ARIZTO

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LOCATION: Whakatane

STREET ADDRESS: 6A Barry Ave

LEGAL DESCRIPTION:

BLUE

CROSS REFERENCE (Refer filing Protocols)

Subject Matter	File Number/Location	Date

WHAKATANE
18 AUG 1999
DISTRICT COUNCIL

WHAKATANE DISTRICT COUNCIL
05 AUG 1999

Gael.

Property ID ____ / ____ / ____

APPLICATION FOR RESOURCE CONSENT:
Removal of Tree(s)

24.2.99.129L

To: The General Manager, Whakatane District Council, Private Bag 1002, WHAKATANE 3080 - (Attention: District Planner)

APPLICATION DETAILS

I, *(full name of applicant)* Jean Smith P.P A.Wilson. hereby apply for a land use consent.

No additional resource consents are required.

Description of activity - To remove the following trees: 1 Maple Tree.
Tree geting To big.
Cracking concrete, Leaves constantly blocking guttering. Olderly Lady cannot maintain seasion properly.

SITE DESCRIPTION

Street address/location of site: 6 Barry AV. Whakatane.
Front Left on seasion.

Legal description: _____ Zoning: _____

OWNERSHIP/OCCUPANCY

I am the Owner of the property. *(Owner, Occupier, Lessee, Prospective Purchaser, etc.)*

Name of owner: Jean Smith.

Address: 6 Barry AV.

POTENTIALLY AFFECTED PARTIES

Have you obtained the written approval of any potentially affected neighbours? Yes (consent attached)/No *(circle one)*

The Council may ask you to seek the written approval of any neighbour who may be adversely affected by the tree removal.

ADDRESS FOR SERVICE/CORRESPONDENCE

Name of agent *(if any)*: A. Wilson 3/8/99.

Phone: *(Business)* 3088748. *(Fax)* _____ *(Home)* 3088748.

ADDRESS FOR SERVICE: _____

Signature of applicant/agent: _____

Dated at _____ this _____ day of _____ 19____

18.8.99 - advised by phone that a change of tenant notice is required.

FULL TREE EVALUATION SCORE SHEET

Condition Evaluation

Points	*3*		*9*		*15*		*21*		*27*		*Score*
Form	Poor		Moderate		Good	✓	Very Good		Specimen		15
Occurrence	Predominant		Common	✓	Infrequent		Rare		Very Rare		9
Vigour & Vitality	Poor		Some		Good	✓	Very Good		Excellent		15
Function	Minor		Useful	✓	Important		Significant		Major		9
Age (yr)	10yrs +		20yrs +		40yrs +	✓	80yrs +		100yrs +		15
Subtotal Points											63

Amenity Evaluation

Points	*3*		*9*		*15*		*21*		*27*		*Score*
Stature (m)	3 to 8		9 to 14		15 to 20	✓	21 to 26		27+		15
Visibility (km)	0.5		1.0	✓	2.0		4.0		8.0		9
Proximity	Forest		Parkland		Group 10+		Group 3+	✓	Solitary		21
Role	Minor		Moderate	✓	Important		Significant		Major		9
Climate	Minor		Moderate	✓	Important		Significant		Major		9
Subtotal Points											63

Notable Evaluation

Recognition / *Points*	*Local* *3*		*District* *9*		*Regional* *15*		*National* *21*		*International* *27*		*Score*
Stature											
• Feature											
• Form											
Historic											
• Age 100+											
• Association											
• Commemoration											
• Remnant											
• Relict											
• ientific											
• Source											
• Rarity											
• Endangered											
Subtotal Points											
Total Points											126



Location/Address	6 Barry Ave
Botanical Name	Fagus sylvatica
Common Name	European Beech
Height (ht) m	16 m
Volume (m^3) = ht x $\pi d^2/2$	
Canopy Diameter (d) m	10 m
Circumference = πd	
Stem Diameter @ 1.4m	800 mm
Protected Status	Protection covenant.
Comments	In terms of the Resource Management Act 1991 and the subdivision of the land that created this adres a protection covenant was placed on both this tree and the palm. This is to ensure that the trees are maintained in accordance with good arboricultural practice.

RESOURCE CONSENT (LAND USE) - REMOVAL OF TREE(S)

On the *[date]* ____/____/____ the District Planner/Executive Officer - Environmental Services, under delegated authority resolved as follows:

"1. That pursuant to Section 94(2) of the Resource Management Act 1991, the Whakatane District Council is satisfied that:

(i) the adverse effect on the environment of removing the tree(s) will be minor; and
(ii) written approval has been obtained from every person whom the Council is satisfied may be adversely affected by the granting of the resource consent.

Therefore, the resource consent need not be publicly notified in accordance with Section 93 of the Resource Management Act 1991.

2. That pursuant to Sections 34(4) and 105, and after consideration of Section 104 Resource Management Act 1991 and Rule 9B.2.3(3)(b)(i) of the Transitional Whakatane District Plan, the Whakatane District Council grants resource consent to remove *[species of tree(s)]*:

_____

from a property legally described as *[legal description]* _____

at *[property address]* _____ "

subject to the following conditions: _____

_____

_____

_____

_____

Advice Note: Please check the location of underground services to ensure that the removal of the tree(s) will not damage any such services.

Reason

The Whakatane District Council is satisfied that the removal of the tree(s) will have a minor adverse effect on the amenity values of the surrounding neighbourhood. The activity is not considered to be contrary to Part II of the Resource Management Act 1991.

In accordance with Section 357 of the Resource Management Act 1991, you have the right to submit to Council an objection to this approval. An objection must be lodged within fifteen working days of the decision being received. If you are not satisfied with the decision of Council on this application you have the right to appeal to the Environmental Court within fifteen working days of receiving this decision.

David Bewley
DISTRICT PLANNER

File Reference:

AFTER MEETING ACTION SHEET

24-3-96-100

Name of Meeting: Hearings Committee

Details of Meeting: 24 November 1999

☐ Resolved

☐ Recommended

Received/Adopted/Amended at Council Meeting held on 15 December 1999

Withdrawal of Applications

The Application for J Smith Estate has been withdrawn due to the death of Mrs Smith (refer to letter from Buddle, Bentley, Tweed, dated 17 November 1999- 6/2/39A) and the Application for I W and A J Lysaght has also been withdrawn from today's hearings (refer to letter from Alandale Planning dated, 22 November 1999- 6/2/56A).

AFTER MEETING ACTION:

	DATE
1. District Planner	2-12-99
2.	
3.	
4.	
5.	
6.	

6/2/20

HEARINGS COMMITTEE

WEDNESDAY, 24 NOVEMBER 1999

24.3.96.100

APPLICATION FOR CONSENT TO VARY A CONSENT NOTICE, 6 BARRY AVENUE, WHAKATANE

1.0 APPLICATION DETAIL

1.1	**Applicant's Name:**	The Trustees of J Smith Estate
1.2	**Address/Location:**	6 Barry Avenue, Whakatane
1.3	**Legal Description:**	Lot 4 DPS 74877
1.4	**Zoning:**	Residential A - Transitional Whakatane District Plan

2.0 PROPOSAL

The applicant has applied to Council to remove the protection of a European Beach tree on her property. The protection is required by a consent notice that is registered on the title of her property, pursuant to Section 221 of the Resource Management Act 1991.

3.0 BACKGROUND

On 31 July 1996, Council approved a subdivision application lodged by M D Choudharey for consent to subdivide a large piece of land on the corner of McGarvey Road and Barry Avenue into 6 lots for residential use.

At the time the application was lodged with Council, the applicant signalled his intent to protect a number of mature trees on the site. The protection of these trees was taken into account when assessing the effects of the subdivision (which was a non-complying activity) and the applicant was given a $500 reduction in reserve contribution for each tree protected.

It is noted that a land use consent was granted for the reduction of the front yard requirement for all lots fronting Barry Avenue from 6 metres to 4 metres was also granted. The main reason for approving this application was to facilitate the protection of trees on the site.

6/2/21

The consent notice on the title states:

> *"The owner of the land shall on a continuing basis:*
>
> *(a) Ensure that the following trees and their natural root systems be protected from damage that would be likely to kill or irreparably damage the tree(s) or otherwise adversely affect the shape or form of the tree for the natural lifespan of the tree(s).*
>
> | | |
> |---|---|
> | *Lot 4* | *European Beech* |
> | | *Phoenix Palm* |
>
> *(b) The owner of the property shall ensure that the tree(s) are maintained in accordance with good arboricultural practice. All maintenance work shall be carried out by a suitably qualified person at the owner's expense.*
>
> *(c) Permit Council officers or contractors entry upon the land at reasonable times so as to ascertain compliance with these conditions*
>
> *(d) That the owner shall pay the Council's legal costs and disbursements directly or indirectly attributable to the preparation, execution, registration and enforcement of the notice of consent and the Council's Conditions set out in the notice and any variation or cancellation of them."*

It is noted that in October 1997, the Hearings Committee heard a request under Section 127 of the Resource Management Act 1991 (change of consent condition) to remove the requirement to protect a liquid amber tree that had also been protected as part of the subdivision. The tree had been damaged by severe pruning. As a result of this, two additional Phoenix Palms were offered for protection.

4.0 STATUTORY CONSIDERATIONS

Under the provisions of Section 221(3) Resource Management Act 1991;

> *"any condition specified in a consent notice may be varied or cancelled by agreement between the owner for the time being, and the territorial authority".*

5.0 CONSIDERATION OF APPLICATION

In considering whether to agree to vary a condition of the consent notice, the reasons for requiring the consent notice, at the time of the subdivision, need to be understood.

6/2/22

At the time the consent was approved by the Council Hearings Committee, the Planner's report noted the two contributing factors towards protection of the trees:

(a) **Amenity**

It is considered that the comprehensive design of the development and the retention of a number of mature trees on the site will help to preserve the amenity of the area after it has been developed. Conditions of consent requiring the ongoing protection of the trees will ensure that the amenity is not compromised over time.

(b) **Financial contribution**

The subdivision creates five additional residential sections. It is therefore appropriate to require a cash reserve contribution. The applicant proposes to protect by way of consent notice, five large trees situated within the site. The trees contribute significantly to the amenity values of the locality. it is recommended that the value of protecting the trees be recognised by reducing the cash reserve contribution by $500 per tree protected

Council required the protection of the trees to mitigate the effects of the subdivision on the amenity of the area. The applicant was agreeable to this, and received a $500 reduction in reserve contribution for each tree protected. The subdivision has been completed, and the lots have subsequently been sold.

The applicant has stated that they believe there is some divergence of opinion as to whether the tree is in good health, and if it should be protected at all.

Council uses the Standard Tree Evaluation Method (STEM) for determining the value of a tree for protection. At time of development, any significant tree is subjected to a STEM report, trees scoring over 108 points are considered worthy of protection.

Council undertook a STEM analysis of the tree in August 1999, and the tree maintained a high STEM score (126 points) which would render it worthy of protection. Upon receipt of this application to remove the protection afforded to the tree by the consent notice on the title, Parks staff submitted comments regarding the tree, they note:

> *"With reference to the STEM evaluation criteria, the form of the tree is good, but requires maintenance to counteract and repair the destructive pruning which has recently been carried out to facilitate site development.*

6/2/23

Vigour and vitality is seen to be good. Natural attrition is present in the form of dead branches, but this is overcome through consistent arboricultural maintenance which if carried out regularly maintains the natural shape of the tree and intercepts die back in selected limbs.

It is therefore imperative that pruning and maintenance be carried out as soon as possible to improve the condition of the tree to a healthy state."

In summary, the Parks Department staff do not believe that the protection of the tree should be removed, the tree significantly contributes to the amenity of the area, the tree is in good health, although requires some pruning by and appropriately qualified person.

As such it is considered that the tree still provides substantial amenity to the surrounding area, the purpose for which it was originally protected. There appears to be no reason why the protection of the tree should be removed.

Therefore I am unable to support the amendment to the consent notice applied for, being the removal of the protection of the European Beech at 6 Barry Avenue, Whakatane.

SUGGESTED RECOMMENDATION:

1. **THAT** pursuant to Section 221(3) Resource Management Act 1991, the Whakatane District Council declines to vary condition No 1(a) of the consent notice on Lot 2 DPS 74877 as it relates to the protection of the European Beech Tree.

2. **THAT** the additional administrative charge of $_____ (inclusive of GST), be paid to the Council in relation to the receiving, processing and granting of this resource consent.

Gael Cooper
SENIOR PLANNER

16 November 1999

6/2/24

Whakatane District C

Your ref:

Our ref: 24.2.99.58L

1 June 1999

G J and C F van Leeuwen
P O Box 2221
WHAKATANE

Dear Sir/Madam

RESOURCE CONSENT – (LAND USE)-EXTENSION TO GREENHOUSE, PAROA ROAD, POROPORO

On 1 June 1999, the Executive Officer – Environmental Services, under delegated authority, resolved as follows:

"1. *THAT pursuant to Sections 34(1), and after consideration of Sections 104, 108 and Part II of the Resource Management Act 1991 and Rules 4.30(1) of the Transitional Whakatane District Plan and Rules 4.1.4.1 of the Proposed Whakatane District Plan (Rural), the Whakatane District Council grants consent to this discretionary activity being the extension of a greenhouse by some 5 220 m² on a property legally described as Lot 1 DPS 78010, situated at Paroa Road, subject to the following conditions:*

(a) *The proposed activity shall be carried out in general accordance with the plans and information submitted as part of this application, except where modified by any other condition of this consent.*

(b) *Stormwater from the proposed greenhouse extension is to be disposed of in such a manner that no adverse effects off site result.*

2. *THAT pursuant to Section 36 of the Resource Management Act 1991, an additional administrative charge of $282.25 (inclusive of GST) be paid to Council in relation to the receiving, processing and granting of this resource consent.*

Reasons

1. *The proposed extension of the existing greenhouse is a permitted activity in the Rural A Zone of the Transitional Whakatane District Plan and a discretionary activity in the Rural 1 Zone of the Proposed Whakatane District Plan (Rural). The proposal generally meets the requirements of the objectives, policies and rules of 4.30.1 of the Transitional Whakatane District Plan and Rule 4..1.4 of the Proposed Whakatane District Plan (Rural). Council is satisfied that the any adverse environmental effects that may*

Address all letters to
THE GENERAL MANAGER, WHAKATANE DISTRICT COUNCIL, PRIVATE BAG 1002, WHAKATANE 3080, NEW ZEALAND
TELEP

6/2/25

actually or potentially result from the proposed land use are likely to be minor or are avoided, remedied or mitigated by the conditions of this resource consent.

