenced CP3, dated April 2008 will increase this area to approximately 4ha. Taking this new area into consideration and the location of the site within the Maungakawa/Maungatautari Ecological Corridor it is considered that the feature type is of such significance to warrant two allotments under Rule 10.6.1.4.f – Environmental and Heritage Protection Lots.
- It is recognised that only one Environmental Protection Lot was granted for the protection of the 12ha covenanted area on the subject site. The inclusion of the additional 4ha of re-vegetation will result in a total

protected bush area of approximately 16ha on this property. The approval of three Environmental Protections Lots for a total area of 16ha is consistent with previous decisions.

8 RESOLVED

4/08/56

That:

- a) *The report of A McLellan, Planner for the Waipa District Council, dated 7th July 2008 be received; and*
- b) *In consideration of Section 104, and pursuant to Sections 104B, 104D, 108 & 220 of the Resource Management Act 1991, the Waipa District Council grants consent to Cassie's Farm Trust to subdivide by way of a boundary relocation and to subdivide two Environmental Protection Lots pursuant to Rules 10.3.2.2(f), 10.6.1.4(f), 10.3.1.3 and 10.6.1.1(d) at the property located at 815 Maungakawa Road, legally described as Lots 1 and 3 DP 385445 and Lots 2 and 4 DP 385445 subject to the following conditions:*

Cr Webber / Cr Taranaki

General

1. That the Land Transfer Plan to give effect to this subdivision consent must be generally consistent with the approved plan prepared by Nicklin Surveys and Resource Management plan reference 3312/CP3, dated April 2008 and submitted with application SP/0129/08, unless otherwise altered by the consent conditions. A copy of the approved plan is attached.

Power

2. The consent holder must arrange with a local network electricity operator for the reticulation of electricity to serve all lots and pay all costs attributable to such work. The consent holder must 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.
 - a. Where electric power lines are crossing the boundary of any lots registered easements must be created for such services.

Telephone

3. The consent holder must arrange with a telephone company for the reticulation of telephone cables to serve all lots and pay all costs attributable to such work. The consent holder must 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 must be created for such services.

Covenant

4. The consent holder must enter into one of the following options to ensure ongoing protection of each of the various bush stands and re-vegetated areas on Lot 5.
 - i. The consent holder must provide to Council a copy of the signed open space covenant for the areas identified as QEII Covenant 'A' and 'B' and the areas shown as "re-vegetated to date" on the plan referenced 3312/CP3 dated April 2008 from the QEII National Trust.

or

- b) A Management Plan for the bush conservation areas on Lot 5 marked QEII Covenant 'A' and 'B' and the areas shown as "re-vegetated to date" on the approved plan (reference: 3312/CP3 dated April 2008) must be prepared by a suitably qualified person approved by Council's Planning Services Manager. The purpose of the Management Plan is to identify the means and measures proposed to protect, maintain and enhance the bush/re-vegetated areas in perpetuity by the (current) owner(s) of Lot 5. The Management Plan must include:
 - a) The measures proposed to restore the natural ecology and indigenous biodiversity to the bush/re-vegetated area, inclusive of pest control, fencing, and replanting and reintroduction of flora and fauna.
 - b) A timetable for carrying out the restoration measures.
 - c) Detailed plans of the restoration works proposed.
 - d) The review measures proposed to ensure the on-going health and management of the bush area.
 - e) An estimate of costs for the restoration measures and works.

The consent holder must implement the management plan requirements including any bush restoration and fencing measures proposed. This work must be completed to the satisfaction of the Council's Planning Services Manager.

and

The consent holder must enter into a consent notice pursuant to Section 221 of the Resource Management Act 1991 to be registered on the title of proposed Lot 5 to the following effect:

- a) That the bush area marked QEII Covenant 'A' and 'B' and the areas shown as "re-vegetated to date" on the plan referenced 3312/CP3 dated April 2008 on Lot 5 must be protected and preserved. The agreement must identify that every person who owns Lot 5 take every reasonable step to ensure that the native bush is protected and preserved in accordance with the Management Plan, and that no person must 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, unless so approved in the Management Plan; and
- b) That the bush conservation covenant area marked QEII Covenant 'A' and 'B' and the areas shown as "re-vegetated to date" on the approved plan must be stock proofed with a seven wire post and batten boundary fence **or** a similar fence to the satisfaction of Council's Project Manager: Heritage Development and Reserves Planning.

