

WAIROA DISTRICT COUNCIL

**SPECIAL MEETING
OF THE RESOURCE MANAGEMENT COMMITTEE
(To Consider A Combined Land Use And Subdivision Consent
Application – Tui Development Trust Company Limited)**

A Special Meeting of the Resource Management Committee to Consider A Combined Land Use and Subdivision Consent Application by Tui Development Trust Company Limited held in the Wairoa Community Centre on Wednesday, 25 July 2007 at 9.00am.

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

COUNCILLORS

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

IN ATTENDANCE: E France (Wairoa District Council's Planning Consultant)
G Thompson (Secretary)
D Fraser, G Bull, M Fraser, L Battes, C Rarere (Submitters In Opposition)
M Shelly, D Barton (Applicants)
I Gordon (Applicant's Solicitor)
S Dick (Applicant's Landscape Architect)
R Muir (Applicant's Planning Consultant)

CIVIC PRAYER

The civic prayer was given by Councillor D Eaglesome.

APOLOGIES

Nil

His Worship the Mayor welcomed everybody to the meeting and outlined the procedures of the meeting.

Three documents were tabled at the meeting. They being:

1. An email from Mrs Trish Caves wishing to withdraw her submission in relation to the Tui Development Hearing on 25-26 July.
2. A letter from Hawke's Bay Regional Council dated 19 July 2007 stating they will no longer attend the hearing.
3. A facsimile from Beca on behalf of NZ Fire Service relating to the fire fighting water supply.

<u>Resolved:</u>	<i>That the tabled Email from Mrs Trish Caves, letter from Hawke's Bay Regional Council and Facsimile from Beca be accepted.</i>	<i>Eaglesome/McIntyre</i>
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Ms France reported the submission received from Mrs Tricia Caves has been withdrawn and Ms France advised the Committee that legal advice was given by Wairoa District Council's Solicitor that there was no conflict of interest relating to Councillor D Caves being on the Committee.

His Worship the Mayor explained no new evidence will be heard and require submitters to speak on their submissions.

Mr I Gordon, Solicitor for the Applicant – Mr Gordon's submission referred to his Introduction, The Proposal being Land Use Consents, Issues, Status of Application, Statutory Framework for Assessment of Discretionary Activity being Section 104, Part II and Section 106, Assessment being Actual and Potential Effects, Amenity Values, Ecological Values, Archaeological, Historical and Cultural Values, Cultural Values and Natural Hazards, Site Services, Relevant Planning Instruments, Permitted Baseline Comparison, Overall Effects Assessment, Part II Assessment and Summary.

Various questions were asked by Councillors to Mr Gordon.

Mrs L & Mrs A Steel entered the hearing after it had started and they introduced themselves.

ADJOURNED 10.05AM
RECONVENED 10.20AM

Mr Mark Shelly, Director and Shareholder of Tui Development – Mr Shelly presented his Evidence. Mr Shelly's Evidence referred to Introduction, Blake's Approach, Tui's History with the Site, Certificate of Compliance, Design Statement, Professional Advisors, Consultation, Landscape Report Peer Review, Public Notification Amendments to the Proposal, Revised Site Plan Amendment, Overview of the Proposal being Contextual Aerial, Contour Plan Existing, Contour Plan Proposed, Landscape Plan, Revised Site Plan 10 November 2006 and Transect Plan + Cross Section.

Councillors and Mr Wilson asked various questions relating to roadway and cul de sac, certificate of compliance, wastewater scheme, earthworks and planting along Pukenui Road.

S M Dick, Landscape Architect for the Applicant – Mr S Dick spoke on her Statement of Evidence and referred to Background, Introduction, Scope of Assessment, Landscape Context, Site Description, The Existing Environment, The Proposal, Landscape & Visual Effects, Mitigation and Conclusions.

ADJOURNED 12.15PM
RECONVENED 12.45PM

Mr Wilson and Councillors asked various questions of Ms Dick relating to visual assessment, measurements taken from high or low tide mark, effect of proposed earthworks and convenience on roading.