2. *Council is satisfied that this proposal is in accordance with Part II Matters of the Resource Management Act 1991 as it is an efficient use of the natural resource and maintains the amenity of the area.*

3. *Council is satisfied that in approving this consent only minor adverse effects on the environment are likely to result. The application was processed on a non-notified basis as the application fulfilled the requirements of Section 94(2) of the Resource Management Act 1991."*

In accordance with Section 357 of the Resource Management Act 1991, you have the right to submit to Council an objection to any of the above conditions of approval. If you are in any way not satisfied with the decision of Council on this application you have the right to appeal to the Environment Court. Any appeal is required to be lodged with the Environment Court within fifteen working days of receiving this decision.

If you have any further enquiries, please contact Alistair Sharp (Planner) at this office.

Yours faithfully

Diane Turner
EXECUTIVE OFFICER –
ENVIRONMENTAL SERVICES

96 106

WHAKATANE DISTRICT COUNCIL
11 MAR 1998

Toitu te Land whenua Information New Zealand

DEPOSIT NOTICE

10 March 1998

Whakatane District Council
PRIVATE BAG
WHAKATANE
ATTN: PRINCIPAL OFFICER

DEPOSIT OF DPS74877

Plan DPS 74877 of LOTS 1-7 SBDN OF LOT 1 DP 35113 (C.T. ref: 902/239) lodged by R.J. Overington of Ross J Overington was deposited on 24 February 1998.

Client: MD CHOUDHAREY LTD
Reference:
Surveyors Reference: F1372

The following new Certificates of Title have been allocated:

LOT 1 DPS 74877	.0463 hectares	60B/236
LOT 2 DPS 74877	.0473 hectares	60B/236
LOT 3 DPS 74877	.4110 hectares	60B/237
LOT 4 DPS 74877	.0455 hectares	60B/238
LOT 5 DPS 74877	.0487 hectares	60B/239
LOT 6 DPS 74877	.0728 hectares	60B/240
LOT 7 DPS 74877	.0018 hectares	ROAD 1

District Land Registrar

Cnr Victoria and
Rostrevor Streets
Private Bag 3028
Hamilton
Ph 0 7 838-2489
Fax 0 7 834-6788

CERTIFICATE OF COMPLIANCE

WHAKATANE DISTRICT COUNCIL

Certificate issued pursuant to Section 224(c) of the Resource Management Act 1991.

Land Transfer Plan	S.74877
Subdivider:	M D CHOUDHAREY LIMITED
Surveyor:	R J OVERINGTON.
Scheme Plan Approval Date:	31 JULY 1996
Location of Land:	6 McGARVEY ROAD, WHAKATANE.
Legal Description of Land:	LOT 1 DP 35113

In the matter of Plan DPS 74877 and pursuant to Section 224(c) of the Resource Management Act 1991, I hereby certify that some of the conditions of the Subdivision Consent have been complied with to the satisfaction of the Whakatane District Council, and that a Consent Notice has been issued in respect of the condition that has not been complied with.

Dated this 3rd **day of** February **1997.**

GENERAL MANAGER

HAMERTONS

BARRISTERS AND SOLICITORS

Our Ref: B N Carter/ D R Timmins: 954370/207

Your Ref: Gael Cooper

29 January, 1998

Senior Planner
Whakatane District Council
Private Bag 1002
WHAKATANE

re **M D CHOUDHAREY - SUBDIVISION CONSENT NOTICE - 6 McGARVEY ROAD, WHAKATANE**

Further to your instructions we now enclose the prepared Consent Notice for the above subdivision.

We also enclose a note of our costs in this matter.

Yours faithfully
HAMERTONS

Per:

Dawn Timmins
Legal Executive

Robert Chappell
Supervising Partner

DRT:JT
05cwc933/20

PARTNERS:
Robert Chappell LLM
Rob Morse LLB
Bill Jones LLB
Brian Carter LLB
Frank Cain LLB
Jonathan Kay LLB

WHAKATANE
Top Floor
Niederer Plaza
The Strand
PO Box 601
DX JA31519
WHAKATANE, N.Z.

Tel: (07) 307 0680
Fax: (07) 307 0225

ALSO AT:
Jellicoe Court
PO Box 150
DX JA31001
KAWERAU, N.Z.

Tel: (07) 323 8612
Fax: (07) 323 6629

Whakatane District Council
Private Bag 1002
WHAKATANE

Dr to **HAMERTONS**
Barristers and Solicitors
P O Box 601
WHAKATANE

TAX INVOICE GST REFERENCE: 27-122-688 File Ref: 954370/207

BILL OF COSTS

re: **SUBDIVISION CONSENT NOTICE - M D CHOUDHAREY**
6 McGARVEY ROAD, WHAKATANE

TO	Our fee re preparation of Consent Notice.	$250.00
TO	GST	$31.25
TO	Disbursements (GST inclusive) - Photocopying	$5.00
		$286.25

HAMERTONS

Per:

29 January, 1998
DRT:JJ
05twd936
E.&O.E.

MEMORANDUM

TO: Design Engineer

SUBJECT: **SECTION 224(C) CERTIFICATE:**
M D CHOUDHAREY, 6 MCGARVEY RD

DATE: 22 January 1998

Further to my recent request, please confirm that all engineering conditions have been complied with for this subdivision.
Please tick each condition on the decision letter and initial it, so we know it has been checked.

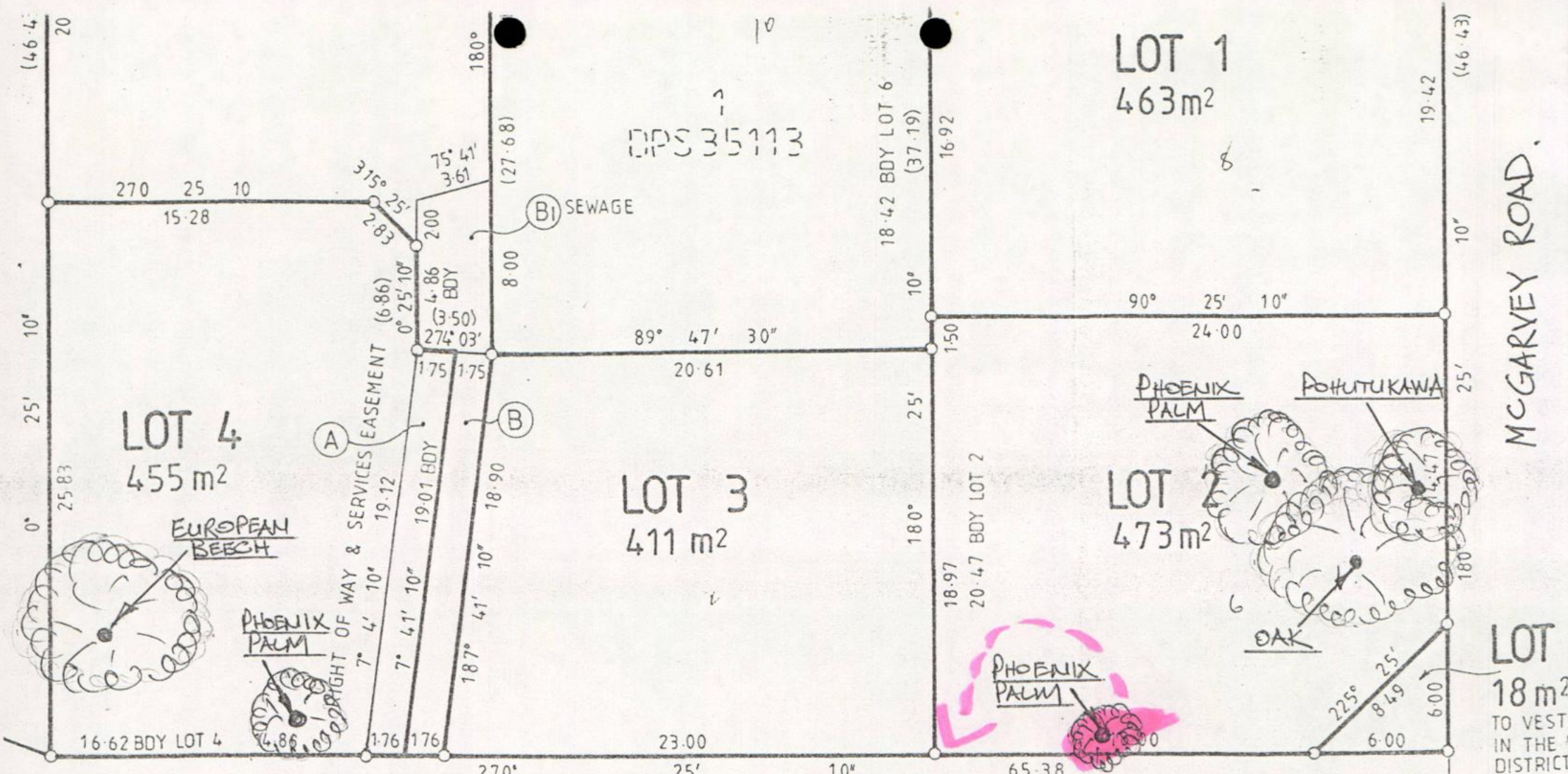
☑ All conditions have been met, **OR**

☐ The following conditions have not been met (PTO if necessary):

Signed: _____

Date: 28.1.98

Purpose	*Time*	*Initial*



PLAN SHOWING LOCATION OF TREES SUBJECT TO PROTECTION COVENANTS ON LOTS 2 & 4 DPS 74877.

ROSS J. OVERINGTON
Registered Surveyor
P.O. Box 596
WHAKATANE

SCALE: 1:250 (FROM DPS 74877)

24.3.96.100

MEMORANDUM

TO: Senior Planner

SUBJECT: **CHOUDHAREY CONSENT APPLICATION**

DATE: 20th January 1997

Further to two site visits I bring your attention to the following:

All engineering conditions have been met **except :**

Vehicle Crossing for lot 1 is not complete.

Vehicle Crossing for lot 3 is not complete.

Mr Choudhary has verbally informed me that he has a minor bond for the above for $400 per crossing, nobody in Planning has been able to confirm this .On my first visit Mr Choudhary informed me that work was imminent. I have held back the consent for a few days, but after a second inspection today the work is still not done.

Guy J Dennis
DESIGN ENGINEER

C:Winword/Guyplan/Choudry.doc

GIS No: 275/005/000

ASSET INSPECTION MEMORANDUM

INSTIGATOR: Guy Dennis

DEPARTMENT/COMPANY: P.S.

DATED RAISED: 12/1/98

LOCATION DETAILS:

STREET No: 6. **STREET:** McGarvey Road

AREA: Whakatane

Asset Type:

Sewer	Water	Stormwater	Other
☑	☑	☐	☐

Purpose of Inspection:

Please ensure above services are to Council standard.

Guy Dennis

Inspected by: [signature] **Designation:** A.I.

Date: 13-1-98 **Approved:** Yes ☑ No ☐

Inspection Comments:

Water connections & sewer manholes in as per plan.

Copy to:

- ☑ Design Engineer
- ☐ Drawing Office
- ☐ Asset Manager - Transportation
- ☐ Asset Manager - Utilities and Plant
- ☐ Planning
- ☐ Inspectors

MISC\FORMS\ASSINSP

24.2. _____
24.3. 96·100

MEMORANDUM

TO: ~~District Inspector~~
Executive Officer - Works and Services
~~Manager - Parks and Recreation~~
Property Administration Officer

3-30
BLH

SUBJECT: **RESOURCE CONSENT APPLICATION**

DATE: 23·12·97

APPLICANT: Choudhary

PROPOSAL: 224(C)

Please check eg conds.

PLANNER: Gael

FURTHER INFORMATION:

10·3. BARRY ARE TO BE CONTACTED ENTRANCEWAY TO entrances?

COMMENTS/CONDITIONS:

TO BE COMPLETED BY ____/____/____

COMMENTS/CONDITIONS:

STAFF MEMBER	TIME (MINUTES)	COST	CODE	INITIAL	DATE
Greg	60			CJD	20.1.98
TOTAL					

24.3.96.100

6 August 1996

Mr Ross J Overington
P O Box 596
WHAKATANE

Dear Sir

RESOURCE CONSENT (SUBDIVISION) -
MR M D CHOUDHAREY

On 31 July 1996, the Hearings Committee considered the above subdivision and resolved as follows:

"1. ***THAT*** *pursuant to Sections 34(4) and 105 and after consideration of Part II Matters and Sections 104 and 108 of the Resource Management Act 1991, the Whakatane District Council grants consent to the land use consent application by M D Choudharey, being a discretionary activity to reduce the front yard requirement along the Barry Avenue frontage of Lot 1 DP 35113 from 6 m to 4 m. Consent is subject to the following conditions:*

(i) That the development of Lot 1 DP 35113 be undertaken in accordance with plans submitted with this application (reference S 1372/1A, dated 18 July 1996) and the conditions of any subsequent subdivision consent.

(ii) That a continuous screen fence, or landscaping, to a height of 1.8 m be erected or established along the Barry Avenue frontage of proposed Lots 2, 3 and 4 (excluding accessways) within twelve months of the date of this consent.

(iii) That accessways to the site be located in accordance with Plan S 1372/1A, dated 18 July 1996.

Reasons

1. It is not considered that any consents are required because of the layout of the proposed dwellings and their relationship to the adjoining sites.

