



Agenda for a meeting of the Policy & Regulatory Committee to be held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **TUESDAY 16 FEBRUARY 2016** commencing at **9.00am.**

*Information and recommendations are included in the reports to assist the Committee in the decision making process and may not constitute Council's decision or policy until considered by the Committee.*

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GJ Ion

**CHIEF EXECUTIVE**

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### **Open Meeting**

<b>To</b>	Policy & Regulatory Committee
<b>From</b>	GJ Ion Chief Executive
<b>Date</b>	17 November 2015
<b>Prepared By</b>	JP Davies Committee Secretary
<b>Chief Executive Approved</b>	Y
<b>DWS Document Set #</b>	1095526
<b>Report Title</b>	<b>Confirmation of Minutes – 17 November 2015</b>

#### **1. Executive Summary**

To confirm the open minutes and public excluded minutes of a meeting of the Policy & Regulatory Committee held on Tuesday 17 November 2015.

#### **2. Recommendation**

**THAT the open minutes and public excluded minutes of the meeting of the Policy & Regulatory committee held on Tuesday 17 November 2015 be confirmed as a true and correct record of that meeting.**

Attachment – *Minutes*



**MINUTES** of a meeting of the Policy & Regulatory Committee held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **TUESDAY 17 NOVEMBER 2015** commencing at **9.00am**.

**Present:**

- Cr DW Fulton (Chairperson)
- His Worship the Mayor, Mr AM Sanson *[from 9.07am]*
- Cr JC Baddeley
- Cr JA Church
- Cr R Costar
- Cr JM Gibb *[from 9.36am]*
- Cr WD Hayes
- Cr SD Lynch
- Cr RC McGuire
- Cr LM Petersen
- Cr JD Sedgwick
- Cr MR Solomon
- Cr GS Tait

**Attending:**

- Ms S Duignan (General Manager Customer Support)
- Mr TN Harty (General Manager Service Delivery)
- Mr TG Whittaker (General Manager Strategy & Support)
- Mrs JP Davies (Committee Secretary)
- Ms AM d'Aubert (Consents Manager)
- Mr B Cathro (Corporate Planner)
- Mr C Clarke (Roading Manager)
- Mr A Corkill (Asset Management Team Leader)
- Ms M May (Animal Control Manager)
- Mr R MacCulloch (Regulatory Manager)
- Mr A Parkes (Environmental Health Team Leader)
- Mrs J Whittaker (Quality Management Co-ordinator)
- Mr R Java (Procurement Manager)
- Mr M Mould (Waters Manager)
- Members of Staff

**P&R1511/01      APOLOGIES AND LEAVE OF ABSENCE**

Resolved: (Crs Sedgwick/Church)

**THAT** an apology be received from and leave of absence granted to Cr Smith;

**THAT** an apology for lateness be received from Cr Gibb.

**CARRIED on the voices**

**P&R1511/02      CONFIRMATION OF STATUS OF AGENDA ITEMS**

P&R1511/02/1      Resolved: (Crs Costar/Sedgwick)

**THAT** the agenda for a meeting of the Policy & Regulatory Committee held on Tuesday 17 November 2015 be confirmed and all items therein be considered in open meeting with the exception of those items detailed at agenda item 8 which shall be discussed with the public excluded;

**AND THAT** in accordance with Standing Order 3.7.2 the order of business be changed with agenda item 7.13 [*Delegated Resource Consents Approved for the months of September and October 2015*] being considered the first item and that other items be considered as appropriate during the course of the meeting.

**CARRIED on the voices**

**P&R1511/03      DISCLOSURES OF INTEREST**

There were no declarations of interest noted.

**P&R1511/04      CONFIRMATION OF MINUTES**

Resolved: (Crs Hayes/Costar)

**THAT** the minutes of a meeting of the Policy & Regulatory Committee held on Tuesday 15 September 2015 be confirmed as a true and correct record of that meeting.

**CARRIED on the voices**

**P&R1511/05      MATTERS ARISING FROM THE MINUTES**

There were no matters arising from the Minutes.

**P&R1511/06      RECEIPT OF MINUTES AND DECISION**

**P&R1511/06/1      Resolved: (Crs Sedgwick/Church)**

**THAT the minutes and decision of a Hearing by an independent commissioner - T O'Rourke - *Objection to Costs* - held on 22 October 2015 be received.**

**CARRIED on the voices**

**P&R1511/07      REPORTS**

**P&R1511/07/1      Delegated Resource Consents Approved for the months of September and October 2015  
Item 7.13**

**Resolved: (Crs Hayes/Lynch)**

**THAT the report of the General Manager Customer Support - *Delegated Resource Consents Approved for the months of September and October 2015* - dated 9 November 2015 be received.**

**CARRIED on the voices**

His Worship the Mayor entered the meeting [9.07am] during discussion on the above item and was present when voting took place.

**P&R1511/07/2      Chief Executive's Business Plan  
Item 7.1**

**Resolved: (Crs Hayes/Petersen)**

**THAT the report of the Chief Executive - *Chief Executive's Business Plan* - be received.**

**CARRIED on the voices**

P&R1511/07/3      2015 Meeting Calendar  
Item 7.2

Discussion took place on the workshop scheduled for 25 November. A request was made that the workshop be moved to a later date when all councillors would be available to attend.

**Resolved: (Crs Sedgwick/Church)**

**THAT the report of the Chief Executive - 2015 Meeting Calendar - be received.**

**CARRIED on the voices**

P&R1511/07/4      Petitions Policy  
Item 7.3

Discussion took place on:

- Notifying Community Boards, Community Committees and other committees within the district;
- Time frame petitions are open;
- Recommended first step is always to engage.

**Resolved: (Crs Hayes/Lynch)**

**THAT the report of the General Manager Strategy & Support – Petitions Policy - be received;**

**AND THAT the Petitions Policy be referred to Council for adoption.**

**CARRIED on the voices**

Cr Gibb entered the meeting [9.36am] during discussion on the above item and was present when voting took place.

P&R1511/07/5      Procurement Policy and Manual  
Item 7.4

**Resolved: (Crs Gibb/McGuire)**

**THAT the report of the General Manager Strategy & Support - Procurement Policy and Procurement Manual - be received;**

**AND THAT the revised policy and manual be approved and existing policy rescinded.**

**CARRIED on the voices**

P&R1511/07/6 Review of Protected Disclosures (Whistleblowers) Policy  
Item 7.5

**Resolved: (Crs Sedgwick/Lynch)**

**THAT** the report of the **General Manager Strategy & Support - Review of Protected Disclosures (Whistleblowers) Policy** - be received;

**AND THAT** the **Policy & Regulatory committee** recommend to **Council** that the **Review of Protected Disclosures (Whistleblowers) Policy** be adopted.

**CARRIED on the voices**

P&R1511/07/7 Customer Service Request Review – Project Closure  
Item 7.6

**Resolved: (His Worship the Mayor/Cr Lynch)**

**THAT** the report of the **General Manager Strategy & Support - Customer Service Request Review - Project Closure** - be received.

**CARRIED on the voices**

P&R1511/07/8 Determination Report Combined Trade Waste and Wastewater Bylaw  
Item 7.7

**Resolved: (Crs Sedgwick/Church)**

**THAT** the report of the **Service Delivery General Manager - Determination Report - Combined Trade Waste and Wastewater Bylaw** - be received;

**AND THAT** pursuant to section 155(1) of the **Local Government Act 2002** the **Committee** recommends to **Council** that it make a determination that a bylaw is the most appropriate mechanism to address issues relating to the management of **Trade Waste and Wastewater** in the **Waikato District**, and a new bylaw be prepared in accordance with the requirements of the **Act**.

**CARRIED on the voices**

The meeting adjourned at 10.25am and resumed at 10.45am.



P&R1511/07/9 Draft Grass Verge Policy  
Item 7.8

**Resolved: (Crs Lynch/Petersen)**

**THAT the report of the General Manager Service Delivery -  
*Draft Grass Verge Policy* - be received;**

**AND THAT Council consult widely on the Waikato District  
Council Draft Grass Verge Policy.**

**CARRIED on the voices**

P&R1511/07/10 Roadside Fencing Policy  
Item 7.9

**Resolved: (Crs Gibb/McGuire)**

**THAT the report of the General Manager Service Delivery -  
*Roadside Fencing Policy* - be received;**

**AND THAT the Committee supports undertaking a review of  
the Roadside Fencing Policy.**

**CARRIED on the voices**

P&R1511/07/11 Adoption of Section 10A Report  
Item 7.10

**Resolved: (Crs Costar/Sedgwick)**

**THAT the report of the General Manager Customer Support -  
*Adoption of Section 10A Report* - be received;**

**AND THAT the Section 10A report is approved for release to  
the Secretary for Local Government.**

**CARRIED on the voices**

P&R1511/07/12 Food Act 2014  
Item 7.11

**Resolved: (Crs Sedgwick/Gibb)**

**THAT the report of the General Manager Customer Support  
- *Food Act 2014* - be received.**

**CARRIED on the voices**

P&R1511/07/13 Local Approved Products Policy Implementation  
Item 7.12

**Resolved: (Crs Sedgwick/Baddeley)**

**THAT the report of the General Manager Customer Support - *Local Approved Products Policy Implementation* - be received.**

**CARRIED on the voices**

P&R1511/07/14 Summary of Applications Determined by the District Licensing Committee  
Item 7.14

**Resolved: (His Worship the Mayor/Cr Petersen)**

**THAT the report of the General Manager Customer Support - *Summary of Applications Determined by the District Licensing Committee* - be received.**

**CARRIED on the voices**

P&R1511/07/15 Attendance at Zone 2 Meeting - Gisborne August 2015  
Item 7.15

**Resolved: (Crs Solomon/Lynch)**

**THAT the report of the Chief Executive - *Attendance at Zone 2 Meeting - August 2015* - be received.**

**CARRIED on the voices**

P&R1511/07/16 Attendance at the Maatauranga Maaori RMLA Conference 2015  
Item 7.15

**Resolved: (Crs Gibb/Sedgwick)**

**THAT the report of the Chief Executive – *Attendance at the Maatauranga Maaori RMLA Conference 2015* - be received.**

**CARRIED on the voices**

P&amp;R1511/08

**EXCLUSION OF THE PUBLIC****Resolved: (Crs Costar/Baddeley)****THAT the public be excluded from the meeting during discussion on the following items of business:****I Confirmation of Public Excluded Minutes dated 15 September 2015****This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest protected by section 7 of that Act which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public is as follows:****That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to:**

- a) **Protect members, or officers, or employees of any local authority, or any persons to whom section 2(5) of the Local Government Official Information and Meetings Act 1987 applies, from improper pressure or harassment;**
- b) **Protect the privacy of natural persons, including that of deceased natural persons;**
- c) **Prevent the disclosure or use of official information for improper gain or improper advantage;**

**AND THAT the exclusion of the public from the whole or relevant part of the proceedings of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation in any proceedings before the local authority where a right of appeal lies to any Court or Tribunal against the final decision of the local authority in those proceedings.****CARRIED on the voices***Resolutions P&R1511/09 – P&R1511/11 are contained in the public excluded section of these minutes.*

Having resumed open meeting and there being no further business, the meeting was declared closed at 11.45am.

Minutes approved and confirmed this                      day of    2016.

DW Fulton  
**CHAIRPERSON**

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**MINUTES for the Public Excluded section of the meeting of the Policy & Regulatory Committee held on TUESDAY 17 NOVEMBER 2015.**

**P&R1511/09      CONFIRMATION OF PUBLIC EXCLUDED MINUTES**

**Resolved: (Crs McGuire/Sedgwick)**

**THAT** the Public Excluded minutes of a meeting of the Policy & Regulatory Committee held on Tuesday 15 September 2015 be confirmed as a true and correct record of that meeting and remain confidential and unavailable to the public.

**CARRIED on the voices**

**P&R1511/10      MATTERS ARISING FROM THE MINUTES**

There were no matters arising from the public excluded Minutes

**P&R1511/11      RESUMPTION OF OPEN MEETING**

**Resolved: (Crs Sedgwick/Costar)**

**THAT** open meeting be resumed.

**CARRIED on the voices**

### **Open Meeting**

<b>To</b>	Policy & Regulatory Committee
<b>From</b>	GJ Ion Chief Executive
<b>Date</b>	15 December 2015
<b>Prepared By</b>	LM Wainwright Committee Secretary
<b>Chief Executive Approved</b>	Y
<b>DWS Document Set #</b>	1112751
<b>Report Title</b>	<b>Receipt of Hearing Minutes and Decision – Dawson-Smith and Chaiyindeephum</b>

#### **1. Executive Summary**

To receive the minutes and decision of a hearing for Dawson-Smith and Chaiyindeephum held on Thursday 22 October 2015.

#### **2. Recommendation**

**THAT** the minutes and decision of a hearing for Dawson-Smith and Chaiyindeephum held on Thursday 22 October 2015 be received.

#### **3. Attachments**

Attachments – Minutes and Decision



**MINUTES** of a hearing by an Independent Commissioner of the Waikato District Council held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **THURSDAY 22 OCTOBER 2015** commencing at **9.01am**.

Present Commissioner R de Luca

Attending Ms G Burborough (Planner)  
 Ms M Carmine (Consents Team Leader)  
 Mrs LM Wainwright (Committee Secretary)  
 Mr M Dawson-Smith (Applicant)  
 Ms P Chaiyindeephum (Applicant)  
 Ms B Dawson-Smith (Applicant's daughter)  
 Ms K Sanders (Planner, Louise Feathers Planning Ltd)  
 Ms L Feathers (Louise Feathers Planning Ltd)  
 Mr T Weizman (Classic Builders)  
 Mr I Johnson (Environmental Management Services)  
 Mrs B Craig (Submitter)  
 Mr K Craig (Submitter)

**HG1510/01** **HEARING – MARK ROBERT DAWSON-SMITH AND PRANEE CHAIYINDEEPHUM**  
File No. LUC0026/16

Application to construct a new dwelling on site in the rural zone at 6209 State Highway 1, Horotiu.

### **INTRODUCTION**

Commissioner de Luca welcomed all parties to the hearing. He advised that a site visit had taken place this morning.

The applicant's presented an amended plan.

The Consents Team Leader and Planner addressed the amended plan, set back issues and the road classification of State Highway 1, Horotiu.

**HEARING OF APPLICATION**

Ms Sanders, applicant's representative, presented written and verbal evidence and answered questions of the Commissioner.

Mr Weizman presented written and verbal evidence and answered questions of the Commissioner.

Mr Dawson-Smith presented written and verbal evidence.

The hearing adjourned at 9.47am and resumed at 10.03am.

**HEARING OF SUBMISSIONS**

Mrs Craig presented written and verbal evidence and answered questions of the Commissioner.

Mr Johnson presented verbal evidence and answered questions of the Commissioner.

**PLANNER'S REPORT**

The Consents Team Leader gave a verbal report and answered questions of the Commissioner.

The Planner gave written and verbal evidence and answered questions of the Commissioner.

**RIGHT OF REPLY**

The applicant's representative gave her right of reply.

The hearing adjourned at 10.55am and the decision reserved.

**DELIBERATIONS**

The Commissioner undertook deliberations on all evidence presented.

The hearing was declared closed on Tuesday 22 October 2015.

**HGI510/02**

**DECISION**

**THAT the Commissioner confirmed the application by Mark Robert Dawson-Smith and Pranee Chaiyindeephum be granted subject to conditions as outlined in the decision dated 30 October 2015.**

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**IN THE MATTER OF** The Resource Management Act  
1991

**AND**

**IN THE MATTER OF** An application for resource consent  
to erect a new dwelling on a  
property at 6209 Great South Road,  
Horotiu  
  
(Waikato District Council file  
reference: LUC0026/16)

**DECISION OF INDEPENDENT HEARING COMMISSIONER RUSSELL DE LUCA**  
**ON BEHALF OF THE WAIKATO DISTRICT COUNCIL**

**SUMMARY OF DECISION**

That the application be **granted consent** on the grounds that:

- the amended location of the dwelling in conjunction with the northern boundary fencing and planting (both as proposed by the applicant at the hearing and subsequently accepted by the submitter) will ensure that any adverse effects on the amenity values currently enjoyed by the occupants of the adjoining property at 6207 Great South Road, Horotiu, will be acceptable; and
- subject to the foregoing, the proposal is consistent with the relevant objectives and policies of the operative Waikato District Plan and with the relevant provisions of Part 2 of the RMA.

**DETAIL DECISION REPORT**

**Introduction**

- [1] Pursuant to section 34A of the Resource Management Act 1991 (“the RMA”), I was appointed by the Waikato District Council (“the District Council”) as sole independent commissioner to hear and determine the above application to erect a dwelling on the subject property at 6209 Great South Road, Horotiu.

**Proposal**

- [2] As originally lodged with the District Council and notified to the owners of the adjoining property at 6207 Great South Road, Horotiu, the application was to erect a single storey 242m<sup>2</sup> dwelling on the subject site 7.5m from the northern boundary, thereby failing to comply with the 12m minimum permitted activity setback required under the Rural Zone rules of the operative Waikato District Plan (“the District Plan”). Also as originally proposed, the dwelling was to be sited 10m from the Great South Road boundary of the property, thereby ostensibly failing to comply with the

minimum permitted activity setback of 15m, if the adjoining road was deemed to still have the status of a State highway under the District Plan.

- [3] Through the hearing process, the proposed siting of the dwelling was amended so as to be 10m from the northern side boundary of the property and 7.5m from the Great South Road boundary. I discuss the foregoing matters in greater detail later in this decision.

#### **Notification and submissions**

- [4] Under staff delegated authority, the Council deemed only one party to be affected by the proposal, being Mrs Barbara Craig, the owner of the adjoining property at 6207 Great South Road. As Mrs Craig's written approval to the proposal was not obtained, the application was limited notified to Mrs Craig who subsequently lodged an opposing submission.

#### **Section 42A hearing report and other expert evidence**

- [5] In accordance with RMA section 103B, the following expert evidence was circulated to all parties prior the hearing:
- An RMA section 42A hearing report on the application prepared by Ms Georgia Burborough, a Consents Planner employed by the District Council;
  - Planning evidence for the applicants, prepared by Ms Kate Sanders, a planning consultant contracted to Louise Feathers Planning Ltd;
  - Planning evidence for the submitter, prepared by Mr Ian Johnson a planning consultant with EMS Ltd.

The scope of the foregoing documents is comprehensive and includes an assessment of the actual and potential environmental effects of the proposal as well as an analysis of the relevant provisions of the applicable statutory planning instruments. I refer to the relevant content of these documents later in this recommendation report.

#### **Site inspection**

- [6] I undertook an unaccompanied inspection of the subject site on the morning of Thursday 22<sup>nd</sup> October 2015, prior to the commencement of the hearing of the application.

#### **Hearing**

- [7] The hearing was held on 22 October 2015 at the Waikato District Council, 15 Galileo Street, Ngaruawahia, commencing at 9.00am. Those in attendance at the hearing were:

#### **Council**

Ms Georgia Burborough, Council Consents Planner and author of the pre-circulated S42A hearing report;

Ms Michelle Carmine, Council Consents Team Leader.

Ms Burborough presented supplementary evidence at the hearing in response to matters raised in the pre-circulated evidence of the planners for the applicants and the submitter.

Applicants

Mr Mark Dawson Smith and Ms Pranee Chaiyindeephum;

Ms Kate Sanders, planning consultant;

Ms Louise Feathers, of Louise Feathers Planning Ltd.

Mr Tal Weizman of Classic Builders Waikato.

Ms Sanders presented supplementary evidence relating to matters traversed in her principal, pre-circulated evidence. Mr Dawson Smith and Mr Weizman also presented brief statements of evidence.

Submitter

Mrs Margaret Craig;

Mr Ian Johnson, planning consultant.

Mrs Craig presented a personal statement of evidence while her planning consultant, Mr Johnson, spoke to his pre-circulated expert evidence.

**Application activity status and relevant statutory provisions**

[8] It was common ground that non-compliance with the District Plan Rural Zone permitted activity building setbacks from site boundaries renders the proposal a non-complying activity. At least initially however, there were some differences of opinion among the planners as to the required setbacks from the eastern and western (road) site boundaries.

[9] As a non-complying activity, the application must first pass one of the two “threshold tests” of RMA section 104D before being given full consideration under RMA section 104, which is expressly subject to Part 2 of the Act. The section 104D tests are:

Either

(a) the adverse environmental effects of the proposal will be minor;

or

(b) the activity will not be contrary to District Plan objectives and policies.

**Relevant provisions of the District Plan and other applicable statutory planning instruments**

[10] It was common ground among the expert planning witnesses that the relevant objectives and policies of the operative District Plan are those set out in Section 8.1 of Ms Burborough’s S42A hearing report. There were however differences of opinion among the other planners as to the extent to which the proposal is consistent with those provisions. The planners also agreed that the growth management provisions of the operative and proposed Waikato Regional Policy Statements are relevant, but again there were some differences as to how those provisions should be interpreted and applied to the current proposal.

### **Principal issues in contention**

[11] The following were the principal issues in contention:

- The required District Plan building setbacks from the western (road) boundary and the eastern boundary of the subject site;
- The extent to which the proposal is consistent with the relevant District Plan objectives and policies;
- The degree of adverse environmental effects on the adjoining property at 6207 Great South Road, owned by the submitter, Mrs Craig.

### **Discussion of principal issues and findings in respect of those issues**

[12] As I noted at the beginning of this decision report, an amended location for the dwelling was proposed by the applicant at the commencement of the hearing. The amended siting involves the following changes:

- An increase in the setback of the dwelling from the northern site boundary (adjoining Mrs Craig's property) from 7.5m to 10.1m;
- A decrease in the setback from the western (Great South Road) boundary from 10.1m to 7.75m.

[13] The amended siting, together with a fencing/planting proposal to be implemented along the northern boundary with Mrs Craig's property, ultimately resulted in Mrs Craig advising that the original concerns raised in her submission opposing the application had been met.

[14] Given the foregoing agreement reached at the hearing, I do not consider it necessary to discuss the detail of the evidence presented in respect of the various matters which were originally in contention. However, I do consider it appropriate for me to set out my principal findings in respect of those matters and the reasons for those findings.

#### **Western (Great South Road) boundary building setback**

[15] It is clear that the portion of the Great South Road adjoining the subject site is no longer part of State Highway One and, notwithstanding its apparent status under the District Plan, to continue to treat it as a State highway would ignore the reality that it no longer has that status. I was advised by Council planning staff at the hearing that a proposed Change to the District Plan has recently been notified which (amongst other matters) will correct any anomaly in the District Plan which may currently exist. I therefore find that the required building setback from the Great South Road boundary of the subject property is 7.5m. The amended siting of the dwelling proposed by the applicant at the hearing complies with this requirement.

#### **Eastern boundary building setback**

[16] To the east, the subject site adjoins rural land currently used for pastoral farming purposes. The land within the site falls to a stream running along this boundary and adjoining the stream a row of mature, generally dense vegetation well over 1.8m in height also exists within the subject site running along this boundary. I find that the existence of this vegetation triggers clauses (b) to (f) of rule 25.56.1 of the District Plan, thereby reducing the required building setback in respect of the eastern site boundary from 12m to 5m.

Northern boundary building setback

- [17] The required setback under the District Plan in respect of the northern boundary of the subject site (adjoining Mrs Craig's property) is 12m. I find that, in conjunction with implementation of the proposed boundary fencing and planting, the increase in the setback of the proposed dwelling from this boundary from 7.5m to 10m will reduce any adverse effects on the character and amenity values currently enjoyed by the occupants of the adjoining property at 6207 Great South Road to an environmentally acceptable level. Given the physical constraints associated with erecting a dwelling in a fully complying location on the subject property, I also find that it would be unreasonable for a 12m setback to be required in respect of the northern site boundary.

District Plan context

- [18] The subject site is zoned Rural under the current operative District Plan, as are an adjoining residential enclave to the north and pastoral farmland to the east. In this context, I find that it is not an unreasonable expectation on the part of the owners and occupiers of the adjoining property at 6207 Great South Road that the character and amenity values associated with a rural location be maintained to the extent practicable. Similarly, I find that it is not an unreasonable expectation on the part of the owners of the subject property at 6209 Great South Road that they be able to erect a dwelling on their property in a location which recognises the physical constraints of the site applying to any such development. As I have found above, I consider that the reasonable expectations of both the applicants and the submitter will be met by allowing a 10m setback for the proposed dwelling from the northern boundary of the subject site in conjunction with the fencing and planting along that boundary as agreed between the two parties.

Summary of principal findings

- [19] Overall, I find that the amended proposal will not create any adverse environmental effects which will be more than minor and that it is not contrary to relevant District Plan objectives and policies. I also find that the proposal is consistent with the relevant provisions of the operative and proposed Waikato Regional Policy Statements.

RMA Part 2 assessment

- [20] I find the amended proposal to be consistent with the sustainable management of resources purpose of the RMA as set out in section 5 and, to the extent that they are relevant, is consistent with the associated matters to which regard is to be had as set out in section 7. In particular, I find that:

- The proposal (as amended) will meet the needs and reasonable expectations of both the applicants and the submitter, whilst ensuring that any adverse effects on the environment are appropriately avoided, remedied or mitigated; and
- The quality of the existing environment in which the subject site is situated and the character and amenity values prevailing within that environment will be maintained and enhanced by the amended proposal.

**DECISION**

**THAT** for the reasons set out in the foregoing decision report, and pursuant to Section 104, 104D and 108 of the Resource Management Act 1991, the Waikato District Council grants consent to the application of Mr Mark Dawson Smith and Ms Pranee Chaiyindeephum to erect a dwelling on the property at 6209 Great South Road, subject to the following conditions:

1. Except as amended by other conditions set out hereunder, the proposal shall proceed in accordance with the information and plans submitted in support of the application, Council reference number LUC0026/16, and formally received by Council on 14 July 2015.
2. The dwelling shall be located on the subject site in accordance with the attached approved Classic Builders site plan reference number WK50597, REV.02, Sheet Number 1.3, dated 27/10/2015.
3. Prior to the pre-wrap/structural framing building inspection of the dwelling, a 1.8m high stained timber fence of a “good neighbour” design shall be erected and thereafter maintained along the northern boundary of the subject site, extending from the site frontage to abut the existing shed located on the adjoining property at 6207 Great South Road, and to continue from the rear of the shed along the site boundary to an existing feijoa tree, as illustrated on the attached approved Classic Builders plan WK50597, REV.02, Sheet Number 7.8, dated 27/10/2015.
4. Planting within the subject site along the northern boundary shall be undertaken as indicated on the attached approved plans and thereafter maintained on an on-going basis. If any of the plants established in accordance with the approved plans die, are damaged or are removed then they shall be replaced within six weeks with a similar species of the same size and thereafter maintained on an on-going basis.
5. Pursuant to Section 36 of the Resource Management Act 1991 the consent holder shall pay the actual and reasonable costs incurred by the Waikato District Council when monitoring the conditions of this consent.



---

Russell De Luca, Independent Commissioner  
30 October 2015

### **Open Meeting**

<b>To</b>	Policy & Regulatory Committee
<b>From</b>	GJ Ion Chief Executive
<b>Date</b>	15 December 2015
<b>Prepared By</b>	LM Wainwright Committee Secretary
<b>Chief Executive Approved</b>	Y
<b>DWS Document Set #</b>	1112704
<b>Report Title</b>	<b>Receipt of Hearing Minutes and Decision – Opal Higgins</b>

#### **1. Executive Summary**

To receive the minutes and decision of a hearing for Opal Higgins held on Wednesday 2 December 2015.

#### **2. Recommendation**

**THAT the minutes and decision of a hearing for Opal Higgins held on Wednesday 2 December 2015 be received.**

#### **3. Attachments**

Attachments – Minutes and Decision



**MINUTES** of a hearing by Commissioners of the Regulatory Subcommittee of the Waikato District Council held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **TUESDAY 2 DECEMBER 2015** commencing at **9.03am**.

