

**WAIROA DISTRICT COUNCIL**

**SPECIAL MEETING OF THE  
RESOURCE MANAGEMENT COMMITTEE  
(To Consider Subdividing Land and  
Reduce Yard Requirements)**

Minutes of a Special Meeting of the Resource Management Committee to Consider Subdividing Land and Reduce Yard Requirements was held in the Wairoa District Council Chambers, Coronation Square, Wairoa on Tuesday 14 March 2006 at 9.00am.

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**PRESENT:** His Worship the Mayor Mr L Probert (Chairman)

**COUNCILLORS**

S Birrell, D A Eaglesome, G McIntyre, B McKinnon, B Shortt, W T Wilson

**IN ATTENDANCE:** Mr David Peck (Planning Consultant)  
Mrs Gay Thompson (Secretary)

**CIVIC PRAYER** – The Civic Prayer was not given.

**APOLOGY**

An apology was received from Councillor D S Caves.

<p><b><u>Resolved:</u></b> <i>That an apology received from Councillor D S Caves be accepted.</i> <i style="text-align:right"><b>Birrell/Eaglesome</b></i></p>
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His Worship the Mayor welcomed the Councillors and everyone to the Hearing. His Worship the Mayor explained any members who are not present at the beginning of the Hearing is unable to participate in the decision making.

His Worship the Mayor introduced Mr David Peck, Planning Consultant. Mr Peck, spoke to his report, and confirmed that the Hawke's Bay Regional Council concerns have been addressed by the provision of secondary grade on-site wastewater treatment of all the lots.

**APPLICANT**

**Mr Trevor Lyall** - Mr Lyall provided an introduction to the application and background information about the subdivision. Mr Lyall explained the proposal falls partly within the Coastal Zone and partly within the Rural Zone.

Mr Lyall also explained the road shall be to a certified standard where the road is proposed to be vested in Council before Council will accept ownership.

Mr Lyall explained about objections to the application being from the local people, Department of Conservation and NZ Historic Places Trust. My Lyall explained the local Iwi had no concerns.

Mr Lyall explained the lots over 2500m<sup>2</sup> in area were covered under Rule 37 of the Hawke's Bay Regional Council's Regional Resource Management Plan with respect to the disposal of effluent and Lots less than 2500m<sup>2</sup> would require secondary treatment systems for wastewater.

His Worship the Mayor asked about the access to Proposed Lot 2. Mr Lyall explained an easement will be provided for Lot 2.

Councillor G McIntyre enquired about ease of access for Lots 9 & 10. Mr Lyall explained the existing two water tanks currently sited on proposed Lot 10 will be re-sited to the rear of Lot 16 and two further tanks will be added to provide a reservoir of at least 90m<sup>3</sup> of non-potable water supply.

Councillor B Shortt asked about a barrier round the sharp corner of the road. Mr Lyall explained it is proposed to construct a footpath on the outer side of the full length of the road up the hill.

His Worship the Mayor spoke about no archaeological references on the land subject to the proposal.

Mr Wilson spoke about reduction of yard sizes, Council rural zone policy and Council trying to achieve rural setting and not suburban.

Councillor B McKinnon asked if all the properties were in the Rural Zone. Mr Lyall explained all the properties fall partly within the Coastal Zone and partly within the Rural Zone.

## General Item

### **PLANNERS REPORT**

**RM 050048**

Mr Peck confirmed that the site is zoned part Coastal and part Rural.

He advised that the applicant had undertaken consultation with local tangata whenua representatives and that the Mahia Maori Committee had been notified of the application but not lodged a submission.

Mr Peck confirmed that an additional letter had been received for the New Zealand Historic Places Trust. The letter stated that the NZHPT's concerns had been satisfied.

Mr Peck advised that a response from LINZ had been received confirming the suitability of the proposed amalgamation condition subject to revised wording.

Mr Peck recommended that an additional condition be imposed to ensure legal and practical access be secured from Lot 2 to legal road.

Mr Peck reiterated that the form of residential development proposed was supported by the Wairoa Coastal Strategy.

Mr Peck confirmed that conditions he has recommended would allow Council to monitor the site and recover the costs of that monitoring from the consent holder, subject to monitoring charges being published in Council's published schedule of fees.

### **Submitters**

Pauline Tangiora spoke to her submission. She stated that no consultation had been carried out with her Marae and suggested that the consultation carried out with tangata whenua was inadequate. She advised that there were sites of significant to Maori on the site and that a cultural report should be required. She stated that a body had "rolled out of the hill" (the coastal escarpment) in the recent past.

Councillors asked various questions in terms of consultation with tangatawhenua.

Mr Peck explained the applicant has stated he has consulted with Mahia Maori Committee.