2. *The reduction in the yard is to facilitate the retention of the mature trees on the site which will help to maintain the amenity of the area and mitigate the effects of the increase in density resulting from the development of the site.*

3. *A screen fence or landscaping along the Barry Avenue frontage is required to mitigate the effects of the proposed buildings encroaching on the front yard.*

2. ***THAT** pursuant to Sections 34(4) and 105 and after consideration of Part II Matters and Sections 104, 108 and 220 of the Resource Management Act 1991, the Whakatane District Council grants consent to the subdivision consent application by M D Choudharey, being a non-complying activity, for the proposed subdivision of Lot 1 DP 35113 as shown on Plans S 1372/1 dated May 1996 and S 1372/1A dated 18 July 1996. Consent is subject to the following conditions:*

(i) *That a reserves contribution of $9 000 (inclusive of GST) or an amount determined at 4.5% (plus GST) of the land value of the five new allotments created, as assessed by a registered land valuer, be paid to Council. This amount to be reduced by $500 (inclusive of GST) for each of the trees protected by a consent notice registered against the Certificate of Title for the lot on which the tree is located, in accordance with the conditions of this consent.*

(ii) *That the right-of-way serving Lots 4 and 5 shall be formed and constructed in accordance with Council's Code of Subdivisional Standards to the satisfaction of the Executive Officer - Works and Services.*

(iii) *That Lot 7, shown as road, shall vest in the Whakatane District Council.*

(iv) *That engineering plans, specifications and calculations providing for the disposal and control of stormwater from the site shall be submitted for approval prior to any works being carried out on the site.*

The design shall take into consideration the provision of both primary and secondary disposal and control systems.

***Primary** - The primary system shall be required to provide an on-site containment or disposal system designed to cater for rainfall of a 10 % probability of occurring annually.*

***Secondary** - The secondary system shall be required to provide the disposal of rainfall of less than a 10 % of probability of*

occurring annually in a manner that does not cause nuisance to property or buildings both on and off the site.

(v) *That finished building platform levels on all lots shall be not less than 102.035 above Moturiki Datum. Any fill placed on the site to meet this condition shall be placed under the supervision of a suitably qualified person and certified as being suitable for any subsequent building development provided for as a permitted activity in the District Plan by a Registered Engineer.*

(vi) *That all lots shall be provided with independent underground sewer and metered water and electricity supply in accordance with Council's Code of Subdivisional Standards.*

(vii) *That a consent notice be registered against the Certificate of Title for Lots 2, 3 and 4 requiring that:*

(a) *The following trees and their natural root systems be protected from damage that would be likely to kill or irreparably damage the tree(s) or otherwise adversely affect the shape or form of the tree for the natural lifespan of the tree(s).*

Lot 2	*Phoenix Palm (1)*
	Pohutukawa(2)
	Oak (3)
Lot 3	*Liquid Amber (4)*
Lot 4	*European Beech (5)*

(b) *The owner of the property shall ensure that the tree(s) are maintained in accordance with good arboricultural practice. All maintenance work shall be carried out by a suitably qualified person at the owner's expense.*

(c) *The consent notice shall be prepared by Council's solicitors at the cost of the applicant.*

(viii) *That engineering plans for all engineering works required to satisfy these conditions shall be submitted to Council for approval prior to any work being carried out on site. The plans shall be in the form specified in Council's Code of Subdivisional Standards.*

(ix) *That as-built plans of all new and extended services shall be provided to Council for approval. The plans shall be in the form specified in Council's Code of Subdivisional Standards and shall be certified as being an accurate record of the location of the services, as constructed, by a registered surveyor or a registered engineer.*

NB.

2.

i Reserve contribution refund.
$500 for each tree.

VIIa.

(x) *That an engineering fee of 1 % of the cost of engineering works required to satisfy these conditions or $50 (inclusive of GST) whichever is the greater, shall be paid to Council for receiving, processing and approving engineering plans required by these conditions.*

(xi) *That all easements required to protect right-of-ways or services within the subdivision shall be duly granted or reserved.*

(xii) *That a footpath contribution be paid to Council to form a footpath along the entire McGarvey Road frontage of the site. The applicant is to pay 50% of an agreed value to complete the footpath.*

(xiii) *That all legal documents required to satisfy the conditions of this consent shall be prepared by the Council's solicitor at the applicant's expense.*

(xiv) *That an additional administrative charge of $1 020.83 (inclusive of GST) be paid to Council in relation to the receiving, processing and granting of this Resource Consent.*

3. ***THAT** pursuant to Section 223 of the Resource Management Act 1991, the Executive Officer - Environmental Services be authorised to approve the Survey Plan in respect of the above subdivision once the Survey Plan is submitted and is in accordance with the approved subdivision consent.*

4. ***THAT** pursuant to Section 224 of the Resource Management Act 1991, the General Manager be authorised to sign a certificate in respect of the above subdivision, stating that all conditions of subdivision consent have been complied with to his satisfaction.*

Reasons

1. *The proposed subdivision is a non-complying activity in the Residential zone of the Whakatane Transitional District Plan. Council is satisfied that any adverse environmental effects that may actually or could potentially occur as a result of this subdivision are likely to be minor or are avoided, remedied or mitigated by the conditions of this resource consent.*

2. *Council is satisfied that the proposal is in accordance with Part II of the Resource Management Act 1991, particularly as it relates to the sustainable management of the land and maintaining and enhancing the amenity value of the surrounding area.*

3. *Council is satisfied that the objectives, policies and rules of the District Plan as they relate to multi-unit developments on a single site are not compromised by the proposed subdivision of the site into separate freehold titles.*

4. *Council considers that the increase in intensity of development resulting from this subdivision is likely to increase the demand for reserves and community facilities in the District and the requirement to contribute to these services is justified. The reserves contribution was assessed as follows:*

Land value of additional lots (as advised by applicant including GST) $40,000 x 5	*$200 000*
Reserves Contribution at 4.5% of land value (GST included)	*9 000*
Total	*$9 000*

Consideration is given to the ongoing protection of the trees identified in condition 7.

5. *Council is satisfied that the right-of-way serving Lots 4 and 5 is of sufficient width to provide vehicle and pedestrian access to the lots.*

6. *The proposed subdivision is in an area that is subject to inundation during extreme storm events and it is considered that appropriate measures should be taken to avoid any increased adverse effect of flooding as a result of the development of the site. Subject to compliance with conditions 4 and 5, Council is satisfied that the proposed subdivision will not contribute to a nuisance or a significant adverse effect outside the new lots created.*

7. *The existing site level is less than that permitted for a minimum building platform in the district. It is appropriate that the buildingplatform be raised to avoid inundation during extreme storm events."*

In accordance with Section 357 of the Resource Management Act 1991, you have the right to submit to Council an objection to any of the above conditions of approval. If you are in any way not satisfied with the decision of Council on this application you have the right to appeal to the Planning Tribunal. Any appeal is required to be lodged with the Planning Tribunal within fifteen working days of receiving this decision.

If you have any further enquiries, please contact Stuart Bracey (Senior Planner) at this office.

Yours faithfully

Diane Turner
EXECUTIVE OFFICER -
ENVIRONMENTAL SERVICES
96\2\L\EES0108A

Whakatane District Council

Your ref: Our ref: 24.3.96.100

22 December 1997

Hammertons
PO Box 601
WHAKATANE

Attention: Bill Jones

Dear Sir

CONSENT NOTICE: M D CHOUDHAREY, 6 MCGARVEY RD, WHAKATANE

Please find enclosed the required information to enable you to prepare a consent notice for the subdivision consent by M D Choudharey in McGarvey Rd, Whakatane.

Should you wish to discuss this matter further, please do not hesitate to contact me.

Yours faithfully

Gael Cooper
SENIOR PLANNER

G:\DATA\PLANNING\GAEL\OTHERLET\CHOUD

Address all letters to:
THE GENERAL MANAGER, WHAKATANE DISTRICT COUNCIL, PRIVATE BAG 1002, WHAKATANE 3080.
TELEPHONE: (07) 307-9800
FAX NO.: (07) 307-0718

ROSS J. OVERINGTON

REGISTERED SURVEYOR

Land Subdivision and Resource Management Consultant

Upstairs Phoenix House, Pyne Street
P.O. Box 596, WHAKATANE
Telephone 07 308 6384 • Fax 07 307 0665
Mobile Phone 025 904 203

Refer: F1372

28 November 1997

The General Manager
Whakatane District Council
Private Bag
WHAKATANE

WHAKATANE
09 DEC 1997
DISTRICT COUNCIL

ATTENTION: GAEL COOPER

Dear Sir/Madam

**YOUR REFERENCE 24.3.96.100 : SUBDIVISION -
M D CHOUDHAREY LIMITED, 6 MCGARVEY ROAD.**

Land Transfer Plans in respect of the above, S.74877, have been approved for some time by Land Information New Zealand and we now request a Certificate of Compliance in order that they can deposit. Accordingly please find herewith an appropriate draft document for completion.

Referring to conditions of the subdivision consent, I confirm that all construction requirements have been completed and enclose herewith two copies of my drawing AB1372/1 showing as-built positions of new sewer and water connections.

With regard to Condition 2(v), it is noted that the minimum floor level requirement is 102.035 metres (Whakatane District Council Datum) and the minimum original ground level is approximately 101.4 metres. Minor imported pumice filling has been used to bring building platforms to reduced level approximately 101.9 metres being the sub-grade for concrete slab floors, all of which are now in place except on Lot 2.

With regard to watersupply, there are existing metered connections for Lot 1 (existing) and Lots 4 & 5 (new), and new connections are required for Lots 2, 3 & 6. Accordingly we request that Council now installs the remaining connections and enclose herewith three individual application forms. Payment of Council's charge at $240 per connection is included in an enclosed cheque as detailed below.

Regarding Condition 2.(xii), please note that Mr Choudharey has constructed the necessary footpath in liaison with Council's Engineer. It is intended to claim 50% of the value of this work from Council in due course.

Residence: 124/2 Pohutukawa Avenue, Ohope • Telephone 07 312 4434

Referring to Condition 2.(iv), engineering plans prepared by Cutfield Consulting have been approved by Council and new stormwater disposal systems have been installed accordingly.

In terms of Condition 2.(vii) (as amended on 15 October 1997), we also request that the necessary Consent Notice be prepared to accompany the Certificate of Compliance. Please note that the two Phoenix Palms have been relocated from Lot 3 to new positions on Lots 2 & 4 and that Council already holds the cash bond for $3,000. For your assistance the new title references allocated are:

Lot 2 - 60B/236
Lot 4 - 60B/238

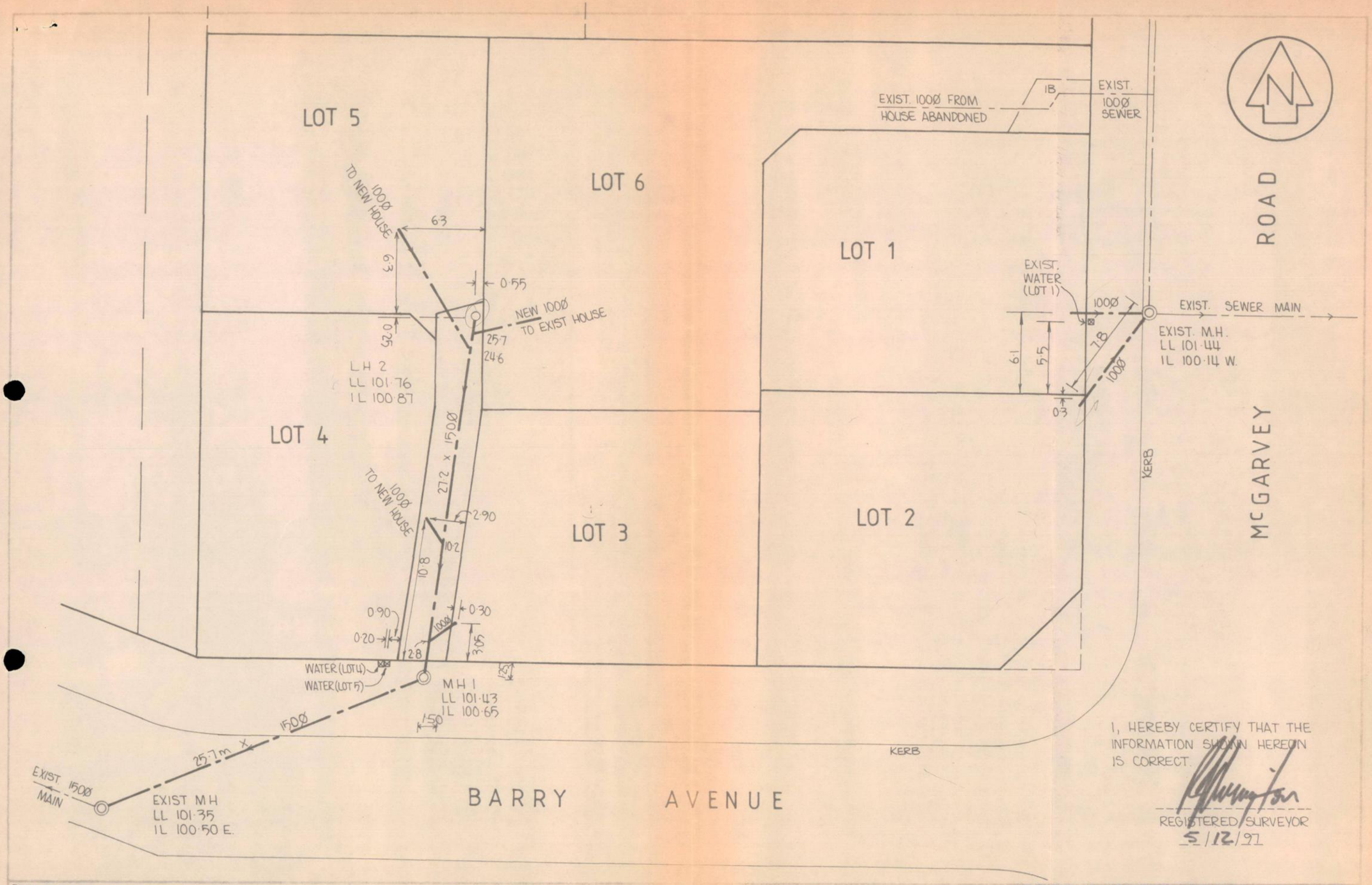
Also enclosed please find my client's cheque totalling $9,088.33 being payment of reserve contribution ($9,000 less credit for 4 trees at $500 = $7,000), the engineering fee ($100 based on $10,000 value of works), the Section 224 charge ($112.50), the water connection fees (3 @ $240 = $720), the additional administration charge ($1,020.83), and the Consent Notice charge ($135).

Please advise as soon as the documents are available.

Yours faithfully

R J OVERINGTON

palm relocated.
$3000 bond.
$2000 paid for all trees.



I, HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON IS CORRECT.

