

**WAIROA DISTRICT COUNCIL**

**RESOURCE MANAGEMENT COMMITTEE  
(To Consider A Subdivision Application by A A Packer)**

Minutes of a meeting of the Resource Management Committee to Consider A Subdivision Application by A A Packer held in the Council Chambers, Coronation Square, Wairoa on Tuesday, 25 November 2008 at 9.00am.

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**CHAIR:** Cr B McKinnon

**COUNCILLORS**

His Worship the Mayor, Mr L Probert, D Caves, D A Eaglesome, J Heron, J Petersen

**IN ATTENDANCE:** Mr P J Freeman (Chief Executive Officer)  
Mrs L Cook (District Planner)  
Mrs G Thompson (Secretary)

**CIVIC PRAYER**

The civic prayer was given by Councillor D Eaglesome. A minute silence was also held for Mrs J Galvan.

**APOLOGY**

An apology was received from Councillor B Cairns.

<b><u>Resolved:</u></b> <i>That the apology received from Councillor B Cairns be accepted.</i>
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***Caves/Heron***

**General Items**

**SUBDIVISION APPLICATION – A A PACKER**

**RM070036**

The Chairman reported on the above application from A Packer.

The District Planner explained Mr Packer seeks resource consent to subdivide a property located at Mahia Beach. The purpose of the proposal is to sever one rural lifestyle allotment of 2790m<sup>2</sup> leaving the balance of the land as a farming unit.

The proposed new allotment will gain physical and legal access directly off Kinikini road as will the balance land.

Councillor Caves asked various questions regarding the effluent disposal.

The Chief Executive Officer spoke on the future of Te Mana Taio O Rongomaiwahine representing the different Marae at Mahia.

Cultural and archaeological surveys was discussed at length.

**Resolved:**

That:

**A. Extension of Time Period**

*Pursuant to section 37 of the Resource Management Act 1991 the time period for the lodging of a submission by Monica Watson on resource consent application RM070036, be extended until 4 November 2008.*

**Reasons**

- (a) *The submission was only one day late;*
- (b) *The failure to meet the submission period requirements may have been beyond the control of the submitter (for example a delay in postal services);*
- (c) *The interests of any person (including the applicant) who may be directly affected by the extension or waiver will not be unduly affected as a consequence of the consideration of the submission;*
- (d) *The consideration will assist in achieving an adequate assessment of the effects of a proposal;*
- (e) *The duty under section 21 of the Resource Management Act 1991 to avoid unreasonable delay will not be affected;*
- (f) *The extension of the time period is consistent with the provisions for extending time frames specified in the Resource Management Act 1991.*

**B. Subdivision Consent Application**

*Pursuant to Sections 104D, 106, 108 and 220 of the Resource Management Act 1991 the Wairoa District Council grant subdivision consent to Archie Anton Packer to subdivide Lot 6 DP 383387 (formerly part of Lot 2 DP 27239 CT HB2/854) to create 1 rural lifestyle allotment comprising 2790m<sup>2</sup> (subject to survey) and the balance allotment to be retained as a pastoral grazing block depicted on the plans of subdivision submitted with the application (Reference 06-37 and 06-37A 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. In the event of non-compliance being detected, the costs to the Council of any monitoring shall be paid by the consent holder in accordance with the Council's Schedule of Fees.*
3. *The consent holder shall ensure that all works and structures are designed by a Chartered Professional Engineer, and 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.*

**Resolution Contd:**

**Vehicle Entrance and Accessway**

4. *Prior to approval under Section 224 of the Resource Management Act 1991 and the commencement of construction works, the consent holder shall submit engineering design plans prepared by a Chartered Professional Engineer, showing:*
  - (a) *How the existing vehicle entranceway serving Lots 1 and 2, can achieve traffic sight line distances in accordance with Table 1: Property Access Criteria of the Operative Wairoa District Plan; and,*
  - (b) *The upgrading (if necessary) of the existing carriageway to accommodate the swept path of the largest vehicle expected to use the vehicle entranceway and the access carriageway.*
5. *Prior to approval under Section 224 of the Resource Management Act 1991, the vehicle access and carriageway shall be upgraded as necessary to comply with condition 4 of subdivision consent RM070036 and to the satisfaction of the Engineering Manager.*