**ADJOURNED: 10.10AM**

**RECONVENED: 10.25AM**

**Resolved:** That pursuant to Section 48 (1) of the Local Government Information and Meetings Act 1987, the public be excluded on the following grounds:

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:

S7 (2)(b) Protect information where the making available of the information-

S7 (2)(ba) In the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to tikanga Maori, or to avoid the disclosure of the location of waahi tapu. **Birrell/McIntyre**

**EXCLUDED FROM:** 10.25am

**READMITTED FROM:** 11.30AM

**Resolved:** A. Subdivision Consent Application

That pursuant to Sections 104B, 106, 108 and 220 of the Resource Management Act 1991 the Wairoa District Council grant subdivision consent to Coastal View Properties Limited, B P Lancaster and Barney Brown to subdivide Lot 5 DP 28368, Lot 6 DP28368, Lot 7 DP28368 and Lot 8 DP28368 as comprised in Certificate of Titles Y2/832, Y2/834 and Y2/835 to create sixteen residential lifestyle lots, three balance lots and two lots to vest as road, as shown on the subdivision and development plans (Reference 05-59 Sheet 1 of 5, 05-59A Sheet 2 of 5, 05-59B Sheet 3 of 5, 05-59C Sheet 4 of 5 and 05-59D sheet 5 of 5 Waihinahina Subdivision prepared by Dagg & Thorn, Surveyors, Napier), subject to the following conditions.

#### **General**

1. The subdivision and development of the site shall proceed generally in accordance with the information, further information, assessment of effects, statements of intent, mitigation measures, technical reports, drawings, specifications and plans provided with the application. Where a conflict arises between the conditions of the consent and the application the conditions of this consent shall prevail.
2. The consent holder shall be responsible for all costs associated with compliance with the conditions of the consent including any fees and charges required by the Council, any legal expenses and the cost of construction works.
3. The consent holder shall ensure that all works and structures are designed, constructed and approved in accordance with the Council's Engineering Code of Practice unless the Engineering Manager approves a variation to the design standards and performance targets contained in the Council's Engineering Code of Practice.

#### **Amalgamation**

4. That Lots 19, 20 and 21 hereon be held together and that one Computer Freehold Register issue for those parcels shall be held in one certificate and in one ownership.

Request Reference: 547084

**Resolution Contd:**

**Road**

5. *Prior to approval under Section 224 of the Resource Management Act 1991 the consent holder shall upgrade the existing access road within Lot 17 hereon (including roadway lighting, street marking and street signage) in accordance with the Council's Engineering Code of Practice to the satisfaction of the Engineering Manager unless the Engineering Manager approves a variation to the design standards and performance targets contained in the Council's Engineering Code of Practice.*
6. *Prior to approval under Section 223 of the Resource Management Act 1991 and the commencement of construction works the consent holder shall submit engineering design plans for the upgrade of the existing access road (including roadway lighting, street marking and street signage) within Lot 17 hereon in accordance with the requirements of the Council's Engineering Code of Practice for the approval of the Engineering Manager. The engineering design plans shall detail the ways in which design and construction will comply with the Council's Engineering Code of Practice.*
7. *The upgrading of the existing access road within Lot 17 hereon required by condition 5 above shall not commence until the Engineering Manager has approved the engineering design plans and written confirmation of this approval has been received by the consent holder.*
8. *The consent holder shall provide quality assurance, as-built plans and qualified professional person certification as required under the Council's Engineering Code of Practice for the review and approval of the Engineering Manager on completion of the upgrading works (including roadway lighting, street marking and signage) as required by condition 5 above and prior to the release of the Section 224 Certificate.*
9. *Prior to approval under Section 224 of the Resource Management Act 1991 the consent holder shall construct a road within Lot 18 hereon (including roadway lighting, street marking and street signage) in accordance with the Council's Engineering Code of Practice to the satisfaction of the Engineering Manager unless the Engineering Manager approves a variation to the design standards and performance targets contained in the Council's Engineering Code of Practice.*
10. *Prior to approval under Section 223 of the Resource Management Act 1991 and the commencement of construction works the consent holder shall submit engineering design plans for the construction of the road (including roadway lighting, street marking and street signage) within Lot 18 hereon in accordance with the requirements of the Council's Engineering Code of Practice for the approval of the Engineering Manager. The engineering design plans shall detail the ways in which design and construction will comply with the Council's Engineering Code of Practice.*
11. *The construction of the road within Lot 18 hereon required by condition 9 above shall not commence until the Engineering Manager has approved the engineering design plans and written confirmation of this approval has been received by the consent holder.*
12. *The consent holder shall provide quality assurance, as-built plans and qualified professional person certification as required under the Council's Engineering Code of Practice for the review and approval of the Engineering Manager on completion of the construction of the road works (including roadway lighting, street marking and signage) as required by condition 9 above and prior to the release of the Section 224 Certificate.*

