

WAIROA DISTRICT COUNCIL

**SPECIAL MEETING OF THE  
RESOURCE MANAGEMENT COMMITTEE  
(To Consider Recommendations for Subdivision Consent  
Application – Otoki Farm Ltd)**

A Special Meeting of the Resource Management Committee To Consider Recommendations for Subdivision Consent Application – Otoki Farm Ltd held in the Council Chambers, Coronation Square, Wairoa on Thursday 30 October 2008 at 1.02pm.

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**PRESENT:** Councillor A B McKinnon (Chair)

**COUNCILLORS**

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

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

**CIVIC PRAYER**

The Chief Executive explained the civic prayer had already been given in the previous Special Council meeting.

**APOLOGIES**

Apologies were received from Councillors B Cairns, J Heron and J Petersen.

<b><u>Resolved:</u></b> <i>That apologies received from Councillors B Cairns, J Heron and J Petersen be accepted.</i> <b><i>Caves/His Worship the Mayor</i></b>
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**General Item**

**RECOMMENDATION FOR SUBDIVISION CONSENT APPLICATION  
OTOKI FARM LTD**

**RM 080003**

The District Planner explained that Iwitea Marae had requested that an archaeological survey be undertaken by the Applicant and that an appropriate condition of consent be imposed advising any future owners/developers that any activity that may modify, damage or destroy any archaeological sites is not permitted and that contact be made with New Zealand Historical Places Trust for advice in relation to any future development/activities on the site/s.

The Chief Executive Officer also explained there is no proposed change in land use as a result of the subdivision with the current property owner.

**Resolved:**

*That pursuant to Sections 104B, 106, 108 and 220 of the Resource Management Act 1991 the Wairoa District Council grants subdivision consent to Otoki Farm Ltd to subdivide the property on State Highway 2, Whakaki, legally described as Lot 4 DP 324372, comprised in CT 98452 to create three new allotments subject to the following conditions:*

**General**

1. *The subdivision 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 provided with the application (Application from Peter Smidt Surveyors entitled 'Proposed Subdivision – Otoki Farm Ltd, State Highway 2, Whakaki, Wairoa and dated 14<sup>th</sup> January 2008). 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.*

**Access**

3. *Prior to approval under Section 224 of the Resource Management Act 1991, the access to Lot 1 at RP516/5.43 RHS shall be relocated a minimum of 100m east along the road boundary and constructed to Transit's 'Diagram C' standard and sealed at least 10m from the edge of seal. Any gates should be set back at least 20 from the edge line*
4. *Prior to approval under Section 224 of the Resource Management Act 1991, the existing access to Lot 3 at RP516/5.22 RHS shall be upgraded to Transit's 'Diagram C'. Any gates should be set back at least 20 from the edge line*
5. *Prior to approval under Section 224 of the Resource Management Act 1991, the existing access to Lot 2 at RP516/5.05 RHS shall be sealed back to the boundary*
6. *Prior to approval under Section 224 of the Resource Management Act 1991, the existing access at RP516/4.92 RHS shall be permanently closed with any culverts removed and the fenceline restored.*
7. *Access works are not to commence without the written authority of New Zealand Transport Agency (formerly Transit NZ).*

**Sites of Significance**

8. *Prior to approval under Section 223 of the resource Management Act 1991, the extent of the recorded archaeological sites on the property shall be incorporated into the final survey plan.*

**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 Lots, 1, 2 and 3 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. Prior to the construction of any building(s) on the Lot 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 (including site specific foundation design).

The land shall not be built on unless the Council is satisfied that:

i. the recommendations in the geotechnical report required by (a) 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 by a Chartered Professional Engineer experienced in geotechnical assessment has been provided to confirm (i) and (ii) 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.

b. 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 Trustees of Iwitea Marae, the New Zealand Historic Places Trust and the Wairoa District Council shall be immediately notified to determine any necessary protection, remediation or mitigation.

**Resolution Contd:**

10. A consent notice pursuant to Section 221 of the Resource Management Act 1991 shall be registered on the Certificate of Title for Lot 3 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. There are known New Zealand Archaeological Association recorded archaeological sites on the Lot (NZAA Metric Site Nos. X19/91, X19/92, X19/93, X19/94 and X19/105).

Any activity or development of the Lot, such as but not limited to earthworks, fencing or landscaping, that may modify, damage or destroy any archaeological site(s), is **not** permitted. Should any such work be planned within the vicinity of the sites, the owner should contact the Iwitea Marae Trustees and the New Zealand Historic Places Trust (NZHPT) for further advice prior to commencement.

The landowner shall be responsible for any costs associated with further archaeological works/studies required.

Any work that may modify, damage or destroy any archaeological site(s), such as earthworks, fencing or landscaping requires an authority (consent) from NZHPT for the work prior to commencement. It is an offence to destroy a site for any purpose without an authority. The Historic Places Act 1993 contains penalties for unauthorised site damage.

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

1. The proposed activity is generally consistent with the relevant assessment matters of the Wairoa District Plan.
2. The proposal is consistent with the relevant objectives and policies of the Wairoa District Plan.
3. The proposal is consistent the purpose and principles of the Resource Management Act 1991.
4. Through the imposition of appropriate conditions of consent, potential adverse effects in relation to access and traffic safety will be no more than minor
5. Through the imposition of appropriate conditions of consent, potential adverse effects on resources of significance will be no more than minor.
6. The potential for adverse effects in relation to amenity values, natural hazards and site/utility services are insignificant

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

1. Condition 1 ensures the subdivision/development/activity is completed in accordance with the approved plans and conditions of consent.
2. Condition 2 ensures that the applicant meets the costs associated with compliance with conditions of consent.
3. Conditions 3 to 7 ensure that the access is constructed to the requirements of NZTA

**Resolution Contd:**

4. *Condition 8 ensures that known sites of significance are accurately recorded on the legal survey plan*
5. *Condition 9 ensures that:*
  - *Future buildings and building platforms are constructed to an appropriate standard to avoid land instability hazards.*
  - *Any potential for adverse effects on cultural values is avoided.*
6. *Condition 10 ensures that all known sites of significance are protected from any future activity and development*

***His Worship the Mayor/Eaglesome***

The Chairman thanked everybody for attending the meeting.

**CLOSED:**           The meeting closed at 1.12pm.

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Chair