**Easements**

6. *Prior to approval pursuant to Section 223 of the Resource Management Act 1991, rights of way and drainage easements over Lot 2 in favour of Lot 1 shall be shown on the Land Transfer Title Plan and detailed as a memorandum of easement on the face of the Plan, all to the satisfaction of the District Planner. Such easements shall be duly granted and reserved upon deposit and issue of the Certificates of Title. The consent holder shall be responsible for all costs associated with the creation of the easements.*

**Archaeology**

7. *Prior to approval pursuant to s224 of the Resource Management Act 1991, a management plan shall be prepared to the satisfaction of the District Planner in consultation with the New Zealand Historic Places Trust to ensure the ongoing protection and preservation of the archaeological sites on proposed Lot 2 and in accordance with recommendations of an archaeological survey and assessment of effects prepared by Archaeology B.O.P. and dated June 2006 and submitted with the application.*
8. *Prior to approval pursuant to section 223 of the Resource Management Act 1991, the Land Transfer Plan shall be annotated to depict the location and to describe the nature of the archaeological sites identified in the archaeological survey and assessment of effects (June 2006) referred to in conditions 12 and 14 and described in the Table below.*

<b>Site Number</b>	<b>Site Type</b>	<b>NZMS 260 Map Series</b>	
		<b>Easting</b>	<b>Northing</b>
Y19/102	Pits/Platform	2931709	6222424
Y19/103	Terraces	2931874	6222722
Y19/104	Pits/Terrace	2931402	6222323
Y19/105	Pit/Terrace	2931600	6222555
Y19/a	Midden	2931000	6222450

**Resolution Contd:**

**Consent Notices**

9. A consent notice pursuant to Section 221 of the Resource Management Act 1991 shall be registered on the Certificate of Title for Lot 1 advising the owner(s) and subsequent owner(s) of the requirement to comply with the following conditions on a continuing basis. The consent notice shall be prepared and registered at the expense of the consent holder.
- (a) The dwelling on Lot 1 shall be constructed on one of the two building platforms identified on Lot 1 and in accordance with the approved engineering design plans. The construction of the building platforms shall not commence until the Engineering Manager has approved the engineering design plans, subject to condition 9(b) above of subdivision consent RM070036.
- (b) Prior to the construction of any buildings on Lot 1 the owner(s) of the Lot shall provide a geotechnical report prepared by a Chartered Professional Engineer experienced in geotechnical assessment to the satisfaction of the Wairoa District Council. The report shall include a statement of professional opinion as to the suitability of the intended building platform for construction and any recommendations in respect of the intended building platform and building works
- (c) The land shall not be built on unless the Council is satisfied that:
- i) The recommendations in the geotechnical report required by (b) above have been adopted in the building platform design; and
- ii) Any risk from erosion, falling debris, subsidence, slippage, or inundation from any source can be satisfactorily addressed through issue of building consent and placement of a memorandum on the title in accordance with sections 71-74 the Building Act 1991.
- iii) A geotechnical completion certificate prepared in accordance with Schedule 2A of NZS 4404:2004 Land Development and Subdivision Engineering by a Chartered Professional Engineer experienced in geotechnical assessment has been provided to confirm 9(b) above and the following:
- the position of all building platforms and building restriction lines (where applicable);
  - recommendations for the disposal of stormwater and wastewater have been adopted (where applicable);
  - recommendations for the development of the land have been adopted (where applicable).
  - any earth-fill and/or building platforms have been constructed to comply in all respects with the requirements set down in the New Zealand Building Code.
- (d) All runoff from hardstand areas and the overflow from rain water storage tank(s) shall be piped in a manner that discharges directly into the adjacent stream on Lot 2 via the stormwater drainage easements referred to in condition 6.