**Resolution Contd:**

**Vesting of Road**

13. *Lots 17 and 18 hereon shall be vested with the Wairoa District Council as road.*

**Stormwater**

14. *Prior to approval under Section 224 of the Resource Management Act 1991 the consent holder shall construct the stormwater drainage system in accordance with the Council's Engineering Code of Practice to the satisfaction of the Engineering Manager unless the Engineering Manager approves a variation to the design standards and performance targets contained in the Council's Engineering Code of Practice.*
15. *The design of the stormwater drainage system shall be undertaken by a Chartered Professional Engineer experienced in stormwater drainage system design and construction.*
16. *Prior to approval under Section 223 of the Resource Management Act 1991 and the commencement of construction works the consent holder shall submit engineering design plans for the stormwater drainage system in accordance with the requirements of the Council's Engineering Code of Practice for the approval of the Engineering Manager. The engineering design plans shall detail the ways in which design and construction will comply with the Council's Engineering Code of Practice.*
17. *The construction of the stormwater drainage system as required by condition 14 above shall not commence until the Engineering Manager has approved the engineering design plans and written confirmation of this approval has been received by the consent holder.*
18. *The consent holder shall provide quality assurance, as-built plans and qualified professional person certification as required under the Council's Engineering Code of Practice for the review and approval of the Engineering Manager on completion of the construction works required by condition 14 above and prior to the release of the Section 224 Certificate.*

**Water Supply**

19. *Prior to approval under Section 224 of the Resource Management Act 1991 the consent holder shall construct a reticulated water supply system to service Lots 1 to 16 as detailed in the application. The reticulated water supply system shall be designed and constructed in accordance with the Council's Engineering Code of Practice to the satisfaction of the Engineering Manager unless the Engineering Manager approves a variation to the design standards and performance targets contained in the Council's Engineering Code of Practice.*
20. *The design of the reticulated water supply system shall be undertaken by a Chartered Professional Engineer experienced in reticulated water supply system design and construction.*
21. *Prior to approval under Section 223 of the Resource Management Act 1991 and the commencement of construction works the consent holder shall submit engineering design plans for the reticulated water supply system to service Lots 1 to 16 in accordance with the requirements of the Council's Engineering Code of Practice for the approval of the Engineering Manager. The engineering design plans shall detail the ways in which design and construction will comply with the Council's Engineering Code of Practice.*

**Resolution Contd:**

22. *The construction of the reticulated water supply system as required by condition 19 above shall not commence until the Engineering Manager has approved the engineering design plans and written confirmation of this approval has been received by the consent holder.*
23. *The consent holder shall provide quality assurance, as-built plans and qualified professional person certification as required under the Council's Engineering Code of Practice for the review and approval of the Engineering Manager on completion of the construction works required by condition 19 above and prior to the release of the Section 224 Certificate.*

**Utility Services**

24. *The consent holder shall provide separate underground electricity and telephone network connections to the boundaries of Lots 1 to 16 hereon prior to the release of the Section 224 Certificate.*

**Geotechnical**

25. *The consent holder shall ensure that the development of the site is undertaken in accordance with the recommendations contained in the geotechnical report Proposed Subdivision for Coastal View Subdivision Mahia, Engineering and Geotechnical Report (BHC Consulting, 8 June 2005, Task Number: 1315) provided with the application.*
26. *The consent holder shall provide certification from a Chartered Professional Engineer experienced in geotechnical assessment prior to the issue of the Section 224 Certificate that confirms to the satisfaction of the Engineering Manager that:*
  - (i) *the development of the site has been completed in accordance with the recommendations contained in the geotechnical reports Proposed Subdivision for Coastal View Subdivision Mahia, Engineering and Geotechnical Report (BHC Consulting, 8 June 2005, Task Number: 1315)*
  - (ii) *the land, or any structure to be constructed on the land, is unlikely to be subject to material damage by erosion, falling debris, subsidence, slippage, or inundation from any source and that any subsequent use of the land (including stormwater disposal and wastewater disposal) is unlikely to accelerate, worsen, or result in material damage to the land, other land, or structure by erosion, falling debris, subsidence, slippage, or inundation from any source.*
27. *The 'building line restriction' identified on plan reference 05-59C Sheet 4 of 5 shall be clearly identified on the Land Transfer Title Plan prior to certification under Section 223 of the Resource Management Act 1991.*