*These minutes should be read in conjunction with notes and evidence placed on the Consent file.*

Present                    Cr DW Fulton (Chairperson)  
                                 Cr J Gibb

Attending                Mr R Falconer (Consultant Planner – BCD Group)  
                                 Ms K Thomson (Senior Planner)  
                                 Mrs LM Wainwright (Committee Secretary)  
                                 Mrs O Higgins (Applicant)  
                                 Ms L Feathers (Louise Feathers Planning Ltd)  
                                 Mr N Robins (Transportation Engineer, AECOM New Zealand Ltd)  
                                 Mr D Martens (Acoustic Engineer, Earcon Acoustics Consultants)  
                                 Ms L Crosby (Submitter)  
                                 Ms H Tawha (Submitter)  
                                 Mr L Tawha (Submitter)  
                                 Mrs F Denby (Submitter)  
                                 Mr L Denby (Submitter)  
                                 Members of the public

**HE1512/01                HEARING – OPAL ROSE HIGGINS**  
**File No. LUC0370/15**

Application to establish an Educational Facility at 9 Newton Street, Ngaruawahia.

**INTRODUCTION**

Commissioner Fulton introduced the members of the hearing panel and welcomed all parties. He advised that an orientation visit had taken place on Tuesday 1 December 2015 and that a site visit will take place following the hearing.

**HEARING OF APPLICATION**

Ms Feathers outlined the process for the applicant's team.



Ms Higgins gave written and verbal evidence and answered questions of the committee.

Ms Feathers gave written and verbal evidence and answered questions of the committee.

### **HEARING OF SUBMISSIONS**

Mrs Tawha presented verbal evidence and answered questions of the committee.

The meeting adjourned at 10.24am and resumed at 10.46am.

Mr Tawha presented verbal evidence and answered questions of the committee.

Mrs Crosby presented verbal evidence and answered questions of the committee.

Mrs Denby presented verbal evidence and answered questions of the committee.

Mr Denby presented verbal evidence and answered questions of the committee.

### **STAFF REPORT**

The consultant planner gave verbal evidence and answered questions of the committee.

The meeting adjourned at 12.28pm and resumed at 1.10pm.

### **RIGHT OF REPLY**

The applicant's representative gave her right of reply.

The hearing adjourned at 1.26pm and the decision reserved.

### **DELIBERATIONS**

The Commissioners undertook deliberations on all evidence presented.

The hearing was declared closed at 10.00am on Tuesday 8 December 2015.

**HE1512/02**

**DECISION**

**THAT the Commissioners confirmed the application by Opal Higgins be granted subject to conditions as outlined in the decision dated 14 December 2015.**

Minutes2015/HE151202 HE Opal Higgins M.doc

14 December 2015

Louise Feathers  
Louise Feathers Planning Limited  
PO Box 1462  
Waikato Mail Centre  
Hamilton 3240

**Ngaruawahia Office**  
(Head Office)  
15 Galileo Street, Ngaruawahia, 3720  
Ph: 07 824 8633  
Fax: 07 824 8091

**Area Offices**  
Huntly Ph: 07 828 7551  
Raglan Ph: 07 825 81 29  
Tuakau Ph: 0800 492 452

**Postal Address**  
Private Bag 544, Ngaruawahia, 3742  
New Zealand

0800 492 452  
[www.waikatodistrict.govt.nz](http://www.waikatodistrict.govt.nz)

Dear Madam

## **APPLICATION BY OPAL HIGGINS FOR LAND USE CONSENT AT 9 NEWTON STREET NGARUAWAHIA**

You are advised that at a hearing held on 2 December 2015, the Hearings Panel of the Waikato District Council resolved to grant the application. Please find enclosed a copy of the Decision and the Consent.

### **A Lapsing of Consents**

Your attention is drawn to section 125 of the Resource Management Act 1991. A summary of that section is that a resource consent lapses on the expiry of five years after the date of commencement of the consent, or after the expiry of such shorter or longer period as is expressly provided for in the consent, unless

- (a) The consent is given effect to, before the end of that period; or
- (b) An application which meets the criteria specified in section 125 is made to the Council.

### **B Compliance with Conditions**

Please note that unless a specific time limit is stated in the conditions imposed by the Council when granting this consent, all conditions must be complied with before the use to which the consent relates is established.

### **C Changes to Conditions**

Your attention is drawn to section 127 of the Resource Management Act 1991 which enables an application to be made at any time to Council to change or cancel any condition of this consent. Any such application should be accompanied by a deposit of \$1,250.00 for Land Use and Subdivision consents.

### **D Right of Appeal**

Your attention is drawn to the Resource Management Act 1991 sections 120 and 121 and also the Resource Management (Forms, Fees, and Procedure) Regulations 2003/153, Regulations 16 – 19. Some key provisions to note are as follows:

- (i) You may appeal against the decision of the Council by lodging a Notice of Appeal in the prescribed form with the Registrar of the Environment Court and with the Council within 15 working days of the receipt by you, or the person who filed the application on your behalf, of the Council's decision. The address of the Environment Court is as follows:

The Registrar	Specialist Court and Tribunal Centre
Environment Court	Level 2
P O Box 7147	41 Federal Street (Cnr Wyndham and Federal Streets
Wellesley Street	AUCKLAND CITY
AUCKLAND	Telephone: 09 916 9091
	Fax: 09 916 9090

- (ii) The appeal must be in the form prescribed by the Resource Management (Forms, Fees, and Procedure) Regulations 2003/153 or to like effect. The regulations may be purchased from Bennetts Government Bookshop, or they (and the RMA itself) are accessible on-line at [www.legislation.govt.nz](http://www.legislation.govt.nz). The form is identified as Form 34 in the regulations.
- (iii) A filing fee of \$511.11 GST inclusive must accompany every document by which appeal proceedings are commenced.
- (iv) Section 121 of the Resource Management Act 1991 sets out important information as to the persons upon whom the appeal must be served and the time when service must take place. It is essential that these provisions be adhered to. Failure to do so may result in your appeal being struck out.

If you are in any doubt as to the procedures to be followed it is strongly recommended that you consult a lawyer.

Yours faithfully



Beryl McCauley  
**CONSENTS ADMINISTRATION**

Cc: Opal Higgins  
5 Westgate Street  
Ngaruawahia 3720

# Resource Consent

(Resource Management Act 1991)



www.waikatodistrict.govt.nz

## DECISION ON APPLICATION LUC0370/15

The Regulatory Sub Committee under delegated authority from the Waikato District Council, pursuant to Section 34(1), 104, 104B, and 113 of the Resource Management Act 1991, and under the provisions of the Waikato District Plan, **APPROVES** consent with conditions for a Discretionary activity.

- Proposal:** Land use consent to establish and operate a new childcare centre for up to 34 pre-school children in the living zone of Ngaruawahia.
- Applicant:** Opal Higgins
- Location Address:** 9 Newton Street, Ngaruawahia
- Legal Description:** Lot 8 DPS 407 as comprised in Computer Freehold Register (CFR) SA9B/202
- Appointments:** Waikato District Council Commissioners Dynes Fulton and Janet Gibb.

The reasons for this decision are detailed in the attached Schedule 1

The consent is subject to the conditions detailed in the attached Schedule 2

Dated at Ngaruawahia this 14<sup>th</sup> day of December 2015

For and on behalf of Waikato District Council Regulatory Committee.

A handwritten signature in black ink, appearing to read "D. W. Fulton", written over a horizontal line.

Chairperson

## I. Background:

The applicant Ms Opal Higgins has had ten years experience in early childhood teaching, management skills and knowledge. Presently she is manager of a childcare facility in Hamilton. Her qualifications include a Bachelor of Education (early years 0 – 8 years) Bachelor of Management studies and holds a full practising certificate from the education council.

Ms Higgins has applied to establish and operate an early childhood centre at a property that was purchased in March 2015. The location of the property is a corner section fronting onto Newton Street and Russell Avenue in Ngaruawahia. The legal description of the property is Lot 8 DPS 407 as comprised in Computer Freehold Register (CRF) SA9B/202 and covers a site area of 973m<sup>2</sup>.

The centre proposed is to operate with a maximum of 30 children over the age of two and four children under the age of two. The children will be supervised by five staff (including full time equivalent and part time staff). The operating hours are between 7.30am to 5.30pm Monday to Friday.

The application for the proposed activity was officially received by the Council on the 14<sup>th</sup> May 2015. Under Section 95A of the Resource Management Act 1991 (RMA) it was deemed that the effects on the wider environment would be no more than minor and that the application need not be publicly notified.

However under Section 95B (1) and 95E (1) it was considered that there would be a minor adverse traffic and visual effect on eight adjacent properties. Subsequently the application was limited notified to the owners and occupiers of those properties.

Ms Higgins visited the owners and occupiers of neighbouring potentially affected properties seeking their written approvals. Written approval was received from five neighbouring properties. It was noted during the hearing that DH & JG Barakat had withdrawn their written approval during the submission period. We are satisfied that the correct procedure was followed as described in the s42A report.

The chair advised the Hearing that the Commissioners have visited the property to familiarise themselves with the location and with the streetscape prior to the hearing.

A formal site visit was undertaken on the 2<sup>nd</sup> December by the commissioners alone following the adjournment of the hearing at the completion of the applicant's right of reply.

## 2. Attendance at the Hearing

Ms Lynette Wainwright Waikato District Council Secretary

Ms Opal Higgins early childhood facility application was supported the following persons at the hearing.

Ms Louise Feathers of Louise Feathers Planning Limited

Mr Norm Robins Principal Transportation engineer with Aecom NZ Ltd

Mr Daniel Martens Acoustic Engineer with Earcom Acoustics Limited

Mr Robins and Mr Martens did not present evidence to the Hearing but assisted the commissioners in answering questions and with further explanations. Mr Robins Traffic report is included in the s42A report as Appendix B and further information in Appendix C. The Acoustic report from Mr Martens is included in the s42A report as appendix D.

Mr Richard Falconer (Consultant Planner –BCD Group) wrote the s42A Report for the Land Use resource consent. He was assisted at the Hearing by Ms Karleen Thomson, Consents Team Leader at the Waikato District Council.

Submitters in opposition to the Early Childhood facility.

Faith and Lex Denby, 2 Newton Street Ngaruawahia

Lucy Crosby, 5 Newton Street Ngaruawahia

Heather and Lomoni Tawha, 7 Newton Street Ngaruawahia

The full submissions received are in Council's s42A report as Appendix A and I do not intend to repeat that evidence further in this decision.

## 3. Panning and Rules

Ms Louise Feathers addressed the Planning rules of the Waikato District Plan. She notes that the type of activity being applied for fits the description of an Educational Facility as defined in the District Plan and is provided for as a Discretionary Activity. For clarity the District Plan in section 21.2 states:-

*The Living Zone contains standard lot residential and home occupations. Churches, schools and places of assembly are expected in the zone, subject to resource consent. Rules seek to manage activities so that any adverse effects (such as noise) do not detract from the amenity values expected for residential neighbourhoods.*

The effects on residential Character was also highlighted by submitters and their concerns that the activity was a commercial activity in the Living Zone. Ms Feathers defined in her report the meaning of an Education Facility as defined in the District Plan.

Our findings are that there was no substance in the submitters questioning of this section of the Plan. Childcare centres are categorised in the Living Zone as a Discretionary Activity.

#### **4. Notification and Submissions Received**

In accordance with Section 95b (2) limited notification was given to the owners and occupiers of eight properties considered to be potentially affected persons.

The key point raised by all submitters related to the Residential Amenities and specifically are:-

- Traffic effects
- Noise effects
- Residential character.

In our consideration of the traffic effects, we referred to AECOM's Traffic Impact Assessment prepared by Mr Robins in the s42A Report. Our findings are that we acknowledge there will be an increase in traffic using Newton Street and Russell Avenue. With the measures proposed by the Childcare management, having staggered times for the drop off and picking up of children from the centre we acknowledge this will greatly assist in the traffic congestion being referred to by the submitters. With Russell Avenue having a one way traffic flow this will also assist with conflicting traffic congestion.

We accept the findings of Mr Robins report that there will be between 35 -38 vehicles movements arriving and departing from the centre per day and believe that this is acceptable as being no more than minor as defined in the RMA.

When considering the noise effects raised by the submitter we noted that the expected noise levels were within the permitted range defined in the District Plan. The Earcon Acoustics Report confirmed that the noise levels will comply with the District plan rules. In addition there is a requirement in the conditions for the noise to be monitored for compliance.

We are satisfied with the provision in the conditions for monitoring and if required further mitigating measures can be put in place for the childcare centre to comply with the Plan requirements.

Residential character and streetscape was raised as a negative aspect in the residential environment. The proposed 1.5 metre solid close boarded perimeter fence was referred to as being more in keeping with a gang pad and potentially subjected to graffiti. Upon Questioning Mr Martens the acoustic engineer for Earcon, he agreed that the replacement of the close boarded fence with a swimming pool style fence would have no detrimental effect on the noise level at the surrounding residential properties.



It has been agreed by the applicant to change the proposed fencing to an open style fence more in keeping with the residential environment and this change is reflected on the amended site plan dated 2<sup>nd</sup> December 2015.

Submitters raised other issues that were of concern to them that could not be dealt with in this hearing as they are not RMA matters to be considered. These include other matters relating to security, commercial viability, and compensation.

## **5. Positive Effects**

The proposal we considered was for a realistically small community based childhood education centre. Being residentially based it will provide tangible benefits as a key social service with accessibility to early childhood education in this location of Ngaruawahia.

## **6. District Plan Rules Affected and Application Activity Status**

The application has been assessed as a Discretionary Activity in the Operative Waikato District Plan.

## **7. Section 42A report and other evidence**

The Council Planner's Section 42A Report and the application documentation has been referred to when considering this application.

## **8. Relevant Statutory Provisions of the RMA**

Mr Falconer's S42A report in paragraph 7.0 covers the relevant Objective and Policies considered in the proposal.

Paragraph 8.0 of the report covers section 104(1) (c) Other Matters, Plan Change 8, whereby it was concluded that Plan Change 8 does not add, alter or delete any objectives and policies. The rules of Plan Change 8 do not have legal effect pursuant to Section 86B as no decisions on submissions have been made, therefore little regard has been had to these rules.

Assessment of Part 2 Matters covering sections 8,7,6 and 5 of the RMA are found in paragraph 9.0 of the s42A report.

We concur with the assessment Mr Falconer has made in with respect to these sections of the Act. Further we accept his comment, *that he considers that the proposal achieves the purpose and principles of the RMA.*

## **9. Conclusion**

Overall our findings are that we are satisfied that the applicant has fulfilled the necessary requirements of the Resource Management Act 1991 that allows us to grant the land use consent for the purpose of establishing and operating a Childcare Centre in the Living Zone at 9 Newton Street Ngaruawhia. The consent is granted for land use consent (LUC0370/15) with the attached set of conditions.

## Schedule I

### Reason for the decision

- 1 The proposal is for the establishment and operation of a childcare facility, catering for 34 children, in the Living Zone which has been assessed as a Discretionary Activity, overall.
  
- 2 The application was supported by a noise report prepared by Earcon Acoustics. This report has confirmed that noise from the proposed childcare will not exceed those permitted in the Living Zone, as measured at the nearest residential receiver. This conclusion is contingent upon the best practise management of the facility. Conditions of consent have been imposed to ensure that the facility complies with the noise levels, as purported by Earcon, with certification of this being required by a suitably qualified acoustic specialist. A review condition also ensures that Council has the power to impose further conditions/mitigation.
  
- 4 The application was supported by a traffic impact assessment prepared by Aecom. The traffic report has concluded that the proposal will not result in any significant foreseeable effects on the safety and operation of the roading network. The proposal provides sufficient car parking to meet the reasonable needs of the facility with sufficient space provided on site and on the vehicle crossing for queuing in the event there are no free parking spaces. The expected wait time of 3-4 minutes (on average) will ensure incidences of parking saturation are infrequent and of a short duration. The dispensations related to visibility from the access and reverse manoeuvring are considered to be inconsequential. Again, a review condition is imposed as a measure to ensure the effectiveness of the operation of the parking and access and to impose such further mitigation as may be required to address effects not anticipated at the time of granting the consent.
  
- 5 With respect to residential character and amenity, the childcare centre will be carried out within an existing re-purposed residential dwelling. The use of a residential dwelling and inclusion of quality boundary fences and landscaping will maintain the residential aesthetic prevalent in the neighbourhood. The effects of additional traffic generation, considered to be the principal issue of contention with respect to residential character and amenity, are considered to be acceptable given the spread and concentration of these vehicle movements and the adequacy of the site to accommodate this expected level of traffic.

- 5 Overall we consider that any potential effects are considered to be acceptable. The proposal is generally consistent with the objectives and policies of the Operative District Plan. There are instances where the proposal is not entirely consistent with the objectives and policies, such as those related to site amenity, however, we consider that the proposal is not so inconsistent as to be considered contrary to them. The proposal is also consistent with the operative and proposed Waikato Regional Policy Statement, and all other relevant matters.
  
- 6 Overall the proposal meets the purpose (section 5) and principles (sections 6-8) of the Resource Management Act 1991.



## Schedule 2

# Conditions of Consent

## Resource Consent No: LUC0370/15

### General Conditions

- 1 The proposal shall proceed in general accordance with the information and plans submitted by the consent holder in support of application number LUC00370/15 and officially received by Council on the 14<sup>th</sup> of May 2015 and further information dated the 29<sup>th</sup> of June 2015 and the 3<sup>rd</sup> of September 2015 and the marked up site plan dated the 2<sup>nd</sup> December 2015, except as amended by the conditions below. A copy of the stamped approved plans are attached.
- 2 Pursuant to Section 36 of the Resource Management Act 1991 the consent holder shall pay the actual and reasonable costs incurred by the Waikato District Council when monitoring the conditions of this consent.
- 3 The consent holder shall notify the Waikato District Council Monitoring Department in writing two weeks prior to the commencement of activities associated with this consent.

### Number of Children

- 4 The childcare centre shall accommodate no more than 34 children and 5 staff (including full time equivalent and part time staff) at any time.
- 5 To confirm the attendance of the childcare centre, the consent holder shall maintain a register which shall include a daily record of the number of students and their arrival and departure times. The register shall be made available, upon request, for inspection by Council's Team Leader – Monitoring.

### Hours of Operation

- 6 The hours of operation for the childcare centre shall be restricted to Monday to Friday 7.30 am to 5.30pm. There shall be no use of the childcare facility on weekends or public holidays, with the exception of administration activities, routine maintenance and housekeeping.
- 7 The childcare centre shall not be used for activities other than childcare, for example social gatherings or children's birthday parties.

## Car Parking

- 8 Prior to the operation of the childcare centre, the consent holder shall ensure that there are a minimum of 8 car parks provided on site, inclusive of one accessible car park. All car parking and manoeuvring areas shall be sealed and delineated. The car park shall comply with the Waikato District Plan and Hamilton City Council Infrastructure Technical Specifications.

## Noise

- 9 The consent holder shall erect all acoustic fences as depicted on the approved site plan prior to the operation of the childcare centre activity.
- 10 Prior to the operation of the childcare centre, the consent holder shall prepare a Childcare Centre Management Plan, for the approval of Council's Team Leader – Monitoring. The Management Plan shall detail the operational and management measures that will be imposed for the facility, including but not limited to, the staged arrivals and departures of children, management of noisy activities and child behaviour and the management of refuse.
- 11 Noise from the childcare centre activity, measured at any other site, shall not exceed the following:
- (a) 50dBA ( $L_{10}$ ) 7am to 7pm any day, and
  - (b) 45dBA ( $L_{10}$ ) 7pm to 10pm any day, and
  - (c) 40dBA ( $L_{10}$ ) and 65dBA ( $L_{max}$ ) at all other times.
- or any relevant standard within any subsequent District Plan.
- 12 After three months following the commencement of the childcare centre activity, the consent holder shall provide Council's Team Leader – Monitoring with certification from an experienced acoustic engineer confirming that the activity complies with the maximum permitted noise levels within the Living Zone.
- 13 The consent holder shall maintain a complaints register for the duration of the childcare centre activity. The complaints register shall record the name of the complainant, the nature of the complaint and how the complaint was resolved. The complaints register shall be made available, upon request, for inspections by Council's Team Leader – Monitoring.

### **Signage**

- 14 The consent holder shall erect no more than one 0.25m<sup>2</sup> sign, on each road frontage to the site. The signs are to be affixed to the fence.
- 15 The consent holder shall ensure that the above signage is maintained to a high standard that contributes positively to its surrounds at all times by ensuring that signage does not fall into a state of disrepair.

### **Landscaping**

- 16 Within 1 month of the granting of this consent, the applicant shall provide a landscape plan for the approval of Council's Team Leader – Monitoring. The plan shall depict all landscaping across the site and include details such as plant species, numbers and size at time of planting.

The landscaping shall be completed prior to the operation of the childcare facility, to the satisfaction of Council's Team Leader – Monitoring, and shall be maintained to a high standard thereafter.

### **Vehicle Access**

- 17 The consent holder shall upgrade the existing vehicle entrance off Newton Street in accordance with Hamilton City Infrastructure Technical Specification drawings D3.3.1 and D3.3.5 to the satisfaction of Council's Team Leader – Monitoring.
- 18 Producer Statements for the design and construction of both upgraded vehicle crossings shall be completed by a suitably qualified Professional Engineer and provided to the satisfaction of Council's Team Leader – Monitoring.

### **Review Condition**

- 19 Pursuant to section 128 to 131 of the Resource Management Act 1991, the Waikato District Council may, after six months from the date of this consent and at one yearly intervals thereafter, serve notice on the consent holder of its intention to review any or all of the conditions of this consent for any of the following purposes:
- (a) To review the effectiveness of the conditions of this consent in avoiding, remedying, or mitigating any adverse effect on the environment that may arise from the exercise of this resource consent (in particular the potential adverse environmental effects in relation to noise and traffic effects) and, if necessary, amend or impose such further conditions to avoid, remedy or mitigate such effects;

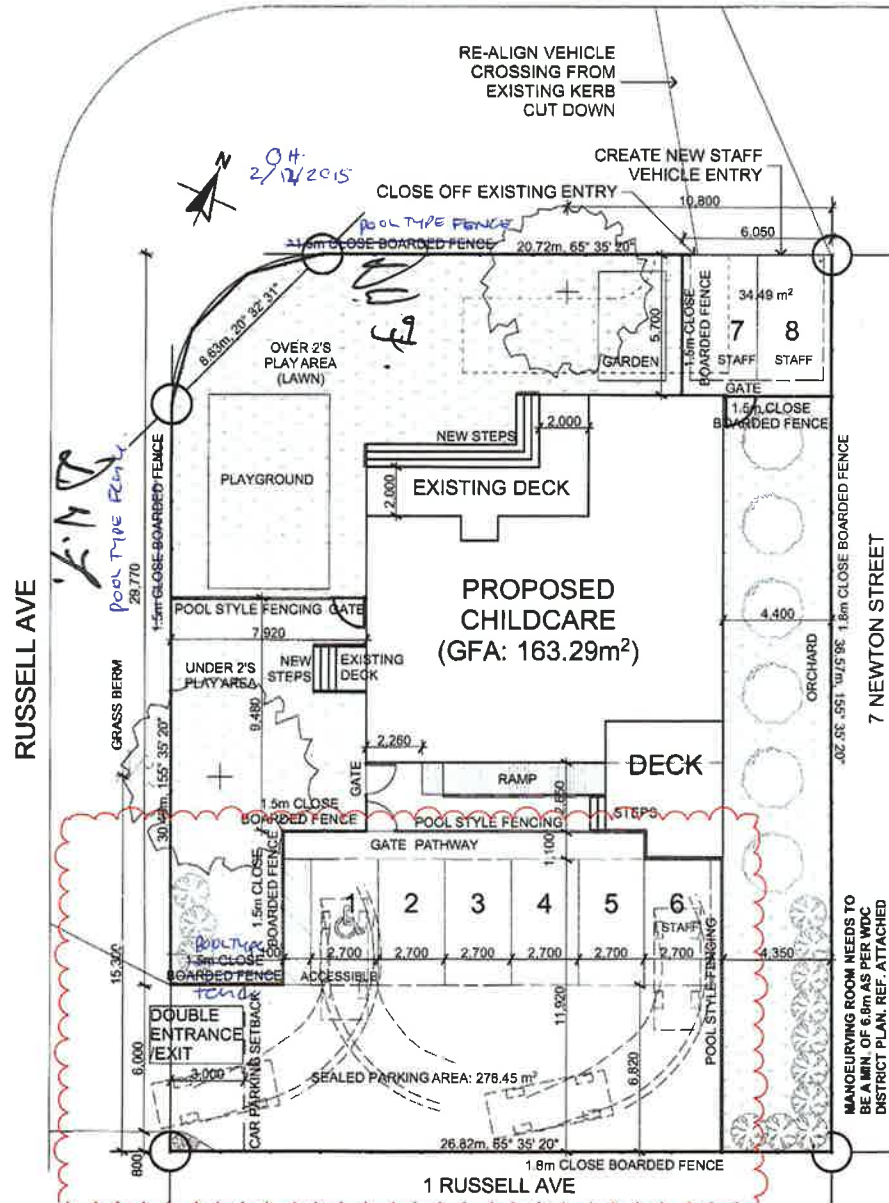
- (b) To address any adverse effects on the environment which have arisen as a result of the exercise of this consent that were not anticipated at the time of granting this consent, including addressing any issues arising out of complaints;
- (c) To review the adequacy of, and necessity for, any of the monitoring programmes or management plans that are part of the conditions of this consent;
- (d) To require the consent holder, if necessary and appropriate, to adopt the best practicable option(s) to avoid, remedy or mitigate any adverse effects on the surrounding environment;
- (e) The Council will undertake the review in consultation with the consent holder and the consent holder shall pay the actual and reasonable costs of the review.

**Advisory Notes:**

- 1 A Corridor Access Request (CAR), including traffic management plan, for all/any works to be carried out in the road reserve, is to be completed by a qualified Site Management Traffic Supervisor (STMS), and provided to the Waikato District Council's Traffic Management Co-ordinator for approval not less than 15 working days prior to any works being undertaken. No works may be undertaken until approval for the CAR is obtained in writing.
- 2 An acceptable format for Producer Statements can be found in the Hamilton City Development Manual, Volume 4, Part 9, Appendix 4ii.



