

WAIROA DISTRICT COUNCIL

**SPECIAL MEETING OF THE
RESOURCE MANAGEMENT COMMITTEE
(To Consider Retrospective Resource Consent Application to
Undertake Earthworks Associated With Residential
Development, Cashmere Heights Development Trust)**

Minutes of a Special Meeting of the Resource Management Committee to Consider Retrospective Resource Consent Application to Undertake Earthworks Associated with Residential Development, Cashmere Heights Development Trust held in the Council Chambers, Coronation Square, Wairoa on 28 August 2007 at 1.00pm.

PRESENT: His Worship the Mayor Mr L Probert

COUNCILLORS

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

IN ATTENDANCE: E France (WDC Planning Consultant)
R Muir (Planning Consultant for the Applicant)
T & A Kale (Applicants)
G Thompson (Secretary)

CIVIC PRAYER

The civic prayer was given by Councillor D Eaglesome.

APOLOGY

An apology was received from Councillor W Shortt.

<u>Resolved:</u> <i>That the apology received from Councillor W Shortt be accepted.</i>
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Caves/McIntyre

His Worship the Mayor welcomed everybody to the meeting and outlined the application.

Ms France explained to the Committee the application was approved to be processed on a non-notified basis under delegated authority. However, Council staff considered that since the Resource Management Committee considered and issued the decision on the original resource consent application, it should also consider this application.

Mr T Wilson spoke on extent of earthworks and Ms France explained that the potential for land instability effects is minor.

His Worship the Mayor welcomed the Applicants and their Planning Consultant to the meeting.

Mr R Muir, Planning Consultant for the Applicant presented his Statement of Evidence. Mr Muir's Evidence referred to his Background, Location, Reason for Earthworks, The District Plan, Change of Consent Conditions, Determination Processes (S127(3)), Statutory Framework, Permitted Baseline, Environmental Effects, Archaeology, General Nuisances, Land Stability and Conclusion.

Mr A Kale reported on land stability, stormwater drainage, retention dam and reference to Resource Consent 030066.

ADJOURNED: 2.00PM
RECONVENED: 2.10PM

Mr Wilson spoke on the Applicant

Resolved: *That the public be excluded.* **Caves/Birrell**

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: 2:11 PM

READMITTED FROM: 2:30 PM

General Items

RETROSPECTIVE RESOURCE CONSENT APPLICATION TO UNDERTAKE EARTHWORKS ASSOCIATED WITH RESIDENTIAL DEVELOPMENT, CASHMERE HEIGHTS DEVELOPMENT TRUST **RM 070029**

The Committee discussed the Application and Recommendations.

A, Retrospective Land Use Consent

Resolved: *That pursuant to Sections 104B and 108 of the Resource Management Act 1991 the Wairoa District Council grants retrospective land use consent to Cashmere Heights Development Trust for the earthworks completed in excess of the District Plan limits for earthworks on the site known as 1 Lochiel Street and legally described as Lot 1 DP 307254 subject to the following conditions.*

1. *The activity 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. 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.*

Resolution Cont'd:

3. *The consent holder shall provide certification from a Chartered Professional Engineer experienced in geotechnical assessment prior to the issued of the Section 224 Certificate for subdivision consent RM030066 that confirms to the satisfaction of the Engineering Manager that:*
 - (i) *The land or any structure to be constructed on the land, is unlikely to be subject to material damage by erosion, falling debris, subsidence, slippage, or inundation from any source and that any subsequent use of the land (including stormwater disposal) is unlikely to accelerate, worsen, or result in material damage to the land or any structure by erosion, falling debris, subsidence, slippage, or inundation from any source.*

WITH THE REASONS FOR THIS DECISION BEING:

1. *The proposed activity is generally consistent with the relevant assessment matters of the Wairoa District Plan for the following reasons:*
 - *The potential for land instability hazards and adverse effects on landscape and visual amenity values can be adequately mitigated.*
 - *The potential for adverse effects in all other respects is insignificant.*
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.*

WITH THE REASONS FOR THE CONDITIONS BEING:

1. *Condition 1 ensures the activity is carried out in accordance with the resource consent application, approved plans, and conditions of consent.*
2. *Condition 2 ensures that the applicant meets the costs associated with compliance with conditions of consent.*
3. *Condition 3 ensures that it is clear that the earthworks that were undertaken in addition to the earthworks consented by land use consent RM030066 are to be certified by a Chartered Professional Engineer that the land is unlikely to cause or be subject to natural hazards.*

Eaglesome/Birrell

B. Change of Consent Condition, Condition 49, RM030066

Resolved: Pursuant to Sections 127 and 108 of the Resource Management Act 1991 the Wairoa District Council grants a change to condition 49 of subdivision consent RM040044 to Cashmere Heights Development Trust as follows:

49. The landscape and planting plan shall include the street planting areas as detailed on Figure 3 – Proposed Mahia Subdivision – Stage 2 – Proposed Planting Areas (Boffa Miskell, October 2004) and the planting areas detailed on Farmhouse Subdivision Variation, Subdivision Concept, 16 June 2006 prepared by Eastern Earth Landscape Architects and shall contain a monitoring and maintenance programme that details requirements for ongoing weed and pest control, replacement of plants that are dead or in poor health and repair of damaged fencing.

WITH THE REASONS FOR THIS DECISION BEING:

1. The proposed activity is generally consistent with the relevant assessment matters of the Wairoa District Plan for the following reasons:
 - The potential for adverse effects on the environment will continue to be no more than minor.
 - The amended approach proposed in the change of conditions will continue to avoid or mitigate the potential for adverse effects on the environment.
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. There are no parties considered to be potentially adversely affected by the change or cancellation of conditions. **McKinnon/McIntyre**

CLOSED: The meeting closed at 2.31pm.

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Chair