**Consent Notice**

28. *A consent notice pursuant to Section 221 of the Resource Management Act 1991 shall be registered on the Certificate of Title for Lots 6 and 7 hereon advising the owner(s) and subsequent owner(s) of the following conditions to be complied with on a continuing basis. The consent notice shall be prepared and registered at the expense of the consent holder.*
  - (i) *No buildings or other structures shall be constructed to the north of the 'building line restriction' as shown on the Land Transfer Title Plan except for boundary fences.*

**Resolution Contd:**

- (ii) *All stormwater runoff from hardstand areas, roofs and tank shall be directed and piped to the roadside drain located within Lot 17 (legal road) and shall not be directed or discharged towards the cliff area located along the northern boundary of the lots.*
29. *A consent notice pursuant to Section 221 of the Resource Management Act 1991 shall be registered on the Certificate of Title for Lots 19 and 20 advising the owner(s) and subsequent owner(s) of the following condition to be complied with on a continuing basis. The consent notice shall be prepared and registered at the expense of the consent holder.*
- (i) *No dwelling shall be constructed on Lots 19 and 20.*
30. *A consent notice pursuant to Section 221 of the Resource Management Act 1991 shall be registered on the Certificate of Title for Lot 21 advising the owner(s) and subsequent owner(s) of the following condition to be complied with on a continuing basis. The consent notice shall be prepared and registered at the expense of the consent holder.*
- (i) *No buildings or structures shall be constructed on Lot 21.*
31. *A consent notice pursuant to Section 221 of the Resource Management Act 1991 shall be registered on the Certificate of Title for Lots 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 advising the owner(s) and subsequent owner(s) of the following condition to be complied with on a continuing basis. The consent notice shall be prepared and registered at the expense of the consent holder.*
- (i) *No more than one dwelling and one ancillary building shall be constructed on each lot.*
- (ii) *All buildings shall be located within the identified building area, as shown on the Land Transfer Title Plan.*
32. *A consent notice pursuant to Section 221 of the Resource Management Act 1991 shall be registered on the Certificate of Title for Lots 1 to 16 inclusive advising the owner(s) and subsequent owner(s) of the following condition to be complied with on a continuing basis. The consent notice shall be prepared and registered at the expense of the consent holder.*
- (i) *That sufficient water storage for fire-fighting purposes is made available to Lots 1 to 16 in accordance with the fire fighting storage requirements of the New Zealand Fire Service Code of Practice for Fire Fighting Water Supplies and to the satisfaction of the Rural Fire Officer.*
- (ii) *All costs arising from the management, maintenance and operation of the communal reticulated water supply system shall be borne by the owners for the time being of Lots 1 to 16 inclusive.*
- (iii) *The management, maintenance and operation of the communal reticulated water supply system shall be undertaken in accordance with a management plan approved by the Engineering Manager. The consent holder shall submit a management plan for all aspects of the ongoing management, maintenance and operation of the communal reticulated water supply system. The management plan shall specify and require:*
- *the arrangements for sharing of all costs including but not limited to the costs of management, maintenance and operation of the reticulated water supply system between the owners for the time being of Lots 1 to 16 inclusive.*

**Resolution Contd:**

- *all mechanical, electrical and process components of communal assets and utilities to function properly at all times.*
- *maintenance checks to be undertaken by suitably qualified persons at least every six months with one occurrence being in December or January.*
- (iv) *The owner(s) of Lots 1 to 16 shall ensure that the following design performance standards are applied to the construction of all buildings and structures:*
  - (a) *Buildings and structures (including water tanks) shall be finished with low reflectivity materials and / or paint with up to 25% reflectivity permitted for roofs and up to 35% reflectivity permitted for walls.*
  - (b) *The use of close boarded fences or solid walls (other than retaining walls) is not permitted.*
  - (c) *The boundary fencing shall be rural in nature and comprise of post and rail, eight wire or similar construction.*
  - (v) *The owner(s) of Lots 1 to 16 shall maintain the planted areas contained within the Lots in accordance with the monitoring and maintenance programme provided with the approved landscape and planting plan.*
- 33. *A consent notice pursuant to Section 221 of the Resource Management Act 1991 shall be registered on the Certificate of Title for Lots 19, 20 and 21 advising the owner(s) and subsequent owner(s) of the following conditions to be complied with on a continuing basis. The consent notice shall be registered at the expense of the consent holder.*
  - (i) *The owner(s) of Lots 19, 20 and 21 shall maintain the planted areas contained within the Lots in accordance with the monitoring and maintenance programme provided with the approved landscape and planting plan.*

**Building Areas**

- 34. *The 'building areas' identified on Lots 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 on plan reference 05-59C Sheet 4 of 5 shall be clearly identified on the Land Transfer Title Plan prior to certification under Section 223 of the Resource Management Act 1991.*

