

WAIROA DISTRICT COUNCIL

**SPECIAL MEETING OF THE  
RESOURCE MANAGEMENT COMMITTEE  
(Appeal on Resource Consent RM060044 By Tui Development  
Trust Company Limited (The Applicant))**

Minutes of a Special Meeting of the Resource Management Committee (Appeal on Resource Consent RM060044 By Tui Development Trust Company Limited (The Applicant)) held in the Wairoa District Council Chambers, Coronation Square, Wairoa on Tuesday, 13 May 2008 at 1.30pm.

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**PRESENT:** A B McKinnon Chairman

**COUNCILLORS**

Mayor L Probert, D S Caves, D A Eaglesome, B Cairns, J Heron, J Petersen,  
T W Wilson

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

**CIVIC PRAYER**

The civic prayer was given by Councillor D Eaglesome.

**APOLOGIES**

Nil

**Exclusion of the Public**

<b><u>Resolved:</u></b>	<i>That pursuant to Section 48 2(a)(i) &amp; Section 7(2)(g) of the Local Government Information and Meetings Act 1987, the public be excluded on the following grounds:</i>
	<ol style="list-style-type: none"><li>1. Section 48 (2) (a) (i) (a) Any proceedings before a local authority where-<ol style="list-style-type: none"><li>(i) A right of appeal lies to any Court or tribunal against the final decision of the local authority in those proceedings or</li></ol></li><li>2. Section 7(2)(g) – Maintain legal professional privilege. <i>His Worship the Mayor/Heron</i></li></ol>

**EXCLUDED FROM:** 1.35pm

**READMITTED FROM:** 2.21pm

**General Items**

**APPEAL ON RESOURCE CONSENT BY TUI  
DEVELOPMENT TRUST COMPANY LIMITED (THE APPLICANT) RM060044**

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The Chief Executive Officer read through the Amended Decisions.

**AMENDED DECISIONS**

Text to be inserted is shown as underlined. Text to be deleted is shown as ~~struck through~~.

**Resolved:**

*That:*

**A. Subdivision Consent Application**

*Pursuant to Sections 104B, 106, 108 and 220 of the Resource Management Act 1991 the Wairoa District Council **grant** subdivision consent to Tui Development Trust Company Limited to subdivide Lot 8 DP 359131 as comprised in Certificate of Title 241010 to create nine residential allotments and one lot to vest in the Wairoa District Council as road, as shown on the subdivision and development plans (Reference JN 05/214 prepared by Dagg & Thorn Surveyors, Napier, and Mahanga Sands Revised Site Plan dated November 10 2006) 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.*

**New Road**

- 4. Prior to approval under Section 223 of the Resource Management Act 1991 the Land Transfer Title Plan shall be drawn such that Lot 10 shall be vested in the Wairoa District Council as road.*
- 5. 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 road, ~~vehicle crossings serving Lots 1 to 9,~~ footpath, stormwater drainage system, sewerage reticulation, power services, telephone services, street-lighting, traffic signage and street name signs to be constructed on Lot 10 prepared by a Chartered Professional Engineer 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:**

6. *Prior to approval under Section 224 of the Resource Management Act 1991, the consent holder shall construct the road, ~~vehicle crossings serving Lots 1 to 9~~, footpath, stormwater drainage system, sewerage reticulation, power services, telephone services, street-lighting, traffic signage and street name signs on Lot 10 in accordance with the approved design plans and the Council's Engineering Code of Practice, unless the Engineering Manager approves a variation to the design standards contained in the Council's Engineering Code of Practice. The construction of the road and services within the road shall not commence until the Engineering Manager has approved the engineering design plans required in accordance with condition 5.*
7. *.Prior to approval pursuant to Section 224 of the Resource Management Act 1991 the consent holder shall provide quality assurance, as built plans and qualified professional person certification as required under the Engineering Code of Practice on completion of the construction of the road, ~~vehicle crossings serving Lots 1 to 9~~, footpath, stormwater drainage system, sewerage reticulation, power services, telephone services, street-lighting, traffic signage and street name signs for the review and approval of the Engineering Manager.*