Such an agreement must be prepared at the cost of the consent holder by Council's solicitors and be registered against the affected Lot 5.

Amalgamation

5. That Lot 4 hereon be transferred to the owners of Lot 1 DPS 64264 (CRSA52B/319) and that one computer register be issued to include both parcels (CSN Request 751758).

Roading

6. That the consent holder must upgrade as required the existing vehicle entrance to ROW A to a figure 5 standard heavy commercial rural vehicle entrance complying with Council's standards as set out in the Code of Practice for Land Development and Subdivision. The work must be carried out and completed to the satisfaction of the Council's Engineering Manager and must be at the consent holder's expense. The following issues must also be addressed:
 - The entrance must be sealed from the edge of the road to the property boundary.

7. The consent holder must construct the proposed right-of-ways A, B, C, D & E to Lots 1, 2, 3 & 5 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 Engineering Manager and must be at the consent holder's expense. The following issues must also be addressed:
 - The right-of-way must have a 5 metre wide all weathered surface.
8. Two producer statements from a suitably qualified and experienced professional must be submitted to Council. The first must include pavement design and drainage of the right-of-ways and the second must cover the construction of the right-of-ways. In addition the Confirmation form ROW 1 and Confirmation form ROW 2 must be filled out and submitted to Council prior to issuing of the S 224 certificate.
9. That the ROW shown as 'A, B, C, D & E' on the scheme plan of subdivision SP/0129/08 be created and duly granted or reserved.

Consent Notices – Building Requirements

10. That for subsequent development of Lots 1, 2 & 3 effluent and stormwater disposal systems shall be installed and continually maintained in accordance with that designed by Maunsell Limited dated 17 April 2008 to the satisfaction of Council's Building Control Manager.

&

That for subsequent development of Lots 1, 2 & 3 a suitably qualified and experienced Geotechnical engineer will be required to inspect the site and submit to Council approval, at the time of building consent, design details on the foundations of the buildings.

Reason

The site is subject to poor soakage, unstable and steep land.

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

Such consent notice must be either prepared or checked at the cost of the subdividing owner by the Council's solicitors and must be registered against the titles to Lots 1, 2 & 3.

Reasons for Decision

- a. The proposed subdivision demonstrates compliance with the relevant objectives and policies of the Operative Waipa District Plan and Part 2 of the Resource Management Act 1991, which relates to the sustainable management of natural and physical resources.
- b. The collective size of the bush stands and revegetated areas together with the location within the Maungakawa/Maungatautari Ecological Corridor warrants approval of two Environmental Protection Lots.
- c. The total area of bush on the subject site is approximately 16ha. Including this decision, a total of three Environmental Protection Lots have been approved overall for this property based on the protection of this bush area.
- d. Overall the adverse environmental effects of the subdivision, including loss of productive land, visual effects from cluster development and traffic effects, will be no more than minor.
- e. 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 and all affected parties provided their written approval. Accordingly, the application was processed on a non notified basis.
- f. Engineering requirements will ensure that the subdivision is adequately provided with services when the area is developed.
- g. The requirement to enter into a QEII covenant or consent notice will ensure the area of bush identified is preserved, enhanced and protected for perpetuity.
- h. Condition 10 will advise future owners of Lots 1 & 2 of the special and continuing circumstances of the site in regards to building requirements.

Advisory Notes

Earthworks

- All earthworks associated with any subdivision or development of land must be undertaken in accordance with the following matters :
 - a) All earthworks must be carried out so as to provide sound foundations as required under NZS 4431:1989 and avoid any hazard to persons or property;
 - b) All earthworks must be carried out so as to avoid or mitigate any detrimental effect on the environment particularly with regard to the unnecessary destruction of vegetation, the contamination of natural water or the diversion of surface or ground water flows
 - c) The existing landform must not be altered in such a manner that adjoining properties will be detrimentally affected particularly through changes in drainage systems or abrupt changes in ground level
 - d) All earthworks must be carried out in accordance with the Waipa District Council Code of Practice for Land Development and Subdivision for formation and construction standards.

Discovery of Archaeological or Culturally Significant Finds

- Where during earthworks, any archaeological features, artefact or human remains are accidentally uncovered or are suspected to have been discovered, the following protocol must apply:
 - (i) All works within the vicinity must cease immediately.