REGISTERED SURVEYOR
5/12/97

PREPARED FOR:
M. D. CHOUDHAREY
BUILDING CONTRACTOR

SUBDIVISION AT NO. 6 McGARVEY ROAD
"AS BUILT" SEWER & WATER CONNECTIONS

ROSS J. OVERINGTON
REGISTERED SURVEYOR
PO BOX 596 * WHAKATANE * PHONE 308 6384

SHEET AB1372/1
DRAWN
CHECKED
DATE DEC. 1997
SCALES 1:250
SERIES OF
REF

Whakatane District Council
Private Bag 1002, Whakatane 3400
GST Reg No. 16-940-356

Telephone (07) 307 9800
Fax No. (07) 307 0718

M Choudharey
C/- Mr Ross J Overington
P O Box 596
WHAKATANE

Resource Consent Application (Subdivision)
24.3.96.100, Section 224 (c) Cert. 6 McGarvey rd, **Whakatane**

51820

Reserve Contribution (~~58120~~) $7 000.00
Water Connection (x 3) .....$720.00 — 021822
Planning Fees (68800).....$1368.33 what for?

Application Fee Deposit

Whakatane District Council
COMMERCE STREET, PRIVATE BAG 1002, WHAKATANE. PHONE (07) 307-9800, FAX (07) 307-0718

RECEIPT

Date :11Dec97
Drawer No :5
Receipt No :24248

M CHOUDHAREY
6 MCGARVEY ROAD
WHAKATANE

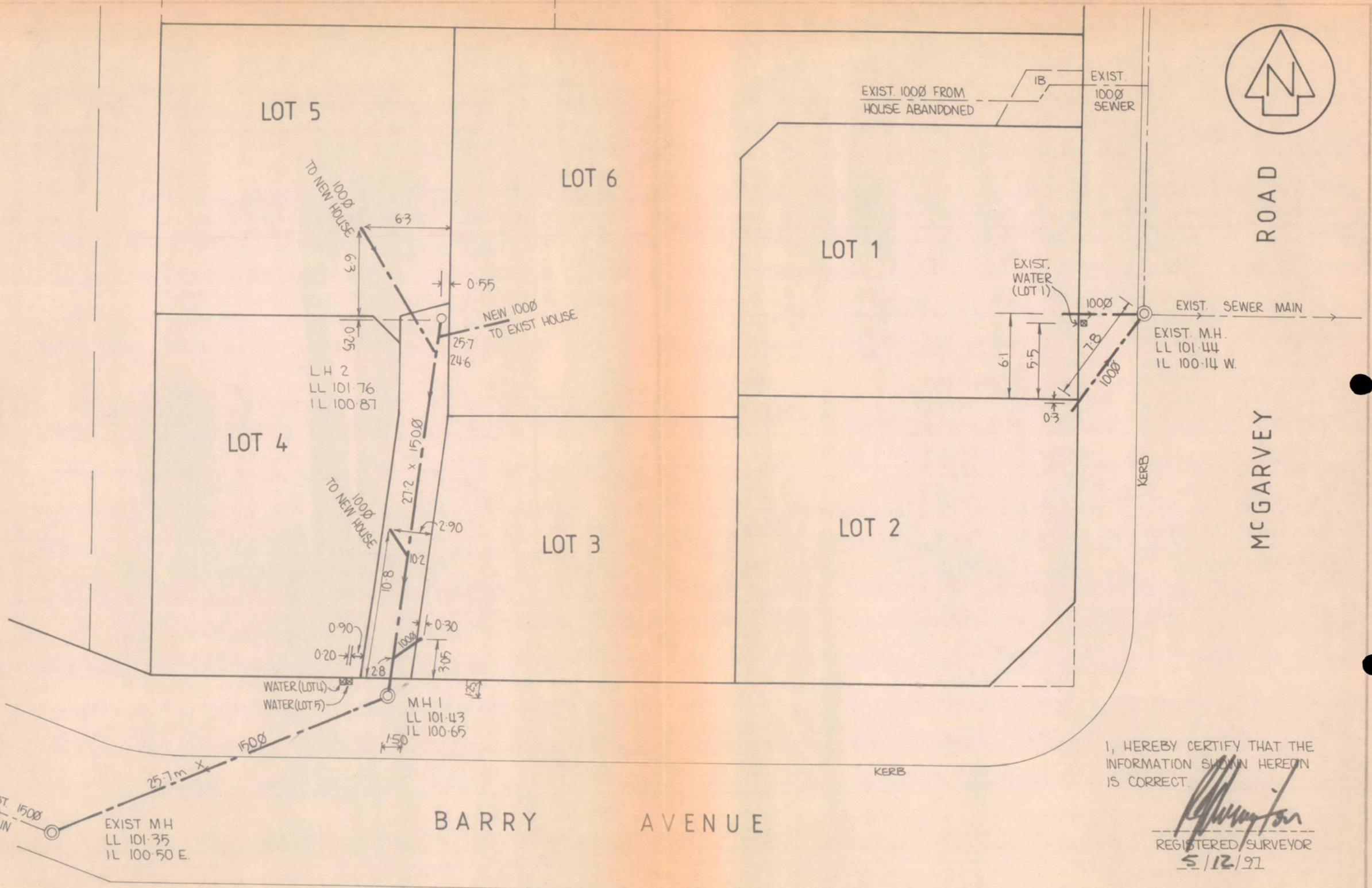
----- General Ledger Receipts -----

68800/100	M CHOUDHAREY WHK	$1368.33
21822/100	M CHOUDHAREY WHK	$720.00
51820/100	M CHOUDHAREY WHK	$7000.00
	Total:	$9088.33

all together better

Environmental Services Department

FORMS\INVFORM



I, HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON IS CORRECT.

REGISTERED SURVEYOR

5/12/97

PREPARED FOR:
M. D. CHOUDHAREY
BUILDING CONTRACTOR

SUBDIVISION AT NO. 6 McGARVEY ROAD

"AS BUILT" SEWER & WATER CONNECTIONS

ROSS J. OVERINGTON
REGISTERED SURVEYOR
PO BOX 596 * WHAKATANE * PHONE 308384

SHEET	DRAWN	CHECKED	SCALES	SERIES OF
AB 1372/1	TRACED	DATE DEC. 1997	1:250	REF

ROSS J. OVERINGTON

REGISTERED SURVEYOR

Land Subdivision and Resource Management Consultant

Upstairs Phoenix House, Pyne Street
P.O. Box 596, WHAKATANE
Telephone 07 308 6384 • Fax 07 307 0665
Mobile Phone 025 904 203

Refer: F1372

28 November 1997

The General Manager
Whakatane District Council
Private Bag
WHAKATANE

WHAKATANE
09 DEC 1997
DISTRICT COUNCIL

ATTENTION: GAEL COOPER

Dear Sir/Madam

YOUR REFERENCE 24.3.96.100 : SUBDIVISION -
M D CHOUDHAREY LIMITED, 6 MCGARVEY ROAD.

Land Transfer Plans in respect of the above, S.74877, have been approved for some time by Land Information New Zealand and we now request a Certificate of Compliance in order that they can deposit. Accordingly please find herewith an appropriate draft document for completion.

Referring to conditions of the subdivision consent, I confirm that all construction requirements have been completed and enclose herewith two copies of my drawing AB1372/1 showing as-built positions of new sewer and water connections.

With regard to Condition 2(v), it is noted that the minimum floor level requirement is 102.035 metres (Whakatane District Council Datum) and the minimum original ground level is approximately 101.4 metres. Minor imported pumice filling has been used to bring building platforms to reduced level approximately 101.9 metres being the sub-grade for concrete slab floors, all of which are now in place except on Lot 2.

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Regarding Condition 2.(xii), please note that Mr Choudharey has constructed the necessary footpath in liaison with Council's Engineer. It is intended to claim 50% of the value of this work from Council in due course.

Residence: 124/2 Pohutukawa Avenue, Ohope • Telephone 07 312 4434

ROSSO 1Hr.
28NOV97

Referring to Condition 2.(iv), engineering plans prepared by Cutfield Consulting have been approved by Council and new stormwater disposal systems have been installed accordingly.

In terms of Condition 2.(vii) (as amended on 15 October 1997), we also request that the necessary Consent Notice be prepared to accompany the Certificate of Compliance. Please note that the two Phoenix Palms have been relocated from Lot 3 to new positions on Lots 2 & 4 and that Council already holds the cash bond for $3,000. For your assistance the new title references allocated are:

Lot 2 - 60B/236
Lot 4 - 60B/238

Also enclosed please find my client's cheque totalling $9,088.33 being payment of reserve contribution ($9,000 less credit for 4 trees at $500 = $7,000), the engineering fee ($100 based on $10,000 value of works), the Section 224 charge ($112.50), the water connection fees (3 @ $240 = $720), the additional administration charge ($1,020.83), and the Consent Notice charge ($135).

Please advise as soon as the documents are available.

Yours faithfully

R J OVERINGTON

Whakatane District Council

Your ref: Our ref: 24.2.97.136L

31 October 1997

Note: This is a land use application

R J Overington
P O Box 596
WHAKATANE

Dear Sir

RESOURCE CONSENT—
M D CHOUDHAREY, 6 McGARVEY ROAD, WHAKATANE

On the 31 October 1997, the Executive Officer—Environmental Services resolved as follows:

"THAT pursuant to Sections 34(4) and 105 and after consideration of Section 104 of the Resource Management Act 1991, the Whakatane District Council grants a resource consent, as a discretionary activity, to M D Choudharey to construct a maximum of six dwellings on a property legally described as Lot 1 DP 35113, and subject to the following conditions:

(a) *That the development proceed generally in accordance with Plan No S1372/1A as prepared by Ross Overington, dated 18 July 1996, and in compliance with conditions of resource consent (land use) 24.3.96.100.*

(b) *That a development contribution of $7 200.00 (inclusive of GST) be paid to Council, being a monetary contribution equivalent to the value of 20 m² for each additional dwelling (after the second dwelling).*

This amount is to be reduced by $500.00 (inclusive of GST) for each tree protected by covenant under condition (h)(i), with the exception of the 2 x Phoenix Palms (labelled No 4 under condition (h)(i)).

(c) *That the accessway be formed and constructed to a minimum two coat sealed standard, to a width of 3.0 metres to the satisfaction of the Executive Officer - Works and Services.*

(d) *That a 6.0 x 6.0 m corner splay on the Barry Avenue/McGarvey Road intersection be vested in the Whakatane District Council.*

(e) *That engineering plans, specifications and calculations providing for the disposal and control of stormwater from the site shall be submitted for approval prior to any works being carried out on the site.*

Address all letters to:
THE GENERAL MANAGER, WHAKATANE DISTRICT COUNCIL, PRIVATE BAG 1002, WHAKATANE 3080.

TELEPHONE: (07) 307-9800
FAX NO.: (07) 307-0718

The design shall take into consideration the provision of both primary and secondary disposal and control systems.

***Primary** - The primary system shall be required to provide an on-site containment or disposal system designed to cater for rainfall of a 10 % probability of occurring annually.*

***Secondary** - The secondary system shall be required to provide the disposal of rainfall of less than a 10 % of probability of occurring annually in a manner that does not cause nuisance to property or buildings both on and off the site.*

(f) *That each dwelling shall be provided with an independent underground sewer and metered water supply to the satisfaction of the Executive Officer - Works and Services.*

(g) *That a covenant be registered against the Certificate of Title requiring that:*

(i) *The following trees and their natural root systems be protected from damage that would be likely to kill or irreparably damage the tree(s) or otherwise adversely affect the shape or form of the tree for the natural lifespan of the tree(s).*

Phoenix Palm (1)
Pohutukawa(2)
Oak (3)
2 x Phoenix Palms (4)
European Beech (5)

(ii) *The owner of the property shall ensure that the tree(s) are maintained in accordance with good arboricultural practice. All maintenance work shall be carried out by a suitably qualified person at the owner's expense.*

(iii) *The covenant and any bond agreement shall be prepared by Council's solicitors at the cost of the applicant.*

(iv) *The Phoenix Palms may be relocated to the positions shown on Plan S1372/1A entitled "Relocation of Trees (Phoenix Palms).*

A bond of $3 000 shall be entered into between the developer and Council to ensure the trees are relocated without damage and will remain in good health in their new location. The period of the bond will be twelve months from the date of the transportation of the Phoenix Palms. The final wording of the bond agreement will be agreed upon by the developer and Council.

For clarity - the covenant requiring protection of trees will include the Phoenix Palms in their current or new relocated positions;

(h) That engineering plans for all engineering works required to satisfy these conditions shall be submitted to Council for approval prior to any work being carried out on site.

(i) That as-built plans of all new and extended services shall be provided to Council for approval and shall be certified as being an accurate record of the location of the services, as constructed, by a registered surveyor or a registered engineer.

(j) That an engineering fee of 1 % of the cost of engineering works required to satisfy these conditions or $50 (inclusive of GST) whichever is the greater, shall be paid to Council for receiving, processing and approving engineering plans required by these conditions.

(k) That a footpath contribution be paid to Council to form a footpath around the entire McGarvey Road frontage of the site. The applicant is to pay 50% of an agreed value to complete the footpath.

(l) That all legal documents required to satisfy the conditions of this consent shall be prepared by the Council's solicitor at the applicant's expense.

(m) That an additional administrative charge of $6.00 (inclusive of GST) be paid to Council in relation to the receiving, processing and granting of this resource consent.

Advice Notes

1. This resource consent (24 February 1997) shall run concurrently with, not substituting for, resource consent 24.3.97.100 (land use).

2. The applicant is advised that a minimum building height of 2.0 35 m (Moturiki Datum) applies to this land.

Reasons

1. The development is a discretionary activity in the Residential A zone of the Whakatane Transitional District Plan. Council is satisfied that any adverse environmental effects that may actually or could potentially occur as a result of this development are likely to be minor or are avoided, remedied or mitigated by the conditions of this resource consent.

2. Council is satisfied that the proposal is in accordance with Part II of the Resource Management Act 1991, particularly as it relates to the sustainable management of the land and maintaining and enhancing the amenity value of the surrounding area.

3. Council is satisfied that the objectives, policies and rules of the District Plan are not compromised by the proposed multi-unit development.