**Planting**

- 35. *The consent holder shall provide a landscape and planting plan prepared by a suitably qualified person experienced in landscape and planting design to the satisfaction of the District Planner prior to the release of the Section 224 Certificate. The landscape and planting plan shall include detailed proposals for planting of Lots 1 to 16 inclusive and Lots 19, 20 and 21 to ensure all buildings and structures are appropriately integrated into the existing landscape and in respect of Lot 21 that amenity values are maintained.*
- 36. *The landscape and planting plan shall be accompanied by landscape specifications and shall contain a monitoring and maintenance programme that details requirements for such items as stock proof fencing, ongoing weed and pest control, replacement of plants that are dead or in poor health and repair of damaged fencing.*

**Resolution Contd:**

37. *The consent holder shall provide certification from a suitably qualified person experienced in landscape and planting design that the planting has been completed in accordance with the approved landscape and planting plan and landscape specifications prior to the release of the Section 224 Certificate.*

**Easements**

38. *That an easement over Lot 1 hereon in favour of Lot 2 hereon to enable legal and practical access from Lot 2 hereon to Lot 17 hereon (legal road) be shown on the memorandum of easements on the face of the Land Transfer Plan prior to approval under Section 223 of the Resource Management Act 1991.*
39. *The proposed easements shall be created. The proposed easements shall be shown in a memorandum of easements on the face of the Land Transfer Title Plan prior to approval under Section 223 of the Resource Management Act 1991.*
40. *Where an easement is required by the Council to protect any asset either vested or to be vested in the Council the easement shall be shown on the Land Transfer Title Plan prior to approval under Section 223 of the Resource Management Act 1991. The position and width of the easement shall be agreed with the Council at the time of engineering design plan approval.*
41. *Easements to protect the use and maintenance of power, telecommunications, wastewater, water and stormwater services shall be created as necessary and shown in a memorandum of easements on the face of the Land Transfer Title Plan. The Engineering Manager may require other easements to protect the use and maintenance of services. All easements shall be shown on the Land Transfer Title Plan prior to approval under Section 223 of the Resource Management Act 1991. The consent holder shall be responsible for all costs associated with the creation of easements.*
42. *The consent holder shall grant an easement in favour of the Council over any stormwater overland flow path located on the site. This shall include any stormwater overland flow path resulting from the overload of the road stormwater system under extreme rainfall conditions. The overland flow path easement shall be shown on the Land Transfer Title Plan prior to release of the Section 223 Certificate as 'Right to Drain Water'.*

**B. Landuse Consent Application (Earthworks)**

*Pursuant to Sections 104B and 108 of the Resource Management Act 1991 the Wairoa District Council grant landuse consent to Coastal View Properties Limited, B P Lancaster and Barney Brown to carry out earthworks in excess of that permitted by Rule 15.8.17 of the Wairoa District Plan on Lot 5 DP 28368, Lot 6 DP28368, Lot 7 DP28368 and Lot 8 DP28368 as comprised in Certificate of Titles Y2/832, Y2/834 and Y2/835 as shown on the subdivision and development plans (Reference 05-59 Sheet 1 of 5, 05-59A Sheet 2 of 5, 05-59B Sheet 3 of 5, 05-59C Sheet 4 of 5 and 05-59D sheet 5 of 5 Waihinahina Subdivision prepared by Dagg & Thorn Surveyors, Napier and letter dated 26/9/05 and attached plans showing areas of cut and fill, reference Task Number 1315, prepared by BHC Consulting Limited, Hastings & Gisborne), subject to the following conditions.*

**Resolution Contd:**

**General**

1. *The earthworks shall be undertaken generally in accordance with information, further information, assessment of effects, statements of intent, mitigation measures, technical reports, drawings, specifications and plans submitted with the application. Where conflict arises between the conditions of the consent and the application the conditions of the consent shall prevail.*
2. *The consent holder shall be responsible for all costs associated with compliance with the conditions of the consent including any fees and charges required by the Council, any legal expenses and the cost of construction works.*
3. *The consent holder shall ensure that all earthworks are designed, carried out and approved in accordance with the Council's Engineering Code of Practice unless the Engineering Manager approves a variation to the design standards and performance targets contained in the Council's Engineering Code of Practice.*

**Construction Works**

4. *The consent holder shall provide the Engineering Manager at least one weeks notice of the commencement of works on the site.*
5. *The works shall be conducted so as to comply with the provisions of New Zealand Standard NZS 6803P 'Measurement and Assessment of Noise from Construction, Maintenance and Development Work'.*
6. *The works shall only be carried out between 7:30am and 5:30pm Monday to Saturday and shall not be carried out on a Sunday or a public holiday.*

