

---

**1 MEMBERS**

---

Councillor D Sharpe, Chairperson

**Committee**

His Worship the Mayor A Livingston, Councillors EC Newlands, BJ Taranaki, GRP Webber.

---

**2 APOLOGIES**

---

---

**3 LATE ITEMS**

---

---

**4 CONFIRMATION OF ORDER OF MEETING**

---

File: 01-89-04

**Recommendation**

*That the order of the meeting be confirmed.*

---

**5 CONFIRMATION OF PREVIOUS MEETINGS**

---

File: 01-89-04

- 5.1 **Ordinary Meeting of Regulatory Committee held on 29 September 2008** 6 - 58

**Recommendation**

*That the Minutes of the Regulatory Committee meeting held on 29 September 2008, having been circulated, be taken as read and confirmed as a true and correct record.*

- 5.2 **Ordinary Meeting of Regulatory Committee held on 29 October 2008** 60 - 85

**Recommendation**

*That the Minutes of the Regulatory Committee meeting held on 29 October 2008, having been circulated, be taken as read and confirmed as a true and correct record.*

- 5.3 **Decision by Independent Commissioner for Resource Consent by Cambridge BMX Club to Relocate and Operate the BMX Club to a Site on the Corner of Milton and Lamb Streets at Leamington.** 86 - 116

**Recommendation**

*That the Decision by Independent Commissioner for Resource Consent by Cambridge BMX Club to Relocate and Operate the BMX Club to a Site on the Corner of Milton and Lamb Streets at Leamington held on 08 October 2008, be received.*

---

**6 WAIPA DISTRICT LIQUOR LICENSING AGENCY**

---

- 6.1 **Monthly Schedule of Liquor License Applications** 118 - 120  
**Considered by Staff Under Delegated Authority**  
File: 01-85-10

**Recommendation**

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

---

**7 GENERAL**

---

- 7.1 **Matters Considered by Staff Under Delegated Authority –** 122 - 126  
**Resource Management Act 1991**  
File: 01-52-01

**Recommendation**

*That the schedule of Matters Considered by Staff Under Delegated Authority for September/October 2008, be received, a copy of which is attached to and forms part of these minutes.*

---

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

---

**Recommendation**

*That PURSUANT to Section 34 and Section 34A of the Resource Management Act the Regulatory Committee in exercise of the functions powers and duties delegated to it by the District Council **DOES HEREBY APPOINT** the following persons to be Hearing Commissioners to sit with the Regulatory Committee to hear the following hearings:*

---

**9 ENVIRONMENTAL COURT APPEALS & ENFORCEMENT PROCEEDINGS**

---

**An update on the status of Appeals and Enforcement proceedings will be provided at the meeting.**

**Recommendation**

*That the information be received.*

---

## **10 SCHEDULE OF MEETINGS 2009**

---

File: 01-89-04

**No  
papers**

The Local Government Act 2002 requires Council and its Committees to set the dates of meetings, or a schedule of meetings, for a period of time.

It is now appropriate to adopt a schedule of meeting dates for the Regulatory Committee for 2009. The Committee's practice is to meet at 9.00am on the last Monday of each month, except for January.

Due to the Competitions Society event to be held on the last Monday of September, the meeting has been scheduled for the last Wednesday of the month.

### **Recommendation**

*That in accordance with the Local Government Act 2002, Schedule 7 Clause 19(6)(i) the Regulatory Committee adopts the following schedule of meeting dates for 2009 (generally being the last Monday of each month except for January) –*

23 February

30 March

27 April

25 May

29 June

27 July

31 August

30 September (last Wednesday of the month)

26 October

30 November

14 December (second Monday of the month)

---

## **11 MYSTERY CREEK ACTIVITY CALENDAR**

---

File: 01-84-17

**128 - 132**

The Waipa District Council District Plan allows for a certain number of days each year to be "Activity Days", as defined in the District Plan, which provide for higher than normal noise levels in the Mystery Creek Exhibition Centre Zone. There are certain restrictions in place such as the requirement to have an average of two noise free weekends a month. In order to ensure compliance with the noise requirements of the District Plan a draft calendar of events or "Activity Days" is submitted to Council's Regulatory Committee for approval on an annual basis.

**AGENDA ITEMS**

**PAGE NO.**

The draft calendar has been sent to residents in the Te Awa Road area (Waikato District) inviting comment, any comments received before 24<sup>th</sup> November 2008 will be brought to the committee's attention.

**Recommendation**

*That*

- a) *The report of the Environmental Safety Manager, Jennie McFarlane dated 3rd November 2008 be received; and*
- b) *The Regulatory Committee approve the Mystery Creek Exhibition Centre Zone Events Calendar 2009 attached to and forming part of this report.*

---

**12 ENVIRONMENTAL PROTECTION LOT SUBDIVISION FOR McCLENNAN**

---

File: 04601/191.04

**134 - 138**

Council approached the McClelland's regarding extending the existing 20m wide buffer strip along Lake Ruatuna on their property to 50m in width. This would involve the McClelland's vesting 1.80 ha with Council.

The additional lot created as a result of the EPL is non-complying in that it exceeds the maximum lot area of 5,000m<sup>2</sup> being 19.3680 ha.

Comment is sought from the Regulatory Committee as how such a resource consent application, which involves a significant departure from the EPL provisions, may be considered.

---

**13 HEARINGS**

---

**13.1 9.30am**

**140 - 186**

**SECTION 357 OBJECTION TO RESOURCE CONSENT  
PROCESSING CHARGES LEVIED PURSUANT TO  
SECTION 36 OF THE RESOURCE MANAGEMENT ACT  
1991**

File number: 04351/540.00 LU/0269/07

Applicant N Kumarich (36 Hall Street Limited)

Appearing for Council Anna McLellan

**Recommendation**

*That*

- a) *The report from Anna McLellan, Consultant Planner dated 7 October 2008 be received; and*
- b) *Pursuant to Section 357 of the Resource Management Act 1991, the Waipa District Council dismiss the objection to costs from N Kumarich.*

**Reasons for Decision**

1. The fees charged are actual and reasonable and are an accurate reflection of the costs associated with processing an application of this nature. The proposed landuse consent was complex, was subject to a number of submissions and raised multiple contentious issues.
2. The commissioning of the Visual Report was essential to determine the nature and extent of the effects of the proposed activity.