4. *Council considers that the increase in intensity of development resulting from this subdivision is likely to increase the demand for reserves and community facilities in the District and the requirement to contribute to these services is justified. The development contribution was assessed as follows:*

Land value of 20 m² of land	*$1 600.00*
$1 600.00 x 4 additional dwellings	*$6 400.00*
Development contribution (GST included)	*$7 200.00* "

In accordance with Section 357 of the Resource Management Act 1991, you have the right to submit to Council an objection to any of the above conditions of approval. If you are in any way not satisfied with the decision of Council on this application you have the right to appeal to the Environment Court. Any appeal is required to be lodged with the Environment Court within fifteen working days of receiving this decision.

If you have any further enquiries, please contact David Bewley (District Planner) at this office.

Yours faithfully

Diane Turner
EXECUTIVE OFFICER -
ENVIRONMENTAL SERVICES

97\2\L-2\DCB2010

Whakatane District Council

Your ref:

24.3.96.100 Our ref:

R J Overington
P O Box 596
WHAKATANE

IN THE MATTER of the
Resource Management Act 1991

AND

IN THE MATTER of an application for Resource consent (subdivision) - Change of conditions by:

M D Choudharey
6 McGarvey Road
WHAKATANE

Dear Sir/Madam

In accordance with the provisions of the Resource Management Act 1991, you are hereby advised that the Hearings Committee of the Whakatane District Council, acting under delegated authority from the Council at its meeting held 15 October 1997, resolved to change condition 2 (viii) of the abovementioned application.

Council's decision in this matter and the reasons therefor are as set out on the attached sheet.

In accordance with Section 357 of the Resource Management Act 1991, you have the right to submit to Council an objection to any of the above conditions of approval. If you are in any way not satisfied with the decision of Council on this application you have the right to appeal to the Environment Court. Any appeal is required to be lodged with the Environment Court within fifteen working days of receiving this decision.

In addition to the Whakatane District Council, the following persons and bodies appeared or were represented at the hearing of this application:

Mr R J Overington - for the applicant

DATED AT WHAKATANE THIS 23 DAY OF October 1997

pp David Bewley
DISTRICT PLANNER

Encl
97\2\G\EES2410C

Address all letters to:
THE GENERAL MANAGER, WHAKATANE DISTRICT COUNCIL, PRIVATE BAG 1002, WHAKATANE 3080.

TELEPHONE: (07) 307-9800
FAX NO.: (07) 307-0718

DECISION

THAT pursuant to Section 127 Resource Management Act 1991, Council grants consent to change condition 2(vii) of subdivision consent 24.3.96.100 as follows:

"2(vii) That a consent notice be registered against the Certificate of Title for Lots 2, 3 and 4 requiring that:

(a) The following trees and their natural root systems be protected from damage that would be likely to kill or irreparably damage the tree(s) or otherwise adversely affect the shape or form of the tree for the natural lifespan of the tree(s):

Lot 2	*Phoenix Palm (1)*
	Pohutukawa (2)
	Oak (3)
Lot 3	*Phoenix Palms*
Lot 4	*European Beech (5)*

(b) The owner of the property shall ensure that the tree(s) are maintained in accordance with good arboricultural practice. All maintenance work shall be carried out by a suitably qualified person at the owner's expense.

(c) The consent notice and any bond agreement shall be prepared by Council's solicitors at the cost of the applicant."

(d) The phoenix palms may be relocated to the positions shown on Plan S1372/1A entitled "Relocation of Trees (Phoenix Palms) from Lot 3".

A bond of $3 000 shall be entered into between the developer and Council to ensure the trees are relocated without damage and will remain in good health in their new location. The period of the bond will be twelve months from the date of the transportation of the phoenix palms. The final wording of the bond agreement will be agreed upon by the developer and Council.

For clarity:

(i) the consent notice requiring protection of trees will include the phoenix palms on Lot 3 or in their new relocated positions on Lots 2 and 4; and

(ii) no reserves credit, as outlined in condition 2(i), will be given for the protection of the two phoenix palm trees.

Reasons

1. Council considers that the liquid amber on Lot 3 has been so severely pruned that it now contributes little value to the amenity of the area, and is unlikely to recover its previous shape and form. Council reluctantly accepts that a change in circumstances has occurred which makes part of condition 2(vi) now inappropriate. Therefore, Section 127 of the Resource Management Act 1991 is satisfied.

2. While Council accepts the alternative proposal of protecting two phoenix palms (in exchange for the liquid amber), its incentive for protection of the tree, as outlined in condition 2(i) is no longer offered. This is because the pruning was carried out in full knowledge of the condition of resource consent seeking its ongoing protection.

3. Council acknowledges and encourages the private covenanting of the liquidamber for its value, albeit limited, in the immediate environment.

AFTER MEETING ACTION SHEET

File Reference

Details of Meeting: HEARINGS MEETING 15 OCTOBER 1997

☑ Resolved
☐ Recommended

Received/Adopted/Amended at Council Meeting held on 05 NOVEMBER 97

2.0 **RESOURCE CONSENT (SUBDIVISION)—CHANGE OF CONDITIONS—M D CHOUDHAREY, 6 McGARVEY ROAD, WHAKATANE : 24.3.96.100**

Refer pages 6/2/67-86 of the agenda.

RJO

P8

REFER ATTACHED

AFTER MEETING ACTION:

	DATE
1. DISTRICT PLANNER	17.10.97
2.	
3.	
4.	
5.	
6.	

RESOLVED:

THAT pursuant to Section 127 Resource Management Act 1991, Council grants consent to change condition 2(vii) of subdivision consent 24.3.96.100 as follows:

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Reasons

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3. Council acknowledges and encourages the private covenanting of the liquidamber for its value, albeit limited, in the immediate environment.

His Worship the Mayor/Shaw **CARRIED**

AFTER MEETING ACTION SHEET

File Reference

Details of Meeting: HEARINGS MEETING 15 OCTOBER 1997

☑ Resolved
☐ Recommended

Received/Adopted/Amended at Council Meeting held on 05 NOVEMBER 97

2.0 **RESOURCE CONSENT (SUBDIVISION)—CHANGE OF CONDITIONS—M D CHOUDHAREY, 6 McGARVEY ROAD, WHAKATANE : 24.3.96.100**

Refer pages 6/2/67-86 of the agenda.

REFER ATTACHED

AFTER MEETING ACTION:

	DATE
1. DISTRICT PLANNER	17.10.97
2.	
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6.	

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(ii) no reserves credit, as outlined in condition 2(i), will be given for the protection of the two phoenix palm trees.

Reasons

1. Council considers that the liquid amber on Lot 3 has been so severely pruned that it now contributes little value to the amenity of the area, and is unlikely to recover its previous shape and form. Council reluctantly accepts that a change in circumstances has occurred which makes part of condition 2(vi) now inappropriate. Therefore, Section 127 of the Resource Management Act 1991 is satisfied.

2. While Council accepts the alternative proposal of protecting two phoenix palms (in exchange for the liquid amber), its incentive for protection of the tree, as outlined in condition 2(i) is no longer offered. This is because the pruning was carried out in full knowledge of the condition of resource consent seeking its ongoing protection.

3. Council acknowledges and encourages the private covenanting of the liquidamber for its value, albeit limited, in the immediate environment.

His Worship the Mayor/Shaw **CARRIED**

6/2/67

HEARINGS COMMITTEE

WEDNESDAY, 15 OCTOBER 1997

24.3.96.100

RESOURCE CONSENT (SUBDIVISION - CHANGE OF CONDITIONS M D CHOUDHAREY, 6 MCGARVEY ROAD, WHAKATANE

1.0 INTRODUCTION

1.1 On 31 July 1996, the Hearings Committee, acting under delegated authority from full Council, granted resource consent to MD Choudharey to subdivide a property on the corner of Barry Avenue and McGarvey Road into six allotments. A resource consent (land use) was also granted to allow dwellings on lots fronting Barry Avenue to be reduced from 6.0 metres to 4.0 metres. This retained several mature trees within these lots.

1.2 The subdivision has not yet been completed to allow new titles to issue. Condition 2(vii) of the subdivision consent requires a consent notice (covenant) to be registered against the new titles for Lots 2, 3, 4 (those fronting Barry Avenue) to protect specified trees within these lots. This includes a liquid amber on proposed Lot 3.

1.3 During August 1997, Council officers became aware that the liquid amber had been severely pruned. As a result, Council's Parks Officer considers that the tree now contributes little value to the amenity of the area, and is unlikely to recover its previous shape and form. The purpose for which it was to be covenanted has been compromised.

1.4 As the subdivision has not been completed, the consent notice requiring the tree's protection has not been issued. The issue now makes completing the subdivision difficult. While the tree retains some value on site, its public amenity value has been severely reduced. Council staff consider its protection, for any public benefit, to be limited.

1.5 In discussion with the developer, and his representative, it was agreed that an application under Section 127 Resource Management Act 1991, to change condition 2(vii) was appropriate. Council staff have discussed other options for tree protection on the site with the developer.

2.0 CHANGE OF CONDITIONS

2.1 Section 127 of the Resource Management Act 1991 allows Council to change a condition of consent:

6/2/68

"... at any time on the grounds that a change in circumstances has caused the condition to become inappropriate or unnecessary".

2.2 In my opinion, the application can be processed without public notification after considering subsections (3)(a) and (b) of Section 127 Resource Management Act 1991.

2.3 As the condition currently requires the protection of a tree, which no longer retains great amenity value for the general public, it appears inappropriate that Council issue a consent notice seeking its continued protection.

The applicant indicates his willingness to retain the liquid amber and encourage its regrowth, by protecting what remains by way of a private covenant. If this intention is genuine, the inclusion of the tree on a consent notice may then be unnecessary.

In my opinion, the proposal can satisfy the criteria of Section 127.

2.4 The applicant proposes, instead of Council protecting the liquid amber, to:

(a) transplant two health Phoenix palm trees currently located on Lot 3 to sites on Lot 2 and Lot 4. The trees would then be covenanted. All costs would be met by Mr Choudharey;

(b) privately covenant the liquid amber to ensure its repair and future maintenance. If the tree should not survive, it would be replaced with another liquid amber;

(c) forfeit a $500 credit allowed by condition 2(i) for the protection of the liquid amber, and no credit is sought for the Phoenix palms.

2.5 Staff feel there is little option but to support the proposal, with the exception of the need to relocate the Phoenix palms.

These two palms are located in the western corner of Lot 3, and are located in the 4 metre front yard of the property. Council's Manager - Parks and Recreation comments that:

"The proposal to relocate these specimen appears unnecessary, and will incur the risk of damage and/or loss of the palms as a result of the transplanting operation. Some form of bond or guarantee of survival is required if the proposed transplanting is approved."

It is understood that the trees need to be relocated from Lot 3 in order to ensure a sale of the lot. This is not a valid planning consideration.

However, as both palms will be situated within the front yards of Lots 2 and 4, it is accepted that the amenity value provided by these trees will be retained for the public.

6/2/69

It is recommended that the option be given to the developer as to whether he relocates the palms or not, but if he intends to do so, then a substantial cash bond (say $4 000) be entered into with Council to ensure their safe transportation and ongoing health (for a period of twelve months following their relocation). A bond of $4 000 would reflect the approximate cost of transplanting the two trees.

2.6 A further issue arises when considering the reason why land use consent was given to reduce the front yard to 4 metres. This was permitted to encourage the retention of mature trees on site. In respect to Lot 3, the location of the liquid amber justified a reduction of the front yard. With little public benefit arising from the retention of what is left of the liquid amber, it is difficult to justify this encroachment. However, Council has given a resource consent to allow an encroachment. While it is subject to conditions, including compliance with any condition of any subdivision consent, it is not, in my opinion, able to cancel this consent.

This action highlights a number of issues for Council in its administration of subdivision and land use consents, where incentives for protection of features are given by Council, but then abused by a developer. Council's Manager - Parks and Recreation also outlines some relevant issues in this regard. These matters will be reported back to the Environmental Services Committee to establish more appropriate policy in the future.

RECOMMENDED:

THAT pursuant to Section 127 Resource Management Act 1991, Council grants consent to change condition 2(vii) of subdivision consent 24.3.96.100 as follows:

"2*(vii)* *That a consent notice be registered against the Certificate of Title for Lots 2, 3 and 4 requiring that:*

(a) *The following trees and their natural root systems be protected from damage that would be likely to kill or irreparably damage the tree(s) or otherwise adversely affect the shape or form of the tree for the natural lifespan of the tree(s):*

Lot 2	*Phoenix Palm (1)*
	Pohutukawa (2)
	Oak (3)
Lot 3	*Phoenix Palms (2)*
Lot 4	*European Beech (5)*

(b) *The owner of the property shall ensure that the tree(s) are maintained in accordance with good arboricultural practice. All maintenance work shall be carried out by a suitably qualified person as the owner's expense.*

6/2/70

(c) *The consent notice and any bond agreement shall be prepared by Council's solicitors at the cost of the applicant."*

(d) *The Phoenix Palms may be relocated to the positions shown on Plan S1372/1A entitled "Relocation of Trees (Phoenix Palms) from Lot 3".*

A bond of $4 000 shall be entered into between the developer and Council to ensure the trees are relocated without damage and will remain in good health in their new location. The period of the bond will be twelve months from the date of the transportation of the Phoenix Palms. The final wording of the bond agreement will be agreed upon by the developer and Council.

For clarity:

(i) the consent notice requiring protection of trees will include the Phoenix Palms on Lot 3 or in their new relocated positions on Lots 2 and 4; and

(ii) no reserves credit, as outlined in condition 2(i), will be given for the protection of the two Phoenix palm trees.

Reasons

1. Council considers that the liquid amber on Lot 3 has been so severely pruned that it now contributes little value to the amenity of the area, and is unlikely to recover its previous shape and form. Council reluctantly accepts that a change in circumstances has occurred which makes part of condition 2(vi) now inappropriate. Therefore, Section 127 of the Resource Management Act 1991 is satisfied.

2. While Council accepts the alternative proposal of protecting two Phoenix Palms (in exchange for the liquid amber), its incentive for protection of the tree, as outlined in condition 2(i) is no longer offered. This is because the pruning was carried out in full knowledge of the condition of resource consent seeking its ongoing protection.

3. Council acknowledges and encourages the private covenanting of the liquid amber for its value, albeit limited, in the immediate environment.