**Resolution Contd:**

- (e) *Prior to the construction of any building(s) on Lot 1, the owner(s) of the Lot shall submit detailed engineering design plans for the onsite stormwater drainage and disposal system prepared by a Chartered Professional Engineer experienced in stormwater design and construction for the approval of the Wairoa District Council in accordance with the requirements of the Council's Engineering Code of Practice and the requirements of condition 9(d) of subdivision consent RM070036.*
- (f) *Prior to the occupation of any dwelling on Lot 1 the owner(s) of the Lot shall construct the onsite stormwater drainage and disposal system as detailed in the approved design plans and in accordance with the Council's Engineering Code of Practice. The construction of the onsite stormwater drainage and disposal system shall not commence on the site until the Wairoa District Council has approved the engineering design plans.*
- (g) *The owner(s) of Lot 1 for the time being shall ensure that the stormwater drainage and disposal systems shall be operated and maintained in accordance with the approved engineering design plans on an ongoing basis to the satisfaction of the Wairoa District Council.*
- (h) *The owner(s) of Lot 1 shall ensure that prior to the occupation of any dwelling on the Lot that a suitable wastewater treatment plant and land disposal system is installed on the Lot to serve the dwelling and in accordance with the terms and conditions of any requirements of or resource consent issued by the Hawke's Bay Regional Council.*
- (i) *The owner(s) of Lot 1 for the time being shall ensure that the on-site wastewater treatment and disposal system is managed and maintained in accordance with the terms and conditions prescribed by the Hawke's Bay Regional Council.*
- (j) *All areas of the site disturbed as part of the development of the site and not intended to be hard-surfaced shall be re grassed as soon as practicable but no later than the conclusion of the next available planting season*
- (k) *In the event that any Koiwi (human remains) or artefacts which may be of historic or cultural importance are discovered, all work in the vicinity shall cease immediately and tangata whenua, the New Zealand Historic Places Trust and the Wairoa District Council shall be immediately notified to determine any necessary protection, remediation or mitigation.*
- (l) *All dwellings are to be provided with sufficient water volume, pressure and flows in accordance with the New Zealand Fire Service Fire Fighting Water Suppliers Code of Practice SNZ PAS 4509:2008 and that this water supply is accessible for fire fighting purposes.*
- (m) *Any application for building consent for a dwelling on Lot 1 shall include details to the satisfaction of the Wairoa District Council as to how the proposed dwelling is to be powered to ensure compliance with all New Zealand Building Code requirements for heating, personal hygiene, laundering, cooking, storing food, and lighting.*

**Resolution Contd:**

**Advice Note:**

As at the date of approval of this subdivision, Eastland Network Limited has imposed a moratorium on electrical power load increases and new electrical connections to the reticulated electrical power network for proposed developments within the Mahia locality. Eastland Network Limited advises that no electrical connections will be provided to any dwellings on Lot 1 and lot 2 except at the discretion of Eastland Network Limited.

10. A consent notice pursuant to Section 221 of the Resource Management Act 1991 shall be registered on the Certificate of Title for Lot 2 advising the owner(s) and subsequent owner(s) of the requirement to comply with the following conditions on a continuing basis. The consent notice shall be prepared and registered at the expense of the consent holder.

- (a) The requirement to adhere to the terms and conditions of a management plan prepared in accordance with condition 7 to ensure the ongoing protection and preservation of the archaeological sites on proposed Lot 2 and in accordance with recommendations of an archaeological survey and assessment of effects prepared by Archaeology B.O.P. dated June 2006 and submitted with the application.

**Advice Note**

Lots 1 and 2 contain recorded archaeological sites as referenced in condition 13 (above). It is possible that archaeological sites may be affected by development on this site, including but not limited to earthworks, fencing or landscaping. Work affecting known and unknown archaeological sites is subject to an authority process under the Historic Places Act 1993. Information on the recorded archaeological sites on the property can be found in the archaeological survey and assessment of effects report prepared by Archaeology B.O.P. Heritage titled "Rural Residential Subdivision Development Lot 2 DP 27239 & PT Lot 2 DP 28664 Packer Property, Kinikini Road, Mahia and dated June 2006. Prior to commencing any development on the property the landowner is advised to contact the New Zealand Historic Places Trust (NZHPT) for further advice.

**C. LAND USE CONSENT APPLICATION (BULK & LOCATION)**

Pursuant to Sections 104B and 108 of the Resource Management Act 1991 the Wairoa District Council grant land use consent to Archie Anton Packer to:

- Permit a reduction in the minimum front and northern side yard setbacks for the possible elevated building platform or the minimum rear yard setback for the lower (woolshed) building platform;
- Permit the erection of a dwelling on Lot 1 having a site area below the permitted area standard for the Coastal (Mahia) zone;
- Amend the restrictions governing the maximum coverage of buildings on Lot 1.