In cases other than suspected human remains:

- (ii) The contractor must immediately secure the area and advise the NZ Historic Places Trust of the occurrence.
- (iii) The consent holder must consult with a representative of the relevant iwi authority and the NZ Historic Places Trust to determine what further actions are appropriate to safeguard the site or its contents.

Where human remains are suspected:

- (iv) The contractor must take steps immediately to secure the area in a way that ensures human remains are not further disturbed.
- (v) The consent holder must notify the NZ Police of the suspected human remains as soon as is practicably possible after the remains have been disturbed. The consent holder must notify the relevant iwi authority and the NZ Historic Places Trust within 12 hours of the suspected human remains being disturbed or otherwise as soon as practicably possible.

(vi) Excavation of the site must not resume until the NZ Police, NZ Historic Places Trust and relevant Kaumatua have each given the necessary approvals for excavation to proceed.

9.4 1.33pm – 2.46pm.

**Application to Construct a 3-unit Multi-Unit Development:
Thornbury Properties Ltd, 573 Cambridge Road, Te Awamutu
File: 04481/292.00**

**DECISION OF REGULATORY COMMITTEE ON A NON-NOTIFIED
RESOURCE CONSENT APPLICATION TO CONSTRUCT A 3-UNIT MULTI-
UNIT RESIDENTIAL DEVELOPMENT IN THE RESIDENTIAL ZONE
PURSUANT TO SECTION 113 OF THE RESOURCE MANAGEMENT ACT
1991**

1 THE HEARING

The hearing held on 29th July 2008 was attended by the following:

Applicant	Thornbury Properties Ltd
Appearing for Applicant	Kathryn Drew – Bloxam, Burnett & Olliver
Appearing for Council	Jaime McLellan

2 SITE VISIT

The Regulatory Committee did not undertake a site visit as each member had either visited the site or was familiar with the property in question.

3 THE RELEVANT STATUTORY PROVISIONS

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

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

4 OTHER RELEVANT PROVISIONS CONSIDERED

The application was considered under the following provisions:

4.1 Operative Waipa District Plan

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

- Objectives and Policies (Part 1, Section 3)
- Residential Zone Rules (Part 2, Section 3, Rules 3.4.1 & 3.4.3)

4.2 Other Legislation

No other legislation was applicable in the assessment of this application

4.3 Other Policy Statements

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

5 THE PRINCIPAL ISSUES THAT WERE IN CONTENTION:

The principal issues that were in contention were:

- Size and intensity of the development
- Landscaping
- Visual amenity

6 SUMMARY OF THE EVIDENCE HEARD

Evidence on behalf of the applicant was given by Kathryn Drew.

Ms Drew presented the statement of evidence. The evidence highlighted the key aspects of the development and provided an assessment against the planning provisions. It was noted that the size, scale and intensity of the development has been envisaged in the District Plan and was provided for as a Discretionary Activity.

Ms Drew noted that the proposal is similar in scale and intensity to what would be permitted under the District Plan, with the exception of two areas of non-compliance with the performance standards. The areas of non-compliance related to: firstly, the lot sizes and secondly, the separation between each unit. The proposal has, where possible, sought to avoid, remedy and mitigate the adverse effects. In applying the permitted baseline the proposal would have no more than minor adverse effects on the environment.

Ms Drew discussed the conditions recommended in the planners report. Ms Drew suggested that the timeframe in which the road works (recommended conditions 3-6) must be completed should be extended to allow the building works to be completed. She noted that a realistic

timeframe is prior to the Code of Compliance being issued for each respective dwelling.

Ms Drew advised that the Rimu, Kauri, and Manuka trees located in the front yard would be removed to make way for the new access to unit 1. Plantings could be established between the entrances to Site 1 and Sites 2 & 3, provided that any landscaping did not interfere with sight visibility at either access point. However, her client's preference was not to have any landscaping conditions. A suitable condition was suggested, should Council require landscaping.

Planning evidence was given by Jaime McLellan

Mr McLellan presented the key findings contained in his planner's report. It was noted that the intensity of the proposal was potentially more than minor and that suitable conditions of consent had been recommended in the report to ensure that the potential adverse effects were no more than minor.