9 NEWTON STREET



**SITE PLAN**  
SCALE 1:200

REVISION 2

SITE INFORMATION	
LEGAL DESCRIPTION:	LOT 8, DPS 407
SITE AREA:	973m <sup>2</sup>
PROPERTY LOCATION:	9 NEWTON STREET NGARUAWAHIA
BUILDING	
EXISTING BUILDING AREA:	163.29m <sup>2</sup> (16.78%)
EXISTING DECK AREAS:	61.88m <sup>2</sup>
NEW DECK / RAMP AREAS:	78.91m <sup>2</sup>
IMPERMEABLE SURFACES	
ROOF AREA:	226.30m <sup>2</sup>
NEW PARKING / PAVING AREAS:	306.33m <sup>2</sup>
TOTAL IMPERMEABLE AREA:	532.63m <sup>2</sup> (54.57%)
EARTHWORKS	
ALLOW 200mm SCRAPE OF PROPOSED PARKING AREAS & ACCESS PATHS:	
= 306.33m <sup>2</sup> x 0.2m deep	
= 61.265m <sup>3</sup>	

**REVISION 1 - RFI 2 JUNE 2015 - 10/06/2015**  
 \* CARPARKING AREAS ALTERED TO ALLOW FOR MANUEVERING  
 \* NEW STEP POSITIONS TO EXISTING DECKS ALTERED

**REVISION 2 - 02/09/2015**  
 \* CARPARKING AREAS ALTERED

**Resource Consent**  
 No. LUC 0370/15  
 Approved By [Signature]  
 Date 14/12/2015  
**Not for Construction**

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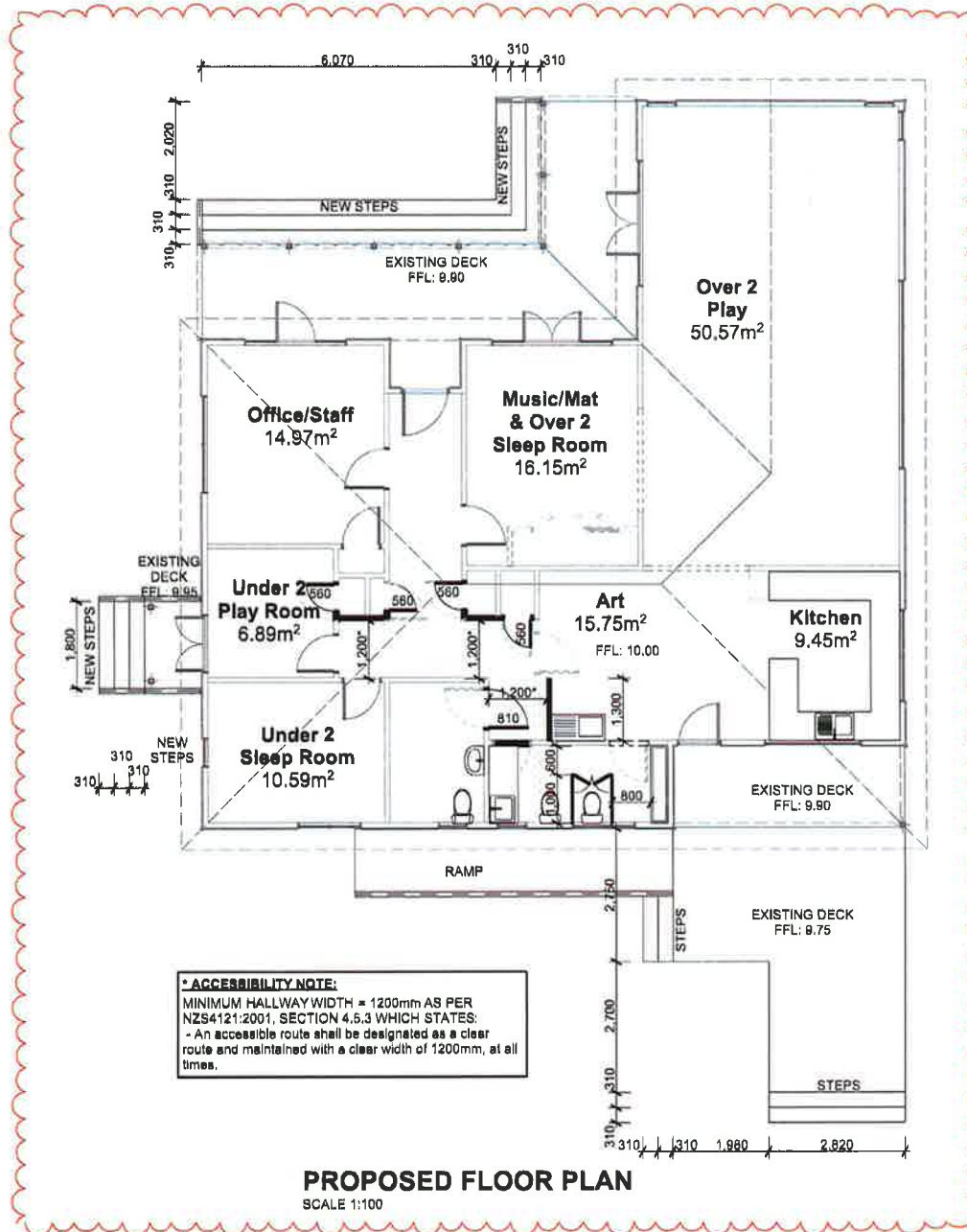
**DRAFTING WAIKATO LTD.**  
 JEFF CUNNINGHAM  
 PHONE: (07) 846 1646  
 MOBILE: 027 484 2212  
 EMAIL: jeff@draftingwaikato.co.nz  
 WEBSITE: www.draftingwaikato.co.nz

SHEET TITLE  
**PROPOSED CHILD CARE - SITE LAYOUT**

SEISMO ZONE	SNOW LOADING
MEDIUM	NO
DRAINAGE ZONE	COMBUSTION ZONE
ZONE 1	ZONE 2

PROPOSED NEW RESIDENCE FOR:	SHEET
<b>OPAL HIGGINS</b>	<b>101</b>
AT 9 NEWTON STREET, NGARUAWAHIA	
DRAWN: DW	DATE: 2/09/2015
CHECKED: [Blank]	SCALE: 1:200 @A3

**REVISION 1 - RFI 2 JUNE 2015 - 10/06/2015**  
 \* NEW STEP POSITIONS SHOWN  
 \* HAND RAIL POSITIONS SHOWN  
 \* FFL SHOWN FOR HOUSE & DECKS  
 \* ACCESSIBILITY NOTE ADDED  
 \* LAYOUT TO ACCESSIBLE WC ENTRY ALTERED  
 \* ROOM NAMES & AREAS ADDED



REVISION 1

**Resource Consent**  
 No. LC037015  
 Approved By D.W. Fulton  
 Date 14/12/2015  
**Not for Construction**

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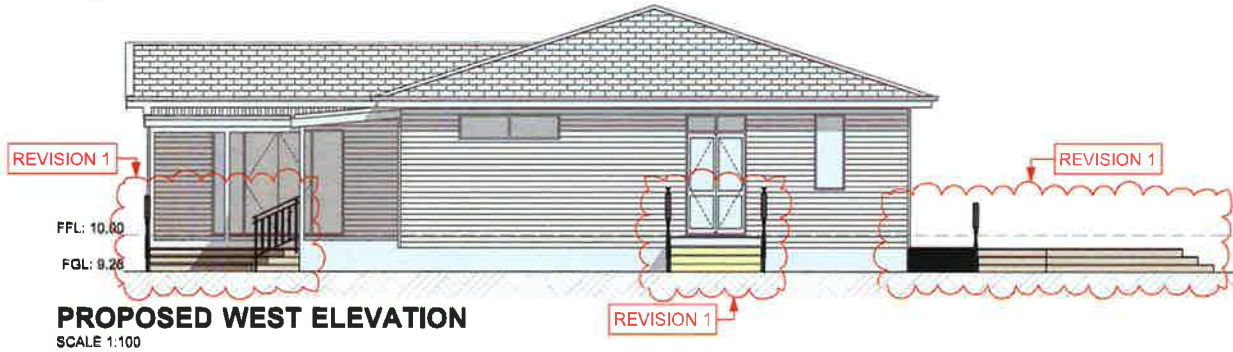
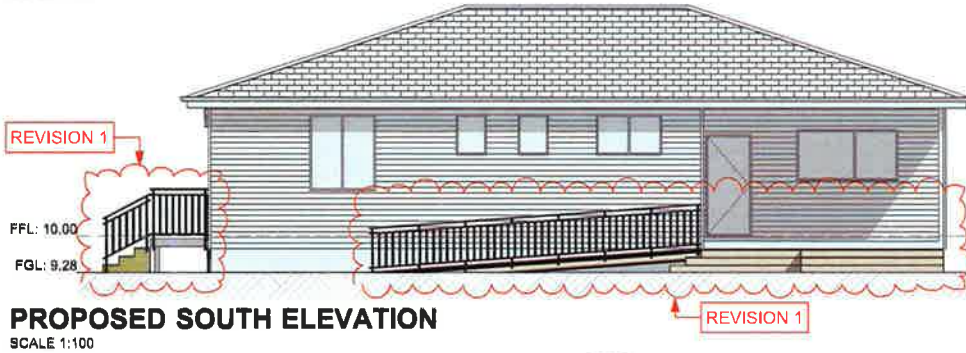
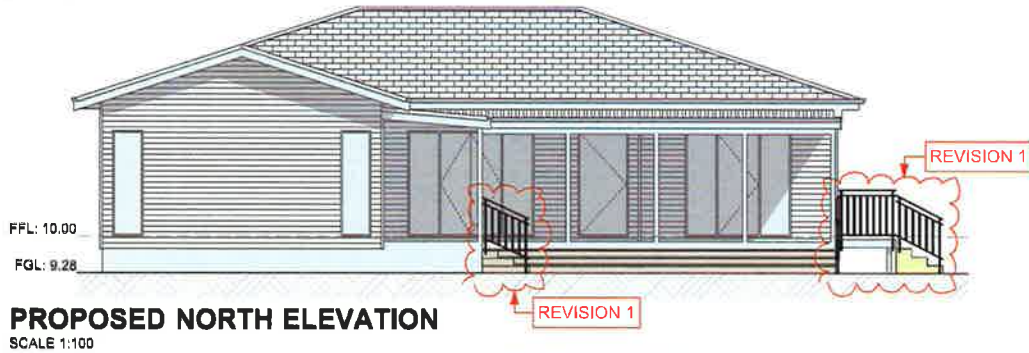
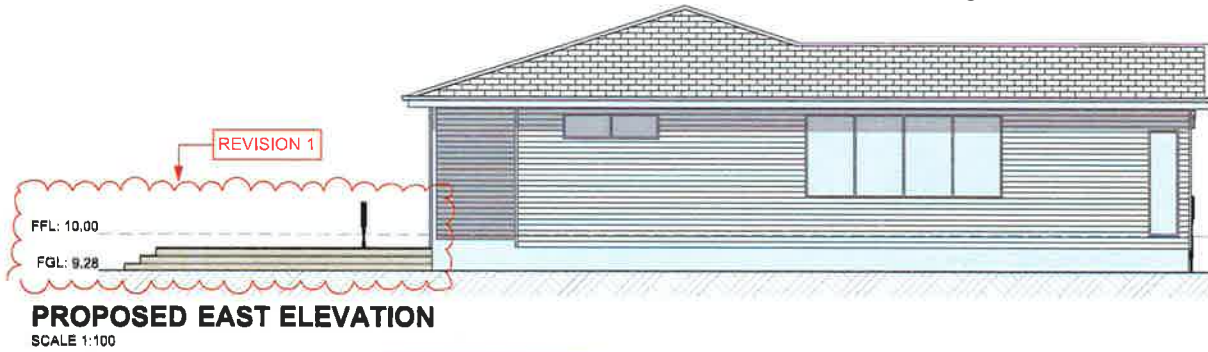
**DRAFTING WAIKATO LTD.**  
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SHEET TITLE:  
**PROPOSED FLOOR PLAN**

WIND ZONE: <b>MEDIUM</b>	SNOW LOADING: <b>NO</b>
EARTHQUAKE ZONE: <b>ZONE 1</b>	CLIMATIC ZONE: <b>ZONE 2</b>

PROPOSED NEW RESIDENCE FOR <b>OPAL HIGGINS</b>	SHEET <b>302</b>
AT: 9 NEWTON STREET, NGARUAWAHIA	
DRAWN: DW	CHECKED: [ ]
DATE: 15/06/2015	SCALE: 1:100 @A3

**REVISION 1 - RFI 2 JUNE 2015 - 10/06/2015**  
 \* EXISTING DECK HEIGHT CORRECTED  
 \* HANDRAILS SHOWN  
 \* STEP POSITIONS ALTERED  
 \* FFL & FGL SHOWN



**Resource Consent**  
 No. LC0370/15  
 Approved By 14/12/2015  
 Date \_\_\_\_\_  
**Not for Construction**

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SHEET TITLE:  
**PROPOSED ELEVATIONS**

WIND ZONE: <b>MEDIUM</b>	SNOW LOADING: <b>NO</b>
LAR (QUALITY) ZONE: <b>ZONE 1</b>	CONSTRUCTION ZONE: <b>ZONE 2</b>

PROPOSED NEW RESIDENCE FOR <b>OPAL HIGGINS</b>		SHEET <b>202</b>
AT 9 NEWTON STREET, NGARUAWAHIA		
DRAWN DW	CHECKED	SCALE 1:100 @A3
DATE 15/06/2015		

### **Open Meeting**

<b>To</b>	Policy & Regulatory Committee
<b>From</b>	G J Ion
<b>Date</b>	25 January 2016
<b>Chief Executive Approved</b>	Y
<b>DWS Document Set #</b>	1138648
<b>Report Title</b>	<b>Chief Executive's Business Plan</b>

## **1. Executive Summary**

The Chief Executive's Business Plan is a summary of progress on the Chief Executive's Performance Agreement which took effect on 1 July 2015.

## **2. Recommendation**

**THAT** the report of the Chief Executive – *Chief Executive's Business Plan* - be received;

## **3. Background**

The Chief Executive's Business Plan is a summary of progress on a number of issues targeted by Councillors.

## **4. Discussion and Analysis of Options**

### **4.1 Discussion**

The Plan is a summary of progress on specific issues. It enables staff and Councillors to focus on the big issues and ensures that attention is given to those things that really matter.

The Plan has been updated in line with the Chief Executive's Performance Agreement for 2015/2016 as recently agreed.

### **4.2 Options**

The list of projects has been agreed by Council.

The existing Plan is consistent with the Chief Executive's Performance Agreement recently approved by Council.

## 5 Considerations

### 5.1 Financial

Council has agreed to contribute additional funding towards the management of water services project. Both Waipa District and Hamilton City Councils have also approved the extra amount.

### 5.2 Legal

As part of undertaking the work, detailed in this plan, Council needs to ensure that the approach taken is consistent with the Purpose of Local Government.

In other words, to meet the current and future needs of communities for good quality local infrastructure, local public services and performance of regulatory functions in a way that is most cost-effective for households and businesses.

### 5.3 Strategy, Plans, Policy & Partnership Alignment

This report contains the strategic issues that Council is focused on. The Chief Executive's Business Plan has been updated to align to the Chief Executive's Performance Agreement.

Iwi and Tangata Whenua have been, or will be consulted on at least some of the key projects or initiatives referred to in the report.

The projects in the list link to at least one community outcome or wellbeing. They also link to at least one LTP key goal.

The list has been updated in line with the Chief Executive's Performance Agreement including a recent amendment in October 2015.

### 5.4 Assessment of Significance & Engagement

The report does not trigger any concerns about significance of the projects being discussed.

## 6. Consultation

The following stakeholders have been/or will be consulted:

Planned	In Progress	Complete	
		✓	Internal
	✓		Community boards/Community committees
	✓		Waikato-Tainui/Local iwi
	✓		Households
	✓		Business
			Other Please Specify

*Comment (if any):*

**7. Conclusion**

The schedule summarises progress on the key issues agreed with Council.

**8. Attachments**

Chief Executive's KPI worksheet.

## Chief Executive's KPIs

Key project/priority	Key deliverables/KPIs		Progress	Final achievement Met/Not Met
I. Responsiveness and resolution of Service Requests logged (linked to LTP key goal of community engagement)	1.1	Complete the implementation of the Service Request review by 31 December 2015.	1.1 <ul style="list-style-type: none"> <li>▪ The Service Request review has been completed and reported to Council in November.</li> <li>▪ Staff will continue to look to refine the process.</li> </ul>	
	1.2	Completion of service requests within set timeframes for the year > 80%	1.2 <ul style="list-style-type: none"> <li>▪ Owing to the impact of the establishment and implementation of the Alliance, an interim target was set which will be subject to review at the February 2016 meeting.</li> <li>▪ As a result of the review, the target may increase or decrease by mutual agreement.</li> <li>▪ After six months 87.39% of service requests have been processed on time.</li> </ul>	
	1.3	The total of overdue service requests <150 at 30 June 2016.	1.3 <ul style="list-style-type: none"> <li>▪ Owing to the impact of the establishment and implementation of the Alliance, an interim target was set which will be subject to review at the February 2016 meeting.</li> <li>▪ As a result of the review, the target may increase or decrease by mutual agreement.</li> <li>▪ The total overdue service requests has averaged 129 for the year to date.</li> <li>▪ Work is continuing and the level of outstanding service requests is</li> </ul>	

Key project/priority	Key deliverables/KPIs		Progress		Final achievement Met/Not Met
				reducing.	
2. Reduction in carry forward works (linked to LTP key goals of affordability and community engagement)	2.1	Reduction in controllable carry forward works by more than 20% in dollar terms for the year ended 30 June 2016 (e.g., non-controllable projects such as development contribution funded projects, grants and donations and discretionary funds are not included in this calculation).	2.1	<ul style="list-style-type: none"> <li>▪ Good progress is being made to reduce outstanding carry forwards from 2014/15.</li> <li>▪ The real test will be the completion of work for 2015/2016 which is being planned, designed and constructed now.</li> </ul>	
	2.2	Fully implement the carry forward strategy to reduce the level of carry forwards by 30 June 2016 in terms of the seven actions: <ul style="list-style-type: none"> <li>▪ Delegations</li> <li>▪ Deferral of work</li> <li>▪ Uncontrollable works (including developer-led)</li> <li>▪ Phasing of work</li> <li>▪ Realistic works programme</li> <li>▪ Adapting to market conditions</li> <li>▪ Advance design works (not supported at this time)</li> </ul>	2.2	<ul style="list-style-type: none"> <li>▪ The delegations review was completed and approved by Council in July.</li> <li>▪ The revised delegations are now in effect.</li> <li>▪ Other elements of the strategy are already in operation but will be reviewed again later in the year.</li> </ul>	
3. Regional Initiatives – undertake works across councils and across the Waikato Regional that	3.1	Waters Review: <ul style="list-style-type: none"> <li>a) Facilitate an interim decision by Council about the future management of</li> </ul>	3.1	<ul style="list-style-type: none"> <li>▪ All three Councils have approved funding for additional work around shareholding, governance and decision making. The Councils have agreed to a revised timetable which means that</li> </ul>	



Key project/priority	Key deliverables/KPIs		Progress		Final achievement Met/Not Met
promote: <ul style="list-style-type: none"> <li>▪ Efficiency</li> <li>▪ Common purpose</li> <li>▪ Affordability</li> <li>▪ Collaboration</li> <li>▪ Community engagement</li> </ul> (Linked to LTP key goals of affordability, economic development and community engagement)		water services. b) Undertake public consultation as necessary to advance the preferred option. c) Facilitate a final decision by Council no later than 30 June 2016.		a formal decision to progress the CCO (or not) will not be made until 2017 at the earliest. <ul style="list-style-type: none"> <li>▪ The Chief Executive has actively facilitated meetings and discussions both at a staff and political level in order to advance the process.</li> </ul>	
	3.2	Waikato Plan a) Provide work stream leadership to enable the Joint Committee to progress this project. b) Support and inform the Council's representative to the Joint Committee and Councillors generally.	3.2	(a) <ul style="list-style-type: none"> <li>▪ The Chief Executive is playing an active role in the Chief Executive's Steering Group. He has recently been appointed Deputy Chair of this group.</li> <li>▪ The group meets monthly to drive progress.</li> <li>▪ The Waikato Plan is on track in terms of timeframe and cost.</li> </ul> (b) His Worship the Mayor and Councillors have been fully briefed on progress.	
4. Economic Development – the District grows and prospers (linked to LTP key goal of economic development).	4.1	Complete the review of the economic development roadmap (Version 2) by 31 December 2015.	4.1	<ul style="list-style-type: none"> <li>▪ The Economic Development Strategy was adopted by Council on 14 December.</li> </ul>	
	4.2	Develop an implementation plan by 31 March 2016 for the economic development roadmap (version 2).	4.2	<ul style="list-style-type: none"> <li>▪ Work in early 2016 will focus on the development of the implementation plan.</li> </ul>	

Key project/priority	Key deliverables/KPIs		Progress		Final achievement Met/Not Met
	4.3	Commence implementation of the economic development roadmap including meeting agreed deadlines for the 2015/2016 year.	4.3	<ul style="list-style-type: none"> <li>▪ This goal is dependent on the roadmap and the implementation plan being completed.</li> </ul>	
5. Roding Alliance – Council has let a \$150 million contract to the Alliance with Downers/HEB for the delivery of road maintenance and related services (linked to the LTP key goals of affordability and community engagement).	5.1	Complete the implementation of the Roding Alliance operational plan by 31 December 2015.	5.1	<ul style="list-style-type: none"> <li>▪ Alliance KPIs as agreed with Council by 31 March 2016 will be implemented by the Chief Executive.</li> <li>▪ The operational plan is being implemented.</li> <li>▪ Key decision points in December were the target cost estimate, the gross margin and the formal agreement. These were completed on 21 December.</li> <li>▪ The Chief Executive has endeavoured to facilitate a decision on the location but no response was received from the property owner.</li> <li>▪ The Strada site in Brownlee Avenue is now the preferred location.</li> </ul>	
	5.2	Provide a report to each Infrastructure Committee meeting that outlines the performance of road maintenance services. This will include dashboard reporting detailing audit reviews and progress of work programmes.	5.2	<ul style="list-style-type: none"> <li>▪ The target cost estimate has been completed. Costs have been managed in line with budget.</li> <li>▪ The Infrastructure Committee has been fully briefed.</li> <li>▪ Anecdotal evidence from staff, Councillors and the community indicate a significant improvement in road maintenance services.</li> </ul>	

Key project/priority	Key deliverables/KPIs		Progress		Final achievement Met/Not Met
6. Transformational organisational change.  - Outline what initiatives and actions are being undertaken to ensure an engaged and committed workforce (linked to the LTP key goal of community engagement).	6.1	Achieve secondary level accreditation with the Work Safety Management Practices programme by 30 June 2016.	6.1	<ul style="list-style-type: none"> <li>▪ A Zero Harm Policy and action plan has been completed. One of the outcomes is an application to the Work Safety Management Practices scheme. An audit has been scheduled for May 2016.</li> <li>▪ The Health &amp; Safety Manual has been updated.</li> </ul>	
	6.2	An improvement of 5% or more is demonstrated in the engagement profile from the staff culture survey.	6.2	<ul style="list-style-type: none"> <li>▪ The staff survey will assess progress on this in early 2016.</li> </ul>	
7. General Management	7.1	To cover decision making and judgement.	7.1	<ul style="list-style-type: none"> <li>▪ Council is being kept busy through numerous workshops and meetings which reflects significant activity in the industry and district.</li> <li>▪ The Chief Executive is working closely with Waikato-Tainui around cultural tourism and other matters.</li> <li>▪ A significant opportunity for Council is expected to be confirmed in early February.</li> </ul>	

### Open Meeting

<b>To</b>	Policy & Regulatory Committee
<b>From</b>	G J Ion Chief Executive
<b>Date</b>	25 January 2016
<b>Prepared By</b>	T I King Executive Assistant
<b>Chief Executive Approved</b>	Y
<b>DWS Document Set #</b>	1138653
<b>Report Title</b>	<b>2016 Meeting Calendar</b>

## 1. Executive Summary

A monthly report is provided on the meeting calendar. Recent changes are incorporated so that Councillors are kept up to date.

## 2. Recommendation

**THAT the report of the Chief Executive – 2016 Meeting Calendar - be received;**

## 3. Background

Council has already approved a meeting timetable for 2016. It was agreed that I would provide a monthly update on the meeting calendar including as much relevant information as possible.

## 4. Discussion and Analysis of Options

### 4.1 Discussion

As discussed, Councillors should rely on the latest calendar and dispense with previous copies.

The workshop schedule for the remainder of the year is as follows:

### FEBRUARY 2016

Tuesday 9 February: 1pm – 4pm	Monday 15 February: 9am – 12pm
<ul style="list-style-type: none"> <li>▪ Annual Plan 2016/17: 1pm – 4pm convened by Shelley Monrad</li> </ul>	<ul style="list-style-type: none"> <li>▪ Camera Trust: 9am – 10.30am convened by Lianne van den Bemd</li> <li>▪ District Plan Review: 10.30 – 11.30 convened by Sandra Kelly</li> </ul> <p>6</p>

<b>Tuesday 16 February: 1pm – 4pm</b>	<b>Tuesday 23 February: 1pm – 4pm</b>
<ul style="list-style-type: none"> <li>▪ District Plan Review: 1pm – 3pm convened by Sandra Kelly</li> <li>▪ Economic Development Strategy Implementation Plan 3pm-4pm convened by Clive Morgan</li> </ul>	<ul style="list-style-type: none"> <li>▪ Zero Harm Critical Risk Register: 1pm – 3pm convened by Kevin Lockley</li> <li>▪ District Plan Review 3pm – 4pm convened by Sandra Kelly</li> </ul>
<b>Wednesday 24 February: 9am – 12pm</b>	
<ul style="list-style-type: none"> <li>▪ Code of Conduct 9am – 10am convened by Anne Beex</li> <li>▪ Planning for Growth 10am – 11.30am convened by Vishal Ramduny</li> </ul>	

## MARCH 2016

<b>Tuesday 8 March: 1pm – 4pm</b>	<b>Tuesday 15 March: 12.30pm – 3.30pm</b>
<ul style="list-style-type: none"> <li>▪ Solid Waste LTP Project (Refuse &amp; Recycling Charges): 1pm – 2.30pm convened by Marie McIntyre</li> <li>▪ Update on Water Strategy 2.30 – 3pm convened by Martin Mould</li> </ul>	<ul style="list-style-type: none"> <li>▪ District Plan Review: 12.30pm – 2.30pm convened by Sandra Kelly</li> <li>▪ Sea Level Rise Presentation 2.30 – 3.30 convened by Rick Liefiting (Waikato Regional Council)</li> </ul>
<b>Monday 21 March: 9am – 12pm</b>	
<ul style="list-style-type: none"> <li>▪ Economic Development Programme 9am – 9.45am convened by Clive Morgan</li> <li>▪ Waikato Regional Council Annual Plan Presentation 9.45pm – 10.15am (Vishal Ramduny)</li> </ul>	

## 4.2 Options

Council could choose to approve the calendar or not. The idea of providing a monthly update is beneficial because there are a number of changes that arise on a regular basis. The calendars provide the most up to date information that we have but will not take account of short notice events.

## 5 Considerations

### 5.1 Financial

Nil.

### 5.2 Legal

Nil.

### 5.3 Strategy, Plans, Policy & Partnership Alignment

The report is about keeping Councillors informed and up to date with regards to forthcoming meetings and workshops. Items discussed will cover a range of community outcomes and one or more of the four well beings.

### 5.4 Assessment of Significance & Engagement

None of the matters raised in the report trigger any significance concerns.

## 6. Consultation

The following stakeholders have been/or will be consulted:

Planned	In Progress	Complete	
		✓	Internal
			Community boards/Community committees
			Waikato-Tainui/Local iwi
			Households
			Business
			Other Please Specify

## 7. Conclusion

Council is being asked to receive and review a monthly update on the meeting calendar for the remainder of 2016.

## 8. Attachments

Nil.

# 55 ANNUAL CALENDAR - 2016

Updated 3 February 2016

	JAN		FEB		MAR		APR		MAY		JUN		JUL		AUG		SEP		OCT		NOV		DEC	
	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM
Sat																								
Sun																								
MON			1																					
TUES			2																					
WED			3																					
THU			4																					
FRI			5																					
Sat	2		6		5		2		7		4		2		6		3		8		5		3	
Sun	3		7		6		3		8		5		3		7		4		9		6		4	
MON	4		8		7		4		9		6		4		8		5		10		7		5	
TUE	5		9		8		5		10		7		5		9		6		11		8		6	
WED	6		10		9		6		11		8		6		10		7		12		9		7	
THU	7		11		10		7		12		9		7		11		8		13		10		8	
FRI	8		12		11		8		13		10		8		12		9		14		11		9	
Sat	9		13		12		9		14		11		9		13		10		15		12		10	
Sun	10		14		13		10		15		12		10		14		11		16		13		11	
MON	11		15		14		11		16		13		11		15		12		17		14		12	
TUE	12		16		15		12		17		14		12		16		13		18		15		13	
WED	13		17		16		13		18		15		13		17		14		19		16		14	
THU	14		18		17		14		19		16		14		18		15		20		17		15	
FRI	15		19		18		15		20		17		15		19		16		21		18		16	
Sat	16		20		19		16		21		18		16		20		17		22		19		17	
Sun	17		21		20		17		22		19		17		21		18		23		20		18	
MON	18		22		21		18		23		20		18		22		19		24		21		19	
TUE	19		23		22		19		24		21		19		23		20		25		22		20	
WED	20		24		23		20		25		22		20		24		21		26		23		21	
THU	21		25		24		21		26		23		21		25		22		27		24		22	
FRI	22		26		25		22		27		24		22		26		23		28		25		23	
Sat	23		27		26		23		28		25		23		27		24		29		26		24	
Sun	24		28		27		24		29		26		24		28		25		30		27		25	
MON	25		29		28		25		30		27		25		29		26		31		28		26	
TUES	26																							
WED	27																							
THU	28																							
FRI	29																							
SAT	30																							
SUN	31																							

KEY	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	KEY
		Infrastructure Committee (9.00am)	CCL: Council (1.15pm)	Policy & Regulatory Committee (9.00am)	Strategy & Finance (9.00am)	Citizenship		TCB: Taupiri CB (6.30pm)	RCB: Raglan CB (6.00pm)	OTCB: Onewhero-Tuakau CB (4.30 & 7.30pm)	MMCC: Meremere Community Committee (7.00pm)	W/S: Councillors' workshops	
		LTP(Long term Plan) Workshop)	CEPR: Chief Executive's Performance Review SubCtee (9.00am)	CCS: Creative Communities (10.30am)	Discretionary & Funding (10.30am)			NCB: Ngaruawahia CB (6.00pm)	HCB: Huntly CB (6.00pm)	TKCC: Te Kauwhata Community Committee (7.00pm)	CDEM: Civil Defence Management Group	Other Meetings	

### **Open Meeting**

<b>To</b>	Policy & Regulatory Committee
<b>From</b>	TG Whittaker General Manager Strategy & Support
<b>Date</b>	24 November 2015
<b>Prepared By</b>	M Tukere Iwi & Community Partnership Manager
<b>Chief Executive Approved</b>	Y
<b>DWS Document Set #</b>	1099579
<b>Report Title</b>	<b>Joint Management Agreement with Waikato Tainui: Approval of Schedule F - Management of Maaori Sites of Significance</b>

## **1. Executive Summary**

Schedule F is the final schedule to the Joint Management Agreement with Waikato-Tainui that requires adoption.