**Utility Services**

8. *Prior to approval pursuant to Section 224 of the Resource Management Act 1991 the consent holder shall provide separate underground electricity connections to the boundary of Lots 1 to 9 to the satisfaction of the District Planner.*

**Wastewater**

9. *Prior to approval pursuant to Section 224 of the Resource Management Act 1991 the consent holder shall ensure that each of Lots 1 to 9 is legally and physically able to connect to an operational communal wastewater treatment and disposal system which is in accordance with the terms and conditions of a discharge permit issued by the Hawke's Bay Regional Council.*
10. *Prior to approval pursuant to Section 223 of the Resource Management Act 1991 where any pipes or infrastructure associated with wastewater treatment and disposal system are required to cross from one lot to another or from the road to another lot the appropriate easements shall be identified on the Land Transfer Title Plan and shown in a memorandum of easements 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 easements.*

**Easements**

11. *Prior to approval under Section 223 of the Resource Management Act 1991 easements to protect the use and maintenance of power, telecommunications, wastewater, water and stormwater services shall identified on the Land Transfer Title Plan and shown in a memorandum of easements. The Engineering Manager may require other easements to protect the use and maintenance of services. 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 easements.*

**Resolution Contd:**

**Local Purpose Reserve**

12. *Prior to approval pursuant to Section 223 of the Resource Management Act 1991 the Land Transfer Title Plan shall be drawn such that the pedestrian walkway between Lot 10 and the Council owned reserve to the north shall vest in the Wairoa District Council as Local Purpose Reserve.*
13. *Prior to approval pursuant to Section 224 of the Resource Management Act 1991 the consent holder shall erect signage stating that the pedestrian walkway between Lot 10 and the Council owned reserve is a public walkway to the satisfaction of the District Planner. Signs shall be located at both ends of the pedestrian walkway.*

**Lot Areas**

14. *Prior to approval pursuant to Section 223 of the Resource Management Act 1991 the Land Transfer Title Plan shall be drawn such that no residential allotments shall have an area of less than 800m<sup>2</sup>.*

**Geotechnical**

15. *Prior to approval pursuant to Section 223 of the Resource Management Act 1991 the consent holder shall submit detailed engineering design plans for the building development areas located within the Habitable Building Zone identified on the site plan Mahanga Sands Revised Site Plan dated November 10 2006 submitted with the application for each of Lots 1 to 9 in accordance with the recommendations of Geotechnical Investigation Report for Mahanga Sands Subdivision dated 21 June 2006 and Mahanga Sands Section 92 Request For Further Information dated 18 August 2006 prepared by Land Development & Exploration Limited. The detailed engineering design plans shall be prepared by a Chartered Professional Engineer suitably qualified and experienced in geotechnical engineering design for the approval of the Engineering Manager. The Engineering Manager may commission a peer review of the detailed engineering design plans by a suitably qualified Chartered Professional Engineer.*
16. *Prior to approval pursuant to Section 224 of the Resource Management Act 1991 the consent holder shall construct the building development areas on each of Lots 1 to 9 in accordance with the approved engineering design plans. The construction of the building ~~platforms~~ development areas shall not commence until the Engineering Manager has approved the engineering design plans.*
17. *Prior to approval pursuant to Section 224 of the Resource Management Act 1991 the consent holder shall submit a geotechnical completion report and a statement of professional opinion as set out in Schedule 2A of NZS 4404:2004 Land Development and Subdivision Engineering prepared by a Chartered Professional Engineer suitably qualified and experienced in geotechnical engineering design to the satisfaction of the Engineering Manager. The statement of professional opinion shall include, but not be limited to the following:*

**Resolution Contd:**

- (a) Any specific design requirements which would necessitate building design to deviate from NZS 3604;
- (b) Confirmation of compliance with the engineering design standards set in the detailed engineering design plans;
- (c) Any recommendations for stormwater disposal;
- (d) Confirmation that any risk from erosion, falling debris, subsidence, slippage, or inundation from any source can be satisfactorily addressed through issue of building consent and/or placement of a memorandum on the title in accordance with sections 71-74 the Building Act 1991.