Mr McLellan discussed the consent conditions requiring landscaping. In particular it was considered that planting along the eastern boundary and the road frontage would soften the appearance of the development from the road.

Regarding the timing of conditions, Mr McLellan noted that there is no assurance that the consent holder will apply for a Code of Compliance and that the timing and implementation of any conditions should be associated with the commencement of the land use.

Mr McLellan advised the Committee that further conditions may be imposed to ensure that existing dwellings are removed in preparation for the proposed development.

7 THE MAIN FINDINGS OF FACT:

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

- The scale and intensity of the development is appropriate.
- Internal partitioning to demarcate the site areas is not required.
- Appropriate landscaping along the road frontage will soften the appearance of the site.

- Any damage to the adjacent footpath due to construction traffic should be repaired by the consent holder. This will protect Council's infrastructure asset.
- Where relevant conditions should be completed prior to the occupation of the dwellings or the issue of the Code of Compliance, whichever occurs first. This will address the actual and potential adverse effects of the development, whilst allowing a reasonable timeframe for the construction and development of the site.

8 RESOLVED

4/08/57

That

*The report from Jaime McLellan dated 11th July 2008 be received;
and,*

That in consideration of Section 104 and pursuant to Sections 104B and 108 of the Resource Management Act, the Waipa District Council grant land use consent to Thornbury Properties for a multi-unit development at the property located at 573 Cambridge Road legally described as Lot 7 DP 28712, subject to the following conditions:

Cr Newlands / Cr Taranaki

General

1. That the proposed activity must proceed in general accordance with the revised application prepared by Bloxam Burnett & Olliver, dated 17th June 2008, Ref 137720 and plans contained in Appendix 2 of that revised application, referenced by Waipa District Council as LU/0047/08. A copy of the approved plans are attached to this decision.

Monitoring

2. The consent holder must pay all reasonable costs associated with monitoring of this consent.

Roading - Entrances

3. That the consent holder must upgrade as required the existing vehicle entrance to 761 Bank Street to a figure 14 type urban vehicle crossing. The crossing is to be constructed to the Council's standards as set out in the Code of Practice for Land Development and Subdivision. All work is to be completed to the satisfaction of the Council's Engineering Manager and must be at the consent holder's expense. The works must be completed prior to Council issuing a Code of Compliance Certificate, pursuant to the Building Act 2004, or the occupation of any of

the proposed units, whichever occurs first. The following issues must also be addressed:

- The entrance must be formed with concrete from the edge of the road to the property boundary.
- The existing entrance must be upgraded to for a double entrance serving units 1 & 2.

4. That the consent holder must upgrade as required the existing vehicle entrance which will provide access to Sites 2 and 3 to a figure 14 type urban vehicle crossing complying with Council's standards as set out in the Code of Practice for Land Development and Subdivision. All work is to be completed to the satisfaction of the Council's Engineering Manager and must be at the consent holder's expense. The works must be completed prior to Council issuing a Code of Compliance Certificate or the occupation of any of the proposed units, whichever occurs first. The following issues must also be addressed:

- The entrance must be formed with concrete from the edge of the road to the property boundary.

Roading –Accessway

5. The consent holder must construct the proposed vehicular access to Site 1, as shown on the application plan LU/0047/08, to the Council's standards as set out in the Code of Practice for Land Development and Subdivision. All work is to be completed to the satisfaction of the Council's Engineering Manager and must be at the consent holder's expense. The works must be completed prior to Council issuing a Code of Compliance Certificate or the occupation of any of the proposed units, whichever occurs first. The following issues must also be addressed:

- The vehicular access must have a 3 metre wide sealed or concrete surface.

6. The consent holder must construct the proposed vehicular access to Sites 2 and 3, as shown on the application plan LU/0047/08 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 Engineering Manager and must be at the consent holder's expense. The works must be completed prior to Council issuing a Code of Compliance Certificate or the occupation of any of the proposed units, whichever occurs first. The following issues must also be addressed:

- The vehicular access must have a 3 metre wide sealed or concrete surface.