A councillor's workshop was held on 17 March 2015 and Council had given approval for the wording in the Schedule. However, Waikato-Tainui felt that the clause relating to private land (Clause 9) was not acceptable and suggested further clarification to the wording.

As per the agreed Council process, Tompkins Wake has provided feedback on the Schedule, and has suggested that further amendments should be made to Clause 9. Waikato-Tainui has approved these amendments.

Schedule F to the Joint Management Agreement with Waikato-Tainui: Management of Maaori Sites of Significance is now submitted to the Policy and Regulatory Committee for referral to Council for approval.

## **2. Recommendation**

**THAT** the report of the **General Manager Strategy & Support – Joint Management Agreement with Waikato Tainui: Approval of Schedule F - Management of Maaori Sites of Significance** - be received;

**AND THAT** the Schedule be referred to Council for approval.



### 3. Background

Waikato District Council signed a Joint Management Agreement with Waikato Tainui in March 2010. The objective of the agreement is to work together to restore the health and wellbeing of the Waikato River and its catchment. Under the Joint Management Agreement there are seven schedules which set out the detail of how implementation of the agreement will work. Schedule F is the final schedule to be drafted and is non-mandatory. This schedule has been included in the Joint Management Agreement because Council have agreed that the processes described in the schedule will add value to the relationship between Waikato District Council and Waikato Tainui and also to the way these matters are carried out in Council.

### 4. Discussion and Analysis of Options

#### 4.1 Discussion

During the development of Schedule F, Councillors requested that a specific clause in relation to private land be included. This was duly drafted and accepted by the Council's Policy and Regulatory Committee. The process is that all amendments must be agreed by both parties. In an email dated 25 March, Council was advised by Waikato-Tainui that they had concerns with the additional clause, clause 9:

*“This schedule does not apply to sites located on private land, except where the owner of the land has agreed to work with the parties to achieve the objectives set out in this schedule”.*

Given the concerns, staff continued to work on wording of the Schedule, and Waikato-Tainui have indicated that they are comfortable with the following amended clause in relation to private land:

*“Where Maaori Sites of Significance have been identified on private land, the co-operation and agreement of the land owner will be sought before any of the processes described in this schedule are implemented. The intention is to identify and where possible protect these sites; not to restrict development”.*

An agreed part of the Council process in relation to approval of JMA Schedules is to ask Tompkins Wake for a legal overview. Commentary has been provided in the attached analysis report, and they have recommended further amendments (as per additions underlined) to Clause 9, as follows:

*Where Maaori Sites of Significance have been identified on private land, the co-operation and agreement of the land owner ~~will~~ must be sought before any of the processes described in this schedule are implemented in respect of that private land. If the agreement of the land owner is not obtained, this Schedule will not apply to that private land. The intention is to identify and where possible protect these sites; not to restrict development.*

This amendment has been approved by Waikato-Tainui (email dated 24 November 2015).

## 4.2 Options

- a) Receive this report and refer to Council for approval - **This is the preferred option,**  
or
- b) Not approve Schedule F and provide staff with further direction.

## 5 Considerations

### 5.1 Financial

There are no financial considerations.

### 5.2 Legal

Legal considerations have been considered by Tompkins Wake and are provided in the Analysis Report.

### 5.3 Strategy, Plans, Policy & Partnership Alignment

The Schedule aligns with Strategy, Plans, Policy and Partnership.

### 5.4 Assessment of Significance & Engagement

The required engagement has been completed due to the significance of the Schedule.

## 6. Consultation

The following stakeholders have been/or will be consulted:

Planned	In Progress	Complete	
		Yes	Internal
		No	Community boards/Community committees
		Yes	Waikato-Tainui/Local iwi
		NA	Households
		NA	Business
		Nil	Other Please Specify

*Comment (if any):*

## 7. Conclusion

The amended clause prepared by Tompkins Wake and approved by Waikato Tainui appear to meet the concerns of Council. Approval of this updated clause and schedule is now sought.

## 8. Attachments

- i. *Analysis Report*
- ii. *Schedule F to the Joint Management Agreement with Waikato-Tainui: Management of Maori Sites of Significance*

4 November 2015

**Report for Joint Committee: Schedule F to the Joint Management Agreement with Waikato Tainui - Management of Maaori Sites of Significance**

**PURPOSE**

The purpose of this report is to provide an analysis of Schedule F (Management of Maaori Sites of Significance) to the Joint Management Agreement (JMA) with Waikato Tainui under three main headings:

1. The overall **strategic and relationship** aspects of the schedule
2. **At the Coalface** - from a practical perspective, an explanation about how it is intended to implement the processes described in the schedule.
3. **Legal** - commentary from Tompkins Wake.

**Strategic and Relationship**

1. This is an important schedule in terms of the relationship with Waikato-Tainui. This schedule is **not mandatory** under the legislation and was added to the Joint Management Agreement because it was agreed by Council and Waikato-Tainui that early engagement and enhanced discussion on the matters covered in the schedule would be of benefit to the parties and the community.
2. The identification and protection of sites which are significant to Waikato-Tainui is a long held desire following Raupatu. The confiscation of 1.2 million acres of tribal land meant that over time, many sites have been destroyed or desecrated. The Iwi have not previously had the capacity, support or opportunity to ensure that those sites that remain might be protected for the future.
3. The processes described in this Schedule provide the Iwi with the opportunity to do that, working alongside Council and land-owners.
4. As with all the Schedules, this is the first iteration and as the processes within the schedule are implemented, they will evolve and improve over time.

**At the Coalface**

5. This Schedule is the last of the seven Schedules to the Joint Management Agreement with Waikato-Tainui to be drafted and has been through a number of iterations.
6. The main stumbling block has been confirming the wording of the clause relating to identified sites of significance on private land (Clause 9). Discussion between Iwi and Council has been focussed on finding a balance between protecting these sites

without restricting development. Clause 9 of the Schedule is quite specific that co-operation and agreement of private land owners will be sought before any of the processes described in the Schedule are implemented.

7. The wording included in the current draft has been agreed by Waikato-Tainui and Waikato District Council. However, following legal perusal of the Schedule by Tompkins Wake, it has been suggested that Clause 9 should be amended for further clarification. The current wording and the suggested new wording is shown in the Legal part of this report.
8. The Schedule has been deliberately written to provide background and context for anyone who reads it and is not aware of how the Schedule was developed. This is particularly important for new staff of both organisations.
9. Clause 8 of the Schedule describes the Sites to which this Schedule applies. Again, clarity of purpose and application is the reason for the specific nature of this wording.
10. Clause's 10 – 12 will assist staff using the Schedule to ensure that all relevant legislation, agreements, plans and other documents have been taken into account. The lists are intended to be as comprehensive as possible, however, should not be regarded as exhaustive. Future reviews of the Schedule will ensure that these lists are kept up to date.
11. The Definitions are self-explanatory.
12. The "Specific Agreed Actions" section of the Schedule, describe what staff from Iwi and Council will do to implement the Schedule. The first action will be to develop a joint strategy to identify MSOS.

#### **Legal Commentary - supplied by Tompkins Wake**

13. The Settlement Act sets out the mandatory matters that must be included in a joint management agreement ( ss42, 43 and 62). It is not a requirement that a joint management agreement address Maaori sites of significance. However pursuant to s42(c) a joint management agreement may cover additional matters agreed under s52. That section authorises Council and the Trust to extend the joint management agreement to cover "any other duties, functions, or powers they agree on."
14. While the scope to extend a joint management agreement under s52 appears wide on the face of it, it is not unlimited. Section 42(a) makes it clear that a joint management agreement must include "only matters relating to the Waikato River and activities within its catchment affecting the Waikato River."
15. Clause 7 of the Schedule demonstrates the link between Maaori sites of significance and matters relating to the Waikato River. As such, we are satisfied there is jurisdiction to include Schedule F in the joint management agreement as an additional matter agreed between the parties.

16. We note all of our suggested amendments have been adopted with the exception of clause 9. The application of the Schedule is subject to clause 9 which relates to private land (see clause 8). As the Schedule cannot be binding in relation to sites of significance on private land in the absence of landowner agreement, we have suggested **clause 9 be amended** to make this clear.
17. The table below shows **CURRENT** and **SUGGESTED** wording, with additions indicated in red.

<b>CURRENT WORDING OF CLAUSE 9</b>	<b>SUGGESTED AMENDED WORDING OF CLAUSE 9</b>
Where Maaori Sites of Significance have been identified on private land, the co-operation and agreement of the land owner will be sought before any of the processes described in this schedule are implemented. The intention is to identify and where possible protect these sites; not to restrict development	Where Maaori Sites of Significance have been identified on private land, the co-operation and agreement of the land owner <del>will</del> <b>must</b> be sought before any of the processes described in this schedule are implemented <b>in respect of that private land. If the agreement of the land owner is not obtained, this Schedule will not apply to that private land.</b> The intention is to identify and where possible protect these sites; not to restrict development.

### **CONCLUSION**

18. The report accompanying the Schedule includes a recommendation to consider and adopt the suggested wording.

## Schedule F to the Joint Management Agreement with Waikato Tainui

### Management of Maaori Sites of Significance

#### INTRODUCTION

1. The parties to this Schedule are the Waikato District Council ('Council') and Waikato-Tainui te Kauhanganui Incorporated in its capacity as trustee of the Waikato Raupatu River Trust ('Waikato-Tainui').
2. The parties entered into a Joint Management Agreement ('JMA') dated 23 March 2010 pursuant to the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 ('River Settlement Act'). The JMA establishes a framework for engagement between Council and Waikato-Tainui in respect of matters set out in the River Settlement Act.
3. The JMA establishes a Joint Committee of persons representing Council and Waikato-Tainui ('Joint Committee') who have agreed to work together to implement the JMA.
4. The parties understand and acknowledge that, in accordance with the legislative framework set out in the River Settlement Act, the JMA may only address matters that relate to the Vision and Strategy for the Waikato River, including its Health and Wellbeing.
5. Nevertheless, the parties have agreed that they wish to collaborate on matters that sit outside of the River Settlement Act. Furthermore, the parties have agreed that they wish to use the administrative framework of the existing JMA, including the Joint Committee, for the purposes of working together in respect of the matters described in this Schedule.
6. The following sets out the agreement between the parties in respect of matters relating to the Management of Maaori Sites of Significance (MSOS).
7. To achieve the Vision for the Waikato River, specific strategies are set out in Schedule 2, Part 2 entitled "Strategy" in the River Settlement Act. The processes described in this Schedule to the JMA support the achievement of the following strategies as listed in Part 2:

**Section f:** recognise and protect Waahi tapu and sites of significance to Waikato-Tainui and other Waikato River iwi (where they do decide) to promote their cultural, spiritual and historic relationship with the Waikato River;

**Section g:** recognise and protect appropriate sites associated with the Waikato River that are of significance to the Waikato regional community.

#### Sites to which this Schedule apply

8. Subject to paragraph 9 of this Schedule, the processes described in this Schedule apply specifically to
  - a) those Maaori Sites of Significance that were returned to Waikato-Tainui as part of the River Settlement, and;

- b) any unidentified Maaori Sites of Significance located on land owned by the Crown or Waikato District Council, within the area described in the River Settlement Act as the Waikato River and its catchment; and
  - c) Maaori Sites of Significance listed within Regional and District Plans.
  - d) Other Maaori sites as agreed by the Parties
9. Where Maaori Sites of Significance have been identified on private land, the co-operation and agreement of the land owner must be sought before any of the processes described in this schedule are implemented in respect of that private land. If the agreement of the land owner is not obtained, this Schedule will not apply to that private land. The intention is to identify and where possible protect these sites; not to restrict development
10. Nothing contained in this Schedule overrides any other statutory right or obligation of either party including, but not limited to, rights and obligations pursuant to the following legislation, including any future amendments:
- (a) Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010;
  - (b) Waikato Raupatu Claims Settlement Act 1995;
  - (c) Resource Management Act 1991;
  - (d) Local Government Act 1974;
  - (e) Local Government Act 2002;
  - (f) Local Government Official Information and Meetings Act 1987;
  - (g) Reserves Act 1977;
  - (h) Public Works Act 1981;
  - (i) Conservation Act 1987;
  - (j) Historic Places Act 1993.
11. The following documents should also be taken into account by the parties when applying this Schedule:
- (a) Taonga Tuku Iho Accord dated 20 February 2009 between the Minister for Arts, Culture and Heritage and Chief Executive of the Ministry for Culture and Heritage and Waikato-Tainui;
  - (b) Memorandum of Understanding between the Board of Trustees of the New Zealand Historic Places Trust (Pouhere Taonga) and Waikato-Tainui, dated August 2009;
  - (c) Waikato Regional Policy Statement and
  - (d) Heads of Agreement between the Board of Trustees of the New Zealand Historic Places Trust (Pouhere Taonga) and Waikato District Council.
12. The Waikato-Tainui Environmental Plan Tai Tumu, Tai Pari, Tai Ao should also be taken into account by the parties when applying this Schedule, in particular;
- section 10: Tribal Strategic Plan, Whakatupuranga Waikato-Tainui 2050;
  - section 11: Vision and Strategy for the Waikato River;
  - Section 15: Natural Heritage and Biosecurity – Ngaa Taonga Maaori;
  - Section 16: Valuable historical items, highly prized sites, sites of significance – Ngaa Taonga Tuku iho, Ngaa waahi tapu, Ngaa waahi tuupuna and
  - Section 17: Natural Hazards Ngaa moorearea ao tuuroa.
13. In the event that a conflict between this Schedule and other statutory rights or obligations arises, the statutory rights or obligations shall prevail. In the event of a conflict within this Schedule the dispute resolution clauses (clauses 22 and 23) of this Schedule shall apply.



## **Definitions**

In this Schedule –

“**Consultation**” means seeking and considering with an open mind the views and opinions of the other Party on any matter described within this Schedule

“**Council**” means the Waikato District Council

“**Crown**” means Her Majesty the Queen of New Zealand

“**Joint Committee**” means the Joint Committee of Council and Waikato-Tainui, established for the purposes of implementing the Joint Management Agreement dated 23 March 2010

“**Waikato**” has the same meaning as defined in section 7 of the Waikato Raupatu Claims Settlement Act 1995

“**Waikato-Tainui**” has the same meaning as defined in section 4 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010

“**Maaori Sites of Significance**” to Waikato-Tainui means those sites that are highly prized. They are areas (land, waters and space) which exhibit any of the following:

- a) Cultural importance such as areas for cultural and spiritual purification, cleansing and / or ceremonial purpose, activities, natural places, fisheries and food gathering sites;
- b) Historical importance such as areas where significant battles occurred, significant tribal and / or Kiingitanga (King Movement) events;
- c) Tribal importance such as existing and historical marae, papakaainga (communities), urupaa (burial grounds), tuahu (monuments), and areas of celebration; and / or
- d) Archaeological importance including areas where taaonga tuku iho (historical treasures) are discovered.

## **Background**

14. Registration of Sites of Significance - Archaeological sites and some sites of significance were included in the former Operative Waikato District Plan (1997). At the time of reviewing the now Operative Waikato District Plan (Waikato Section) (2013) (WDP) the decision was made to exclude these sites as:

- a) There was a lack of information relating to the significance of the sites;
- b) The information was unreliable in regards to specific site location;
- c) There was agreement that the New Zealand Historic Places Trust (NZHPT) and Council would participate in the Archaeological Upgrade programme being undertaken nationwide. This programme was to update and review the archaeological database while identifying sites by GPS where appropriate.

15. The WDP was notified without identifying any archaeological sites and submissions seeking the inclusion of archaeological sites were not upheld in the decisions. As a consequence, this part of the decision was appealed by NZHPT. During settlement negotiations on the appeal, a Heads of Agreement was signed between NZHPT and Council whereby Council agreed to include in the district plan by way of a future plan change significant archaeological sites. It was agreed that a process and criteria would be determined for;

- (a) Identifying and including significant sites for protection; and,
  - (b) Identifying and mapping other sites for enquiry purposes only.
16. This work is currently being undertaken. A number of significant Pa and other archaeological sites either in public ownership or private ownership have been identified. These will be subject to the Schedule 1 process of the RMA, which is an ongoing process.
17. The processes described in this Schedule will complement and enhance the work already in progress and described above.

### **Specific Agreed Actions**

18. Waikato Tainui and Waikato District Council staff will meet within six months of the date of this Schedule to begin development of a joint strategy to identify MSOS on Crown land managed by the Waikato District Council and on land owned by the Waikato District Council, particularly on land adjacent to the Waikato River. The strategy will include an agreed process to collate information which is required to enable these sites to be included in the District Plan.
19. Following the identification of the sites, Waikato-Tainui and the Council will agree on a plan and timeframe to achieve:
- (a) Agreements for the management of these sites, including notification of disturbance, waka (canoe) landings, waananga (learning seminar), training and pou (upright posts).
  - (b) Agreements on the measures that the Council and Waikato-Tainui will jointly undertake to ensure the protection of identified MSOS;
  - (c) The development of a communication strategy to raise awareness about MSOS on private land and how to identify and protect these sites.
  - (d) The development of initiatives that will enhance and grow the skills and knowledge of Council and Waikato-Tainui staff in relation to MSOS, their history and protection (which might include training, site visits, tira hoe (tours via canoe) and others). Refer Schedule G to the Joint Management Agreement (Staff Training and Awareness) for more detail.

### **Other Joint Management Agreement Schedules**

20. When appropriate and relevant, provisions set out in the other schedules to the JMA should be taken into account when dealing with MSOS. Particular note should be taken of:
- a) Schedule A: Monitoring and Enforcement (particularly Process D – District Plan compliance) and
  - b) Schedule B: Resource Consents (particularly Part 4).

(See Appendices to this Schedule for these excerpts).

### **Consultation**

21. The Parties agree to meet with each other annually in July, to review, discuss and consult on the matters described in this Schedule. This will include a joint annual report on progress for the Joint Committee.

### **Dispute resolution**

22. Where any dispute or disagreement arises in relation to the matters described in this Schedule, the Parties may either:
  - (a) Consider the matter using the disputes resolution process outlined in the JMA or;
  - (b) Refer the matter to the Joint Committee for its consideration and final determination.
23. If the matter is referred to the Joint Committee, the Council and Waikato-Tainui shall prepare a joint report which clearly sets out the issues and options for resolution.

### **Suspension of Schedule**

24. The parties may, from time to time, agree in writing to suspend in whole or in part, the operation of this Schedule by giving the other party 20 business days notice.
25. In reaching such agreement, the parties will specify the scope and duration of such a suspension.

**APPENDICES**

**Excerpt from Schedule A: Monitoring and Enforcement**

**Process D - District Plan compliance monitoring**

	Process	Timeframe	
1	<p>When Council plan to monitor an environmental incident (CRM) that is of interest to the Trust, Council shall notify the Trust via email.</p> <p>Where any effect on the Waikato River and/or its catchment, as well as activities listed below, qualify as that interest.</p> <p><u>Activities</u></p> <ul style="list-style-type: none"> <li>• Activities within 20m of a known archaeological site</li> <li>• Activities close to sites of significance</li> <li>• Activities that may affect authorised customary activities</li> <li>• Stormwater related incidents</li> </ul> <p>Progress forward on the monitoring of resource consents or designation decisions, will be determined after this initial contact.</p>	As Required	

**Excerpt from Schedule B: Resource Consents**

**Part 4 – Ability to request a meeting for the purpose of discussing resource consent matters**

In the spirit of the guiding principles of the Joint Management Agreement set out in Part 2 above, either partner may request that a meeting be held for the following purposes:

- A general discussion on resource consent matters, including the processes set out in this schedule;
- A specific resource consent matter that is covered by section 47 of the Act;
- An RMA matter as set out in Part 3 above;
- A matter related to the joint development of the decision making criteria described in part 3 above;
- A specific resource consent matter outside the scope of the Act;
- Any other related matter.

The request for a meeting should be made through the key persons named at Page 1 of this schedule or their nominees.

**REPORT**

Item Number:

**Open Meeting**

<b>To</b>	Policy & Regulatory Committee
<b>From</b>	TG Whittaker General Manager Strategy & Support
<b>Date</b>	26 November 2015
<b>Prepared By</b>	J Whittaker Quality Management Co-ordinator
<b>Chief Executive Approved</b>	Y
<b>DWS Document Set #</b>	1102500
<b>Report Title</b>	<b>Review of Sensitive Expenditure Policy</b>

**1. Executive Summary**

Audit NZ requires public entities to establish and maintain a sensitive expenditure policy. Senior management are expected to review the policy regularly and communicate the policy to all staff and elected representatives at least annually.

It is important that Council maintains policies covering its stance on sensitive expenditure and ensures that staff and elected members are aware of what types of expenditure are and are not permitted.

**2. Recommendation**

**THAT the report of the General Manager Strategy & Support – Review of Sensitive Expenditure Policy - be received;**

**AND THAT the revised policy is referred to Council for approval and the existing policy rescinded.**

**3. Background**

Prior to 2012, Council had a number of separate financial policies relating to sensitive expenditure. In August 2012, these policies were combined into a new Sensitive Expenditure Policy and the separate smaller policies rescinded.

This policy was due for review this year.

**4. Discussion**

Council spends public money and, as a consequence, all expenditure should be subject to a standard of probity and financial prudence expected of a local authority and be able to withstand public scrutiny.

Council is obliged to safeguard and use its resources in a responsible manner. Furthermore, Council staff and elected members must guard against actual or perceived

conflicts of interest in regard to the use of those resources. Due to the risk of perceived or actual personal benefit to the staff or elected member arising from certain expenditure categories, such as travel, accommodation, gifts and hospitality, the Controller and Auditor-General defines them as 'sensitive' expenditure.

## 5. Considerations

The Sensitive Expenditure Policy fully considers the Auditor General's Good Practice Guide 'Controlling sensitive expenditure: Guidelines for public entities'. These guidelines outline the principles applicable to sensitive expenditure and the scope of policies and procedures required of a public entity. Clause 3.4 of Part 3 outlines the generic content of policies and procedures, as follows:

"Policies and procedures relating to sensitive expenditure need to:

- Make clear what types of expenditure are and are not permitted;
- Outline clear approval processes that are specific about who approves what, including arrangements for when the usual approver is unavailable;
- Set spending limits or boundaries, including explaining what is meant by 'actual and reasonable' when these terms are used, and specifying dollar limits and defined boundaries, where practicable, of what is 'reasonable';
- Allow a manager discretion to grant an exception to a policy or procedure only in exceptional circumstances;
- Specify the monitoring and reporting regime and, where applicable, any internal audit checks that may be applied; and
- Specify the process for amending the policies and procedures."

Staff believe that the Sensitive Expenditure Policy complies with these requirements and complements the recently approved Fraud Prevention and Conferences and Seminars Policies and other staff policies such as Codes of Conduct (staff and elected members), Gifts & Hospitality, Reimbursement of Expenses, and Rewards and Recognition Policies.

## 6. Conclusion

Staff have reviewed and updated this policy. Only minor clarification and formatting improvements have been made to the original version.

The policy was approved by the Executive Team in November.

## 7. Attachments

- Revised Sensitive Expenditure Policy

# Sensitive Expenditure Policy

Policy Sponsor:	Chief Executive
Policy Owner:	General Manager Strategy and Support
Approved By:	Policy & Regulatory Committee
Resolution Number:	
Approval Date:	
Next Review Date:	November 2018

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## Objectives

To provide a framework for staff entering into and approving sensitive expenditure and other financial transactions on behalf of Council.

This policy should be read in conjunction with specific policies listed in Related Documents/Legislature.

## Application

This policy applies to all elected members (including community board and committee members), staff of the Waikato District Council.

The term “staff” will be deemed to cover all of the above categories where it is mentioned within this document

## Definitions

### Approving Manager

A staff member’s line manager or a manager higher in the financial delegation approval hierarchy.

### Entertainment Expenses

Expenditure on food, beverages, tickets for events, and related supplies for events, involving one or more Council staff members and/or one or more guests, and the purpose of the expenditure is to represent the Council or provide reciprocity of hospitality or build business relationships in pursuit of Council goals.

### Official Function

Social functions, entertainment events, ceremonies, meetings, special events and conferences that can be demonstrated to provide clear benefit to the Council. Such functions must be sanctioned by the Chief Executive, or the relevant General Manager.

### Credit Card

Includes vehicle fleet cards, purchase cards and equivalent cards used to obtain goods and services before payment is made.

### Sensitive Expenditure

Any Council expenditure that provides, has the potential to provide, or has the perceived potential to provide a private benefit to an individual staff member that is additional to the business benefit to the entity of the expenditure. It also includes expenditure by Council that could be considered unusual for Council’s purpose and/or functions.

Travel, accommodation, gifts and hospitality are examples of sensitive expenditure.

### **Supplier**

A current or potential provider of goods or services to the Council.

## **Related Documents/Legislature**

- Local Government Act 2002
- Local Authority (Members' Interests) Act 1968
- [Controller and Auditor-General's 'Controlling sensitive expenditure : Guidelines for public entities'](#)
- [Code of Conduct \(staff\)](#)
- [Code of Conduct \(elected members\)](#)
- [Conferences and Seminars – Attendance and Payment of Expenses](#)
- [Conflict of Interest Policy](#)
- [Procurement Policy](#) and [Procurement Manual](#)
- [Protected Disclosure \(Whistleblowers\) Policy](#)
- [Fraud Prevention Policy](#)
- [Reimbursement of Expenses Policy \(staff\)](#)
- [Reimbursement of Mileage and Expenses Policy \(elected members\)](#)
- [Gifts & Hospitality Policy](#)
- [Sports, Arts & Culture Leave Policy](#)
- [Anniversaries, Farewells and Long Service Leave Policy](#)
- [Rewards and Recognition Policy](#)

## **Part I – Principles and Controls**

### **1.1 Principles and Ethics**

Council spends public money and, as a consequence, all expenditure should be subject to a standard of probity and financial prudence expected of a local authority and be able to withstand public scrutiny.

Council is obliged to safeguard and use its resources in a responsible manner. Furthermore, Council staff and elected members must guard against actual or perceived conflicts of interest in regard to the use of those resources. Due to the risk of perceived or actual personal benefit to the staff or elected member arising from certain expenditure categories, such as travel, accommodation, gifts and hospitality, the Controller and Auditor-General defines them as 'sensitive' expenditure. The Council expects all staff involved in arranging, making or approving sensitive expenditure to:

- do so only for Council purposes;
- exercise prudence and professionalism;
- not derive personal financial gain;
- act impartially;
- ensure the expenditure is moderate and conservative in the context of the given situation;
- have read and adhered to this and other relevant Council policies.