**Resolution Contd:**

*Subject to the following conditions:*

**General**

1. *The residential development of the land shall be undertaken generally in accordance with the 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. In the event of non-compliance being detected, the costs to the Council of any monitoring shall be paid by the consent holder in accordance with the Council's schedule of fees.*
3. *The minimum widths of the yard setbacks described in the above resolution for any buildings erected on Lot 1 shall be 5.0 metres;*
4. *The maximum coverage of buildings erected on lot 1 shall not exceed 15% of the net area of lot 1.*

**ADVICE NOTES**

- 1 (a) *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.*
- (b) *Any application for building consent for a dwelling on lot 1 shall include the following information:*
  - *A plan showing the topographic contours of the site including the proposed finished ground levels of the building platform to demonstrate compliance with Building Code E1 2:0.1 Minimum Acceptable Floor Level;*
  - *Details confirming compliance with the New Zealand Building Code including (if relevant) work to modernise the existing woolshed.*
  - *The alternative residential building sites are situated in the sea spray exposure zone NZ83604:1999 (500m of the sea). Any proposed building components/materials or construction methods shall prove sufficiently durable to ensure that the building can reasonably withstand the environmental conditions and will continue to comply with New Zealand Building Code throughout the life of the structure.*
  - *Details of how the proposed dwelling will be provided with adequate and safe piped drinking water in accordance with New Zealand Drinking Water Standards 2005 and in accordance with the Wairoa District Council requirements Fire Fighting provisions.*

**Resolution Contd:**

- *Details of means proposed to manage stormwater. Buildings and site works shall be constructed in a way that protects people and other property from the adverse affects of surface water. For the protection of other property, surface water resulting from an event having a 10% probability of occurring annually (1 in 10 year storm) shall be disposed of in such a way that avoids the likelihood of damage or nuisance to other property.*
  - *Details of the proposed wastewater disposal system to serve the proposed dwelling.*
2. *The decision does not constitute land use consent approval for any additional earthworks associated with the construction of dwellings. The actual land use 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. *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.*
  4. *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.*
  5. *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 should cease immediately and the Historic Places Trust contacted to determine the appropriate course of action. For further information contact New Zealand Historic Places Trust, P0 Box 2629, Wellington, Telephone (04) 472 4341.*

*An application for an archaeological authority must be submitted to and approved by the New Zealand Historic Places Trust for any earthworks on Lot 1.*
  6. *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.*
  7. *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.*

**Resolution Contd:**

8. *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.*
9. *Engineering design plans shall be submitted with a cover page/index stating title of plan, plan number and revision number. This shall be updated in full in the event the consent holder needs to revise plans so the Council always has a current master list of what plans are the most recent. Design plans (along with all supporting calculations, design reports, producer statements (where applicable)) shall be submitted at one time for the whole development.*
10. *No vehicle exceeding Class I 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.*

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

*The proposed activity is generally consistent with the relevant resource consent assessment matters of the Wairoa District Plan for the following reasons:*

- (a) *The application has been assessed by those groups and organisations considered to have an interest in the proposal. No adverse comment on the proposal has been received from those organisations. Where appropriate, requirements have been carried through in the recommended conditions of consent.*
- (b) *Adverse effects on the amenity of the area and on other neighbouring properties will be no more than minor;*
- (c) *Adverse effects on the landscape and natural character of the area will be no more than minor;*
- (d) *The proposal is consistent with the assessment "gateways" in section 104D of the Resource Management Act 1991;*
- (f) *The proposal is considered to be not contrary to general principles and the policies of the New Zealand Coastal Policy Statement and the relevant objectives and policies of the Operative Wairoa District Plan and proposed Plan Change No.1B;*
- (g) *The proposal is considered to be consistent with the intent of the relevant provisions of the non-statutory Wairoa District Planning Instruments and the Regional Resource Management Plan and the proposed Regional Coastal Plan.*
- (h) *The proposal is considered to be consistent with the principle of sustainable management.*

**Resolution Contd:**

**WITH THE REASONS FOR THE CONDITIONS BEING:**

- (1) *To ensure that the development proceeds in general accordance with the details supplied in the resource consent application and a request for further information.*
- (2) *To ensure that the reasonable costs of any monitoring of the consent by the Wairoa District Council are met by the consent holder.*
- (3) *To ensure the development of a safe residential building site;*
- (4) *To provide for the protection of identified and unidentified archaeological sites*

***His Worship the Mayor/Heron***

The Committee arranged for a site visit on Monday, 8 December 2008 at 9.00am for S P Beach Ltd & Wine Country at Mahanga.

**CLOSED:** The meeting closed at 9.15am.

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Chair