

WAIROA DISTRICT COUNCIL

**SPECIAL MEETING OF COUNCIL
RESOURCE MANAGEMENT COMMITTEE**

Minutes of a Special Meeting of Council of the Resource Management Committee to Consider an application by V Smith & P Callaghan for a Combined Land Use and Subdivision Consent Application held in the Council Chambers, Coronation Square, Wairoa on Thursday, 15 March 2007 at 11.00am.

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

COUNCILLORS

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

IN ATTENDANCE: E France (Planning Consultant)
A White (District Planner)
G Thompson (Secretary)

CIVIC PRAYER

The civic prayer was given by Councillor D Eaglesome.

APOLOGIES

No apologies were given.

His Worship the Mayor welcomed everyone to the meeting and read out a letter received from Teena Hurinui, Ruawharo Marae Environmental Group/Taiao they no longer wish to oppose the application made by P Callaghan and V Smith.

His Worship the Mayor asked the applicants and those in attendance to introduce themselves. Mr B Brough introduced himself being the Resource Management Consultant for the applicants.

Ms P Callaghan, Mrs Vicki Smith, Mrs L Symes (P Callaghan's Aunty), Ms Valetta Smith (Ms P Callaghan's mother) and Mrs E Hogan (Ms Callaghan's Aunty) introduced themselves.

Mr Brough read out his evidence and pointed out to the Committee Section 9.0 – Proposed Conditions being:

9.1 Proposed Condition 12

9.1.1 Proposed Condition 12 has four components that relate to land use matters, in particular the construction of residential dwellings on the four (4) allotments created through this application. It should be noted that the applicant does not oppose the intent of Proposed Condition 12 as it pertains to the four (4) allotments and associated residential dwellings.

9.1.2 However, there is an issue with lodging consent notices on the Certificate of Title for Lot 1 DP 8841 (or Proposed Lot 6 in the scheme plan). The Committee will recall that the application proposed that Lot 5 (being the residual balance land from the subdivision of Lot 2 DP 8841), was to be amalgamated with the Lot 1 DP 8841 and retained solely in the ownership of remaining 11 shareholders.

9.1.3 Therefore as no residential development is taking place on Lot 1 DP 8841, I consider that it is inappropriate to register consent notices on the Certificate of Title. The consent notices would serve no purpose, as there isn't a need to avoid, remedy or mitigate any adverse effects of residential development, simply as there is no residential development proposed on Lot 1 DP 8841 through this application. The appropriate time for Council to consider consent notices for Lot 1 DP 8841 would be if the remaining 11 shareholders chose to develop this land and proceeded through the resource consenting process.

9.1.4 In terms of Proposed Lot 5, I am of the view that although there is a complying building platform shown and access is available through the right of way to Blue Bay Road, waste water discharge consent has not been sought for this Lot. Therefore it is inappropriate to treat it the same as Proposed Lots 1 to 4, and accordingly Proposed Lot 5 should not form part of Proposed Consent Condition 2.

9.1.5 I consider that Proposed Consent Condition 12 should be amended to read, "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, 3 and 4 advising the owner(s) and..."

The Committee discussed the proposal from the Applicant's Planning Consultant and the District Planner explained if the Committee accepted the proposal of not including Lots 5 and 6 under Condition 12 of the Planner's Report the Applicant is not required to connect to the Wairoa District Council community reticulated wastewater scheme, will not need to provide a geotechnical report and in the event of koiwi (human remains) or artefacts which maybe of historic or cultural importance the Applicant need not notify the New Zealand Historic Places Trust and the Wairoa District Council.

<p>Resolved: <i>That Council accept the report on the Combined Land Use and Subdivision Consent Application – V Smith & P Callaghn by E France in its entirety.</i></p> <p style="text-align: right;">Birrell/Mcintyre</p>
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General Items

PLANNER'S REPORT

RM 050074

The Committee discussed the above report and reported on the recommendations.

<p>Resolved: <i>That:</i></p> <p>A. Subdivision Consent Application</p> <p><i>Pursuant to Sections 104B, 106, 108 and 220 of the Resource Management Act 1991 the Wairoa District Council <u>grant</u> subdivision consent to P Callaghan and V Smith to subdivide Lot 2 DP 8841 as comprised in Certificate of Title HBA4/586 to create four residential lots and one balance lot, as shown on the subdivision and development plans (Reference 05-124B) prepared by Dagg & Thorn Surveyors, Napier, subject to the following conditions.</i></p> <p>General</p> <ol style="list-style-type: none"><i>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.</i><i>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.</i>
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Resolution Contd:

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.*

Access

4. *Prior to approval under Section 224 of the Resource Management Act 1991 the consent holder shall submit engineering design plans for the vehicle crossing and accessway over Rights of Way A to D 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. Construction works shall not commence on the site until the Engineering Manager has approved the engineering design plans.*
5. *Prior to approval under Section 224 of the Resource Management Act 1991 the consent holder shall construct the accessway and vehicle crossing 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.*

Utility Services

6. *Prior to approval under Section 224 of the Resource Management Act 1991 the consent holder shall provide separate underground electricity and telephone network connections to the boundary of Lots 1 to 5.*