ADJOURNED 2.02PM
RECONVENED 2.10PM

Mr Gordon asked the Committee if Mr Peter Fenwicke and Mr Lynn Williams could speak to their submission as they had other appointments.

Mr Peter Fenwicke – Mr Fenwicke reported that he supported the application by Tui Development Limited.

Mr Lyn Williams – Mr Williams spoke on behalf of Mr Steve Stuart and reported Mr Stuart is beneficial shareholder in Mahanga Beach Ltd the subdivider and vendor of Lot 8 to Tui Development Trust Ltd and support the entire application.

R Muir, Applicant's Planning Consultant – Mr Muir presented his Statement of Evidence. Mr Muir's Statement of Evidence referred to Introduction, Overview, Other Resource Consents, The Proposal being The Haslam test and the Darroch test, Consent Status, Plan Weighting, Statutory Assessment, Planning Report, Permitted Baseline Comparison, Objectives & Policy Framework, New Zealand Coastal Policy Statement being Principle 2, Principle 7, Principle 8 and Policies, Regional Planning Provisions, District Plan Provisions, Regional Planning Provisions, District Plan Provisions, Actual or Potential Adverse Environmental Effects, Natural Character Effects, Outstanding Natural Features & Landscapes, Coastal Ribbon Development, Exposure to Coastal Erosion Risks, Effects on Heritage/Cultural Sites, Wastewater Treatment/Disposal, Access to the Coastline, Earthworks, Visual/Landscape/Amenity Effects, Fire fighting Supplies, Receiving Environment Test, Cumulative & Precedent Effects, Conditions and Part 2 Assessment.

Lisabeth Battes – Mrs Battes spoke to her submission. Mrs Battes's submission relates to District Plan Coastal Plans, Plan Change 1B, Proposed walking track through an ecological reserve and an Esplanade reserve, Sensitive Ecological Area, Rare Pimelia plant, Wastewater, Inadequate Archaeological Survey, Inappropriate Development for the Area, Wastewater, Coastal Erosion, Ecological Damage and Concerns over work hours and compaction of soil.

Grant Ball – Mr Ball spoke on his submission. Mr Ball's submission relates to Opposing the proposal in its entirety, Construction of Pukenui Road and Protection of Coastal Environment.

Ms Christine Rarere on behalf of Ms Joan Ropiha – Ms Rarere spoke on behalf of Ms J Ropiha's submission. Ms Ropiha's submission referred to Consultation on District Plan, Impact on tangata whenua and Subdivision as a permitted activity in coastal zone.

Wairoa District Council's Planner's Comment – E France

Ms France commented recommendations granted subject to conditions, the petition received is treated as one submission and due acknowledgement of technical assessment.

His Worship the Mayor reported to the Committee all submissions be considered as an equal weight to applicant.

ADJOURNED 10.05AM
RECONVENED 10.27AM

Applicant's Right of Reply – Mr I Gordon, Solicitor for the Applicant presented their Right of Reply. Mr Gordon replied on clarification on various submissions, structures onto the toe, dune erosion, ribbon development objectives and polices in Coastal Policy and earthworks.

Councillors and Mr Wilson asked various questions of Mr Gordon.

ADJOURNED 12.07PM
RECONVENED 12.52PM

His Worship the Mayor advised the Committee regarding the decisions and recommendations.

Resolved:

That pursuant to clause (6) of consent notice CONO 670359.5 registered on Certificate of Title 241010 (Lot 8 DP 359131). This consent notice condition was imposed on subdivision consent RM020047 which created the Lot 8 DP 359131. Clause 6 reads:

In respect of Lots 4 to 8 inclusive, there shall be no pedestrian access constructed within the CEHZ referred to in (d) above unless the design for such has been approved by the Wairoa District Council following recommendations from a suitably qualified and experienced expert in dune preservation provided at the expense of the developer.

The condition refers to the coastal erosion hazard zone (CEHZ) identified in the report Coastal Hazard Assessment for Mahanga Beach, Wairoa District prepared by Dr Jeremy Gibb dated November 2002, which was submitted in support of the application for subdivision.

The applicant proposes to construct a board and chain walkway, commonly referred to as a sand ladder and this would be fenced to prevent access onto other parts of the ecological reserve.