**Erosion and Sediment Control**

7. *The consent holder shall provide an erosion and sediment control plan prepared by a suitably qualified person to the satisfaction of the Engineering Manager prior to the commencement of works. The erosion and sediment control plan shall detail how erosion and sediment control measures are to be implemented on the site in accordance with current engineering best practice.*
8. *The consent holder shall provide certification from a suitably qualified person that the erosion and sediment control measures have been constructed and implemented on the site in accordance with the approved erosion and sediment control plan within one week of the commencement of the works.*
9. *The consent holder shall install and maintain the erosion and sediment control measures in accordance with the approved erosion and sediment control plan throughout the period of earthworks to the satisfaction of the Engineering Manager.*
10. *The consent holder shall ensure that there is no deposit of sediment or detritus into watercourses, stormwater drains or the coastal marine area.*
11. *The consent holder shall ensure that all cut and fill areas are stabilised to control sediment run off and re-grassed as soon as practical.*

**Resolution Contd:**

**Dust**

12. *The consent holder shall ensure that there is a sufficient supply of water on the site during the period of construction works to damp down areas of exposed earthworks to ensure that a wind blown dust nuisance is not created beyond the boundaries of the site.*

**Landscape and Visual**

13. *The consent holder shall ensure that all batter slopes are contoured at the completion of works to relate to the surrounding topography to the satisfaction of the Engineering Manager.*
14. *The consent holder shall ensure that the cut and fill areas are re-grassed or planted with suitable species at the completion of construction works to ensure that complete coverage of the cut and fill areas is achieved as soon as practical and no latter than the autumn immediately following the completion of the construction works.*

**Archaeological, Historical, Cultural**

15. *The consent holder should note that under the Historic Places Act 1993 it is an offence to destroy, modify or remove any site of archaeological significance. Should any such site or artefacts or cultural material be discovered during earthworks the work shall cease immediately and the Historic Places Trust contacted to determine the appropriate course of action. For further information contact New Zealand Historic Places Trust, PO Box 2629, Wellington, Telephone (04) 472 4341.*
16. *In the event that any urupa, middens, hangi pits or other cultural remains or artefacts or soil structures indicating historical occupation are discovered all work within the immediate vicinity of the area shall cease immediately. A site meeting shall then be held with nominated representatives of tangata whenua and the New Zealand Historic Places Trust where the appropriate course of action shall be determined.*

**Review**

17. *The Wairoa District Council may initiate a review of the conditions of the consent in accordance with Section 128 of the Resource Management Act 1991 at any time by serving notice of the intention to do so under Section 128 of the Resource Management Act 1991. The purpose of the review will be to address any adverse effect on the environment that may arise from the exercise of the consent in relation to tangata whenua, sediment laden run off, dust and noise, success and degree of grass and plant growth and landscape and visual impacts.*

**C. Landuse Consent Application (Bulk and Location)**

*Pursuant to Sections 104B and 108 of the Resource Management Act 1991 the Wairoa District Council grant landuse consent to Coastal View Properties Limited, B P Lancaster and Barney Brown to reduce the minimum yard standards contained in Rule 15.8.8 of the Wairoa District Plan on Lots 2, 3, 5, 6, 7 and 8 – 15 inclusive from 15 metres to 7.5 metres as shown on the subdivision and development plans (Reference 05-59 Sheet 1 of 5, 05-59A Sheet 2 of 5, 05-59B Sheet 3 of 5, 05-59C Sheet 4 of 5 and 05-59D sheet 5 of 5 Waihinahina Subdivision prepared by Dagg & Thorn Surveyors, Napier), subject to the following conditions.*

**Resolution Contd:**

**General**

1. *The development of the site shall proceed generally in accordance with information, further information, assessment of effects, statements of intent, mitigation measures, technical reports, drawings, specifications and plans submitted with the application. Where conflict arises between the conditions of the consent and the application the conditions of the consent shall prevail.*
2. *The consent holder shall be responsible for all costs associated with compliance with the conditions of the consent including any fees and charges required by the Council, any legal expenses and the cost of construction works.*

**D. Landuse Consent Application (Access)**

*Pursuant to Sections 104B and 108 of the Resource Management Act 1991 the Wairoa District Council grant landuse consent to Coastal View Properties Limited, B P Lancaster and Barney Brown to reduce the minimum separation between adjacent property accesses required by Rule 24.2.4 of the Wairoa District Plan as shown on the subdivision and development plans (Reference 05-59 Sheet 1 of 5, 05-59A Sheet 2 of 5, 05-59B Sheet 3 of 5, 05-59C Sheet 4 of 5 and 05-59D sheet 5 of 5 Waihinahina Subdivision prepared by Dagg & Thorn Surveyors, Napier), subject to the following conditions.*