The Council's two Codes of Conduct identify the required behavioural standards for staff and elected members in all areas of their work.



## 1.2 Determining when sensitive expenditure is appropriate

In deciding what appropriate sensitive expenditure is, elected members and Council staff need to take account of both individual transactions and the total amount of sensitive expenditure.

Even when sensitive expenditure decisions can be justified at the item level, the combined amount spent on a category of expenditure may be such that, when viewed in total, Council could be criticised for extravagance and waste.

## 1.3 Responsibilities of the Mayor, Councillors and General Managers

Overall responsibility for this policy rests with the Mayor, Councillors and the Executive Team (ET). This group must make it clear to staff what is and is not 'acceptable sensitive expenditure' and model those behaviours to the highest standard.

## 1.4 Controls and judgement

In the absence of a specific rule for a given situation, the Mayor, Councillors and ET are expected to exercise good judgement by taking the principles in this policy into account in the context of the given situation.

The Mayor, Councillors and ET are required to ensure transparency in both sensitive expenditure and remuneration systems, to avoid any trade-off between the two. Items of expenditure that may not be justified under the principles of this policy should not be included as part of an employee's remuneration for the purposes of avoiding scrutiny against sensitive expenditure principles.

## 1.5 General controls

All claims must be submitted promptly, on the relevant expense reimbursement form, after the expenditure is incurred. Except in exceptional circumstances this means within one month.

Sensitive expenditure will only be reimbursed if it is deemed to be reasonable, actual and has been incurred directly in relation to the Waikato District Council business.

Valid, original GST compliant invoices/receipts and other supporting documentation must be maintained/submitted for all sensitive expenditure. Credit card statements and EFTPOS receipts do not constitute adequate documentation for reimbursement.

All claims must clearly state the business purpose of the expenditure where it is not clear from the supplier documentation supporting the claim.

## 1.6 Approval of sensitive expenditure

Approval of sensitive expenditure must :

- be given by a person senior to the person who will benefit or might be perceived to benefit from the expenditure, wherever practical;
- be given before the expenditure is incurred, wherever practical;
- be made strictly within delegated authority and only where budgetary provision exists;
- ensure that all budgetary considerations include the [fringe benefit tax](#) impact (approx. 50% increase in cost)
- only be given where the person approving the expenditure is satisfied that a justified business purpose and other principles have been adequately met.

Expenditure incurred by the Mayor or other elected officials (not explicitly approved by Council), will be reviewed by the Chief Executive for compliance with this policy.

In the case of General Managers approval must be given by the Chief Executive. In the case of the Chief Executive, approval is required from the Mayor.

## **Part Two: Specific Areas of Expenditure**

### **2.1 Council credit cards**

#### **2.1.1 Bank Credit Cards**

The Finance Manager operates a credit card account, in the name of the Chief Executive, solely for the procurement of goods or services through the internet.

The credit card spending limit is \$5,000 and the maximum limit per transaction is \$2,500. Changes to these limits shall be approved by the Strategy and Finance Committee.

The credit card is to be stored securely and the card details, such as card number and expiry date restricted to the staff involved in its administration.

Internet purchases are to be made by a delegated member of the finance team who will ensure that:

- Purchases are made only from established reputable companies known to Council.
- Internet sites are secure and the vendor is reputable.
- The procurement complies with Councils procurement policy and manual controls.
- A copy of the online order form and invoice is printed to support the payment.

The delegated Finance staff member shall provide a report to the Finance Manager on transactions made on the credit card during the previous month. Such reports shall include the nature and quantum of expenditure and copies of relevant documentation.

Should the credit card be lost or misplaced, the card is to be cancelled immediately and a replacement sought.

Where approval is given by the General Manager Strategy & Support to cancel the credit card, the delegated Finance staff member shall promptly destroy the card and advise the issuing bank of its cancellation.

The credit card is not to be used for cash advances and is not available for private use.

If any misuse of the credit card is identified, the Fraud Policy will apply and Council will pursue recovery of the debt wherever possible and practicable in accordance with the process 'Report and Investigate Fraudulent Activity'.

The Strategy & Finance Committee will authorise the issuance of any further credit cards on recommendation from the Chief Executive who must be satisfied that the issuance of any extra card(s) is essential for administrative efficiencies. In recommending the issue of a card the Chief Executive will also include the approved credit limit.

#### **2.1.2 Fleet Fuel Cards**

Fuel cards are provided in each Council-owned vehicle for the sole purpose of refueling the fleet vehicle. When purchasing fuel, at designated service stations, the driver must provide the

station attendant with the current odometer reading.

Fleet fuel cards shall not be used for car washes or for fueling staff's private vehicles.

## **2.2 Travel and accommodation**

### **2.2.1 General**

Elected members and Council staff may need to incur travel and accommodation costs while conducting legitimate Council business elsewhere in New Zealand or overseas. Expenditure should be economical and efficient, having regard to purpose, distance, time, urgency and personal health, security and safety considerations.

Without prior approval no additional costs will be paid by Council after the conclusion of the conference.

Domestic travel should be undertaken in the most cost effective, practical and efficient manner. For example, travel to Auckland or Taupo or Tauranga is most efficient by car. Travel to Wellington or the South Island will usually be by air.

In assessing the best method of travel, consideration should be given to distance, timetable constraints, urgency, personal health, security and safety.

Any fines (parking or traffic offences) incurred in using motor vehicles are the responsibility of the driver, not Council. This clause does not include any offences in relation to Warrant of Fitness or registration of Council fleet vehicles.

The use of communication technology (eg mobile phones, telephones, email and internet access) should be moderate. Reasonable private use to clear email and communicate with family members, while travelling on council business, is permitted.

Staff will generally be permitted to take annual leave in conjunction with Council business as long as the annual leave is incidental to the travel. In other words, there must be a clear business purpose for the travel and this is the primary reason for the travel. Council will not fund any costs associated with private travel or annual leave (other than utilization of accumulated annual leave for staff).

Elected Members, General Managers and staff, with the express approval of the Mayor, Chief Executive or General Manager respectively may undertake private travel (extended travel) before, during or at the end of Council travel, provided there is no additional cost to Council and the private travel is only incidental to the business purpose of the travel.

Council will not reimburse elected members or staff for tipping while they are on business in New Zealand. Council will reimburse elected members and staff for low to moderate tipping during international travel only in places where tipping is local practice.

With the exclusion of the annual LGNZ Conference where delegate member's spouses may attend at Council's cost (refer [Conferences and Seminars Policy – Attendance and Payment of Expenses](#)), as a general principle, the travel cost of accompanying spouses, partners or other family members are a personal expense and will not be reimbursed by Council.

### **2.2.2 Private Vehicle**

Generally Council will not pay for travel by private motor vehicle where travel by other means is more practical and cost effective. Staff are expected to always use a Council vehicle for Council business if one is available.

Where the use of a private vehicle is approved for Council-related business, the staff member must ensure they have appropriate insurance cover for the vehicle while it is being used on Council business. Any fines (parking or traffic offences) incurred while using a private vehicle on Council business are the responsibility of the driver. Staff reimbursement for the use of a private vehicle will be made in accordance with the [Reimbursement of Expenses Policy](#)

Reimbursement for the use of private vehicles for elected members will be made in accordance with the [Reimbursement of Mileage and Expenses - Elected Members Policy](#).

### 2.2.3 **Air travel**

#### **a) General**

To the extent practicable, air travel is to be booked well ahead of the actual travel date, so the expenditure is the most cost-effective possible.

All travel bookings are to be made in accordance with the process [Request Corporate Travel and/or Accommodation](#) and associated guidelines.

All air travel shall be booked through the Executive Assistant or appropriate Personal Assistant to ensure that competitive prices are obtained.

Discounted economy or economy class (or a discount airline if applicable) is to be the first choice for journeys. The Chief Executive or Mayor may consider an upgrade to another travel class, for staff or elected member respectively, in special circumstances, if there is:

- a) no additional cost to Council; or
- b) the cost is covered by the person travelling; or
- c) where the work schedule on arrival, or personal health, safety or security reasons make another class preferable.

#### Stopovers

The cost of stopovers will only be reimbursed where they are pre-approved and have a clear business purpose.

#### Airline Membership Clubs

The Mayor and Chief Executive will be entitled to Koru Club or equivalent airline membership to reflect the need for travel on Council business. Council will pay for the membership.

The Chief Executive may approve membership of such airline travel clubs for other staff provided there is a clear business purpose for the membership. Such approval will be reviewed annually.

The payment of airline fees for membership clubs is not considered to be remuneration.

#### Airline Loyalty Rewards

Loyalty rewards from air points (or other loyalty schemes) accruing to elected members or staff carrying out their official duties may remain with the relevant elected or staff member provided the use of airlines supplying air points does not result in Council incurring additional costs.

#### **b) International Travel**

Any proposed international travel on Council business, or for training or personal development of the Chief Executive at the cost of Council, must receive prior approval from the Council

including details of estimated cost and the expected benefit to the organisation and its ratepayers.

This policy does not apply to international travel undertaken for the purposes of training and personal development of staff (other than the Chief Executive), as long as the travel has been approved by the Chief Executive and the overall cost has been approved through the Annual Plan or Long-Term Plan process.

Any person travelling internationally on Council business must provide a report to the Mayor or Chief Executive upon their return detailing the benefits of the trip.

#### 2.2.4 **Meals and accommodation**

##### **a) Elected Personnel**

Refer to Council's Policy on ['Conferences and Seminars – Attendance and Payment of Expenses \(including Local Government NZ Conferences\).'](#)

##### **b) Staff**

To the extent practicable, accommodation is to be booked well ahead of the actual travel date, so the expenditure is the most cost-effective possible. This must take into account the location of the accommodation relative to the event, the standard of the accommodation (which should be modest) and security issues. The use of "5 star" or "luxury" accommodation requires the express approval of the Chief Executive, prior to the booking being confirmed.

All accommodation bookings are to be made in accordance with the process [Request Corporate Travel and/or Accommodation](#)

Wherever possible use is to be made of Council's preferred suppliers and negotiated corporate rates. Where any staff member chooses to stay in private accommodation, no reimbursement will be made.

Reasonable meal costs will be met except where a meal has been provided as part of the meeting, conference, training etc.

Council will meet the cost of the following expenses whilst staff are on Council business:

- Meals, including drinks consumed with the meal, to a maximum cost of \$65 per staff member;
- Maintaining business related and family communication, in accordance with 2.2.1;
- Reasonable expenses for unexpected events, e.g. overnight expenses due to a cancelled plane flight.

**Council will not reimburse the following non-business expenses:**

- **Casual drinks;**
- Use of hotel minibar or pay per view.

Accommodation check out times are to be observed and Council will not meet any additional costs as a result of the staff member failing to check out on time except in the case of extenuating circumstances.

#### 2.2.5 **Rental Cars and Taxis**

Rental cars are only to be used if it is impracticable or uneconomic to use a Council vehicle. Council requires that the most economical type and size of rental car be used, consistent with

the requirements of the trip. Any fine (parking or traffic offences) incurred while using a rental vehicle are the responsibility of the driver.

Personal use of a rental car is only permitted in exceptional circumstances and requires the express approval of the relevant General Manager or Chief Executive. All additional costs as a result of private use are the responsibility of the elected member or staff member.

Council expects the use of taxis to be moderate, conservative and cost effective relative to other transport options. Wherever practicable, shuttle, train or bus services are to be used in lieu of taxis.

Taxi cards are only to be used in an individual's name and require the express approval of the Chief Executive. All use of taxi cards/chits is to be transparent with the purpose of each trip recorded on the account.

## 2.3 Entertainment and hospitality

Entertainment and hospitality can cover a range of items from tea, coffee and biscuits to meals and alcohol. It also includes non-catering related items, such as Council funded entry to sporting or cultural events.

There are four business purposes for Council providing entertainment and hospitality:

- Building relationships.
- Representing the organisation.
- Reciprocating hospitality where there is a clear business purpose and is within normal bounds – acceptance of hospitality is expected to be consistent with the principles and guidance for provision of hospitality.
- Recognising significant business achievement.

Supporting the Council's internal organisational development may in some circumstances also be a legitimate business purpose for moderate expenditure.

The principles of a justified business purpose, moderate and conservative expenditure, should be applied.

All entertainment and hospitality expenditure must be pre-approved where practical and always supported by clear documentation. This documentation must identify the date, venue, costs, recipients and benefits derived and/or reasons for the event. The most senior person present (with delegated authority) should approve and confirm the expenditure as being appropriate.

Expenditure on liquor will only be approved when consumed along with food and the amount involved is reasonable and moderate.

Refer also to Council's [Anniversaries, Farewells and Long Service Leave](#) Policy and [Rewards and Recognition](#) Policy.

## 2.4 Staff support and welfare expenditure

### 2.4.1 Clothing

Other than official uniforms and health and zero harm-related clothing, elected members or staff will not be clothed at the Council's expense, when they are engaged in a normal business activity.

### 2.4.3 **Financing Social Club activities**

Council may make a prudent and reasonable monetary contribution to the staff social club. The contribution may be in the form of an all-purpose grant towards the club's annual budget, or it may be a grant or subsidy for a specific event or item.

### 2.4.4 **Farewells, long service and retirements**

Expenditure on farewells, long service and retirements includes spending on functions, gifts and other items and should not be extravagant or inappropriate to the occasion. Refer to Council's [Anniversaries, Long-Service Awards and Farewell Policy](#).

### 2.4.5 **Professional Memberships**

Membership to a professional body is sensitive expenditure due to its personal nature.

Payment of professional fees by Council on behalf of a staff member must be:

- approved by the General Manager or Chief Executive;
- clearly relevant to the performance of the staff member's duties and responsibilities;
- for the staff member alone and is not to cover members of their family or other non-staff members;
- for no longer than one-year in duration unless significant discounts are available and it is reasonable to expect a two year membership to be an advantage to the Council;
- for the benefit of the Council and are not intended to be a personal benefit to staff members, and accordingly are not liable for [fringe benefit tax](#);
- cancelled or transferred to an appropriate staff member if the staff member's employment with the Council is terminated, via resignation or otherwise;
- refunded directly to the Council if the membership is cancelled.

### 2.4.6 **Sponsorship of staff or others**

Staff taking part in an activity that is not part of their job – such as a sporting event – may be sponsored by Council through the provision of, or payment for, goods or services (for example, a t-shirt or an entry fee).

Sponsorship should have a justified business purpose, which could include both publicity for the Council and its objectives and organisational development. The cost to Council must be moderate and conservative. If the sponsorship does not have a justified business purpose, the cost is a donation.

In normal circumstances sponsorship will be provided through a social club rather than directly to the staff member.

Sponsorship of people who are not staff must be undertaken in a manner that is transparent. It is also preferable that, if non-staff are sponsored, the sponsorship is of an organisation they belong to, rather than directly of the individual.

Where a staff member is chosen to represent New Zealand at an international event, special leave may be available at the discretion of the Chief Executive. Refer to the [Sports, Art and Culture Leave Policy](#) for further information.

## 2.5 Other types of expenditure

### 2.5.1 Donations & Koha

A donation/koha is a payment (in money or by way of goods or services) made voluntarily and without the expectation of receiving goods or services in return.

Council requires donations to be:

- Lawful in all respects.
- Disclosed in aggregate in the Council's annual report.
- Made to a recognised organisation by *normal commercial means* (not to an individual).
- Not in cash (except as a koha and with the express approval of the General Manager, Strategy & Support or Chief Executive).
- Non-political.

The amount of koha given on behalf of Council should reflect the occasion and the prestige of Council in its relations with Tangata Whenua and approved by the Chief Executive or relevant General Manager on advice from the General Manager Strategy & Support.

### 2.5.2 Gifts

With the exception of Long Service awards, the giving of gifts up to \$300 requires the approval of the relevant General Manager. Giving of any gift over \$300 requires the approval of the Chief Executive in respect of staff, and the Mayor in respect of elected members.

The giving of gifts must be appropriate, transparent and reasonable.

Refer to Council's [Anniversaries, Farewell and Long-Service Awards – Guidelines](#).

The receiving of a gift is not strictly sensitive expenditure but it is nevertheless a sensitive issue. Refer to Council's [Gifts and Hospitality Policy](#) for information.

## Part 3 – Other Sensitive Financial Transactions

### 3.1 Loyalty reward scheme benefits/prizes

Except in the cases of airline loyalty rewards (covered under section 2.4 of this policy), fuel loyalty schemes (such as AA Rewards), and Fly Buys, etc, Council treats loyalty rewards accruing to staff carrying out their official duties as the property of Council.

Where a reward/prize to the value of less than \$100 is obtained by chance and without inducement, it may be retained by the individual. Rewards or prizes greater than this value should be declared in Council's Interests Register in accordance with the [Gifts & Hospitality Policy](#).

Generally, prizes received from a free competition entry obtained while undertaking Council business are considered to be a loyalty or reward scheme. However prizes received from competitions at trainings or conference events, or through membership of professional bodies, are considered to be the property of the individual, unless their value exceeds \$100 in which case they are to be considered as a gift and disclosed in the Interests Register in accordance with the Gifts & Hospitality Policy.

In situations where receiving a prize or loyalty reward could be perceived as inappropriate, even if Council rather than the individual would benefit from it, Council expects the prize or reward to be declined.



## **3.2 Private use of Council assets**

### **3.2.1 General**

Any physical item owned, leased or borrowed by Council is considered an asset for the purpose of this policy. This includes photocopiers, telephones, laptops, tablets, cell phones, cameras, means of accessing the internet, vehicles, equipment and stationery.

The cost to Council of personal use of any asset will be recovered wherever possible, unless it is impractical or uneconomic to separately identify those costs.

Personal use of photocopiers is permitted in limited circumstances. Such use should be restricted to lunchtime or after work when the copiers are not so busy, and payment for copies taken must be paid for in accordance with the current photocopy charges listed in the fees and charges.

Personal use of telephones and mobiles is permitted in limited circumstances. Details of personal calls made by staff on council telephones, where charges are incurred, are to be provided to the Accounts Payable Officer who will advise the staff member of the cost of the call.

Payment for personal photocopies and phone calls must be made immediately after use of the respective asset or receipt/notification of the cost involved. (If the total cost is more than \$10, payment to be made to Customer Delivery and coded to staff purchases. If the total cost is less than \$10, the staff member may either make payment to Customer Delivery as above or, for Ngaruawahia staff, place the money in one of three honesty boxes provided.

Personal use of other assets will only be permitted in limited circumstances and prior approval must be obtained from the relevant manager.

The use of Council assets in any private business that any elected member or staff member may operate is strictly prohibited.

### **3.2.2 Council Vehicles**

Council vehicles (except those provided explicitly under an Employment Agreement) are not available for private use. Full details on the provision of and use of Council vehicles are contained in the [Vehicle Use Policy](#).

### **3.2.3 Private use of Council suppliers**

Council does not generally support the private use of Council suppliers by staff. Staff are however able to access supplier discount vouchers through the N3 website (previously Government Stores Board). Refer Waisite/Staff Information/Staff Purchases for N3 access details.

## **3.3 Council use of private assets**

Council may decide that reimbursing staff for use of private assets is appropriate for reasons such as cost, convenience or availability. Council may also decide to do this in circumstances where it would not fully use an asset of the same type if it acquired it directly. Examples include private motor vehicles, private cell phones and private computers.

Pre-approval by the Chief Executive or General Manager is required. In assessing the request the Chief Executive or General Manager will pay particular attention to the principles of a justified business purpose and preserving impartiality and integrity.

Staff members must not approve or administer payments to themselves for the Council's use of their private assets.

Note: The main issue associated with Council's use of private assets is the risk of the Council paying or reimbursing amounts that inappropriately benefit the elected or staff member.

### 3.4 **Disposal of surplus assets**

Without the express prior approval of Council, no surplus assets with a market value of more than \$500 per item will be sold directly to staff or elected members. In any event, the sale of surplus assets must:

- Maximise the return to Council;
- Be sold at no less than the market value determined by an appropriate valuation; and
- Be documented by the issuance of a tax invoice and receipt.

Council will not permit direct sale to friends or acquaintances, of staff or elected members, for a surplus asset with a market value of more than \$500.

## **Policy Review**

This policy will be reviewed as deemed appropriate by the Strategy & Support Manager or Chief Executive, at least once every three years.

**REPORT**

Item Number:

**Open Meeting**

<b>To</b>	Policy & Regulatory Committee
<b>From</b>	S Duignan General Manager Customer Support
<b>Date</b>	3 February 2016
<b>Prepared By</b>	C Birkett
<b>Chief Executive Approved</b>	Y
<b>DWS Document Set #</b>	1139593
<b>Report Title</b>	<b>Freedom Camping Bylaw Determination</b>

**1. Executive Summary**

As a result of the review of the Public Places Bylaw controls relating to Freedom Camping were removed. It was identified that a new Freedom Camping Bylaw would be created. This bylaw is to be made in the line with the provisions of the Freedom Camping Act 2011 and the Local Government Act 2002 (LGA). In making this bylaw the special consultative procedure must be used.

In order to make a bylaw using the Freedom Camping Act 2011 Council must be satisfied that the bylaw is necessary for one or more of the following purposes:

- (i) to protect the area;
- (ii) to protect the health and safety of people who may visit the area;
- (iii) to protect access to the area;

Council must also be satisfied that the bylaw is the most appropriate and proportionate way of addressing the perceived problem in relation to that area; and that the bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.

An analysis has been undertaken of the need for a bylaw addressing these issues (examples of these are included in appendix I). In the absence of any other specific regulatory tools available to Council, a bylaw made under the LGA and the Freedom Camping Act 2011 is considered the most appropriate mechanism for the management of freedom camping in the District. A bylaw is also still the standard way of dealing with issues related to management of freedom camping for local authorities.

It is recommended that Council proceed with the making of a Freedom Camping Bylaw. A bylaw will be drafted for consideration by Council in April 2016. Notification for Public consultation in line with the LGA would follow.

**2. Recommendation**

**THAT the report of the General Manager Customer Support – Proposed Freedom Camping Bylaw - be received;**

**AND THAT pursuant to section 155(1) of the Local Government Act 2002 and section 11 of the Freedom Camping Act 2011 the Committee recommends to Council that that a bylaw is the most appropriate mechanism for the management of freedom camping in the Waikato District.**

### **3. Background**

The purpose of this report is to determine the need to make a Freedom Camping Bylaw and outline the process should this be necessary.

The current controls for freedom camping are contained in the following bylaws:

- Waikato District Council Parking, Traffic and Public Places Bylaw 2007
- Waikato District Council Reserves and Beaches Bylaw 2008
- Franklin District Council Public Places Bylaw 2007

These bylaws are currently under review and the clauses relating to freedom camping have been removed from the proposed bylaws. It has been identified that it is appropriate to manage the issue of Freedom Camping through the creation of a bylaw under the Freedom Camping Act 2011.

#### **Legislative Framework for Bylaw**

In August 2011 the Government introduced new Freedom Camping legislation - the Freedom Camping Act 2011 (the Act). Under the Act, freedom camping is permitted on all public land controlled or managed by a local authority, unless the local authority prohibits or restricts freedom camping under the provisions of Section 11 of the Act. Section 12 of the Act stipulates that a local authority may not make bylaws under section 11 that have the effect of prohibiting freedom camping in its District.

Prohibited areas are locations where no camping may take place. Restricted areas are locations where camping may occur subject to certain conditions. This could include restrictions on the number of freedom camping vehicles, specifying the maximum number of consecutive nights of freedom camping in the same area by the same camper(s), or requiring campers to be self-contained.

#### Making a bylaw under the Freedom Camping Act 2011

Under section 11 of the Act, a local authority may only make a bylaw restricting or prohibiting freedom camping in a local authority area if the bylaw is necessary for one or more of the following purposes:

- To protect the area
- To protect the health and safety of people who may visit the area
- To protect access to the area

The local authority must also be satisfied that the bylaw is the most appropriate and proportionate way of addressing the perceived problem in relation to that area, and the bylaw must not be inconsistent with the New Zealand Bill of Rights Act 1990.

Bylaws under the Act must be made using the special consultative procedure set out in the Local Government Act 2002 (LGA).

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### Meaning of Definitions for Local Authority Area and Freedom Camp

The Act defines a local authority area as an area of land that is within the district or region of a local authority and that is controlled or managed by the local authority under any enactment, but is not permanently covered by water.

The meaning given by the Act for 'freedom camp', this means that freedom camping is permitted on all Council controlled and managed land that is within "200m of a motor vehicle accessible area or the mean low-water springs line of any sea or harbour or within 200m of a formed road", not just land set aside for reserves. Therefore this includes:

- road reserves along residential streets in urban areas
- land on which Council assets are situated
- land managed by Council in the interim (such as land subject to Treaty Settlement)
- land that has been leased or issued with a licence to occupy and subject to renewal

Under the Act, to 'freedom camp' means to camp (other than at a campground) using a tent or other temporary structure; a caravan; a car, campervan, house truck, or other motor vehicle. Freedom camping does not include:

- temporary and short-term parking of a motor vehicle
- recreational activities commonly known as day-trip excursions
- resting or sleeping at the roadside in a caravan or motor vehicle to avoid driver fatigue

## **4. Discussion and Analysis of Options**

### **4.1 Discussion**

Freedom Camping is an issue that most local authorities experience to varying degrees. The Freedom Camping Act 2011 (the Act) allows local authorities and the Department of Conservation to establish controls for freedom camping.

The current bylaws made under the LGA are inconsistent with the Act. The current bylaws were established in order to address nuisance situations that can be created by the activity of freedom camping. These bylaws identify that freedom camping can only occur in selected locations. Whilst this may provide Council with a method for controlling this issue, it is not aligned with the current direction set by the National Government through the Act. The Act states that camping is permitted except where it is prohibited or restricted and Council cannot prohibit freedom camping throughout the whole district. Therefore the current bylaw provisions that govern freedom camping should be revoked.

There are a number of issues that may be associated with Freedom Camping. An assessment has been made on these issues and possible regulatory options identified in Appendix I. In order to have sufficient tools available to address some of the issues identified it is considered a bylaw made under the Act is appropriate.

With the removal of the current clauses there is a need to apply controls to those areas in the district that may experience problems associated with freedom camping. Raglan is a popular holiday destination town and is in an area that has experienced

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problems associated with freedom camping. Council currently undertakes enforcement action in Raglan and without any controls being implemented there is expected to be additional issues relating to freedom camping.

Freedom Camping has also been identified as a potential issue in the Port Waikato area. Council officers do not currently patrol this area and there have only been 3 formal complaints in the past 3 years made to Council regarding freedom camping. However anecdotal information suggests that this area is frequently used during the summer and white baiting seasons.

## **Determination**

To determine whether a freedom camping bylaw is the most appropriate mechanism it is necessary to provide an analysis of the current issues, and to identify and assess the options available to achieve the desired outcomes. This analysis is outlined below.

There are certain powers in the LGA, other statutes (regulatory and enforcement) which assist Council with the management of freedom camping.

Under the Reserves Act 1977 there are provisions that prevent camping on reserves. Section 44(1) of the Reserve Act 1977 identifies that no person shall use a reserve, or any building, vehicle, boat, caravan, tent, or structure situated thereon, for purposes of permanent or temporary personal accommodation unless it is authorised by a reserve management plan. The Waikato District Council has identified that freedom camping is permitted in the Sports Park Reserve Management Plans at the following reserves subject to the controls identified:

- Onewhero Domain - Permit freedom camping in self-contained vehicles only for a maximum of three nights in a designated area subject to the area not being required for events.
- Te Kauwhata Domain - Permit freedom camping in self-contained vehicles only for a maximum of three nights in a designated area in the upper car park subject to the area not being required for events.

Under the Reserves Act 1977 the only action the Council can take when freedom camping occurs is to prosecute (there is no infringement regime). Undertaking a prosecution is a complex process and is not commonly used as an enforcement tool. There are significant costs that can arise from undertaking a prosecution. The Crown Law office prosecution guidelines establish that there are two tests that should be considered; one is the evidential test (must be sufficient to provide a reasonable prospect of conviction) the other is the public interest test (is it required in the public interest).

Benchmarking against other councils show that issues related to management of Freedom Camping are commonly addressed through bylaws.