Easements

7. *The proposed easements shall be created and endorsed as a memorandum of easements on the face of the Land Transfer Title Plan prior to approval under Section 223 of the Resource Management Act 1991.*
8. *Prior to approval under Section 223 of the Resource Management Act 1991 easements reserving the right to drain wastewater over easements A to D in favour of Lots 1 to 5 shall be included in the memorandum of easements on the face of the Land Transfer Title Plan.*
9. *Easements to protect the use and maintenance of power, telecommunications, wastewater, water and stormwater services shall be created as necessary and shown in a memorandum of easements on the face of the Land Transfer Title Plan. The Engineering Manager may require other easements to protect the use and maintenance of services. All easements shall be shown on the Land Transfer Title Plan prior to approval under Section 223 of the Resource Management Act 1991. The consent holder shall be responsible for all costs associated with the creation of easements.*

Resolution Contd:

Archaeological Sites

10. *Prior to approval under Section 223 of the Resource Management Act 1991, archaeological site X19/b identified in the Archaeological Survey and Assessment of Effects prepared by Archaeology B.O.P shall be identified on the Land Transfer Title Plan.*

Amalgamation

11. *That Lot 5 hereon be held in the same ownership as Lot 6 hereon and that one Certificate of Title be issued to include both parcels.*

Request: 591641

Consent Notice

12. *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, 3, 4, 5 and 6 advising the owner(s) and subsequent owner(s) of the requirement to comply with the following condition on a continuing basis. The consent notice shall be prepared by the Wairoa District Council and registered at the expense of the consent holder.*

- i. The owner(s) of the Lots shall be required to connect to the Wairoa District Council community reticulated wastewater scheme at the time it is made available to the Lots. The cost to connect to the community scheme shall be met by the owner(s) of the Lots.*
- ii Any on site wastewater treatment and disposal systems shall be decommissioned and removed from the Lots at the time a connection is provided to the Wairoa District Council's community reticulated wastewater scheme to the satisfaction of the Engineering Manager, Wairoa District Council.*
- iii Prior to the construction of any building(s) on the Lots 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:

- (a) the recommendations in the geotechnical report required by (iii.) above have been adopted in the building platform design; and*
- (b) 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.*

Resolution Contd:

- (c) a geotechnical completion certificate prepared 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.
- iv. 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.
13. A consent notice pursuant to Section 221 of the Resource Management Act 1991 shall be registered on the Certificate of Title for Lot 5 advising the owner(s) and subsequent owner(s) of the requirement to comply with the following condition on a continuing basis. The consent notice shall be prepared by the Wairoa District Council and registered at the expense of the consent holder.
- i. All building(s) and structure(s) and any associated earthworks shall be located and designed to avoid any disturbance of archaeological site X19/b identified as 'b' on the scheme plan submitted with the subdivision consent (Reference 05-124B) prepared by Dagg & Thorn Surveyors, Napier.

WITH THE REASONS FOR THE RECOMMENDATION BEING:

1. The proposed activity is generally consistent with the relevant assessment matters of the Wairoa District Plan for the following reasons:
- The site can be adequately accessed and serviced.
 - Adverse effects on the amenity of the area and on neighbouring properties will be no more than minor.
 - Adverse effects on archaeological, cultural and historical values will be no more than minor.
 - The proposed activity will enhance and compliment the area by providing increased choice of residential accommodation within the District.
2. The proposal is considered to be consistent with the relevant objectives and policies of the Wairoa District Plan. Furthermore, it provides for appropriate low density residential development as anticipated by the Settlement Zone and Residential (Mahia) Zone.

Resolution Contd:

3. *The proposal is considered to be consistent with the intent of the relevant provisions of the Wairoa Coastal Strategy, the Mahia Landscape Assessment and the relevant provisions of the Regional Resource Management Plan.*
4. *The proposal can be implemented generally in accordance with the Council's Engineering Code of Practice and as such any potential for adverse effects can be satisfactorily avoided, remedied or mitigated.*
5. *The proposal can avoid adverse effects associated with natural hazards of the type referred to in Section 106 of the Resource Management Act 1991.*
6. *The proposal is considered to be consistent with the principle of sustainable management and is considered to be an efficient and effective use of the existing land resource.*

WITH THE REASONS FOR THE RECOMMENDED CONDITIONS BEING:

General

1. *To ensure that measures required to avoid, remedy or mitigate actual or potential effects on the environment associated with the subdivision and development of the site are implemented.*

Subdivision Consent

2. *Condition 1 ensures the subdivision is completed in accordance with the approved plans.*
3. *Condition 2 ensures that the applicant meets the costs associated with compliance with conditions of consent, including compliance monitoring.*
4. *Condition 3 ensures the subdivision is completed to an appropriate standard.*
5. *Conditions 4 to 9 ensure the sites can be adequately accessed and serviced on an ongoing basis.*
6. *Condition 10 ensures that the intact archaeological site is identified on the survey plan so that adverse effects site are avoided.*
7. *Condition 11 ensures that Lot 5 is amalgamated with Lot 1 DP 8841 so that legal and physical access is afforded to that lot.*
8. *Condition 12 ensures that the lots will connect to a community wastewater scheme should one become available, so as to avoid adverse cumulative effects in relation to wastewater discharges on an ongoing basis. Condition 9 also ensures that potential effects in respect of natural hazards and archaeological resources are avoided on an ongoing basis.*
9. *Condition 13 ensures that the potential for adverse effects in respect of the archaeological site on Lot 5 is avoided.*

Resolution Contd:

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.*
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.*

Resolution Contd:

10. *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.*

Eaglesome/McIntyre

CLOSED: The meeting closed at 11.44am.

Chair