**Landscape, Natural Character and Visual Amenity**

- 18. Prior to approval pursuant to Section 224 of the Resource Management Act 1991 the consent holder shall submit a revision of planting plan LP.02 submitted with the application prepared by a suitably qualified person experienced in landscape and planting design which takes account of and implements recommendation vii. of the report Response to Steven Brown Peer Review Mahanga Sands Subdivision Application 15 November 2006 prepared by Eastern Earth Landscape Architects for the approval of the District Planner.
- 19. The consent holder shall implement the approved planting plan in accordance with the planting specification and maintenance schedule included as Appendix 5 to the report Mahanga Sands Subdivision Landscape & Visual Effects Assessment prepared by Eastern Earth Landscape Architects dated 23 June 2006 submitted with the application no later than the conclusion of the first planting season following the completion of construction works.
- 20. Prior to approval pursuant to Section 224 of the Resource Management Act 1991 the consent holder shall provide certification from a suitably qualified person(s) experienced in landscape and planting design that the planting has been completed in accordance with the approved landscape and planting plan and the planting specification and maintenance schedule to the satisfaction of the District Planner.
- 21. Prior to approval pursuant to Section 224 of the Resource Management Act 1991 the consent holder shall submit a Schedule of Building Design Controls prepared by a suitably qualified person(s) experienced in building design for the purpose of mitigating adverse effects on landscape, natural character and visual amenity values. The Schedule of Building Design Controls shall detail the specific controls on building design to mitigate adverse effects on landscape, natural character and visual amenity values in accordance with the report Mahanga Sands Subdivision Landscape & Visual Effects Assessment prepared by Eastern Earth Landscape Architects dated 23 June 2006 and the report Response to Stephen Brown Peer Review Mahanga Sands Subdivision Application dated 15 November 2006. The Schedule of Building Design Controls shall include, but not be limited to building controls in respect of the following matters:
  - (a) Building materials;
  - (b) Building colours;
  - (c) Glazing in building facades; and
  - (d) ~~Roof pitch; and~~
  - (e) Building height.

**Resolution Contd:**

**Ecological Values**

22. *Prior to any site development works commencing on the site the consent holder shall submit a management plan for the transplanting of pimelea aff. prostrata to the area of the site located seaward of the Habitable Building Zone identified on Mahanga Sands Revised Site Plan dated November 10 2006 for the approval of the District Planner in consultation with the Department of Conservation. The management plan shall identify how specimens will be identified as being suitable for transplant, how the specimens will be transplanted, the timing of the works, the measures that will be undertaken to ensure post transplant survival and how these measures will be monitored.*
23. *Prior to any site development works commencing on the site the consent holder shall transplant suitable specimens of pimelea aff. prostrata to the area of the site located seaward of the Habitable Building Zone identified on Mahanga Sands Revised Site Plan dated November 10 2006 in accordance with the approved management plan to the satisfaction of the District Planner in consultation with the Department of Conservation.*

**Fencing**

- ~~24. *Prior to approval pursuant to Section 224 of the Resource Management Act 1991 the consent holder shall fence the seaward boundary of Lots 1 to 5 with 1.9 metre high post and mesh wire fence for the purpose of preventing pedestrian access from the Lots to the ecological reserve to the satisfaction of the District Planner.*~~

**Consent Notice**

24. *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 9 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 owner(s) of the Lot(s) for the time being shall maintain the planted areas contained within the lots in accordance with the approved landscape and planting plan required by condition 18 of subdivision consent RM060044 at all times. Planting undertaken as part of the approved landscape and planting plan shall not be removed, destroyed or intentionally damaged unless approved in writing by the District Planner, Wairoa District Council. Any plant specimens that are dead or diseased shall be replaced in accordance with the approved landscape and planting plan.*
- (b) *The owner(s) of the Lot(s) shall ensure that any planting that is additional to the planting required in accordance with the approved landscape and planting plan undertaken on the Lots includes only those species detailed in Appendix 3 and the species listed in the Plant Schedule of the revised Planting Plan submitted to comply with condition 18 of subdivision consent RM060044 of the report Mahanga Sands Subdivision Landscape & Visual Effects Assessment prepared by Eastern Earth Landscape Architects dated 23 June 2006 submitted with resource consent application RM060044.*

**Resolution Contd:**

(c) The owner(s) of the Lot(s) shall ensure that all buildings are designed and constructed in accordance with the approved Schedule of Design Controls submitted to the Wairoa District Council to comply with the condition 21 of subdivision consent RM060044.