David Bewley
DISTRICT PLANNER

6 October 1997
97\1\A\HGS1510

ROSS J. OVERINGTON

6/2/71

96.100

REGISTERED SURVEYOR

Land Subdivision and Resource Management Consultant

Upstairs Phoenix House, Pyne Street
P.O. Box 596, WHAKATANE
Telephone 07 308 6384 • Fax 07 307 0665
Mobile Phone 025 904 203

Refer: F1372

9 September 1997

WHAKATANE
09 SEP 1997
DISTRICT COUNCIL

The General Manager
Whakatane District Council
Private Bag
WHAKATANE

ATTENTION: MR DAVID BEWLEY

Dear Sir

YOUR REFERENCE 24.3.96.100 : SUBDIVISION & LAND USE CONSENTS FOR MR M D CHOUDHAREY AT 6 MCGARVEY ROAD.

Further to your letters dated 18 August and 1 September 1997 addressed to Mr Choudharey, I hereby request (on behalf of Mr Choudharey) a variation to Condition 2.(vii) of the Subdivision Consent.

It is acknowledged that the Liquid Amber Tree on proposed Lot 3 has been more severely pruned than intended and that Council staff consider its value to be compromised. As a consequence, rather than formally protect the Liquid Amber by Consent Notice, it is proposed to transplant two healthy Phoenix palm trees on the site to more suitable nearby locations and to protect these trees under the covenant referred to in Condition 2.(vii).

The Phoenix Palms are currently located at the western road frontage of Lot 3 and it is proposed to move them to other locations along the Barry Avenue frontage, one on Lot 2 and the other on Lot 4 as indicated on the enclosed copy (reduced) of drawing S1372/1A.

Precise location and transplantation procedure for these trees would be carried out under supervision of Council's Parks Officer.

However, it is understood that the Liquid Amber tree should continue to live and that over time its shape can be improved. Mr Choudharey intends to retain this tree and to impose a private protection covenant which will ensure that its repair and future maintenance are carried out with qualified arboricultural advice. A provision in this covenant will require replacement of the tree (with another Liquid Amber tree) should it not survive or if independent arboricultural opinion confirms that it is not worthy of protection.

It is accepted that the $500 credit provided for in Condition 2.(i) for protection of the Liquid Amber will not now be claimed and credit is not sought for the two Phoenix Palm trees proposed to be protected in replacement. It is considered that no other financial contribution would be warranted or appropriate. The suggested value of trees in your letter of 18 August is not reflected in the $500 credit specified in Condition 2.(i).

Referring to the question of Land Use Consent to erect a total of six dwellings on the existing site, it was clearly understood from Mr Bracey that this was intended to be included in the consent granted. "The application is presented as a comprehensive development including specific building design....." In Paragraph 4, Page 2 of the Application Report dated 20 May 1996, and "the comprehensive development proposal allows consideration of both Land Use and Subdivision matters". In Paragraph 3 on Page 4, confirm the intention in the original application.

In addition to the Scheme Plan of Subdivision (drawing S1372/1) detail building plans for each separate dwelling (drawing S1372/1A etc) were submitted with the application, and discussions with Mr Bracey anticipated one consent process for the development.

It is pointed out that the subsequent granting of three Building Consents for new dwellings on proposed Lots 1, 4 & 5 clearly confirm Mr Bracey's own understanding. Building Consents for a third and fourth dwelling on the site would not have been available without Land Use consideration.

The wording of the Land Use Consent as granted was considered to be deficient in description of the activity but this was considered to be an error and not intentional. The writer telephoned Mr Bracey prior to his departure from Council and was assured that the Land Use Consent included the proposed buildings and that he would place a note on Council's file accordingly.

It is noted that Condition 1.(i) is all embracing and covers consent for buildings. This refers to the whole site and not just the Barry Avenue frontage which would have been the case if only the front yard dispensation was being delt with. The plan referred to (drawing S1372/1A) is the building plan showing all five proposed new dwellings.

However it is acknowledged that there are anomalies and accordingly I enclose herewith an Application for Land Use Consent to regularise the situation so that building of proposed dwellings on Lots 2 & 3 can proceed independently of subdivision.

Reasons for the reduction of the front yard requirement along Barry Avenue essentially remain the same as previously. In particular there is no footpath requirement along this frontage, so that an open space appearance can be maintained. The reduced front yard in Barry Avenue to a minimum of 4.0 metres still maintains a similar berm width from kerb to buildings as in McGarvey Road where a normal front yard of 6.0 metres applies. In respect of Lot 3, it would not be practical to require a greater setback than adjoining buildings on Lots 2 & 4. A greater setback would require removal of the Liquid Amber tree which is not intended nor we believe warranted.

6/2/73

The overall effect of the proposed amendment to Condition 2.(vii) of the Subdivision Consent will be to protect two additional significant trees which will be in relatively prominent locations and benefit the amenity value of the general neighbourhood. In addition the Liquid Amber tree will be retained, and recovery of its natural shape encouraged.

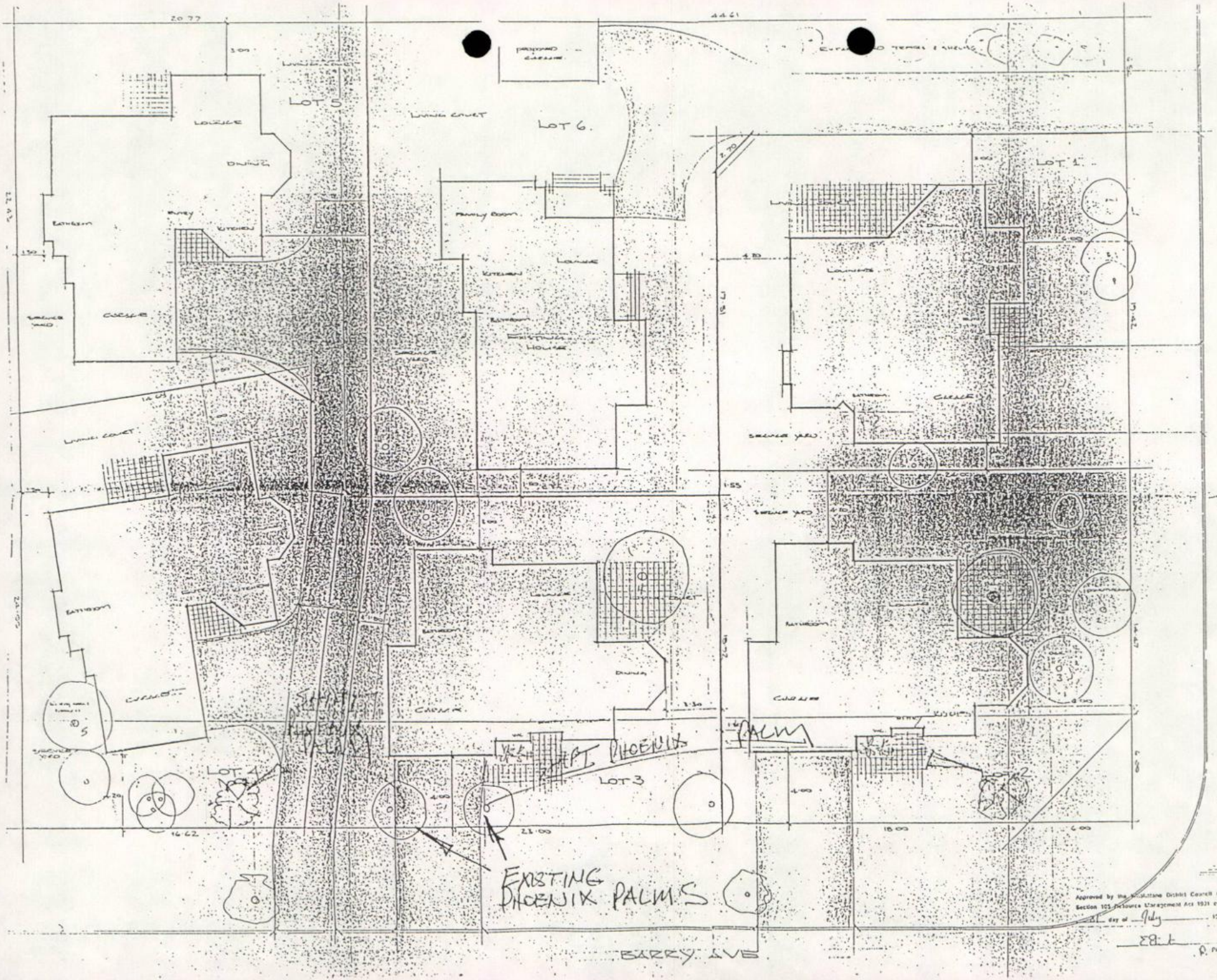
Land Use Consent will clarify the original intention for this development.

A cheque totalling $405 is enclosed being Council's processing charges.

We await your advice.

Yours faithfully

R J OVERINGTON



RELOCATION OF TREES (PHOENIX PALMS) FROM LOT 3 - 6/2/74

McCARVEY ROAD.

SITE PLAN
1:100
S1372/1A
16/7/96

Approved by the Melbourne District Council under Section 125 Resource Management Act 1991 on this 9th day of July 1996.

EB Lt
A. Planner

6/2/75

24.3.96.100
11.1.5

MEMORANDUM

TO: District Planner

SUBJECT: **LAND USE CONSENTS**
MR M D CHOUDHAREY, 6 MCGARVEY ROAD, WHAKATANE

DATE: 2 October 1997

With reference to Mr Overington's letter of 9 September:

1. The Liquidamber tree in question has certainly had "its value.....compromised." It is unfortunate that Council's procedure for ensuring effective protection to significant trees on development sites has proved to be so inadequate, and is something which needs to be addressed with some urgency.

2. The inclusion of two additional Phoenix palms in the proposed protective covenant is supported. The proposal to relocate these specimens appears unnecessary, and will incur the risk of damage and/or loss of the palms as a result of the transplanting operation. Some form of bond or guarantee of survival is required if the proposed transplanting is approved.

3. The Council's Parks Officer is not available to oversee this type of operation. There are competent, qualified contractors in the area who should undertake the work.

4. The proposed protection covenant to encourage the regrowth of the damaged Liquidamber or replacement is encouraged. This would perhaps be more likely to succeed if included in land use consent condition as opposed to a private covenant.

5. The $500.00 credit for the protection of the Liquidamber (and other trees on the site) is in my opinion most inappropriate. Council should not be in effect paying developers to not cut down significant trees. This should be a straightforward requirement as provided for in the District Plan. Furthermore, the $500.00 sum gives a clear message to developers that the 'value' of these trees is $500.00. This diminishes the perceived importance of these trees, bears no relationship to any recognised tree valuation system and has the effect that the financial implication of ignoring protective conditions of consent is almost insignificant.

6. It is important that Council develops a clear standard procedure for dealing with significant trees. This would include identifying significant trees on

6/2/76

development sites, valuing those trees, and providing effective protection for those trees through both dissemination of appropriate information and ensuring effective deterrents to damaging those trees.

The development of a standard procedure to deal with this issue should be undertaken with some urgency.

Rob Cairns
MANAGER - PARKS AND RECREATION

97\2\I-2\RWC0210

6/2/77

Whakatane District Council

Your ref: Our ref: 24.3.96.100

1 September 1997

Mr M D Choudharey
6 ~~McAlister~~ Street McGarvey.
WHAKATANE

Dear Sir

BUILDING CONSENT - NEW DWELLING
4 BARRY AVENUE, WHAKATANE

I have received your application for a building consent to construct a dwelling at 4 Barry Ave, Whakatane.

Further to my letter dated 18 August 1997, I confirm that a resource consent is required before this dwelling can be constructed.

I have heard verbally from Mr Overington and you, that the resource consent (land use) obtained on the 6 August 1996 was intended to allow the development of the six dwellings (without first completing the subdivision of land).

Regardless of what may have been intended, the resource consent obtained is very specific. It only allows the reduction of the front yard to 4.0 metres, not the construction of multiple dwellings. It is also noted that this consent is subject to three conditions. Condition 1(i) states:

- *"That the development of Lot 1 DPS 35113 be undertaken in accordance with plans submitted with this application (reference S1372/1A dated 18 July 1996) and the conditions of any subsequent subdivision consent".*

As you are aware, the basis for Council being able to support the encroachment of buildings into the 6.0 metre front yard was because of the position of the trees on-site and their protection through conditions on the subdivision consent. The subdivision consent requires the protection of the liquid amber, which has now been irreparably damaged. It would now seem impossible to comply with condition 1(i) at this time.

In my opinion, you have the following options:

(a) Apply and obtain resource consent (land use) to construct more than two dwellings on the existing title.

Address all letters to:
THE GENERAL MANAGER, WHAKATANE DISTRICT COUNCIL, PRIVATE BAG 1002, WHAKATANE 3080.
TELEPHONE: (07) 307-9300
FAX NO.: (07) 307-0718

6/2/78

(b) Apply for a "change of conditions" to then complete the subdivision, prior to the construction of any further dwellings.

Please note that in reaching agreement over the loss of the liquidamber, the need for a dwelling to be sited only 4.0 metres from the front boundary may be reassessed.

Should you wish to discussion this matter, please do not hesitate to contact me.

Yours faithfully



for David Bewley
DISTRICT PLANNER

97\1\L\DCB0109

6/2/79

Whakatane District Council

Your ref: Our ref: 24.3.96.100

18 August 1997

Mr M D Choudharey
6 McGarvey Road
WHAKATANE

Dear Sir

PROTECTION OF TREES: 6-10 McGARVEY ROAD, WHAKATANE

Further to our meeting on 12 August 1997, I wish to confirm the points discussed.

The liquidamber on proposed Lot 4 has been severely pruned. In the opinion of the Parks Officer, the tree retains little value and is unlikely to recover its shape and form. For this reason, there appears to be little point in protecting the tree as required by condition 2(vii) of resource consent 24.3.96.100.

However, the subdivision of the land cannot be completed without complying with all conditions of consent. A change to condition 2(vii) is now necessary under Section 127 of the Resource Management Act 1991. In order for staff to support such a change, you should suggest other ways of retaining the high amenity value of the area towards which the liquidamber contributed. For example:

(i) There may other trees on the site which are worthwhile protecting. I understand that two other phoenix palm trees are located are on Lot #3 which are worth protecting.

(ii) An additional financial contribution (other than the $500 referred to in condition 2[i]) may be warranted. A figure of $2 000 has been suggested to you. This would seem to be a reasonable figure if it is recognised that the liquidamber had a value of $12 000-15 000.