**General**

1. *The development of the site shall proceed generally in accordance with information, further information, assessment of effects, statements of intent, mitigation measures, technical reports, drawings, specifications and plans submitted with the application. Where conflict arises between the conditions of the consent and the application the conditions of the consent shall prevail.*
2. *The consent holder shall be responsible for all costs associated with compliance with the conditions of the consent including any fees and charges required by the Council, any legal expenses and the cost of construction works.*

**Application to Lots**

3. *The reduction in the minimum separation between adjacent property accesses shall apply to accesses formed to Lots 1, 3, 14 and 15 hereon only, unless the Engineering Manager approves the application of this waiver in writing to other lots hereon.*

**E. Submissions**

- i. *That the submission of the Director General of Conservation be allowed in-so-far as consent is granted subject to conditions.*
- ii. *That the submission of the Hawke's Bay Regional Council be allowed in-so-far as consent is granted subject to conditions.*
- iii. *That the submission of the New Zealand Historic Places Trust be allowed in-so-far as consent is granted subject to conditions.*

**Resolution Contd:**

- iv. *That the submissions of Ronald David Janes & Susan Elizabeth Janes and Pauline Tangiora be disallowed in-so-far as consent is granted subject to conditions.*

**WITH THE REASONS FOR THIS DECISION BEING:**

1. *The proposed activity is generally consistent with the relevant assessment matters of the Wairoa District Plan for the following reasons:*
  - *The site can be adequately accessed and serviced.*
  - *Adverse effects on the amenity of the area and on neighbouring properties can be avoided, remedied or mitigated.*
  - *Adverse effects on the landscape and natural character of the area can be avoided, remedied or mitigated.*
  - *Adverse effects on the coastal environment can be avoided, remedied or mitigated.*
  - *Adverse effects on historic resources will be no more than minor.*
1. *The proposed activity will enhance and compliment the area by providing increased choice of rural-residential accommodation within the District.*
2. *The proposal is considered to be generally consistent with the relevant objectives and policies of the District Plan and the Proposed Regional Resource Management Plan and the relevant provisions of the New Zealand Coastal Policy Statement.*
3. *The proposal is considered to be consistent with the intent of the Wairoa Coastal Strategy.*
4. *The proposal can be implemented generally in accordance with the Council's Engineering Code of Practice.*
5. *The proposal incorporates appropriate measures to mitigate the potential adverse effects associated with natural hazards of the type referred to in Section 106 of the Resource Management Act 1991.*
6. *The proposal is considered to be consistent with the principle of sustainable management and is considered to be an efficient and effective use of an existing physical resource.*

**WITH THE REASONS FOR THE CONDITIONS BEING**

**General**

1. *To ensure that measures required to avoid, remedy or mitigate actual or potential effects on the environment associated with the subdivision and development of the site are implemented.*

**Subdivision Consent**

2. *Condition 1 ensures the subdivision is completed in accordance with the approved plans.*
3. *Condition 2 ensures that the costs associated with compliance with conditions of consent, including compliance monitoring, are met by the applicant.*

**Resolution Contd:**

4. *Condition 3 ensures the subdivision is completed to an appropriate standard.*
5. *Condition 4 ensures the balance areas are held together in an appropriate land parcel.*
6. *Conditions 5 to 13 ensure the sites can be adequately accessed, serviced and integrated into the local roading network.*
7. *Conditions 14 to 18 ensure the subdivision is adequately drained.*
8. *Conditions 19 and 23 ensure that adequate provision is made for the supply of water.*
9. *Condition 24 ensures adequate servicing of the sites including power and telecommunications connections.*
10. *Conditions 25 to 28 ensure potential natural hazard effects are avoided.*
11. *Condition 29 ensures development does not take place on sites that have not been demonstrated to be capable of development.*
12. *Condition 30 ensures development does not take place on a site that has not been demonstrated to be capable of development and to avoid potential adverse amenity effects.*
13. *Condition 31 helps to ensure adverse visual effects are avoided and mitigated.*
14. *Condition 32 ensures potential fire hazards are mitigated, that the costs associated with compliance with conditions of consent are met by the applicant and that potential adverse visual effects are avoided or mitigated.*
15. *Conditions 33 to 37 ensures potential adverse visual effects are avoided or mitigated.*
16. *Conditions 38 to 42 ensures the sites can be adequately serviced.*

**Landuse Consent (Earthworks)**

17. *Condition 1 ensures the development is completed in accordance with the approved plans and conditions of consent.*
18. *Condition 2 ensures that the costs associated with compliance with conditions of consent, including compliance monitoring, are met by the applicant.*
19. *Condition 3 ensures the development is completed to an appropriate standard.*
20. *Condition 4 enables Council to undertake effective monitoring of activities on the site.*
21. *Conditions 5 and 6 ensure potential noise effects are avoided.*
22. *Conditions 7 to 11 ensure potential effects associated with sediment runoff and erosion are avoided or mitigated.*
23. *Condition 12 ensure potential effects associated with dust are avoided or mitigated.*