There is also a model bylaw that has been developed by the New Zealand Motor Caravan Association for local authorities to use for guidance in developing a bylaw under the Freedom Camping Act 2011.

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## 4.2 Options

Section 78 of the LGA requires local authorities to give consideration to the views and preferences of persons likely to be affected by, or have an interest in the subject matter at every stage of the process. In order to determine what the perceived or actual problems are initial views were sought from the New Zealand Motor Caravan Association and internal stakeholders, the following issues with the current bylaws were identified:

The current bylaws identify that freedom camping is prohibited unless it is permitted in areas identified in the bylaw. Discussion with the New Zealand Motor Caravan Association (NZMCA) has identified that this approach is not in keeping with the principles of the Act. They support the removal of these clauses and if a bylaw is needed then it be made under the Act.

It has been identified by staff that a bylaw is needed to address problems associated with freedom camping. Raglan has been identified as an area that experiences problems associated with freedom camping especially during the summer period.

In line with the bylaw review process, the following options have been identified and considered for the bylaw:

### **Option 1 – No Bylaw and rely on existing legislation or internal mechanism**

This option is not recommended.

Council can rely on the Reserves Act to control freedom camping on reserves. The current default set under the Reserves Act is that freedom camping is prohibited on all reserves unless allowed for under a reserve management plan. However the only enforcement option under this act is prosecution. However, a bylaw made under the Freedom Camping Act 2011 provides clear guidelines on the management of freedom camping. Not having a bylaw would lessen Council's ability to control and set standards around the management of freedom camping.

### **Option 2 – Maintain existing clauses in the bylaws**

This option is not recommended.

This would involve not removing the current clauses or re-introducing the clause in an existing bylaw. Council has already identified that the current clauses should not be in the current bylaws as they are inconsistent with the approach taken by the Freedom Camping Act 2011. In order to ensure a consistent approach it is appropriate that a new bylaw is made under the Freedom Camping Act 2011.

### **Option 2 – Make a bylaw**

This option is recommended. A bylaw allows staff to effectively deal with the problems associated with the management of freedom camping, and is considered by staff to be the most appropriate mechanism for the management of freedom camping in the Waikato District.

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## 5. Considerations

### 5.1 Financial

The cost of developing and reviewing the bylaws is being carried out within the scope of the current operating budgets. No additional budget is requested in relation to this review.

Fees and charges associated with a bylaw can either be prescribed within the bylaw, or separately. The review of the fees and charges must follow the special consultative procedure and it is proposed that fees and charges are incorporated into Council's fees and charges schedule rather than prescribed within the Bylaw.

### 5.2 Legal

The LGA requires the following two-step process to be used when reviewing bylaws:

- Identify what the problem is and determine if a bylaw is the most appropriate way to deal with the problem;
- Decide the most appropriate form for the bylaw and consider whether the bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990.

Appropriateness is addressed in this report while the Bill of Rights implications will be addressed in a subsequent report. If a bylaw is not considered the most appropriate mechanism to deal with a problem, it should not be used to address the problem. Similarly, no bylaw can be made that is inconsistent with the New Zealand Bill of Rights Act 1990.

### 5.3 Strategy, Plans, Policy & Partnership Alignment

The following delegations and policy are applicable:

#### ***Delegations Manual***

The Policy and Regulatory Committee has:

*"The authority to:*

1. *Consider all matters of new or amended policy and to make appropriate recommendations to the Council.*
4. *Consider and review all bylaws including holding workshops as necessary.*
5. *Undertake a review of all remaining policies of the former Franklin District and integrate them with corresponding existing Waikato District policies."*

### 5.4 Assessment of Significance & Engagement

The Freedom Camping Bylaw will trigger the Council's Significance and Engagement Policy as the Special Consultative Procedure will be required and undertaken.

## 6. Consultation

The following stakeholders have been/or will be consulted:

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Planned	In Progress	Complete	
	√		Internal
√			Community boards/Community committees
√			Waikato-Tainui/Local iwi
√			Households
√			Business
√			NZMCA

Initial external key stakeholder views will be sought in February and will include representatives from Raglan, Port Waikato, Local Iwi and NZMCA.

## 7. Conclusion

A bylaw provides Council with the regulatory mechanism to manage freedom camping in the Waikato district. A bylaw is therefore still considered to be the most appropriate regulatory mechanism, and provides a means of enforcement.

## 8. Attachments

Appendix I – *Examination of issues often associated with Freedom Camping*

***Discussion of issues and non-regulatory and regulatory management options***

Table I below sets out identified issues associated with freedom camping in the Waikato District and considers a range of regulatory and non-regulatory mechanisms and options for managing the issues. Some of the issues can be addressed via a number of options; including through a bylaw under Section 11 of the Freedom Camping Act 2011. However, some issues identified cannot be regulated under the Act and alternative management options are considered.

<b>Issue</b>	<b>Description of issue and impact</b>	<b>How do we know this is an issue</b>	<b>Non-regulatory options</b>	<b>Regulatory options</b>
<p><b>Health issues such as unsanitary conditions e.g. due to human waste and toilet paper</b></p>	<ul style="list-style-type: none"> <li>Human waste and toilet paper result in loss of visual amenity, degradation of the environment, pollution of water and the environment and may result in unsanitary conditions and public health issues.</li> <li>The disposal of human waste in public places is offensive to local residents and visitors.</li> <li>There are on-going costs associated with the clean-up and maintenance of non-designated campsites.</li> </ul>	<p>Observations by Council officers of human waste and toilet paper.</p> <p>This has been observed in all areas (urban and scenic) where freedom camping activity occurs</p>	<p>Provide more public toilets, particularly in areas where freedom campers are most likely to camp and maintain 24 hour access to public toilets.</p> <p>Review whether sufficient waste dump stations are provided; identify gaps in provision.</p> <p>Produce and distribute brochures informing visitors and freedom campers of the location of waste disposal stations and public toilets.</p> <p>Erect signs.</p>	<p><b>Freedom camping bylaw</b> - Protect the health and safety of people who visit the area by prohibiting freedom camping in some areas and or restricting freedom camping in some areas.</p> <p>Restrict access to certified self-contained motor homes.</p> <p>Issue infringements under section 20.</p>

<p><b>Rubbish or litter</b></p>	<p>Rubbish and litter discarded in public places is unpleasant for residents and visitors.</p> <p>There are on-going costs associated with the clean-up and maintenance of public places where freedom camping occurs.</p>		<p>Provide and promote rubbish disposal in areas where there are issues with rubbish or litter and in areas where freedom campers are most likely to camp, including by: providing more rubbish bins, erecting 'no littering' signs, emptying bins more often.</p> <p>Promote and encourage a 'carry-in, carry-out' approach.</p> <p>Continue to produce and distribute brochures encouraging visitors and freedom campers to act responsibly and informing visitors and freedom campers where they can dispose of rubbish and recycling.</p>	<p><b>Litter Act 1979</b> - Infringement notices can be issued if a littering offence has been observed by a Warranted Officer, any Council staff, or if a Warranted Officer has investigated and has reasonable cause to believe an individual is responsible for the offence and has not rectified the matter.</p> <p><b>Public places bylaw</b> – Prohibit the placing or leaving of litter in Councils' public places bylaw.</p> <p><b>Freedom camping bylaw</b> Issue infringements under section 20.</p>
<p><b>Damage, destruction or injury of native flora and fauna</b></p>	<p>Native flora and fauna are damaged in popular freedom camping areas due to poor practice and or to the scale of freedom camping which occurs in a particular area.</p>	<p>Observations of damage by Council officers, including damage to Pohutukawa trees, including removal of limbs to use for fires.</p> <p>There are known areas in</p>	<p>Restrict access, such as by fencing native flora and fauna in areas which are popular for freedom camping.</p> <p>Promote and encourage</p>	<p><b>Reserves Act 1977</b> – Utilise provisions in Section 94 of the Act to prosecute.</p> <p><b>Public places bylaw</b> – Prohibit damage,</p>

		the District which are known breeding grounds for rare and protected species.	responsible freedom camping and respect for the environment.  Erect signs.	interference, destruction or removal of natural features, animals or plants.  <b>Freedom camping bylaw</b> - Issue infringements under section 20.
<b>Environmental Degradation</b>	Freedom camping exacerbates environmental issues such as coastal erosion. Poor freedom camping practices, such as disposal of human waste, results in pollution and impacts on water quality.  Freedom camping can lead to damage or degradation of waahi tapu.  The disposal of human waste, litter and or rubbish has a negative impact on traditional food gathering areas.	Evidence that communities value their environment and landscapes.  Giardia evidence in areas where freedom camping occurs (MOH, WRC, DOC).  Fragile areas exist in our District.	Restricting access, such as by fencing areas prone to coastal erosion and areas containing waahi tapu.  Promote and encourage responsible freedom camping and respect for the environment and heritage.  Erect signs warning of areas which are prone to erosion.	<b>Freedom camping bylaw</b> Restrict or prohibit freedom camping in fragile areas, such as unstable coastal areas and sensitive environments. Issue infringement notices under section 20.  Limit the total number of campers that may stay in one area.  <b>District plan</b> - Identify and promote the protection of waahi tapu through the district plan.
<b>Camping in an area may place the safety of freedom campers at risk</b>	Freedom camping in some areas may be unsafe, e.g. some areas are prone to flooding, coastal inundation or may be prone to land	Current Reserve Management Plans identify issues (including issues such as flooding and land subsidence) and as a result	Restricting access such as by fencing areas prone to coastal erosion, coastal inundation or flooding.	<b>Reserve Management Plans</b> (developed under the Reserves Act 1977) – Prohibit camping on reserves where the safety

	<p>subsidence. Camping in these areas may place the safety of freedom campers at risk.</p> <p>Risks will differ depending on the nature of the issue (e.g. flooding or coastal inundation may only occur occasionally and are likely to be weather dependent, the risk of land subsidence may be constant or depend on a range of factors) and different approaches may be necessary.</p>	<p>restrict some activities from occurring in the reserve.</p>	<p>Erect signs warning of areas where freedom camping may pose a risk to safety</p>	<p>of freedom campers may be at risk.</p> <p><b>Freedom camping bylaw</b> - Restrict or prohibit freedom camping in areas where the safety of campers may be at risk – e.g. unstable coastal areas and areas prone to land subsidence, coastal inundation or flooding.</p>
<p><b>Annoyance to nearby residents</b></p>	<p>Excessive noise disturbs the peace of residents adjacent to or near popular freedom camping sites.</p> <p>Taking of water from external taps at unoccupied dwellings or business premises, with the cost of the water used incurred by the owner or occupier of the dwelling or business.</p>	<p>Complaints from members of the community.</p> <p>Council compliance officers receive abuse and threats from freedom campers when attending a freedom camping matter</p>	<p>Work with the local police in areas where freedom camping results in annoyance to adjacent or nearby neighbours.</p> <p>Facilitate and support neighbourhood watch groups.</p> <p>Use the Council website and brochures to encourage freedom campers to be respectful of residents near where</p>	<p><b>Noise control under the Resource Management Act</b> – Excessive noise direction notice under the RMA. Council enforcement officers can issue noise directions either verbally or in writing. If the notice is not complied with, the source of the noise may be seized.</p> <p>Police have the capability to respond to matters</p>

	Damage to property and vandalism.		they camp	related to 'disturbing the peace'.  <b>Freedom camping bylaw</b> - There could be scope to apply restrictions in areas address annoyance
<b>Loss of visual amenity</b>	Residents who live near to popular freedom camping areas may feel that there is a loss of visual amenity of the area as a result of the number of freedom campers using the area or the regularity of freedom campers using the area.	Community complaints through submissions to Council's processes and complaints to Council (e.g. Cliff Street, Raglan) regarding resident dissatisfaction with freedom camping in urban areas.  Cumulative visual impact, e.g. number of vehicles and associated behaviour, such as clothes washing.	'Move on' strategy, where compliance officers request the freedom camper to move on.	<b>Freedom camping bylaw</b> - Restrict the consecutive number of nights freedom campers can stay in any one area.
<b>Fire risk</b>	Public places, structures or buildings, native flora and fauna may be damaged or harmed by fires which are not appropriately managed.  Fire may spread and cause damage to nearby private properties or residences.	Risk of damage to trees being used for fires.  A fire restriction is normally in place during the summer.	Inform visitors and freedom campers of the danger of fires.	Freedom camping bylaw – Prohibit the use of areas where there may be a high risk of fire during the fire season.  Prohibit the lighting of fires.
<b>Loss of revenue to</b>	Commercial camping	Commercial operators are	Inform visitors and	No options identified.

<p><b>camp grounds and other accommodation</b></p>	<p>grounds are required to meet the Camping Ground Regulations 1985. These regulations prescribe minimum standards and compliance with these results in cost. The same standards are not required in public places where freedom camping can occur and this is perceived as unfair.</p> <p>Freedom camping results in revenue loss to commercial camping grounds and other accommodation providers.</p> <p>Freedom campers may stay near commercial camping grounds and use facilities for free.</p>	<p>concerned about the potential loss of revenue in allowing freedom camping to occur and the use of their facilities by persons freedom camping.</p>	<p>freedom campers of the accommodation options in the Waikato District.</p>	
<p><b>Anti-social behaviour</b></p>	<p>Freedom campers engage in offensive or antisocial behaviour such as urination in public, intimidation, offences against persons, causing distress and reducing the enjoyment of other users</p>	<p>As per annoyance to nearby residents.</p>	<p>Work with the police in areas where freedom camping results in anti-social or offensive behaviour.</p> <p>Facilitate and support neighbourhood watch groups.</p>	<p><b>Public Places Bylaw –</b> Prohibit behaviour which may intimidate, cause damage or nuisance, pollute or deface, including graffiti. Prohibit the consumption, injection or inhalation or distribution of any mind-altering</p>

				<p>substance.</p> <p><b>Liquor ban</b> – Use Bylaw to prohibit the consumption of alcohol in public areas where anti-social behaviour appears to be alcohol related.</p>
<p><b>Compromised access to or impact on general usage of public areas</b></p>	<p>The presence of freedom campers can deter use of a public area by local residents or day visitors due to use of available car parks by campers, obstruction of access, pollution of the site or because visitors may feel reluctant to intrude on a person's campsite e.g. manu bay.</p>	<p>Council officers' observations of compromised or obstructed access.</p>	<p>Promote and encourage responsible freedom camping.</p>	<p><b>Public Places Bylaw</b> – Prohibit the obstruction of the entrances to or exits from a public place.</p> <p><b>Parking Bylaw</b> – Could be used to regulate behaviour where a parking issue is resulting in compromised access.</p> <p><b>Freedom Camping Bylaw</b> - Restrict or prohibit freedom camping in areas where freedom camping results in compromised access to local authority areas.</p>
<p><b>Traffic related safety issues or hazards</b></p>	<p>Vehicles being used for freedom camping are parked in manner that causes safety issues,</p>	<p>Officer observation and evidence regarding parking in dangerous situations that compromises not only</p>	<p>Work with the police in areas where freedom camping results in safety issues.</p>	<p><b>Parking Bylaw</b> – Could be used to regulate behaviour where a parking issue presents traffic</p>



	prevents or restricts safe access for other users, or are being driven in a manner which endangers other users in public places.	the campers themselves, but the safety of others (e.g. at Whaanga Road).		related safety risk.  <b>Freedom Camping Bylaw</b> - Restrict or prohibit freedom camping in areas where this results in compromised access to local authority areas or where the health and safety of people to may visit the area is at risk.
<b>Lack of control of non-Council area</b>	The public does not necessarily know what is Council land.  The Council does not have effective tools to control impact of camping on other public land.	Community complaints to the Council relating to freedom camping on areas not controlled or managed by the Council – e.g. complaints about camping on state highways or Department of Conservation land.	Work to develop a collaborative approach with Department of Conservation, New Zealand Transport Agency, NZMHA, to freedom camping across all public areas in the District.  Lobby Government	No options identified.

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**REPORT**

Item Number:

**Open Meeting**

<b>To</b>	Policy & Regulatory Committee
<b>From</b>	S Duignan General Manager Customer Support
<b>Date</b>	4 February 2016
<b>Prepared By</b>	B McCauley
<b>Chief Executive Approved</b>	Y
<b>DWS Document Set #</b>	1144903
<b>Report Title</b>	Delegated Resource Consents Approved for the months of November 2015, December 2015 and January 2016

**1. Executive Summary**

This report gives information relating to all delegated Resource Consents processed for the months of November 2015, December 2015 and January 2016 excluding hearings

**2. Recommendation**

**THAT the report of the General Manager Customer Support – *Delegated Resource Consents Approved for the months of November 2015, December 2015 and January 2016* - dated 4 February 2016 be received.**

**3. Appointment of Commissioners**

Commissioner appointed for the months of November and December 2015 and January 2016

Russell De Luca Appointed under Section 100A of the Resource Management Act for the hearing of the application by LA and D Coombes to establish and operate a sand quarry in the Rural Zone

**4. Delegated Authority Reports - attached**

# Delegated Authority Report:

Period from 1 – 31 November 2015

Applicant	ID No	Address	Details	Decision
Awaroa ki Tuakau	<i>Ward Total: 26</i>			
Onroad Transport Limited	LUC0025/16	2169A Buckland Rd BUCKLAND	Change of conditions FLUCLO8072 – to increase from 4 truck visits (8 movements) to 35 vehicles (70 movements) entering the site associated with existing cleanfill operation.	Granted
A J Balsillie, J D Balsillie	LUC0085/16	48 Fraser Rd POKENO	Construct a second dwelling on a property within the Village Zone which is also in Village Growth Area B.	Granted
Van Den Brink Poultry Limited	LUC0090/16	Ryders Rd TUAKAU	Certificate of Compliance to demolish the former dairy factory building	Approved
J F Dorotich	LUC0141/16	240 Pokeno Rd POKENO	Create a vehicle entrance on an arterial road in the Rural Zone which fails to comply with the separation distance to another entrance by 73m	Granted
MJB Construction Limited	LUC0146/16	25 Westmuir Crescent POKENO	Undertake 180m3 of earthworks to form a suitable building platform for a new dwelling where the total area exceeds the permitted site coverage of 35% and the garage encroaches the setback requirements	Granted
A F Wilds, S A Wilds	LUC0154/16	15 Westmuir Crescent POKENO	Construct a dwelling in a High Background Noise Area that exceeds site coverage by 2.07% in the Residential 2 Zone, with proposed retaining walls on the north-eastern and south-western boundaries within the 1.5m side yard setback requirement.	Granted
S R Hamilton, B J Hamilton	LUC0164/16	40 Westmuir Crescent POKENO	Construct a dwelling in a High Background Noise Area that exceeds site coverage by 1.2% (7.35m2) in the Residential 2 Zone.	Granted
Pokeno Village Holdings Limited	LUC0168/16	2 Yashili Drive POKENO	Undertake 2400m3 of cut to fill earthworks including 1140m3 of topsoil stripping with an area of 6706m2 associated with the construction of a warehouse in the light industrial zone.	Granted
Statewide Quality Services Pty Limited	LUC0193/16	4 Kirklee Lane POKENO	Construct a dwelling and carry out earthworks up to 155m3 volume (55m3 in excess of the District Plan limit of 100m3)	Granted
Pokeno Village Holdings Limited	LUC0209/16	66 Hitchen Rd POKENO	Undertake bulk earthworks in association with Stage 2 Hitchen Block Residential Development	Granted
L A Callander, W R Callander	SUB0001/16.01	465 Waiuku-Otaua Road WAIUKU	Section 127 to change conditions of consent to amend the scheme plan, ROWs and non compliance of shed on Lot 3	Granted
R A De Lautour, J D M De Lautour	SUB0003/16.01	125 Butchers Bridge Rd WAIUKU	Cancellation of two easements that will relate to the issue of a new amalgamated title	Granted
B P Slater, F R Slater	SUB0012/16	397 Bald Hill Rd WAIUKU	Carry out a transferable rural lot right subdivision creating 3 lots resulting in one additional lot within the receiver land. This will occur by transferring one entitlement created by FSUBS10048, and amalgamation of 1 lot in the rural zone.	Granted
A J Balsillie, J D Balsillie	SUB0026/16	48 Fraser Rd POKENO	Undertake a 2 lot (1 additional lot) subdivision and boundary adjustment with no approved concept plan and a land use consent for a second dwelling on the site within the Village Zone.	Granted

F M E Good	SUB0046/16	17 Kidd Rd WAIUKU	Carry out a transferable rural lot right subdivision to transfer one development entitlement to the receiver land and amalgamation of 2 existing titles on the donor property to create one title.	Granted
Pokeno Village Holdings Limited	SUB0050/16	2 Yashili Drive POKENO	Boundary adjustment between Lot 15 DP 474115 and Lot 1006 DP 474115 to increase the size of Lot 15 from 4145m <sup>2</sup> to 6706m <sup>2</sup> .	Granted
J R Knight	SUB0052/16	89 Hull Rd WAIUKU	Undertake a transferable Rural lot right subdivision to create 7000m <sup>2</sup> lot surrounding the existing house - Joint consent with Auckland and Waikato	Granted
Pokeno Farms Limited	SUB0061/15.01	Mcgill Rd POKENO	S127 to change conditions of consent relating to the landscaping plan and geotechnical investigation	Granted
Helenslee Investments Limited	SUB0080/15.01	Mark Ball Drive POKENO	S221 to partially cancel Consent Notice 9028596.3 in so far as it applies to the lots created by the Stage 8 subdivision	Granted
Greig & Bovill Developments No 2 Ltd	SUB0092/15.02	28A Elizabeth St TUAKAU	S127 to change conditions 1 and 13 of subdivision consent SUB0092/15.01, which relate to vehicle access to Lot 9	Granted
R G Shine, G W Shine	SUB0095/15	132 Hermitage Rd WAIUKU	Subdivide a Certificate of Title through both an Environmental Lot and a Transferable Rural Lot provision to create a total of 3 lots (two additional) and a boundary relocation with Lot 2 DP 133048.	Granted
M J K Van Der Star	SUB0097/15.01	66 Goodwin Rd WAIUKU	To delete condition 10 (b) in its entirety in order to allow s224 to be completed before the wastewater system is confirmed. A consent notice will be created to manage the future construction of wastewater fields.	Granted
Finkura Limited	SUB0133/15.01	S Hwy 1 BOMBAY	S127 to change condition of consent to alter the boundary between Lot 1 and Lot 1000 so that area of Lot 1 increases from 1.37 hectares to 2.0 hectares and Lot 1000 reduces from 1.53 hectares to 9015m <sup>2</sup>	Granted
Pokeno Village Holdings Limited	SUB0134/15.01	71 Hitchen Rd POKENO	Section 127 to change or cancel conditions of consent as a result of a boundary adjustment between Lot 15 DP 474115 and Lot 1006 DP 474115 (SUB0050/16) to increase the size of Lot 15 from 4145m <sup>2</sup> to 6706m <sup>2</sup> .	Granted
J F Dorotich	SUB0141/15	240 Pokeno Rd POKENO	Subdivision to create an additional two lots within the receiver site by transferring entitlements from two existing titles in the Rural Zone outside of the EEOA.	Granted
R C Thornton	SUB0157/15.01	293 Settlement Rd PUKEKOHE	Change the conditions of consent to add a condition to require evidence of an Encumbrance being registered on the certificate of title for Donor Lot A.	Granted
<b>Eureka</b>	<b>Ward Total: 1</b>			
N B B Kimpton	LUC0126/16	326 Marshmeadow Road NEWSTEAD	Relocate a second hand dwelling onto a site in the Rural Zone where the house is to be located 19 m from a boundary shared by two allotments in the same Certificate of Title where the permitted setback is 25 m.	Granted

<b>Hukanui - Waerenga</b>				
	<i>Ward Total: 3</i>			
S Singh Bains, S G Singh	LUC0189/16	1100 Woodlands Road GORDONTON	To construct a 661 m2 dairy effluent storage tank where the permitted area for a non-residential building is 400 m2.	Granted
M Grayson	LUC0199/16	13B Woodlands Road GORDONTON	To construct a 16 m2 extension to existing carport to be 30 cm from the southern (side) boundary where the permitted setback is 1.5 m.	Granted
St Isadore Company Limited	SUB0013/16	2219 Gordonton Road TAUPIRI	Subdivision to create one additional allotment of 8000m <sup>2</sup> and a balance allotment of 18.04ha	Completed
<b>Huntly</b>				
	<i>Ward Total: 3</i>			
I J McMichael	LUC0089/16	4 Bridge Street HUNTLY	Construction of an extension (28m <sup>2</sup> ) to an existing commercial building (103m <sup>2</sup> ) in the Business Zone which does not meet site coverage, building setback and floor level requirements.	Granted
Genesis Energy Limited	LUC0102/16	Te Ohaki Road HUNTLY	For the disposal of up to 100,000 tonnes per year of ash at the Hampton Downs Landfill and not at a coal mine	Granted
Waikato District Council	LUC0165/16	George Drive HUNTLY	Installation of wastewater pump station which involves 46m <sup>3</sup> of earthworks over an area of 22m <sup>2</sup> in the Flood Risk Area, with technical non-compliance as a type of activity.	Granted
<b>Newcastle</b>				
	<i>Ward Total: 4</i>			
C J Cavanagh, P J Hastelow	LUC0110/16	146 Wallace Road DINSDALE	Construct a dwelling and shed that encroaches into the 12m eastern and western internal boundary setbacks and the 7.5m road boundary setback and retaining walls that encroach into the 12m eastern and western internal boundary setback	Granted
B J Shaw, K R Shaw	LUC0122/16	94B Walsh Road WHATAWHATA	Construct a dwelling within the 25m boundary setback requirement in the Rural Zone with a 12m setback proposed to the approximate western and southern boundaries.	Granted
Triple S Properties Limited	SUB0094/08.15	13 Awatea Rd WHATAWHATA	Cancellation of existing drainage easement pursuant to Section 243(e) of the Resource Management Act 1991	Granted
J J Patterson, K Patterson	SUB1020/11.02	Kakaramea Road WHATAWHATA	S127 to change conditions of consent to enable a revised subdivision layout.	Granted
<b>Ngaruawahia</b>				
	<i>Ward Total: 6</i>			
AML Limited	LUC0016/06.01	6214 State Highway 1 HOROTIU	S127 to change conditions 1, 7, 10 and 16, addition of a new condition (7A) and deletion of conditions 8, 9, 11, 12 and 13 in relation to the site access arrangement	Granted
G E Morgan, K M Newell	LUC0167/15.01	21 Morepork Lane NGARUAWAHIA	S127 to change Condition 1 to enable a revised site layout, where the dwelling will encroach into the 12m internal setback by 7.8m, and the water tank will encroach into the 12m internal setback by 6.5m.	Granted
B D Wills	SUB0023/16	499 Hakarimata Road NGARUAWAHIA	Undertake a subdivision in the Country Living Zone to create one additional lot, where Lot 1 is 31.94ha and Lot 2 is 26.12ha, and an access leg runs parallel to the road within 30m.	Granted
Northgate Developments Limited	SUB0057/16	51 Horotiu Road HOROTIU	To subdivide a property via relocation of boundaries between three existing CFRs where no additional lots will be created	Granted