(iii) The relocation or planting of a tree or trees to public reserves in the vicinity

An application under Section 127 of the Act requires that a change in circumstances can be established which has made the condition unnecessary or inappropriate. I have enclosed a copy of this provision of the Act for your reference. A deposit of $135 is payable to Council for the processing of this application.

In addition, I advised you that a resource consent (land use) for constructing more than two dwellings on the land is necessary if the subdivision is not complete. Until a land use consent has been obtained or the subdivision has been completed, no

Address all letters to:
THE GENERAL MANAGER, WHAKATANE DISTRICT COUNCIL, PRIVATE BAG 1002, WHAKATANE 3080.
TELEPHONE: (07) [illegible]
FAX NO.: (07) [illegible]

6/2/80

further construction of dwellings is permitted under Rule 5.35 of the Transitional Whakatane District Plan. A deposit of $270 is payable to Council for the processing of this resource consent.

Should you wish to discuss this matter, please do not hesitate to contact me.

Yours faithfully

David Bewley
DISTRICT PLANNER

97\3\L\DCB1808A

6/2/81

Whakatane District Council

Your ref: Our ref: 24.3.96.100

6 August 1996

Mr Ross J Overington
P O Box 596
WHAKATANE

Dear Sir

RESOURCE CONSENT (SUBDIVISION) -
MR M D CHOUDHAREY

On 31 July 1996, the Hearings Committee considered the above subdivision and resolved as follows:

"1. *THAT pursuant to Sections 34(4) and 105 and after consideration of Part II Matters and Sections 104 and 108 of the Resource Management Act 1991, the Whakatane District Council grants consent to the land use consent application by M D Choudharey, being a discretionary activity to reduce the front yard requirement along the Barry Avenue frontage of Lot 1 DP 35113 from 6 m to 4 m. Consent is subject to the following conditions:*

(i) *That the development of Lot 1 DP 35113 be undertaken in accordance with plans submitted with this application (reference S 1372/1A, dated 18 July 1996) and the conditions of any subsequent subdivision consent.*

(ii) *That a continuous screen fence, or landscaping, to a height of 1.8 m be erected or established along the Barry Avenue frontage of proposed Lots 2, 3 and 4 (excluding accessways) within twelve months of the date of this consent.*

(iii) *That accessways to the site be located in accordance with Plan S 1372/1A, dated 18 July 1996.*

Reasons

1. *It is not considered that any consents are required because of the layout of the proposed dwellings and their relationship to the adjoining sites.*

6/2/82

2. *The reduction in the yard is to facilitate the retention of the mature trees on the site which will help to maintain the amenity of the area and mitigate the effects of the increase in density resulting from the development of the site.*

3. *A screen fence or landscaping along the Barry Avenue frontage is required to mitigate the effects of the proposed buildings encroaching on the front yard.*

2. *THAT pursuant to Sections 34(4) and 105 and after consideration of Part II Matters and Sections 104, 108 and 220 of the Resource Management Act 1991, the Whakatane District Council grants consent to the subdivision consent application by M D Choudharey, being a non-complying activity, for the proposed subdivision of Lot 1 DP 35113 as shown on Plans S 1372/1 dated May 1996 and S 1372/1A dated 18 July 1996. Consent is subject to the following conditions:*

(i) *That a reserves contribution of $9 000 (inclusive of GST) or an amount determined at 4.5% (plus GST) of the land value of the five new allotments created, as assessed by a registered land valuer, be paid to Council. This amount to be reduced by $500 (inclusive of GST) for each of the trees protected by a consent notice registered against the Certificate of Title for the lot on which the tree is located, in accordance with the conditions of this consent.*

(ii) *That the right-of-way serving Lots 4 and 5 shall be formed and constructed in accordance with Council's Code of Subdivisional Standards to the satisfaction of the Executive Officer - Works and Services.*

(iii) *That Lot 7, shown as road, shall vest in the Whakatane District Council.*

(iv) *That engineering plans, specifications and calculations providing for the disposal and control of stormwater from the site shall be submitted for approval prior to any works being carried out on the site.*

The design shall take into consideration the provision of both primary and secondary disposal and control systems.

Primary - The primary system shall be required to provide an on-site containment or disposal system designed to cater for rainfall of a 10 % probability of occurring annually.

Secondary - The secondary system shall be required to provide the disposal of rainfall of less than a 10 % of probability of

6/2/83

occurring annually in a manner that does not cause nuisance to property or buildings both on and off the site.

(v) *That finished building platform levels on all lots shall be not less than 102.035 above Moturiki Datum. Any fill placed on the site to meet this condition shall be placed under the supervision of a suitably qualified person and certified as being suitable for any subsequent building development provided for as a permitted activity in the District Plan by a Registered Engineer.*

(vi) *That all lots shall be provided with independent underground sewer and metered water and electricity supply in accordance with Council's Code of Subdivisional Standards.*

(vii) *That a consent notice be registered against the Certificate of Title for Lots 2, 3 and 4 requiring that:*

(a) *The following trees and their natural root systems be protected from damage that would be likely to kill or irreparably damage the tree(s) or otherwise adversely affect the shape or form of the tree for the natural lifespan of the tree(s).*

Lot 2	*Phoenix Palm (1)*
	Pohutukawa (2)
	Oak (3)
Lot 3	*Liquid Amber (4)*
Lot 4	*European Beech (5)*

(b) *The owner of the property shall ensure that the tree(s) are maintained in accordance with good arboricultural practice. All maintenance work shall be carried out by a suitably qualified person at the owner's expense.*

(c) *The consent notice shall be prepared by Council's solicitors at the cost of the applicant.*

(viii) *That engineering plans for all engineering works required to satisfy these conditions shall be submitted to Council for approval prior to any work being carried out on site. The plans shall be in the form specified in Council's Code of Subdivisional Standards.*

(ix) *That as-built plans of all new and extended services shall be provided to Council for approval. The plans shall be in the form specified in Council's Code of Subdivisional Standards and shall be certified as being an accurate record of the location of the services, as constructed, by a registered surveyor or a registered engineer.*

6/2/84

(x) *That an engineering fee of 1 % of the cost of engineering works required to satisfy these conditions or $50 (inclusive of GST) whichever is the greater, shall be paid to Council for receiving, processing and approving engineering plans required by these conditions.*

(xi) *That all easements required to protect right-of-ways or services within the subdivision shall be duly granted or reserved.*

(xii) *That a footpath contribution be paid to Council to form a footpath along the entire McGarvey Road frontage of the site. The applicant is to pay 50% of an agreed value to complete the footpath.*

(xiii) *That all legal documents required to satisfy the conditions of this consent shall be prepared by the Council's solicitor at the applicant's expense.*

(xiv) *That an additional administrative charge of $1 020.83 (inclusive of GST) be paid to Council in relation to the receiving, processing and granting of this Resource Consent.*

3. *THAT pursuant to Section 223 of the Resource Management Act 1991, the Executive Officer - Environmental Services be authorised to approve the Survey Plan in respect of the above subdivision once the Survey Plan is submitted and is in accordance with the approved subdivision consent.*

4. *THAT pursuant to Section 224 of the Resource Management Act 1991, the General Manager be authorised to sign a certificate in respect of the above subdivision, stating that all conditions of subdivision consent have been complied with to his satisfaction.*

Reasons

1. *The proposed subdivision is a non-complying activity in the Residential zone of the Whakatane Transitional District Plan. Council is satisfied that any adverse environmental effects that may actually or could potentially occur as a result of this subdivision are likely to be minor or are avoided, remedied or mitigated by the conditions of this resource consent.*

2. *Council is satisfied that the proposal is in accordance with Part II of the Resource Management Act 1991, particularly as it relates to the sustainable management of the land and maintaining and enhancing the amenity value of the surrounding area.*

3. *Council is satisfied that the objectives, policies and rules of the District Plan as they relate to multi-unit developments on a single site are not compromised by the proposed subdivision of the site into separate freehold titles.*

6/2/85

4. *Council considers that the increase in intensity of development resulting from this subdivision is likely to increase the demand for reserves and community facilities in the District and the requirement to contribute to these services is justified. The reserves contribution was assessed as follows:*

Land value of additional lots (as advised by applicant including GST) $40,000 x 5	*$200 000*
Reserves Contribution at 4.5% of land value (GST included)	*9 000*
Total	*$9 000*

Consideration is given to the ongoing protection of the trees identified in condition 7.

5. *Council is satisfied that the right-of-way serving Lots 4 and 5 is of sufficient width to provide vehicle and pedestrian access to the lots.*

6. *The proposed subdivision is in an area that is subject to inundation during extreme storm events and it is considered that appropriate measures should be taken to avoid any increased adverse effect of flooding as a result of the development of the site. Subject to compliance with conditions 4 and 5, Council is satisfied that the proposed subdivision will not contribute to a nuisance or a significant adverse effect outside the new lots created.*

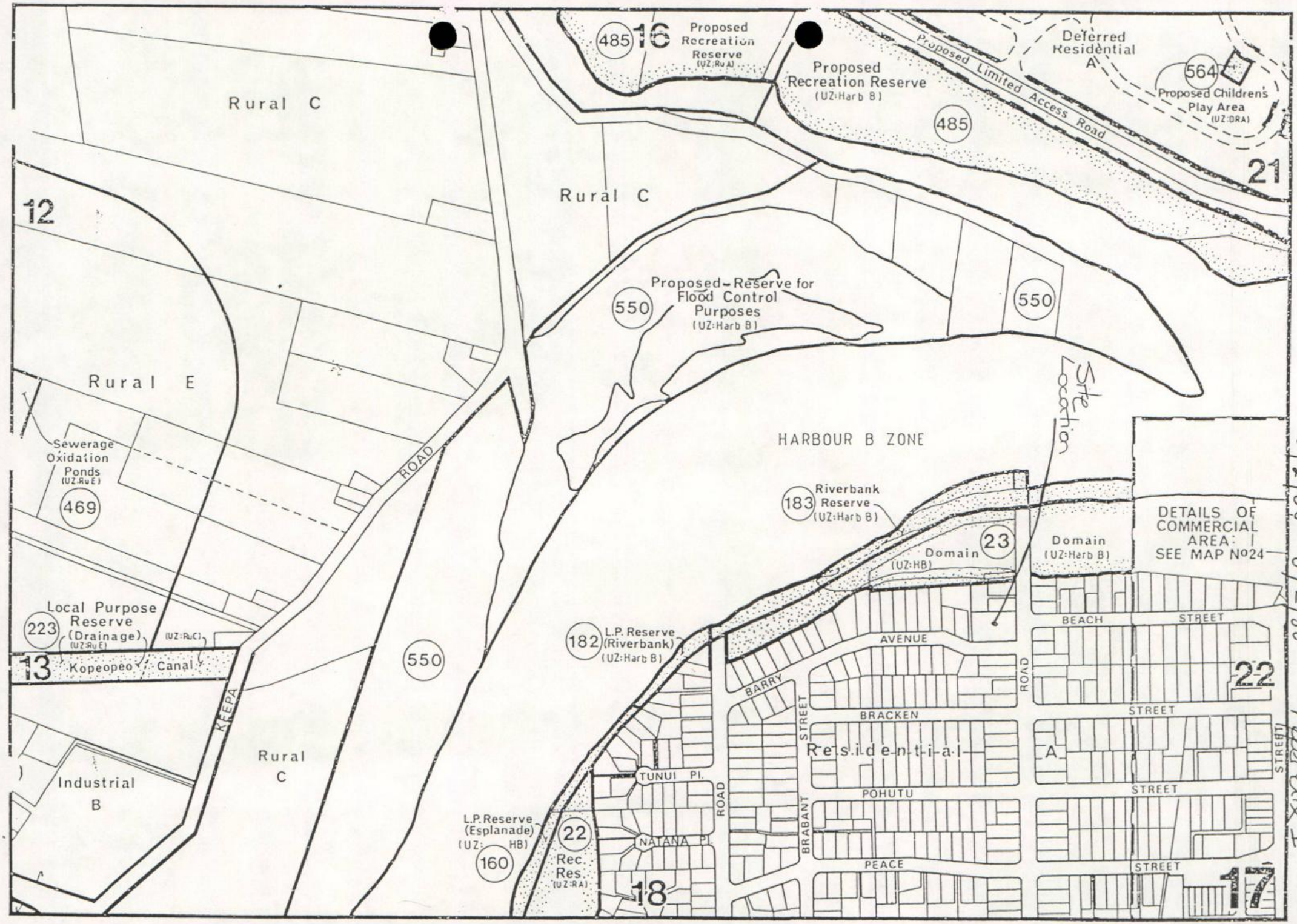
7. *The existing site level is less than that permitted for a minimum building platform in the district. It is appropriate that the buildingplatform be raised to avoid inundation during extreme storm events."*

In accordance with Section 357 of the Resource Management Act 1991, you have the right to submit to Council an objection to any of the above conditions of approval. If you are in any way not satisfied with the decision of Council on this application you have the right to appeal to the Planning Tribunal. Any appeal is required to be lodged with the Planning Tribunal within fifteen working days of receiving this decision.

If you have any further enquiries, please contact Stuart Bracey (Senior Planner) at this office.