(d) ~~The owner(s) of the Lot(s) shall ensure that development is limited to one dwelling per allotment. No habitable development shall be constructed outside of the Habitable Building Zone identified on the site plan titled Mahanga Sands Revised Site Plan dated November 10 2006 submitted with subdivision consent application RM060044.~~ No buildings shall be constructed outside of the habitable building zone identified on Mahanga Sands Revised Site Plan dated November 10 2006 submitted with the subdivision application, except for the following:

(i) Eaves protruding not more than 1.2 metres outside of the habitable building zone.

(ii) Buildings outside the habitable building zone which involve minimal disturbance to the dune form may be considered as the subject of a separate resource consent application pursuant to Section 221(3) of the Resource Management Act 1991.

Note, for the purpose of this condition, buildings shall be as defined in the Operative Wairoa District Plan dated 25 June 2005 (as amended by Plan Change 1B) as follows:

**Building**

Means any structure 1.5 metres or more in height, movable or immovable, which in addition to its ordinary meaning shall include:

- i) any structure or erection enclosed or partly enclosed within walls or supported on columns, whether it has a roof or not;
- ii) any retaining wall which either exceeds a height of 1.2 metres from the lowest ground level adjoining, or is within 1.2 metres of the boundary of a street or public place.

**But excludes**

- Fencing for the containment of stock.
- Residential chimney and television aerials associated with a dwelling house.
- Structures less than 5m<sup>2</sup> and less than 1.8 metres in height (including fences).
- Any vehicle, trailer, caravan or boat which is not used for permanent or long-term residential purposes.
- Lines.
- Masts, antennas and antenna support structures, and lightning rods.

(e) Prior to the construction of any buildings on the Lot(s) the owner(s) of the Lot(s) shall EITHER

**Resolution Contd:**

(i) *Submit site specific foundation design plans for the buildings prepared by a suitably qualified and experienced Chartered Professional Engineer to the satisfaction of the Wairoa District Council. The site specific foundation design plans shall be designed in accordance with the recommendations of the geotechnical completion report and completed Schedule 2A of NZS 4404:2004 Land Development and Subdivision Engineering submitted to comply with condition 17 of subdivision consent RM060044 for the approval of the Wairoa District Council; OR*

(ii) *Submit 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 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 (a) and (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.*

**Resolution Contd:**

- (f) *The owner(s) of the Lot(s) shall ensure that any building(s) are constructed in accordance with the site specific foundation design plans and the recommendations of the geotechnical completion report and completed Schedule 2A of NZS 4404:2004 Land Development and Subdivision Engineering submitted to comply with condition 16 of subdivision consent RM060044 or consent notice condition 25(e)(ii) to the satisfaction of the Wairoa District Council. The construction of the building(s) shall not commence on the site until the Wairoa District Council has approved the site specific foundation design plans.*
- (g) *Prior to the construction of any building(s) on the Lot 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 recommendations of the geotechnical completion report and completed statement of professional opinion completed in accordance with Schedule 2A of NZS 4404:2004 Land Development and Subdivision Engineering submitted to comply with condition 17 of subdivision consent RM060044 or consent notice condition 25(e)(ii).*
- (h) *Prior to the occupation of any building(s) on the Lot 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.*
- (i) *The owner(s) of the Lot(s) 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.*
- (j) *The owner(s) of the Lot(s) shall ensure that prior to the occupation of any dwelling on the Lot(s) that a suitable wastewater treatment plant is installed on the Lot to serve the dwelling and is connected to a decentralised wastewater treatment and disposal system in accordance with the terms and conditions of a discharge permit issued by the Hawke's Bay Regional Council.*
- (k) *The owner(s) of the Lot(s) for the time being shall ensure that the wastewater treatment and disposal systems are managed and maintained in accordance with the terms and conditions of a discharge permit issued by the Hawke's Bay Regional Council.*