JG Orton Properties Limited	SUB0152/15	3 Brownlee Avenue NGARUAWAHIA	Create 1 additional lot resulting in Lot 1 of 460m2 and Lot 2 of 563m <sup>2</sup> with non-compliances to access width and separation distances and the dwelling present on Lot 1 will be within the 1.5m setback is requirement and will encroach into the daylight admission standard	Granted
G V Andersen, S W O'Hearn	SUB0208/08.01	113 Great South Road TAUPIRI	Section 127 to cancel condition RC1 as an upgrade to the existing entrances is no longer required.	Granted
<b>Onewhero-Te Akau</b>	<b>Ward Total: 4</b>			
J C Sattrup, G P Sattrup	LUC0182/16	Hetherington Road ROTONGARO	To install two 30 000 L water tanks 13.3 m from the eastern (side) boundary where the permitted setback is 25 m.	Granted
A A Van Velthuizen, K C Van Velthuizen	LUC0359/15	259 Hunt Rd TUAKAU	Establish and operate a free range poultry farming activity consisting of 8000 birds and undertake 1725m <sup>3</sup> of earthworks over an area of 5755m <sup>2</sup> with an excavation cut height of 2m and a fill height of 1.8m.	Granted
M Kinghorn	SUB0031/16	Douglas Rd TUAKAU	Carry out a transferable rural lot right subdivision to create one additional lot on the receiver land and amalgamate the donor land to an adjoining property.	Granted
D A Eyre, H A R Eyre	SUB0144/15.01	2 Te Ahu Rd TUAKAU	To adjust the boundaries of the proposed Lots 1 and 2 to allow for an existing entrance to be utilised for Lot 2.	Granted
<b>Raglan</b>	<b>Ward Total: 5</b>			
Raglan North Shore Limited	LUC0049/10.01	4 Wi Neera Street RAGLAN	Extension of time for the construction of four new commercial buildings for a further 5 years.	Granted
A S Hanna, B D Hanna	LUC0070/16	4 Puka Place RAGLAN	Construct a new dwelling with an attached garage set 1.5m from the boundary that encroaches the front yard setback to the road boundary by 4.5 metres, and to carry out earthworks of 135m <sup>3</sup> , 35m <sup>3</sup> in excess of the 100m <sup>3</sup> maximum	Granted
K Houfaf	LUC0129/16	34 Robertson Street RAGLAN	Remove 360m <sup>3</sup> of earth from a site, which includes a cut of 2.8m in order to provide a flat building platform to erect a new dwelling which also fails on-site manoeuvring and has an oversized entranceway.	Granted
J R Kingi	LUC0171/16	20B Rose Street RAGLAN	To undertake 600-700 m <sup>3</sup> of earthworks and remove all excavated soil from site. This will involve 20-30 heavy vehicle movements per day where the permitted limit is 4 per day.	Granted
P G Quinn	LUC0172/16	100G Greenslade Road RAGLAN	Earthworks over the permitted volume of 100m <sup>3</sup> (being 120m <sup>3</sup> ), a cut over the permitted height of 2 metres (being 2.3 metres), removing material from the site and failing to provide on-site vehicle manoeuvring	Granted
<b>Tamahere</b>	<b>Ward Total: 9</b>			
Tamahere Playcentre	DES0006/16	37 Devine Road TAMAHERE	Outline plan of works to undertake internal renovations to existing ablutions facility and to extend the existing Tamahere Playcentre building by 55 m <sup>2</sup> .	Acceptplan
G A Hoebergen, S M Hoebergen	LUC0088/16	716 Bruntwood Road TAMAHERE	Construct a dependent persons dwelling within the Rural Zone	Granted
E P Blake	LUC0115/16	34 Swallow Lane TAMAHERE	To construct a storage shed which encroaches into the required 25m setback on the north and west boundary (12m and 6m respectively)	Granted

R S Roy	LUC0173/16	336 Bruntwood Road TAMAHERE	To construct a dwelling that encroaches into the minimum boundary setback of 25 metres on two side boundaries. and place two water tanks and a 34m <sup>2</sup> frame mounted solar panel into the minimum boundary setback of 12 metres on one side boundary.	Granted
G J Barclay	LUC0176/16	1 Flora Lane PVT TAMAHERE	Retrospective consent to install two water tanks 1.8 m from the side boundary where the permitted set back is 12 m. Impervious surfaces to be 877 m <sup>2</sup> , exceeding the permitted 700 m <sup>2</sup> .	Granted
Transpower New Zealand Ltd	LUC0183/16	Matangi Road MATANGI	To undertake works to remove and replace transmission line support structures on the ARI-HAM A and ARI-HAM B (110kV) transmission lines, which have an increase of the base height of more than 15% and will be more than 5 metres from the base position.	Granted
D S Mundi, G K Mundi	LUC0200/16	1 Figgmartin Lane PVT TAMAHERE	To construct a new dwelling with a maximum height of 8.9 m, exceeding the permitted 7.5 m height by 1.2 m.	Granted
A T Cresswell, S L Cresswell	SUB0028/16	97 Windmill Road TAMAHERE	Create one additional lot in the Country Living Zone	Granted
M J Dallas, R A Dallas	SUB0108/15.01	9B Dalbeth Place MATANGI	S127 to change/cancel conditions of consent to amend the condition requiring the removal of both of the structures within the required side yard setback to allow the glasshouse to remain on site	Granted
<b>Whangamarino</b>	<b>Ward Total: 9</b>			
Lexus Residential Limited	LUC0052/16	40 Roto Street TE KAUWHATA	Carry out 230m <sup>3</sup> of earthworks which exceed the 100m <sup>3</sup> permitted annual threshold by 130m <sup>3</sup> .	Granted
Lexus Residential Limited	LUC0054/16	45C Rata Street TE KAUWHATA	Carry out 189.69m <sup>3</sup> of earthworks which exceed the 100m <sup>3</sup> permitted annual threshold by 89.69m <sup>3</sup> .	Granted
Solid Energy New Zealand Limited	LUC0081/16	Kopuku Road KOPIUKU	Provide for overburden removal and coal mining activities within the KCQ Pit Stage 2 extension and concurrently with activities consented under LUC0038/11.04 (KCQ Pit and Stage 1 extension) and LUC0101/09.01 (K1 Pit	Granted
Spark New Zealand Trading Limited	LUC0114/16	26 Chris Amon Drive HAMPTON DOWNS	To establish and operate a telecommunications facility which exceeds the maximum height for aerials of 20m by 5.5m, with a support structure which will exceed the maximum cross section of 500mm by approximately 4.7m and panel antenna which will exceed the maximum dimension of 2.5m by 0.2m.	Granted
S J Nelson, S L Smart	LUC0144/16	714 Findlay Road MARAMARUA	Retrospective earthworks of 850 m <sup>3</sup> over 1281 m <sup>2</sup> in the Hauraki Gulf Catchment Area.	Granted
B Hammond	LUC0147/16	873 Miranda Road MIRANDA	To construct a dwelling in the Coastal Zone and retrospective consent for earthworks undertaken within the Hauraki Gulf Catchment Area.	Granted
S P Pryde, A G Pryde	LUC0157/16	632 Findlay Road MARAMARUA	Construct a new dwelling with attached double garage that is 14m from the eastern (side) boundary where the permitted setback is 25 m	Granted
M J Smith	LUC0162/16	9 Ribbonwood Close TE KAUWHATA	Construct a dwelling with an attached garage where the garage encroaches the 6 metre road setback requirement by 3 metres.	Granted
R J McQuillan, K M McQuillan	LUC0163/15.01	942 Churchill East Road TE KAUWHATA	S127 to vary condition 1 to increase the overall building coverage of the site, comprising the consented dwelling and shed, to 556.14m <sup>2</sup> .	Granted

# Delegated Authority Report:

Period from 1 – 31 December 2015

Applicant	ID No	Address	Details	Decision
Awaroa ki Tuakau	<i>Ward Total: 27</i>			
Waikato District Council	DES0009/16	Hitchen Rd POKENO	Notice of Requirement to designate 7,200m <sup>2</sup> of land for a public work, being the construction, operation and maintenance of water storage facilities	Recommended with conditions
Pokeno Heights Limited	LUC0100/16	62 Munro Rd POKENO	Undertake 30,000m <sup>3</sup> of earthworks over an area of 3.5 hectares with a maximum depth cut and fill of 6m. and includes the deposition of 8000m <sup>3</sup> of cleanfill off site, establish 2.4 metre high retaining walls to be located within the side, rear and riparian setback requirements with retrospective resource consent for a 5.4m <sup>2</sup> sign for the purposes of real-estate advertisement of the proposed subdivision.	Granted
F C Wang, T W Wang	LUC0117/16	9 Edinburgh St TUAKAU	As a result of a subdivision (SUB0038/16) the setback of the existing house on the proposed Lot 1 will encroach the boundary of the proposed Lot 2 and a carport on Lot 1 will encroach the road boundary.	Granted
B.P Bartlett Construction Limited	LUC0127/16	56 Hillpark Drive POKENO	Construct a dwelling and carry out earthworks in excess of the Waikato District Plan (Franklin Section) limit of 100m <sup>3</sup> volume and to construct retaining walls within the 1.5m side yard setback on the boundary up to a maximum 1.8m height	Granted
Austen Builders Limited	LUC0156/16	5 Millbrae Place POKENO	Construct a dwelling that exceeds site coverage by 4.1% in the Residential 2 Zone.	Granted
M Fraser-Jones	LUC0163/16	200 Helenslee Rd POKENO	Construction of a dwelling with an attached garage which encroaches the 8m front yard setback by 0.93m from the road boundary and carry out earthworks in excess of the permitted volume of 100m <sup>3</sup> .	Granted
Helenslee Investments Limited	LUC0166/16	Mark Ball Drive POKENO	Undertake 6000m <sup>3</sup> of bulk earthworks comprising an area of 0.9ha in association with the Stage 4 Helenslee Block Residential Development	Granted
Pokeno Village Holdings Limited	LUC0167/16	2 Yashili Drive POKENO	Construction of a 3195m <sup>2</sup> water bottling and warehousing facility with associated offices, parking and landscape planting in the Light Industrial Zone	Granted
C Zheng, J Zeng	LUC0170/16	113 Whangarata Rd TUAKAU	To construct a greenhouse within the required 20 metre setback to a collector road (with 10 metres proposed).	Granted
R Van Spreeuwel, S Burt	LUC0177/16	117 Settlement Rd PUKEKOHE	To place and use a mobile habitable unit (40 ft shipping container) for a farm worker to live on a Rural zoned site	Granted
Onroad Transport Limited	LUC0178/16	2169A Buckland Rd BUCKLAND	Establish and operate a truck depot consisting of 15 vehicles (30 movements) entering and exiting the site.	Granted
Armadass Holdings Limited	LUC0181/16	31 Westmuir Crescent POKENO	Construct a 238.77m <sup>2</sup> dwelling that exceeds site coverage by 4.8% in the Residential 2 Zone, carry out earthworks in excess of the 100m <sup>3</sup> permitted baseline and to construct retaining walls within side and rear yard setbacks.	Granted
Versatile Buildings Limited - Pukekohe	LUC0186/16	37 Westmuir Crescent POKENO	Construct a 237.25m <sup>2</sup> dwelling that exceeds site coverage by 4.5% in the Residential 2 Zone, carry out earthworks totalling 330.2m <sup>3</sup> in volume, and construct retaining walls within side and rear yard setbacks.	Granted
Bromley Park Hatcheries Limited	LUC0191/16	115 Brown Rd TUAKAU	Expand an existing poultry hatchery requiring earthworks which exceeds the 250m <sup>3</sup> maximum permitted volume and exceeds the 2,000m <sup>2</sup> maximum permitted area and where the expansion results in a shortfall of 19 car parking spaces	Granted



G W Bovill	LUC0192/16	28 Elizabeth St TUAKAU	Construct a new single level dwelling with attached garage, where the garage will be located 4m back from the road boundary which will encroach the 6m road boundary setback for garages by 2m.	Granted
N Pitalia	LUC0222/16	26 Hillpark Drive POKENO	To undertake 283m3 of earthworks (where 100m3 is permitted by the District Plan) to form a suitable building platform for a new dwelling.	Granted
A J Clark, C S Clark	LUC0228/16	136 Wily Rd PUKEKOHE	Undertake earthworks that exceeds the permitted depth by 0.35 metres in connection with the construction of an in ground swimming pool	Granted
J R Hiscock	SUB0016/16	943 Aka Aka Rd FRANKLIN	Undertake a boundary relocation between two contiguous titles in the Rural zone, creating titles of 0.4088 ha (lot 1) and 15.3613 ha (lot 2) and to amalgamate Lot 2 with adjoining title; Lot 2 DP 24362.	Granted
Helenslee Investments Limited	SUB0018/16.01	Mark Ball Drive POKENO	S127 to change conditions of consent to reduce the length of JOAL 3 (Joint Ownership Access Lot) and be relocated to serve 3 lots (as opposed to 4) to avoid significant retaining and placement of fill material on steep slopes and JOAL 4 will be increased slightly in length and will serve an additional lot.	Granted
A M Titchmarsh, M B Titchmarsh	SUB0019/15	99 Escotts Rd TUAKAU	Create 92 new residential lots between 600m <sup>2</sup> and 1110m <sup>2</sup> , a road to vest, local purpose and esplanade reserves to vest from a site and undertake associated earthworks, in three stages on Land Zoned Rural Residential (Franklin section of the Waikato District Plan).	Granted
F C Wang, T W Wang	SUB0038/16	9 Edinburgh St TUAKAU	Create two lots in the residential zone creating lots of 510 m2 and 502 m2.	Granted
Kotuku Farms Limited	SUB0042/16	54 Storey Rd WAIUKU	Undertake a subdivision in the Rural Zone via the transfer of one rural lot with both the donor and receiver lots outside the EEOA, creating a Lot of 0.6230ha and a balance Lot of 1.6390ha.	Granted
Hughes Developments Limited	SUB0045/16	McIntosh Drive POKENO	Carry out a 64 residential lot subdivision and 1 balance lot (Stage 2C) within the Village Growth Area B as a part of the approved concept plan SUB1055/11.01	Granted
S J Caudwell, P G Caudwell	SUB0060/16	28 O'Leary Rd POKENO	Carry out a transferable rural lot right subdivision to create one lot of 0.97ha and a balance lot of 3.03ha by transferring one development entitlement to the receiver land via the amalgamation of 2 existing titles on the donor properties.	Granted
E G Balle Holdings Limited	SUB0062/16	151 Parker Lane PUKEKOHE	Carry out a boundary relocation subdivision between three existing Computer Freehold Registers, which increases the dwelling entitlements on the land by one.	Granted
E G Balle Holdings Limited	SUB0062/16	201 Parker Lane PUKEKOHE	Carry out a boundary relocation subdivision between three existing Computer Freehold Registers, which increases the dwelling entitlements on the land by one.	Granted
Tutamoe Holdings Limited	SUB1118/11.01	2128 Buckland Rd BUCKLAND	S127 Change of Conditions of consent to reconfigure the boundaries of Lots 1 and 2 and create two lots over Part Allotment 9 Parish of Pukekohe and the existing shed on Proposed Lot 1 will infringe the 10m yard requirement at the adjacent boundary	Granted

<b>Eureka</b>				
	<i>Ward Total: 5</i>			
I D Foster, L A Foster	LUC0135/16	1 Royal Oaks Lane PVT NEWSTEAD	Vary an existing Consent Notice (9315835.4) registered on the CFR and to construct a new shed and dwelling that exceed the 500m <sup>2</sup> maximum building coverage where the shed encroaches into the 12m internal boundary setback and where the area of associated earthworks exceeds the permitted threshold of 1,000m <sup>2</sup>	Granted
Urban Homes Limited	LUC0140/16	4 Royal Oaks Lane PVT NEWSTEAD	Construct a new dwelling , Dependent Persons Dwelling and shed where total building coverage will exceed the 500m <sup>2</sup> permitted building coverage by 281.4m <sup>2</sup> and where the shed will encroach into the 12m southern boundary setback by 5m.	Granted
2 Degrees Mobile Limited	LUC0207/16	452B Tauwhare Road MATANGI	Proposed establishment, operation and maintenance of 6 new 2degrees telecommunications antenna and associated equipment cabinets, power and fibre connections are proposed which fail building height (being 24.5 metres high) and aerial height (being 2.6 metres high).	Granted
K & L Buckley Trust	LUC0217/16	162 Waverley Road EUREKA	To construct a new dwelling and garage which is to be 16.6 m from the southern (side) boundary where the permitted setback is 25 m. Retrospective consent for associated earthworks in the Hauraki Gulf Catchment Area.	Granted
A D Cleland, H A Cleland	SUB1140/11	567B Marychurch Road TAUWHARE	Create two additional lots from a rural lot where all three lots utilise an underwidth right of way : Do not follow up overdue, no further monthly billing - AnaMaria to review all costs before final recon. Charges brought through 24-6-15 for accounting purposes	Granted
<b>Hukanui - Waerenga</b>				
	<i>Ward Total: 2</i>			
C W Caddigan, G K Caddigan	LUC0091/16	785 Lake Road GORDONTON	Construct a Dependent Persons Dwelling in the Rural Zone which will encroach into the 25m boundary setback by 5m.	Granted
T M Flaxman, M J Flaxman	LUC0220/16	226 Kainui Road TAUPIRI	Relocate a 161 m <sup>2</sup> second hand dwelling onto a site in the Rural Zone and convert the existing dwelling to an accessory building via removal of the kitchen.	Granted
<b>Huntly</b>				
	<i>Ward Total: 3</i>			
NZ Transport Agency	LUC0020/15.01	McVie Road HUNTLY	Section 127 to change conditions of consent reflecting an alternative method of contaminated land remediation at the Huntly Gun Club.	Granted
G J T Cribb	LUC0175/16	173 Tregoweth Lane HUNTLY	Construct a three bedroom dwelling in the Rural Zone that is 3m from the southern boundary, which encroaches the 5 metre side yard boundary setback by 2 metres.	Granted
V Pun	LUC0219/16	23 Hartis Avenue HUNTLY	Remove 65m <sup>3</sup> of soil from the subject site associated with the construction of a dwelling and curtilage	Granted
<b>Newcastle</b>				
	<i>Ward Total: 3</i>			
J M Ralph	LUC0211/16	53 Dromara Drive ROTKAURI	To construct a garage for vehicle storage. The garage is to be 102 m <sup>2</sup> where the permitted maximum area for accessory building is 80 m <sup>2</sup> . Garage is proposed to be 6 m from western (rear) and 8.8 m from southern (side) boundary where the permitted setback is 12 m.	Granted
R M O'Donnell, T S O'Donnell	LUC0212/16	384B Karakariki Road KARAKARIKI	Construct a garage which will encroach the southern boundary setback requirement and will encroach the daylight admission plane by approx. 0.75m in height by approx. 1m in depth.	Granted
H J Matthews, R G M Matthews	SUB0027/16	2408 Kakaramea Road	Undertake a boundary relocation in the rural zone to create Lot 1 of 1.5999ha, Lot 2 of 16.8074ha and Lot 3 of	Granted

		WHATAWHATA	1.5990ha	
<b>Ngaruawahia</b>	<b>Ward Total: 3</b>			
NZ Transport Agency	DES0010/16	River Road HOROTIU	To remove part of the designation of road for state highway and road for access to state highway (Waikato Expressway, Ngaruawahia Bypass) Designation	Granted
A D Stoneley, P A Stoneley	LUC0225/16	39 Te Wiata Lane NGARUAWAHIA	To undertake 232 m3 of earthworks where the permitted volume is 100 m3. Site to fail car parking and manoeuvring requirements.	Granted
A McKenzie	SUB0049/16	Herschel Street NGARUAWAHIA	To create three allotments from an existing certificate of title (two additional lots) within the Living Zone.	Granted
<b>Onewhero-Te Akau</b>	<b>Ward Total: 4</b>			
A C Clark	FSUBS10048.03	55 Thompson-Tonga Rd TUAKAU	S127 to change conditions of consent to surrender consented Lot 2 from the original consent and any associated conditions for this lot, enhance the size of lot 3 from 0.4429ha to 1ha and vary the boundaries to better align with the existing fences around the existing dwelling and vary the amount of lots for purposes of Development Contributions as set out in the Advisory Notes.	Granted
L V Worsley, M D Worsley	LUC0187/16	171 Rothery Road TE AKAU SOUTH	Relocate a one bedroom cottage to a site located within the Coastal Zone and construct a new building and carport which will be connected to the relocated cottage.	Granted
C L Baird	LUC0216/16	768 Glen Murray Road RANGIRIRI	To erect a dwelling and a water tank that will encroach the 25 and 12 metre boundary setback in the rural zone	Granted
K Amstad, R A Amstad	SUB0064/16	95 Hunt Rd TUAKAU	Transfer two lot rights from outside the Environmental Enhancement Overlay Area to a lot located in the Rural Zone, also outside the Environmental Enhancement Overlay Area	Granted
<b>Raglan</b>	<b>Ward Total: 4</b>			
G L Bond, S B Bond	LUC0116/16	484 Okete Road OKETE	Establish and operate a Traveller's Accommodation and construct a separate dwelling in the Coastal Zone where the buildings will encroach the southern (road) boundary, the dwelling will be less than 500 m from the boundary of an Aggregate Extraction Policy Area and the driveway to run parallel to road	Granted
M A Meenagh, M D Meenagh	LUC0194/16	9 Upper Cross Street RAGLAN	Carry out 130m3 volume of earthworks which is 30m3 in excess of the Permitted Activity volume) in association with a dwelling extension that encroaches the height in relation to boundary requirement. Undertake a site cut up to a maximum 3.3m in height, (1.3m in excess of the 2.0m Permitted Activity height) in association with the construction of a retaining wall.	Granted
H A Thorpe, J C Borrero	LUC0205/16	74 Upper Wainui Road RAGLAN	Construct an addition to an existing 83m2 dwelling (total of 115m2), construct two deck areas which have a combined area of 23.55m2. and site a water tank 0.4m from the southern boundary.	Granted
B RUAWAI	LUC0233/16	330 Wainui Road RAGLAN	To hold a one off 3 day (2 nights) temporary event on Wainui Reserve between 8 and 10 January 2016 and to erect temporary structures from 28/11/2015 and remove these and return the site to its original condition no later than 17/01/2016. Resource consent is also sought for two advertising signs which are proposed to be located within the boundaries of the legal road.	Granted
<b>Tamahere</b>	<b>Ward Total: 4</b>			
Katana Farms Limited	LUC0179/16	62 Webster Road MATANGI	Certificate of Compliance to construct and operate a traveller's accommodation for no more than five people in the Rural zone.	Approved

S J Moulden, S C Moulden	LUC0196/16	24A Cherry Lane TAMAHERE	Construct a second storey to a dwelling which will breach permitted height by 800 mm and garage extension that encroaches the 12m southern boundary setback, and exceeds the permitted level of impervious surfaces.	Granted
R E Townshend, P Townshend	SUB0054/16	614 State Highway 1 TAMAHERE	Undertake a two staged subdivision to create seven additional lots (eight in total) in the Country Living Zone	Granted
ESTATE OF A Jacobsen, R C Jacobsen Smeets	SUB0106/08.03	525 Pencarrow Road TAMAHERE	S127 to change condition PC1 and delete UC5, UC6, UC7 and UC8 to relocate the proposed building platform within Lot 2.	Granted
<b>Whangamarino</b>	<b>Ward Total: 15</b>			
Kipdale Farms Limited	LUC0033/16	1072 Kaiua Rd POKENO	Establish and operate a chicken processing plant for up to 7000 birds in the Rural Zone and earthworks associated with constructing the processing facility, new access and internal driveway and paved areas.	Granted
Kipdale Farms Limited	LUC0096/12.05	1072 Kaiua Rd POKENO	S127 Change of conditions	Granted
Hampton Downs Motorsports Park Limited	LUC0108/16	20 Hampton Downs Road HAMPTON DOWNS	Construct garages that exceed the maximum permitted gross floor area for non-residential buildings and are located within the minimum setbacks for the Rural Zone at the Hampton Downs Motorsport Park	Granted
K Prestidge, M C Prestidge	LUC0134/16	890 Findlay Road MIRANDA	Construction of a new dwelling and shed within the Hauraki Gulf Catchment Area, where the required earthworks exceed the 1,000m <sup>3</sup> permitted annual threshold and the maximum permitted area of 1,000m <sup>2</sup> ,	Granted
S P Pryde, A G Pryde	LUC0157/16.01	632 Findlay Road MARAMARUA	S127 Change of condition 1 to reflect the altered position of the dwelling to be 11 m from eastern (side) boundary instead of originally consented 14 m.	Granted
Peoples Westport Developments Limited	LUC0161/16	99 Waerenga Road TE KAUWHATA	Construct four additional dwellings on 1 title where each dwelling will be located within a consented allotment of subdivision SUB0084/15 and will infringe the height to boundary control and provide 1 less carpark per dwelling of the District Plan standards	Granted
Sublime Buildings T/A Navigation Homes Counties	LUC0223/16	20 Awanui Avenue TE KAUWHATA	Construct a new dwelling which is setback 4.9 metres from the rear boundary when a minimum of 6 metres is required.	Granted
S W Cranfield	LUC0229/16	511 Ferndale Road MARAMARUA	Construct a 144 m <sup>2</sup> shed to store farm equipment which will exceed the site the permitted total building coverage of 500 m <sup>2</sup> by 269 m <sup>2</sup>	Granted
A Edwards	LUC0234/16	76 Montana Road MANGATANGI	Construct a new shed for storage that is to be 5 m from the western (side) boundary where the permitted setback is 25 m.	Granted
Higgins Aggregates Limited	LUC0291/13.01	988 Falls Road WAERENGA	S127 to change consent conditions to allow for the importation and deposition of an average of 100,000 tonnes of cleanfill material per annum on the site that generates additional traffic movements from an existing vehicle entrance.	Granted
Rocket Lab Ltd	LUC0335/15	State Highway 2 MARAMARUA	Establish and operate a rocket engine testing facility, considered an Industrial Activity.	Granted

D R Brown, C J Brown	SUB0023/09.03	368A Churchill East Road TE KAUWHATA	Cancellation of existing right of way, right to convey water, transmit electricity and telecommunications easement created by Easement Certificate B628727.3 pursuant to Section 243(e) of the Resource Management Act 1991.	Granted
S B Taylor	SUB0039/16	248B Mangatangi Road MANGATANGI	Undertake a boundary relocation subdivision between two adjacent properties, creating lots of 6.79ha and 1.46ha and dispensation for the existing dwelling within Lot 1 to encroach into the 25m boundary setback on the northern and western boundaries.	Granted
P Chevin	SUB0084/15.03	99 Waerenga Road TE KAUWHATA	S127 Change of conditions to address infringements as a result of boundaries being placed alongside existing dwellings and make changes to align the general conditions with each stage	Granted
Lanisa Holdings Limited	SUB0159/08.03	Esk Road MARAMARUA	S127 application to amend the conditions of consent to allow the building platforms to be constructed after the subdivision consent has been completed.	Granted