**Resolution: (Cont'd)**

24. *Condition 13 and 14 ensures potential landscape and visual amenity effects are avoided or mitigated.*
25. *Conditions 15 and 16 ensure potential archaeological, historical and cultural effects including effects on tangata whenua are avoided, remedied or mitigated.*
26. *Condition 17 enables Council to address adverse effects that may arise from implementation of the consent.*

**Landuse Consent (Bulk and Location)**

27. *Condition 1 ensures the development is completed in accordance with the approved plans and conditions of consent.*
28. *Condition 2 ensures that the costs associated with compliance with conditions of consent, including compliance monitoring, are met by the applicant.*

**Landuse Consent (Access)**

29. *Condition 1 ensures the development is completed in accordance with the approved plans and conditions of consent.*
30. *Condition 2 ensures that the costs associated with compliance with conditions of consent, including compliance monitoring, are met by the applicant.*
31. *Condition 3 ensures adverse road and traffic safety effects are avoided.*

**ADVICE NOTES**

1. *The consent holder should be aware that all necessary approvals required for building works under the Building Act 1991 must be obtained prior to the building works being carried out. The consent holder should contact the Council's Building Inspector to confirm requirements for building consents under the Building Act 1991.*
2. *The decision does not constitute landuse consent approval for any additional earthworks associated with the construction of dwellings. The actual landuse consent requirements for these activities should be confirmed with the District Planner once the design and location for the proposed dwellings and any associated land stability mitigation measures have been finalised.*
3. *A 'licence to occupy' will be required to be obtained from the Council prior to the commencement of construction works for any utility infrastructure that is to be retained in private ownership and located in road reserve or land to be vested in Council as road.*
4. *The decision does not constitute approval to undertake works within road reserve. Prior approval for any works within road reserve must be obtained from Council, in addition to any requirement imposed by conditions of this consent. Contact the Council's Engineering Manager for further details. Traffic management plans will be required.*
5. *The discharge of contaminants onto or into land from on site wastewater disposal systems is required to comply with the conditions, standards and terms of Rule 37 of the Proposed Hawke's Bay Regional Resource Management Plan.*

**Resolution: (Cont'd)**

6. *The take of water from the dam may require resource consent under the provisions of the proposed Hawke's Bay Regional Resource Management Plan.*
7. *The Council has resolved to adopt New Zealand Standard 4404:2004 'Land Development and Subdivision Engineering' as the basis for its Engineering Code of Practice subject to modification for local variations and requirements. In preparing detailed design plans for the subdivision and land development, the consent holder should contact the Council's Engineering Manager to confirm design requirements.*
8. *Under the Historic Places Act 1993 it is an offence to destroy, modify or remove any site of archaeological significance. Should any such site or artefacts or cultural material be discovered during earthworks the work shall cease immediately and the Historic Places Trust contacted to determine the appropriate course of action. For further information contact New Zealand Historic Places Trust, PO Box 2629, Wellington, Telephone (04) 472 4341.*
9. *Any requirements imposed by conditions of consent to upgrade or construct road(s) includes any requirements of the Council's Engineering Code of Practice (or an alternative standard as may be approved by Council) to upgrade or construct drainage systems within road reserve.*
10. *For the purpose of consent conditions, reference is made to approvals required by the Engineering Manager. The Engineering Manager may delegate some of these approvals to other appropriate Officers.*
11. *A list of indicative inspection or hold points is available from Council's Engineering Department and these will form part of Engineering Approval for the works. Contact the Engineering Manager for a copy of these hold points.*
12. *Where conditions of consent require the approval by Council of plans, reports, specifications or other information prior to the commencement of works, this approval must be obtained in writing prior the commencement of construction works.*
13. *Plans, reports, specifications or other information required to be submitted to the Council for approval need to be submitted in advance of the commencement of construction works to allow for adequate review. As a guide, the consent holder should allow for 10 working days for initial review of submitted information. Additional information or clarification may be required, which could extend this timeframe.*

**Resolution: (Cont'd)**

14. *No vehicle exceeding Class 1 weights and requirements may be used on the local roading network without first obtaining the relevant approval from Council. Tracked or other construction vehicles not designed for use on public roads must not be used on the local roading network.*
15. *Should the reticulated water supply system be used for potable water supply, it may be required to comply with the New Zealand Drinking Water standards.*

**McIntyre/Wilson**

**CLOSED:**

The meeting closed at 11.32am.

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Chair