**Resolution Contd:**

(l) *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.*

(m) ~~The owner(s) of the Lot(s) shall ensure a fire fighting water supply is provided to each lot to either of the following standards; EITHER~~

~~i. A 23,000 litre capacity tank additional to any domestic water supply tank, fitted with a 75mm galvanized steel steam pipe fixed to the tank with a 75mm gate valve and a 75mm female cam lock coupling. The fittings shall be located on the opposite side of the tank to the dwelling. OR~~

~~ii. An 11,000 litre capacity tank additional to any domestic water supply tank where the dwelling on the lot is fitted with a domestic fire fighting sprinkler system.~~

The owners of the Lot(s) shall ensure a fire fighting water supply is provided to each dwelling to the satisfaction of the Wairoa District Council. Any water storage tank to be used for fire-fighting water supply purposes shall be fitted with a 75mm galvanized steel steam pipe fixed to the tank with a 75mm gate valve and a 75mm female cam lock coupling. The tank shall be positioned so that the fittings are located on the opposite side of the tank to the dwelling and the Fire Brigade has convenient access to within 4 metres of the tank.

25. 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 5 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) ~~No earthworks shall occur seaward of the Habitable Building Zone identified on Mahanga Sands Revised Site Plan dated November 10 2006 submitted with the application. No earthworks shall occur seaward of the Habitable Building Zone identified on Mahanga Sands Revised Site Plan dated November 10 2006 submitted with the application with the exception of the earthworks required for landscaping seaward of the no-build zone on Lot 1 as per landscape plan LP02.-~~

(b) ~~The fence constructed on the seaward boundary of the lots to comply with condition 24 or subdivision consent RM060044 shall be maintained on an ongoing basis to prevent pedestrian access to the adjoining ecological reserve.~~

**26. A consent notice pursuant to Section 221 of the Resource Management Act 1991 shall be registered on the Certificate of Title for Lots 3 and 4 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 pedestrian accessway located on the eastern boundary of the Lot(s) shall be maintained to the satisfaction of the Wairoa District Council on an ongoing basis.**

**Resolution Contd:**

**Pedestrian Access**

27. Prior to approval pursuant to Section 223 of the Resource Management Act 1991 easements reserving a pedestrian right of way over the proposed pedestrian accessway identified on Mahanga Sands Revised Site Plan dated November 10 2006 on Lot 4 in favour of Lots 2, 3 and 5 shall be identified on the Land Transfer Title Plan and shown in a memorandum of easements to the satisfaction of the District Planner. Such easements shall be duly granted and reserved upon deposit and issue of the Certificates of Title.
28. Prior to approval pursuant to Section 223 of the Resource Management Act 1991 easements reserving a pedestrian right of way over the proposed pedestrian accessway shown on Mahanga Sands Revised Site Plan dated November 10 2006 on Lot 3 in favour of Lots 2 shall be identified on the title plan and shown in a memorandum of easements to the satisfaction of the District Planner. Such easements shall be duly granted and reserved upon deposit and issue of the Certificates of Title.
29. Prior to approval pursuant to Section 224 of the Resource Management Act 1991 the consent holder shall construct the pedestrian accessway over Lots 3 and 4 as described in the details submitted with the application to the satisfaction of the District Planner.

**Ecological Values**

30. Prior to approval pursuant to Section 224 of the Resource Management Act 1991 a plaque shall be placed at the landward head of the single pedestrian beach access shown on Mahanga Sands Revised Site Plan dated November 10 2006. The design and placement of the plaque shall be approved by the Wairoa District Council in consultation with the Department of Conservation. The purpose of the plaque shall be to educate walkway users as to the sensitivity and uniqueness of both the dunal landform and vegetation.