## Delegated Authority Report:

Period from 1 – 31 January 2016

Applicant	ID No	Address	Details	Decision
Awaroa ki Tuakau	<i>Ward Total: 19</i>			
Bromley Park Hatcheries Limited	FLUCL10037.01	115 Brown Rd TUAKAU	S127 to change consent condition to allow for an alternative stormwater management disposal system to be constructed for two existing poultry hatchery sheds.	Granted
S B McGuire	LUC0065/15.01	20 Dromgools Rd TUAKAU	To change Condition 1 and Condition 10 to exceed district plan requirements for site coverage for LOT 3 DP 477111 held in Computer Freehold Register 660745 and provide an updated stormwater report to ensure the effects of this exceedance are adequately dealt with.	Granted
C S Reddish	LUC0155/16	29C Arrowville Rd WAIUKU	To construct four chicken broiler sheds for an intensive farming activity including associated earthworks which will exceed the 250m <sup>3</sup> maximum permitted volume, exceed the 1.5m maximum permitted depth of cut and fill and exceed the 2,000m <sup>2</sup> maximum permitted area	Granted
MJB Construction Properties Limited	LUC0195/16	24 Martindale Lane TUAKAU	To carry out earthworks which will exceed the permitted 100m <sup>3</sup> by 43m <sup>3</sup> in order to construct a stable building platform for a new residential dwelling.	Granted
MJB Construction Properties Limited	LUC0197/16	27C Martindale Lane TUAKAU	To carry out 263m <sup>3</sup> of earthworks with a maximum cut depth of 2.6m, which exceeds the 100m <sup>3</sup> permitted annual threshold by 163m <sup>3</sup> and the maximum permitted excavation depth of 1.5m by 1.1m.	Granted
MJB Construction Properties Limited	LUC0198/16	27B Martindale Lane TUAKAU	To carry out 226m <sup>3</sup> of earthworks with a maximum cut depth of 2.2m, which exceeds the 100m <sup>3</sup> permitted annual threshold by 126m <sup>3</sup> and the maximum permitted excavation depth of 1.5m by 0.7m.	Granted
M R Wright	LUC0201/16	36 Westmuir Crescent POKENO	Construct a new residential dwelling where earthworks exceed the permitted volume of 100m <sup>3</sup> in volume by 165m <sup>3</sup>	Granted
G S Mudaliar	LUC0214/16	37 Hillpark Drive POKENO	Undertake earthworks of 246m <sup>3</sup> (100m <sup>3</sup> is permitted) to provide a building platform in the Residential 2 Zone.	Granted
N Pitalia	LUC0221/16	20 Kirklee Lane POKENO	To undertake 240m <sup>3</sup> of earthworks to form a flat building platform for a new dwelling and to construct the dwelling 6m from Helenslee Road.	Granted
R W Verhoef	LUC0231/16	28B Gulland Rd POKENO	Carry out earthworks up to 247m <sup>3</sup> volume (147m <sup>3</sup> in excess of the Permitted Activity maximum) to create a building platform for a dwelling	Granted
GJ Gardiner Homes Limited	LUC0241/16	35 Hillpark Drive POKENO	Earthworks associated with a building platform for a residential dwelling with double internal access garage which exceed the maximum permitted volume of 100m <sup>3</sup>	Granted
E C M Walsh, G M Hayward	LUC0244/16	3 Southbrae Lane POKENO	Carry out earthworks up to 162.3m <sup>3</sup> volume (62.3m <sup>3</sup> in excess of the Permitted Activity maximum) to create a building platform for a dwelling	Granted
Platinum Homes Limited	LUC0259/16	202 Helenslee Rd POKENO	Carry out earthworks up to 216m <sup>3</sup> volume (116m <sup>3</sup> in excess of the Permitted Activity maximum) to create a building platform for a dwelling	Granted
Platinum Homes Limited	LUC0262/16	9 Kirklee Lane POKENO	Carry out earthworks up to 230m <sup>3</sup> volume to create a building platform for a dwelling and construct retaining walls	Granted

			up to 1.5m high and 500mm from side yard setback requirements within the permitted 1.5m side yard setback	
Platinum Homes Limited	LUC0263/16	35 Westmuir Crescent POKENO	Carry out earthworks in excess of the Permitted Activity maximum, import cleanfill up to 113m <sup>3</sup> volume and undertake a site cut up to 1.7m depth to create a building platform for a dwelling	Granted
A J Balsillie	LUC0272/16	48 Fraser Rd POKENO	Carry out up to 675m <sup>3</sup> volume of earthworks (575m <sup>3</sup> in excess of the permitted level) to prepare a building platform for the construction of a dwelling.	Granted
Wood Family Trust Limited	SUB0056/16	544 Ridge Rd POKENO	To undertake subdivision in the Rural Zone via the transfer of one rural lot with both donor and receiver lots outside the EEOA.	Granted
R G Shine, G W Shine	SUB0095/15.01	132 Hermitage Rd WAIUKU	S127 to amend Condition 1 to allow for a minor change to the scheme plan.	Granted
Helenslee Investments Limited	SUB0112/15.01	Mark Ball Drive POKENO	S127 to change conditions of consent to reflect the new locations of utilities pipes (stormwater and wastewater).	Granted
<b>Eureka</b>				
<i>Ward Total: 5</i>				
V L Searancke	LUC0213/16	1132B Victoria Road TAUWHARE	Retrospective consent for the installation of a farm track and a new consent for future installation of an equestrian arena	Granted
A Reymer	LUC0256/16	868 State Highway 26 TAUWHARE	To undertake a temporary agricultural demonstration event which exceeds the maximum permitted number of people attending a single temporary event of 1000 people by a maximum of 2600 people and the maximum permitted number of vehicle movements per day of 200 vehicle movements a day by a maximum of 1000.	Granted
P J Smith, D J Smith	SUB0048/16	8 Puketaha Road ROTOTUNA	To vary clause 7(ii) of consent notice document no. 5430879.2 in so far as it relates to Lot 1 DP 306319 only	Granted
L J Wilkinson, I C Wilkinson	SUB0071/16	243 Hiwi Road TAUWHARE	To undertake a boundary adjustment between two Certificates of Title to create Lot 1 (3.8580ha) and Lot 2 (8.71ha).	Completed
I M Taylor, P A Taylor	SUB0081/11.01	45 Reid Road PUKETAHA	S127 to change conditions of consent to remove 2 lots from the approved subdivision scheme plan, enhance the size of proposed and adjust the calculation of Development Contributions as set out in the Advisory Notes.	Granted
<b>Hukanui - Waerenga</b>				
<i>Ward Total: 2</i>				
J A Smith, D K Smith	LUC0230/16	353 Ballard Road GORDONTON	To relocate two used dwellings onto a property within the Rural Zone and join them together to create one dwelling	Granted
G V Ballard	LUC0239/16	Boyd Road HORSHAM DOWNS	To construct a shed in the Rural Zone that is to be 5.5 m from the eastern (side) boundary where the permitted setback is 25 m.	Granted
<b>Huntly</b>				
<i>Ward Total: 4</i>				
Waikato Regional Council	LUC0107/16	2 Great South Road HUNTLY	To undertake earthworks in order to upgrade the Huntly North Stopbank to the required standard and includes an extension of the existing stop bank requiring 1290 m <sup>3</sup> of cut and 7000 m <sup>3</sup> of fill over 9300 m <sup>2</sup> with some occurring in the Flood Risk Policy Area.	Granted

Marland Limited	SUB0074/16	70 Furniss Road RUAWARO	Subdivide one lot into two in the Rural Zone, resulting in lots of 8,000m <sup>2</sup> and 62.7ha, where the existing dwelling within Lot 1 encroaches into the 25m internal boundary setback by 13m with respect to the southern boundary.	Granted
Ruawaro Combined School Board Of Trustees	SUB0078/16	76 Bain Road RUAWARO	Subdivide an existing title to create Lot 2 of 1232 m2 and Lot 1 of 148 m2 where Lot 1 is then to be amalgamated with CFR 723068 to enable a school building to sit on one title	Granted
N P L Warren	SUB1045/11.01	283 Rotowaro Road ROTOWARO	S127 to change condition of consent to increase the size of Lot 1 and subsequently decrease the size of Lot 2.	Granted
<b>Newcastle</b>	<b>Ward Total: 6</b>			
G R Preest	SUB0051/16	762 State Highway 23 WHATAWHATA	To undertake a subdivision to create four lots from three existing titles and then amalgamate one lot with an adjoining title.	Granted
N J Anderson, M S Anderson	SUB0053/16	1399 State Highway 23 WHATAWHATA	To undertake subdivision in the Country Living Zone to create titles of 1.71ha, 1.24ha, 0.74ha and 1.795ha.	Granted
L C Davenport, G M Dick	SUB0055/16	99B Highbrook Way WHATAWHATA	To create one additional lot in the Country Living Zone with proposed Lot 1 to be 6904 m2, and Lot 2 to be 6108 m2.	Granted
J L Kelly, P K Kelly	SUB0066/16	308 Te Kowhai Road TE KOWHAI	To undertake a boundary relocation between two certificates of title in the Rural Zone creating lots of 8467 m2 and 32.6543 m2.	Granted
J K Liddall, G H Liddall	SUB0069/10.01	128 Collie Road TE KOWHAI	S127 to change conditions of consent in relation to telecommunications	Granted
D P Murray	SUB0077/16	Te Kowhai Road HOROTIU	To cancel consent notice document no. 5103899.4 in so far as it relates to Lot 2 DPS 86769 only to allow buildings on Lot 2 to be located within 20m of the eastern boundary.	Granted
<b>Ngaruawahia</b>	<b>Ward Total: 1</b>			
D Turner	LUC0257/16	6 Hereford Drive HOROTIU	Transport a new Dependant Person's Dwelling (DPD) onto the site that has a carport (garage) larger than 24m2 (27m2) in the Rural Zone	Granted
<b>Onewhero-Te Akau</b>	<b>Ward Total: 3</b>			
B D Jones, M W Jones	LUC0190/16	1401 Highway 22 TUAKAU	Carry out earthworks in excess of the permitted 250m3 and conduct a site cut depth in excess of the permitted height to construct retaining walls up to 1.9 metres in height to provide for a building platform for the construction of a dwelling	Granted
H K Harker	SUB0073/16	220 Kohanga Rd TUAKAU	Undertake a boundary relocation subdivision between two adjacent properties, to create allotments of 2.0717ha and 22.3781ha.	Granted
Finlayson Farms Limited	SUB0121/15	149 Frost Rd TUAKAU	To undertake the protection of 32.05ha of an Identified Significant Natural Feature (ISNF) and to create 6 entitlements which are then proposed to be transferred to a receiver site on a separate CFR (553653).	Granted
<b>Raglan</b>	<b>Ward Total: 5</b>			
Young Ones Trust	LUC0160/16	51C Bridle Creek Road OKETE	Erect a new dwelling with detached garage, install water tanks, wastewater treatment systems and new swimming pool, which requires consent as it is within the Coastal Zone and the earthworks are within 100m of mean high water springs.	Granted
A G Dekker	LUC0202/16	257A Wainui Road RAGLAN	Construct a dwelling 10.2 metres from the north eastern boundary and 113.715m from the boundary of a site containing a wastewater treatment plant that uses ponds for	Granted



			processing or storing wastewater where a minimum setback is required of 25m and 300m respectively.	
S E Kent, Q D A Abraham	LUC0206/16	86 Mangakino Road TE UKU	Construct a dwelling in the Rural Zone that encroaches into the 25metres internal boundary setback by 11.5metres	Granted
J A Gallagher, G D Gallagher	SUB0068/13.01	6 Long Street RAGLAN	S127 to change conditions of consent pertaining to the stormwater management plan for all impervious surfaces and the swale	Granted
M D Downey, K M Downey	SUB0090/16	10A Manukau Road RAGLAN	Amend an existing cross-lease plan at 10 and 10A Manukau Road, Raglan so that the existing dwelling at the rear of the site is identified on the proposed scheme plan	Granted
<b>Tamahere</b>				
	<i>Ward Total: 6</i>			
NZ Transport Agency	DES0011/16		Outline Plan of Works to construct one sculpture and two storyboards detailing the Maori history and heritage of the area within the Waikato District part of the Cambridge Section of the Waikato Expressway	Acceptplan
Tamahere Eventide Home Trust	LUC0103/16	597 State Highway 1 TAMAHERE	Construct and use 20 new residential units (10 duplexes) as an extension to the existing Tamahere Eventide Rest Home and Retirement Village and to enable the existing café within the Rest Home and Retirement Village to be used by the general public.	Granted
A J Davidson, B R Davidson	LUC0159/16	321 Pencarrow Road TAMAHERE	To construct a Dependent Person's Dwelling in the Rural Zone that does not share an outdoor living court with the main dwelling with total building coverage on site proposed to exceed the permitted area 500 m2 and install two water tanks to be 5m from the eastern boundary where the permitted setback is 12 m.	Granted
P W Paterson	SUB0029/16	615 Airport Road TAMAHERE	Create two additional lots with resultant lots of 8,691m <sup>2</sup> , 5,296m <sup>2</sup> and 5,281m <sup>2</sup> , where the position of the new lot boundaries result in a boundary encroachment with respect to an existing building and a new vehicle entrance created to a state highway does not meet the required separation distances.	Granted
J A Scott, J H Scott	SUB0070/16	18 Camdon Pl TAMAHERE	Subdivision to create two allotments, being 0.54ha and 1.94ha (being one additional lot), in the Country Living Zone.	Granted
M W Dove, N J Dove, NWM Trust Management Limited	SUB0968/11.01	89 Fuchsia Lane MATANGI	Application under S127 of the RMA to change conditions of consent to allow for a revised scheme plan with an alternative layout for vehicle access to Lot 2 requiring the formation of a new vehicle entrance and altering the lot sizes.	Granted
<b>Whangamarino</b>				
	<i>Ward Total: 3</i>			
A W Austen	LUC0245/16	27B Graham McRae Pl HAMPTON DOWNS	To construct a new dwelling and barn to be used as an art studio, work shop and storage which exceeds the permitted 500 m2, the dwelling encroaches the northern side boundary and the barn the southern side boundary where the permitted setback is 12 m.	Granted
Lexus Residential Limited	LUC0252/16	40 Roto Street TE KAUWHATA	Construct a new dwelling and seek dispensation of 2 car park space (4 required) for the dwelling at 40 Roto Street	Granted
PPD Waerenga Ltd	LUC0269/16	99 Waerenga Road TE KAUWHATA	To construct a dwelling along the eastern boundary that infringes the height to boundary requirement.	Granted

**REPORT**

Item Number:

**Open Meeting**

<b>To</b>	Waikato District Council
<b>From</b>	S Duignan General Manager Customer Support
<b>Date</b>	13 January 2016
<b>Prepared By</b>	C Cunningham Senior Regulatory Administrator
<b>Chief Executive Approved</b>	Y
<b>DWS Document Set #</b>	1128040
<b>Report Title</b>	<b>Summary of Applications Determined by the District Licensing Committee</b>

**1. Executive Summary**

This report provides a summary of applications determined by the District Licensing Committee between October and December 2015.

**2. Recommendation**

**THAT** the report of the General Manager Customer Support - *Summary of Applications Determined by the District Licensing Committee* – be received.

**3. Report**

**The Schedule of Applications Determined by District Licensing Committee  
October – December 2015.**

**LICENCES**

Applicants Name	Application Type	Premises	Decision	Date Issued	Licence No.
Bidois Trading	Temporary	Raglan Social	Granted	5/10/15	14/TA/03/15.01

**REPORT**

Item Number:

Limited	Authority	Club			
Hampton Downs (NZ) Limited	Temporary Authority	Hampton Downs Motorsport Park	Granted	20/10/15	14/TA/05/15.01
Bhrahmadev Holdings Limited	Temporary Authority	Tuakau Food Market	Granted	30/10/15	14/TA/04/15.01
Hampton Downs (NZ) Limited	Temporary Authority	Hampton Downs Motorsport Park	Granted	23/12/15	14/TA/05/15.02
Kelstworural Limited	Off Licence Renewal	Red Fox Tavern, Maramarua	Granted	8/10/15	14/OFF/15/2015
Kelstworural Limited	On Licence Renewal	Red Fox Tavern, Maramarua	Granted	8/10/15	14/ON/24/2015
Huntly Bowling Club Incorporated	Club Licence Renewal	Huntly Bowling Club	Granted	8/10/15	14/CL/18/2015
Woodside Estate Limited	On Licence	Woodside Estate Café, Matangi	Granted	15/10/15	14/ON/25/2015
Taupiri Rugby Football Club Incorporated	Club Licence Renewal	Taupiri Rugby Football Club	Granted	15/10/15	14/CL/19/2015

**REPORT**

Item Number:

Te Kauwhata Squash Club Incorporated	Club Licence Renewal	Te Kauwhata Squash Club	Granted	8/10/15	14/CL/20/2015
Vind Holdings Limited	On Licence Renewal	Whatawhata Tavern	Granted	8/10/15	14/ON/26/2015
Vind Holdings Limited	Off Licence Renewal	Whatawhata Tavern	Granted	8/10/15	14/OFF/16/2015
Raglan Club Incorporated	Club Licence Renewal	Raglan Club	Granted	22/10/15	14/CL/21/2015
Pokeno Motel Limited	On Licence Renewal	Pokeno Motel	Granted	19/11/15	14/ON/27/2015
Rock-It Limited	On Licence Renewal	Rock-It Kitchen, Raglan	Granted	19/11/15	14/ON/29/2015
Huntly Fish Game & Clay Target Club Incorporated	Club Licence	Huntly Fish Game & Club Target Club	Granted	19/11/15	14/CL/22/2015
Nikau Cave Limited	On Licence Renewal	Nikau Cave & Café, Tuakau	Granted	25/11/15	14/ON/30/2015
Jammu Holdings Limited	Off Licence	Thirsty Liquor Huntly	Granted	25/11/15	14/OFF/17/2015
Bhrahmadev Holdings Limited	Off licence	Tuakau Foodmarket	Granted	26/11/15	14/OFF/18/2015
Ngaruawahia	Off Licence	New World	Granted	3/12/15	14/OFF/19/2015

**REPORT**

Item Number:

Supermarket Limited		Ngaruawahia			
Kenneth John & Patricia Margaret Graham	Off Licence Renewal	Hitchen Road Vineyard, Pokeno	Granted	3/12/15	14/OFF/20/2015
Bidois Trading Limited	On Licence	Raglan Social Club	Granted	23/12/15	14/ON/32/2015
Horsham Downs Golf Club Incorporated	Special	Horsham Downs Golf Club	Granted	8/10/15	14/SP/056/2015
Kylie Dawn Baker	Special	Harrisville School Hall	Granted	22/10/15	14/SP/059/2015
Somerset Brewing Company Limited	Special	Karioi Trail Race, 65 Karioi Road Ruapuke	Granted	22/10/15	14/SP/060/2015
Claudia Irons	Special	Horsham Downs Community Hall	Granted	22/10/15	14/SP/062/2015
Isabel Mary Crawforth	Special	Raglan Town Hall	Granted	22/10/15	14/SP/058/2015
Pilot Brewery Limited	Special	Te Kowhai Country Market	Granted	30/10/15	14/SP/063/2015
Jessica Rose Lovett	Special	Waerenga Hall	Granted	5/11/15	14/SP/065/2015

**REPORT**

Item Number:

Maramarua Golf Club Incorporated	Special	Hitchen Road Vineyard, Pokeno	Granted	5/11/15	14/SP/061/2015
Te Akau Waingaro Community Complex	Special	Te Akau Waingaro Community Complex	Granted	5/11/15	14/SP/064/2015
Raglan Community Arts Council	Special	Old School Arts Centre Raglan	Granted	12/11/15	14/SP/068/2015
Raglan Community Arts Council	Special	Old School Arts Centre Raglan	Granted	12/11/15	14/SP/067/2015
Ngaruawahia Golf Club Incorporated	Special	Ngaruawahia Golf Club	Granted	12/11/15	14/SP/069/2015
Te Kauwhata Rugby Sports Club Incorporated	Special	Te Kauwhata Rugby Club	Granted	19/11/15	14/SP/066/2015
Raglan Club Incorporated	Special	Raglan Bowling Club	Granted	3/12/15	14/SP/070/2015
Onewhero Society of Performing Arts	Special	Onewhero Society of Performing Arts Theatre, 14 Hall Road Tuakau	Granted	3/12/15	14/SP/071/2015
Raglan Club Incorporated	Special	Raglan Club	Granted	3/12/15	14/SP/072/2015

**REPORT**

Item Number:

Villa Italia Limited	Special	Tamahere Markets	Granted	16/12/15	14/SP/078/2015
Tuakau Cosmopolitan Club Incorporated	Special	Tuakau Cosmopolitan Club	Granted	18/12/15	14/SP/074/2015
Te Kauwhata and District Lions Club	Special	40 Mahi Road, Te Kauwhata	Granted	23/12/15	14/SP/077/2015
Christine Hickford, Maurice Hickford	Special	Tamahere Country Markets	Granted	23/12/15	14/SP/079/2015

**MANAGER'S CERTIFICATES**

Applicant's Name	Application Type	Premises	Decision	Date Issued	Certificate No.
Rebecca Lee Grass	Renewal	Tuakau Hotel	Granted	5/10/15	14/CERT/090/2014
Enrico Mazzi	New	Zealong Café, Gordonton	Granted	8/10/15	14/CERT/078/2015
Haerun Van Wering	Renewal	Delta Tavern, Ngaruawahia	Granted	8/10/15	14/CERT/109/2014
Courtney Michelle Te Hira	New	Ngaruawahia Rugby League Club	Granted	8/10/15	14/CERT/079/2015
Edwin James Roy Judd-Junior	New	Tuakau Hotel	Granted	15/10/15	14/CERT/082/2015

**REPORT**

Item Number:

Mitchell Kear	New	Raglan Club	Granted	15/10/15	14/CERT/081/2015
Kate Elizabeth-Ann Sandwell	New	Orca Restaurant & Bar, Raglan	Granted	15/10/15	14/CERT/080/2015
Peter James McKenzie	Renewal	Shunters Yard Brewery, Matangi	Granted	15/10/15	14/CERT/111/2014
Lloyd Raymond Whalley	Renewal	Waingaro Hotel	Granted	15/10/15	14/CERT/083/2015
Aaron David Bidois	Renewal	Raglan Social Club	Granted	15/10/15	14/CERT/084/2015
Erika Cayman Wihongi	Renewal	Rangiriri Hotel	Granted	15/10/15	14/CERT/115/2014
Ariana Elizabeth Simmons	New	RSA Ngaruawahia	Granted	22/10/15	14/CERT/085/2015
Anna Etenish Lindstrom	New	Onewhero Rugby Football Club	Granted	22/10/15	14/CERT/086/2015
Tahn Forest Regnier-Barton	New	Raglan Social Club	Granted	30/10/15	14/CERT/087/2015
Kimberlee May Brown	New	The Metcalfe's Conference & Adventure Centre, Rotowaro	Granted	30/10/15	14/CERT/088/2015
Chandrasekar	Renewal	Namaste Kitchen,	Granted	30/10/15	14/CERT/127/2014



**REPORT**

Item Number:

Gnanasundaram		Raglan			
Jeffery Neville Holloway	Renewal	Harbour View Hotel, Raglan	Granted	30/10/15	14/CERT/089/2015
Sunil Kumar	Renewal	Pokeno Liquor Centre	Granted	5/11/15	14/CERT/092/2015
Terrance Roy Pascoe	New	Taupiri Bowling Club	Granted	5/11/15	14/CERT/093/2015
Justin Trevor Thomson	Renewal	The Shack, Raglan	Granted	12/11/15	14/CERT/094/2015
Lisa Jayne Mather	Renewal	Onewhero Rugby Club	Granted	12/11/15	14/CERT/095/2015
Kelly Michelle Mounsey-Ross	Renewal	Red Fox Tavern, Maramarua	Granted	12/11/15	14/CERT/096/2015
Robert Kenneth Semple	Renewal	Podges Place, Mercer	Granted	19/11/15	14/CERT/110/2014
Jacquelyn Deborah Marree Irvine	Renewal	Te Kauwhata Trust Tavern	Granted	19/11/15	14/CERT/097/2015
Debra Anne Richards	Renewal	The Laughing Peacock, Orini	Granted	19/11/15	14/CERT/130/2014
Sylvia Dwen	New	Sylvia's, Port Waikato	Granted	19/11/15	14/CERT/098/2015
Linda Jane Broughton	Renewal	Hukanui Golf Club	Granted	19/11/15	14/CERT/120/2014

**REPORT**

Item Number:

Donella Clare Bond	Renewal	Tuakau Hotel	Granted	25/11/15	14/CERT/100/2015
Philip Cedric Woodward	Renewal	Nikau Cave & Café, Tuakau	Granted	25/11/15	14/CERT/099/2015
James Andrew Miller	Renewal	Huntly Quoits Club	Granted	25/11/15	14/CERT/101/2015
Robert David MacMillan	Renewal	Tuakau Cosmopolitan Club	Granted	25/11/15	14/CERT/104/2015
Debra Helen Discombe	New	Waikato Clay Target Club, Newstead	Granted	25/11/15	14/CERT/102/2015
Debbie Marie Garlick	New	New World Ngaruawahia	Granted	25/11/15	14/CERT/103/2015
Bradley Levi Bradley	New	Firepot Café, Gordonton	Granted	3/12/15	14/CERT/106/2015
Toni Marie Broster	New	Essex Arms, Huntly	Granted	3/12/15	14/CERT/107/2015
Jean Wanui Cooper	Renewal	Mokai Awhina Sports Club, Tuakau	Granted	3/12/15	14/CERT/111/2015
Paul Henry Heath	Renewal	Waiterimu Golf Club	Granted	3/12/15	14/CERT/109/2015
Ngawai Shana Pauro	New	Taupiri Tavern	Granted	3/12/15	14/CERT/108/2015
Samantha Small	Renewal	Orca Restaurant &	Granted	3/12/15	14/CERT/128/2015

**REPORT**

Item Number:

		Bar, Raglan			
Lesley Margaret Curtis	Renewal	Raglan Four Square	Granted	3/12/15	14/CERT/105/2015
Paul Henry Heath	(Limited) Renewal	Waiterimu Golf Club	Granted	3/12/15	014/CM/3/2002
Jacqueline Leigh Anderson	Renewal	Raglan Old School Arts Centre	Granted	9/12/15	14/CERT/144/2014
Brendan Philip McDonald	New	Bow Street Depot Raglan	Granted	9/12/15	14/CERT/113/2015
Kendal Alexandra Lalich	New	Waikato Clay Target Club, Newstead	Granted	9/12/15	14/CERT/115/2015
Gurjant Singh	Renewal	Brews Tuakau	Granted	16/12/15	14/CERT/108/2014
Anatassia Mariza Robust	Renewal	Countdown Huntly	Granted	18/12/15	14/CERT/126/2014
Charlene Maree Mansell	Renewal	Countdown Huntly	Granted	18/12/15	14/CERT/116/2015
Deborah Anne Colclough	Renewal	Huntly Workingmens' Club	Granted	18/12/15	14/CERT/117/2015
Wendy Annette Sullivan	New	River Haven Café, Huntly	Granted	18/12/15	14/CERT/118/2015
Grace Katherine Williams	New	Café Woodlands,	Granted	23/12/15	14/CERT/119/2015

**REPORT**

Item Number:

		Gordonton			
Ranjana Bali	New	Sartaj Indian Restaurant, Ngaruawahia	Granted	23/12/15	14/CERT/122/2015
Yvonne Mabel Greathead	Renewal	Tuakau Liquor Centre	Granted	23/12/15	14/CERT/120/2015
Angela Ruth Beresford	Renewal	Tuakau Hotel	Granted	23/12/15	14/CERT/121/2015

**Applications Determined at a District Licensing Committee HEARING****LICENCES**

Applicants Name	Application Type	Premises	Decision	Date Of Hearing	Licence No.
Helen Louise Rowling	Temporary Authority	The Wharf Kitchen and Bar, Raglan	Granted	2/11/15	14/TA/06/15

**MANAGER'S CERTIFICATES**

Applicants Name	Application Type	Premises	Decision	Date of Hearing	Certificate No.
Barry Douglas Connor	New	The Wharf Kitchen and Bar, Raglan	Granted	2/11/15	14/CERT/090/2015
Helen Louise Rowling	New	The Wharf Kitchen and Bar, Raglan	Granted	2/11/15	14/CERT/091/2015

**REPORT**

Item Number:

**Open Meeting**

<b>To</b>	Policy & Regulatory Committee
<b>From</b>	G J Ion Chief Executive
<b>Date</b>	9 February 2016
<b>Prepared By</b>	DM Lee Executive Assistant
<b>Chief Executive Approved</b>	Y
<b>DWS Document Set #</b>	1146606
<b>Report Title</b>	<b>Leave of Absence – Councillor Tait</b>

**1. Executive Summary**

For Council to consider an application from Councillor Tait for time off to travel overseas from 3 March 2016 to 8 April 2016.

**2. Recommendation**

**THAT** the report of the **Chief Executive – Leave of Absence – Councillor Tait - be received;**

**AND THAT** Councillor Tait be granted a leave of absence from **3 March 2016 to 8 April 2016.**

**3. Background**

Councillor Tait is planning to travel overseas from 3 March 2016 to 8 April 2106 and is seeking a leave of absence from his Council activities.

During this time there is a full complement of meetings.

**4. Discussion and Analysis of Options****4.1 Discussion**

Council could decide to approve or decline the leave of absence.

Councillor Tait has a scheduled trip planned and therefore altering the timeframe does not suit.

## 5. Considerations

Potentially, ratepayers are affected but this is a relatively short time period that could be covered by the Mayor or the Deputy Mayor.

### 5.1 Financial

Nil.

### 5.2 Legal

Nil.

## 6. Consultation

The following stakeholders have been/or will be consulted:

Planned	In Progress	Complete	
		✓	Internal
			Community boards/Community committees
			Waikato-Tainui/Local iwi
			Households
			Business
			Other Please Specify

## 7. Conclusion

Council is being asked to approve a leave of absence for Councillor Tait from 3 March 2016 to 8 April 2016.