- Two producer statements from a suitably qualified and experienced professional must be submitted to Council. The first must include pavement design and drainage of the vehicular access and the second must cover the construction of the vehicular access. In addition the Confirmation form ROW 1 and Confirmation form ROW 2 must be filled out and submitted to Council.
7. The consent holder shall repair any damage to Council's Roading infrastructure which arises as a consequence of this development. This includes, but is not limited to the; reinstatement of the footpath, berm, carriageway, kerb and channelling. All remedial works must be completed to the satisfaction of Council's Engineering Manager, at the consent holders' expense. The works must be completed prior to Council issuing a Code of Compliance Certificate or the occupation of any of the proposed units, whichever occurs first.

Stormwater

8. The consent holder must submit design details for the stormwater disposal system for Units 1, 2 & 3 with any building consent application. The stormwater disposal system must be prepared by a suitably qualified and experience engineer and be to the satisfaction of the Council's Building Control Manager. Any stormwater disposal system must be installed and continually maintained to the satisfaction of the Council's Building Control Manager. The works must be completed prior to Council issuing a Code of Compliance Certificate or the occupation of any of the proposed units, whichever occurs first. The following matters must be addressed:
- The stormwater disposal system must be appropriate for the soil type and percolation rate and assessed on a rainfall event with a 1 in 10 year return period; and,
 - All stormwater must be disposed on-site.

Water Supply

9. The consent holder must arrange for Council to install separate water connections to Units 2 & 3. The consent holder must meet all costs incurred. **Note:** The location of the water connection must comply with all aspects of Waipa District Council Water Supply Bylaws 1995; Clause 1.3.3.

Sewage

10. The consent holder must provide separate sewer connections to Units 1 & 2. These connections must be constructed and recorded in accordance with the Council's standards as set out in the Code of Practice for Land Development and Subdivision. All work must be to the satisfaction of Council's Engineering Manager and be at the consent holder's expense. An application and construction drawings must 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, must be provided prior to the final inspection.
11. The consent holder must locate the existing sewer drainage and connect this drain to Unit 3. Any abandoned pipe must be removed. This work is subject to a building consent and a Code of Compliance must be obtained for all private drainage works carried out within the private property. Council's Building Control Officers must inspect this work. All work must be at the consent holder's expense.

Power

12. The consent holder must arrange with a local network electricity operator for the underground reticulation of electricity to serve all units and pay all costs attributable to such work. The consent holder must 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 units. This must be completed prior to Council issuing a Code of Compliance Certificate or the occupation of any of the proposed units, whichever occurs first.

Telephone

13. The consent holder must arrange with a telephone company for the underground reticulation of telephone cables to serve all units and pay all costs attributable to such work. The consent holder must submit to the Council written confirmation from the telephone company that satisfactory arrangements have been made for the reticulation of the service to all units. This must be completed prior to Council issuing a Code of Compliance Certificate or the occupation of any of the proposed units, whichever occurs first.

Fencing

14. The consent holder must provide and maintain a visibility splay of two (2) metres by five (5) metres where a driveway crosses a pedestrian route. The following issues must be addressed:
- Any boundary treatment either erected or planted within this visibility splay must not exceed 1.15 metres in height to provide a clear line of sight between pedestrians on the adjacent footpath and vehicles using the proposed driveway(s).
 - Any existing vegetation within this visibility splay must be trimmed and maintained to a level not exceeding 1.15 metres in height.

Landscaping

15. The consent holder must provide a one (1) metre wide landscape planting strip between the access to unit 1 and the shared access to units 2 & 3. The following points must be addressed:
- The planting strip must be of a permeable nature with planting consisting of a combination of ground covers, shrubs and trees and shall be designed in such a manner so as not to obscure visibility for vehicles entering or leaving the site.

Buildings

16. The consent holder must either demolish or remove the existing dwelling and the existing accessory buildings, prior to commencing this land use consent. All works must be carried out and completed to the satisfaction of Council's Building Control Manager and at the consent holders expense. The following issues must be addressed:
- The existing service connections to Council's water supply and sewage network must be disconnected and capped; and
 - The locations of the existing services and the disconnection points must be shown to scale on a site plan.
 - Satisfactory arrangements must be made with the utility network providers to disconnect the existing power and telephone connections.

Reasons for Decision

- 1 Any adverse environmental effects resulting from the proposal are either no more than minor, or can be mitigated by the imposition of appropriate consent conditions.