**B. Land use Consent Application (Earthworks)**

Pursuant to Sections 104B and 108 of the Resource Management Act 1991 the Wairoa District Council **grant** land use consent to Tui Development Trust Company Limited to undertake 8500m<sup>3</sup> of earthworks for the purpose constructing roads, vehicle access and building platforms as shown on the subdivision and development plans (Reference Mahanga Sands Revised Site Plan dated 10 November 2006), subject to the following conditions.

**General**

1. The earthworks 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.

**Resolution Contd:**

3. *The consent holder shall ensure that all earthworks are designed by a Chartered Professional Engineer and carried out and approved 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.*

**Construction Works**

4. *The consent holder shall implement erosion and sediment control measures to ensure that there is no deposit of sediment or detritus into watercourses, wetlands, stormwater drains or the coastal marine area or beyond the boundary of the site. Any deposit of sediment or detritus onto Council road shall be removed within 24 hours.*
5. *The consent holder shall ensure that the construction works do not cause any offensive or objectionable discharge of dust beyond the boundary of the site.*
6. *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'.*
7. *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.*
8. ~~*No earthworks shall occur seaward of the Habitable Building Zone identified on Mahanga Sands Revised Site Plan dated November 10 2006 submitted with the application.*~~ *No earthworks shall occur seaward of the Habitable Building Zone identified on Mahanga Sands Revised Site Plan dated November 10 2006 submitted with the application with the exception of the earthworks required for landscaping seaward of the no-build zone on Lot 1 as per landscape plan LP02.*
9. *All storage of construction machinery and materials shall be undertaken on the subject site within the Habitable Building Zone identified on Mahanga Sands Revised Site Plan dated November 10 2006.*
10. *Prior to the commencement of any construction works on the site the consent holder shall submit a Construction Management Plan prepared by a suitably qualified and experienced person(s) that details the ways in which construction works will be managed to ensure compliance with conditions 4 to 9 above to the satisfaction of the Engineering Manager, Wairoa District Council. The construction management plan shall include but not be limited to:*
  - (a) *Timing and staging of construction works;*
  - (b) *Reporting and auditing;*
  - (c) *Complaints handling and reporting procedure;*
  - (d) *All measures that will be undertaken to mitigate potential erosion and sedimentation effects to ensure compliance with condition 4;*
  - (e) *All measures that will be undertaken to mitigate potential dust effects in accordance with condition 5;*
  - (f) *All measures that will be undertaken to mitigate potential noise effects to ensure compliance with condition 6;*
  - (g) *Temporary fencing of the frontal dunes during the construction period to ensure compliance with condition 8;*
  - (h) *Any other measures that will be undertaken to mitigate potential nuisance effects on nearby residents;*
  - (i) *The location of storage areas for machinery and materials;*
  - (j) *The contact details for the site manager.*

**Resolution Contd:**

11. *The consent holder shall ensure that the works on the site are carried out in accordance with the approved Construction Management Plan at all times to the satisfaction of the Engineering Manager.*
12. *The consent holder shall provide the Engineering Manager, Wairoa District Council at least one weeks notice of the commencement of works on the site.*

**Landscape and Visual**

13. *The consent holder shall ensure that the cut and fill areas are re-grassed or planted with suitable species to ensure that complete coverage of the cut and fill areas is achieved as soon as practical and no later than the first planting season following the completion of the construction works.*

**Archaeological, Historical and Cultural**

14. *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.*
15. *The nominated representative(s) of tangata whenua shall be given at least one week's notice of the commencement of works on the site.*
16. *The nominated representative(s) of tangata whenua shall be given permission to enter the site during the period of works for the purpose of monitoring the earthworks.*

**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** land use consent to Tui Development Trust Company Limited to construct buildings that have minimum yard setbacks of 3 metres from front and rear yards and 1.5 metres from side yards, for each of Lots 1 to 9 shown on the subdivision plan submitted with the application (Reference Mahanga Sands Revised Site dated November 10 2006) subject to the following conditions:*

**General**

1. *The development 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.*

**Resolution Contd:**

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.*

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

**CLOSED:**           The meeting closed at 2.22pm.

.....  
Chair