Resolution (Cont'd)

This subdivision consent was granted subject to another condition that was not made subject of a consent notice, but is also relevant to the consideration of this application:

Pedestrian access shall only be permitted within defined routes running across (and not lengthways down) the ecological reserve. The access points shall be constructed after consultation with the Department of Conservation as to the appropriate location and method of construction of the accessway.

The Council's Resource Management Committee considered this matter as part of a resource consent application to subdivide and develop Lot 8 DP 359131 for residential purposes. That decision is issued separately.

2.0 CONSIDERATION

The Resource Management Committee considers that private access across the ecological reserve in this location is unnecessary. This is particularly given the location to two alternative accesses to the coast in close proximity to the proposed access. The construction of the pedestrian access would therefore, unnecessarily adversely affect ecological values of the dune system.

3.0 DECISION

Pursuant to Clause (6) of Consent Notice CONO 6760359.5 registered on the Certificate of Title 241010 (Lot 8 DP 359131) that approval be declined for the construction of the pedestrian access across the ecological reserve (Lot 9 DP 359131).

Caves/McIntyre

Exclusion of the Public

Resolved:

That pursuant to Section 48 2(a)(i) & Section 7(2)(g) of the Local Government Information and Meetings Act 1987, the public be excluded on the following grounds:

1. Section 48 (2) (a) (i)
 - (a) Any proceedings before a local authority where-
 - (i) A right of appeal lies to any Court or tribunal against the final decision of the local authority in those proceedings or
2. Section 7(2)(g) – Maintain legal professional privilege.

McIntyre/McKinnon

EXCLUDED FROM: 3.13 PM

READMITTED FROM: 3.46 PM

ADJOURNED 3.54PM – THURSDAY, 26 JULY 2007

RECONVENED TUESDAY 14 AUGUST 2007 @ 9.00AM

A Reconvened Special Meeting of the Resource Management Committee to Deliberate and Consider A Combined Land Use and Subdivision Consent Application by Tui Development Trust Company Limited was Reconvened in the Wairoa District Council Chambers on Tuesday, 14 August 2007 at 9.00am.

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

COUNCILLORS

S Birrell, D A Eaglesome, D Caves, G McIntyre, B McKinnon, B Shortt

IN ATTENDANCE: E France (Wairoa District Council's Planning Consultant)
G Thompson (Secretary)

Exclusion of the Public

<u>Resolved:</u>	<i>That pursuant to Section 48 2(a)(i) & Section 7(2)(g) of the Local Government Information and Meetings Act 1987, the public be excluded on the following grounds:</i>
	<i>1. Section 48 (2) (a) (i)</i>
	<i>(a) Any proceedings before a local authority where-</i>
	<i>(i) A right of appeal lies to any Court or tribunal against the final decision of the local authority in those proceedings or</i>
	<i>2. Section 7(2)(g) – Maintain legal professional privilege.</i>
	<i>Birrell/McIntyre</i>

EXCLUDED FROM: 9.02AM

READMITTED FROM: 9.33AM

DECISIONS

A. *Subdivision Consent Application*

Resolved: *That 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.*

Resolution Cont'd

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.*
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.*

Resolution Cont'd

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.*

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 800m².*

Resolution Cont'd

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 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:*
 - (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.*

Resolution Cont'd

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;*
 - (d) *Roof pitch; and*
 - (e) *Building height.*

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.*

Resolution Cont'd

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

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

Resolution Cont'd

- (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 of 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.*
- (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.*

Resolution Cont'd

- (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.*
- (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*

Resolution Cont'd

- 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.

26. 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.
- (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.

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 8500m³ 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.
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.

Resolution Cont'd

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.*
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) *Fencing of the frontal dunes 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.*
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.*

Resolution Cont'd

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 Cont'd

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.*

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 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, PO Box 2629, Wellington, Telephone (04) 472 4341.*
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. *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.*
8. *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:

9. *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.*
10. *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.*
11. *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.* **McIntyre/Eaglesome**

CLOSED: The meeting closed at 9.34am.

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Chair