- 2 Subject to the above conditions the proposal is not contrary to the relevant objectives and policies of the Operative Waipa District Plan.
- 3 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 and all parties that were considered potentially adversely affected by the granting of this consent have provided their written approval. Accordingly, the application was processed on a non notified basis.
- 4 The intensity of the development is in keeping with that of the surrounding residential area. This decision is consistent with previous decisions for undersized multi-unit developments
- 5 Engineering requirements will ensure that the proposed building development has adequate provision for utility and network services when the area is developed. In particular, the roading conditions will ensure that the site has adequate provision for safe and convenient access and provision for on-site disposal of stormwater. The producer statements will ensure compliance with Rule 3.4.13 'Number of Dwelling houses on Rear Sites or to the Rear of Multi-Unit Developments' of the Operative Waipa District Plan.
- 6 Landscaping will assist with maintaining visual amenities in the Residential Zone. It is considered that the amenity planting along the frontage will soften the appearance and mitigate the intensity of the development. The landscaping will off-set the loss of vegetation that will be removed to provide access to unit 1, pursuant to Rule 1.6.2.2 (c) 'Conditions to mitigate adverse effects' of the Operative Waipa District Plan.
- 7 The utility conditions will ensure compliance with Rule 3.4.4 'Multiple Units on a Site' of the Operative Waipa District Plan.
- 8 Condition 8 has been imposed to ensure that the units have a suitably designed stormwater disposal system to mitigate the potential effect arising from increased site coverage and impermeable surfacing, pursuant to Rule 1.6.2.2 (c) 'Conditions to mitigate adverse effects' of the Operative Waipa District Plan.
- 9 Condition 14 will minimise conflicts between pedestrians using the adjacent footpath along Cambridge Road and vehicles entering and leaving the respective entrances, in accordance with RTS 6 "Guidelines for Visibility at driveways" (see attached excerpt) and Building Industry Authority: March 1992 –"Approved Document, D1 Access Routes, Draft march 1992".

- 10 The removal or demolition of the existing structures will ensure that the site can achieve; suitable building platforms, access, manoeuvring, and outdoor living courts, as shown on the approved site plan for LU/0047/08.

Advisory Notes

Development Contributions

- The Development Contributions must be paid prior to the commencement of this landuse consent. This means that no building works may be undertaken until the development contribution is paid.

Building Consent

- The consent holder shall obtain the necessary building consents prior to the commencement of works on site.
- The consent holder must obtain a building consent from the Council prior the demolition /removal of the existing dwelling.

Water

- Unit 1 may utilise the existing water connection to the site.

Earthworks

- All earthworks associated with any development of land must be undertaken in accordance with the following matters :
 - a) All earthworks must be carried out so as to provide sound foundations as required under NZS 4431:1989 and avoid any hazard to persons or property;
 - b) All earthworks must be carried out so as to avoid or mitigate any detrimental effect on the environment particularly with regard to the unnecessary destruction of vegetation, the contamination of natural water or the diversion of surface or ground water flows
 - c) The existing landform must not be altered in such a manner that adjoining properties will be detrimentally affected particularly through changes in drainage systems or abrupt changes in ground level
 - d) All earthworks must be carried out in accordance with the Waipa District Council Code of Practice for Land Development and Subdivision for formation and construction standards.

Discovery of Archaeological or Culturally Significant Finds

- Where during earthworks, any archaeological features, artefact or human remains are accidentally uncovered or are suspected to have been discovered, the following protocol must apply:
 - All works within the vicinity must cease immediately.

In cases other than suspected human remains:

- The contractor must immediately secure the area and advise the NZ Historic Places Trust of the occurrence.
- The consent holder must consult with a representative of the relevant iwi authority and the NZ Historic Places Trust to determine what further actions are appropriate to safeguard the site or its contents.

Where human remains are suspected:

- The contractor must take steps immediately to secure the area in a way that ensures human remains are not further disturbed.
- The consent holder must notify the NZ Police of the suspected human remains as soon as is practicably possible after the remains have been disturbed. The consent holder must notify the relevant iwi authority and the NZ Historic Places Trust within 12 hours of the suspected human remains being disturbed or otherwise as soon as practicably possible.
- Excavation of the site must not resume until the NZ Police, NZ Historic Places Trust and relevant Kaumatua have each given the necessary approvals for excavation to proceed.

There being no further business the meeting closed at 4.58pm.

CONFIRMED AS A TRUE AND CORRECT RECORD

CHAIRPERSON: _____

DATE: _____