Yours faithfully

Diane Turner
EXECUTIVE OFFICER -
ENVIRONMENTAL SERVICES
96\2\L\EES0108A



6/12/86 Appendix I

505

$45. $26

$56

$50

→ 40000 per lot

Lot 1 $88.70

Lot 2 $82.65

Lot 3 $93.48

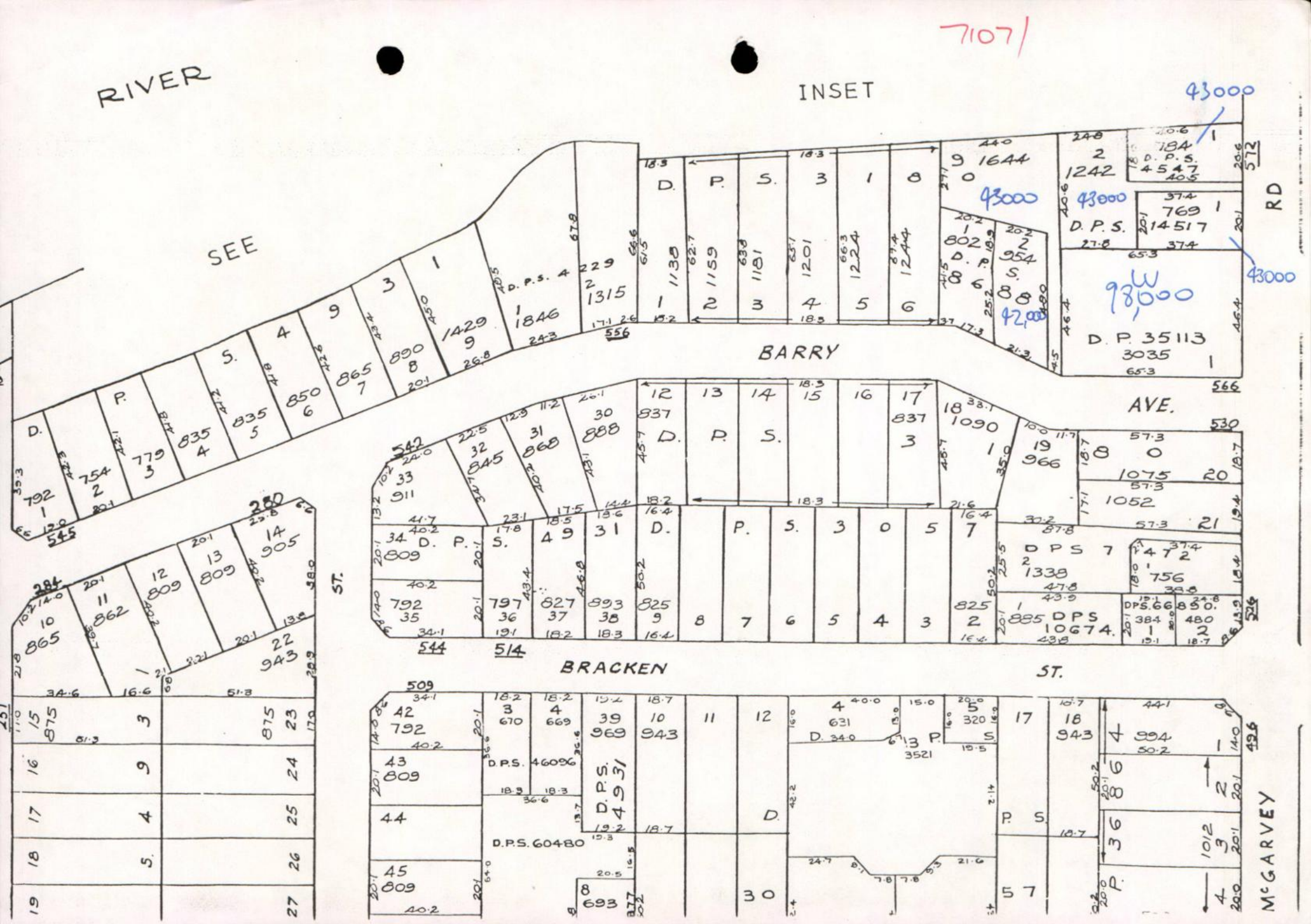
Lot 4 $90.70

Lot 5 $80.00

Lot 6. $56.10

$491.63

$81.94 ≈ $80.


7107/
RIVER
INSET
SEE
BARRY
AVE.
BRACKEN
ST.
McGARVEY
RD
D. P. S. 3 1 8
D. P. S. 4 9 3 1
D. P. S. 3 0 5
D. P. S. 4 6 0 9 6
D. P. S. 4 9 3 1
D. P. S. 6 0 4 8 0
D. P. S. 4 5 4 7
D. P. S. 1 4 5 1 7
D. P. S. 3 5 1 1 3
D. P. S. 3 0 3 5
43000
98,000
42,000

24.2. _____
24.3. 96.100.

MEMORANDUM

TO: ~~District Inspector~~
~~Executive Officer~~ - ~~Works and Services~~
Manager - Parks and Recreation
~~Property Administration Officer~~

SUBJECT: **RESOURCE CONSENT APPLICATION**

DATE: 16/9/97.

APPLICANT: M.D. Chowdhaney. 6 M°Garvey Rd.

PROPOSAL: consent to a variation of Condition 2 (vii) of subdivision consent & land use to regularise buildings of dwellings

---

PLANNER: David.

FURTHER INFORMATION:

COMMENTS/CONDITIONS:

TO BE COMPLETED BY 24 / 9 / 97.

COMMENTS/CONDITIONS:

STAFF MEMBER	TIME (MINUTES)	COST	CODE	INITIAL	DATE
BOB CARNS	60				
TOTAL					

HEARINGS COMMITTEE

WEDNESDAY, 15 OCTOBER 1997

24.3.96.100

RESOURCE CONSENT (SUBDIVISION - CHANGE OF CONDITIONS M D CHOUDHAREY, 6 MCGARVEY ROAD, WHAKATANE

1.0 INTRODUCTION

1.1 On 31 July 1996, the Hearings Committee, acting under delegated authority from full Council, granted resource consent to MD Choudharey to subdivide a property on the corner of Barry Avenue and McGarvey Road into six allotments. A resource consent (land use) was also granted to allow dwellings on lots fronting Barry Avenue to be reduced from 6.0 metres to 4.0 metres. This retained several mature trees within these lots.

1.2 The subdivision has not yet been completed to allow new titles to issue. Condition 2(vii) of the subdivision consent requires a consent notice (covenant) to be registered against the new titles for Lots 2, 3, 4 (those fronting Barry Avenue) to protect specified trees within these lots. This includes a liquid amber on proposed Lot 3.

1.3 During August 1997, Council officers became aware that the liquid amber had been severely pruned. As a result, Council's Parks Officer considers that the tree now contributes little value to the amenity of the area, and is unlikely to recover its previous shape and form. The purpose for which it was to be covenanted has been compromised.

1.4 As the subdivision has not been completed, the consent notice requiring the tree's protection has not been issued. The issue now makes completing the subdivision difficult. While the tree retains some value on site, its public amenity value has been severely reduced. Council staff consider its protection, for any public benefit, to be limited.

1.5 In discussion with the developer, and his representative, it was agreed that an application under Section 127 Resource Management Act 1991, to change condition 2(vii) was appropriate. Council staff have discussed other options for tree protection on the site with the developer.

2.0 CHANGE OF CONDITIONS

2.1 Section 127 of the Resource Management Act 1991 allows Council to change a condition of consent:

"... at any time on the grounds that a change in circumstances has caused the condition to become inappropriate or unnecessary".

2.2 In my opinion, the application can be processed without public notification after considering subsections (3)(a) and (b) of Section 127 Resource Management Act 1991.

2.3 As the condition currently requires the protection of a tree, which no longer retains great amenity value for the general public, it appears inappropriate that Council issue a consent notice seeking its continued protection.

The applicant indicates his willingness to retain the liquid amber and encourage its regrowth, by protecting what remains by way of a private covenant. If this intention is genuine, the inclusion of the tree on a consent notice may then be unnecessary.

In my opinion, the proposal can satisfy the criteria of Section 127.

2.4 The applicant proposes, instead of Council protecting the liquid amber, to:

(a) transplant two health Phoenix palm trees currently located on Lot 3 to sites on Lot 2 and Lot 4. The trees would then be covenanted. All costs would be met by Mr Choudharey;

(b) privately covenant the liquid amber to ensure its repair and future maintenance. If the tree should not survive, it would be replaced with another liquid amber;

(c) forfeit a $500 credit allowed by condition 2(i) for the protection of the liquid amber, and no credit is sought for the Phoenix palms.

2.5 Staff feel there is little option but to support the proposal, with the exception of the need to relocate the Phoenix palms.

These two palms are located in the western corner of Lot 3, and are located in the 4 metre front yard of the property. Council's Manager - Parks and Recreation comments that:

"The proposal to relocate these specimen appears unnecessary, and will incur the risk of damage and/or loss of the palms as a result of the transplanting operation. Some form of bond or guarantee of survival is required if the proposed transplanting is approved."

It is understood that the trees need to be relocated from Lot 3 in order to ensure a sale of the lot. This is not a valid planning consideration.

However, as both palms will be situated within the front yards of Lots 2 and 4, it is accepted that the amenity value provided by these trees will be retained for the public.

It is recommended that the option be given to the developer as to whether he relocates the palms or not, but if he intends to do so, then a substantial cash bond (say $4 000) be entered into with Council to ensure their safe transportation and ongoing health (for a period of twelve months following their relocation). A bond of $4 000 would reflect the approximate cost of transplanting the two trees.

2.6 A further issue arises when considering the reason why land use consent was given to reduce the front yard to 4 metres. This was permitted to encourage the retention of mature trees on site. In respect to Lot 3, the location of the liquid amber justified a reduction of the front yard. With little public benefit arising from the retention of what is left of the liquid amber, it is difficult to justify this encroachment. However, Council has given a resource consent to allow an encroachment. While it is subject to conditions, including compliance with any condition of any subdivision consent, it is not, in my opinion, able to cancel this consent.

This action highlights a number of issues for Council in its administration of subdivision and land use consents, where incentives for protection of features are given by Council, but then abused by a developer. Council's Manager - Parks and Recreation also outlines some relevant issues in this regard. These matters will be reported back to the Environmental Services Committee to establish more appropriate policy in the future.

RECOMMENDED:

THAT pursuant to Section 127 Resource Management Act 1991, Council grants consent to change condition 2(vii) of subdivision consent 24.3.96.100 as follows:

"*2(vii) That a consent notice be registered against the Certificate of Title for Lots 2, 3 and 4 requiring that:*

(a) The following trees and their natural root systems be protected from damage that would be likely to kill or irreparably damage the tree(s) or otherwise adversely affect the shape or form of the tree for the natural lifespan of the tree(s):

Lot 2	*Phoenix Palm (1)*
	Pohutukawa (2)
	Oak (3)
Lot 3	*Phoenix Palms (2)*
Lot 4	*European Beech (5)*

(b) The owner of the property shall ensure that the tree(s) are maintained in accordance with good arboricultural practice. All maintenance work shall be carried out by a suitably qualified person as the owner's expense.

(c) *The consent notice and any bond agreement shall be prepared by Council's solicitors at the cost of the applicant."*

(d) *The Phoenix Palms may be relocated to the positions shown on Plan S1372/1A entitled "Relocation of Trees (Phoenix Palms) from Lot 3".*

A bond of $4 000 shall be entered into between the developer and Council to ensure the trees are relocated without damage and will remain in good health in their new location. The period of the bond will be twelve months from the date of the transportation of the Phoenix Palms. The final wording of the bond agreement will be agreed upon by the developer and Council.

For clarity:

(i) the consent notice requiring protection of trees will include the Phoenix Palms on Lot 3 or in their new relocated positions on Lots 2 and 4; and

(ii) no reserves credit, as outlined in condition 2(i), will be given for the protection of the two Phoenix palm trees.

Reasons

1. Council considers that the liquid amber on Lot 3 has been so severely pruned that it now contributes little value to the amenity of the area, and is unlikely to recover its previous shape and form. Council reluctantly accepts that a change in circumstances has occurred which makes part of condition 2(vi) now inappropriate. Therefore, Section 127 of the Resource Management Act 1991 is satisfied.

2. While Council accepts the alternative proposal of protecting two Phoenix Palms (in exchange for the liquid amber), its incentive for protection of the tree, as outlined in condition 2(i) is no longer offered. This is because the pruning was carried out in full knowledge of the condition of resource consent seeking its ongoing protection.

3. Council acknowledges and encourages the private covenanting of the liquid amber for its value, albeit limited, in the immediate environment.

David Bewley
DISTRICT PLANNER

6 October 1997
97\1\A\HGS1510

96.100

ROSS J. OVERINGTON

REGISTERED SURVEYOR

Land Subdivision and Resource Management Consultant

Upstairs Phoenix House, Pyne Street
P.O. Box 596, WHAKATANE
Telephone 07 308 6384 • Fax 07 307 0665
Mobile Phone 025 904 203

Refer: ~~F1372~~

9 September 1997

WHAKATANE DISTRICT COUNCIL 09 SEP 1997

The General Manager
Whakatane District Council
Private Bag
WHAKATANE

ATTENTION: MR DAVID BEWLEY

Dear Sir

YOUR REFERENCE 24.3.96.100 : SUBDIVISION & LAND USE CONSENTS FOR MR M D CHOUDHAREY AT 6 MCGARVEY ROAD.

Further to your letters dated 18 August and 1 September 1997 addressed to Mr Choudharey, I hereby request (on behalf of Mr Choudharey) a variation to Condition 2.(vii) of the Subdivision Consent.

It is acknowledged that the Liquid Amber Tree on proposed Lot 3 has been more severely pruned than intended and that Council staff consider its value to be compromised. As a consequence, rather than formally protect the Liquid Amber by Consent Notice, it is proposed to transplant two healthy Phoenix palm trees on the site to more suitable nearby locations and to protect these trees under the covenant referred to in Condition 2.(vii).

The Phoenix Palms are currently located at the western road frontage of Lot 3 and it is proposed to move them to other locations along the Barry Avenue frontage, one on Lot 2 and the other on Lot 4 as indicated on the enclosed copy (reduced) of drawing S1372/1A.

Precise location and transplantation procedure for these trees would be carried out under supervision of Council's Parks Officer.

However, it is understood that the Liquid Amber tree should continue to live and that over time its shape can be improved. Mr Choudharey intends to retain this tree and to impose a private protection covenant which will ensure that its repair and future maintenance are carried out with qualified arboricultural advice. A provision in this covenant will require replacement of the tree (with another Liquid Amber tree) should it not survive or if independent arboricultural opinion confirms that it is not worthy of protection.

It is accepted that the $500 credit provided for in Condition 2.(i) for protection of the Liquid Amber will not now be claimed and credit is not sought for the two Phoenix Palm trees proposed to be protected in replacement. It is considered that no other financial contribution would be warranted or appropriate. The suggested value of trees in your letter of 18 August is not reflected in the $500 credit specified in Condition 2.(i).

Referring to the question of Land Use Consent to erect a total of six dwellings on the existing site, it was clearly understood from Mr Bracey that this was intended to be included in the consent granted. "The application is presented as a comprehensive development including specific building design....." In Paragraph 4, Page 2 of the Application Report dated 20 May 1996, and "the comprehensive development proposal allows consideration of both Land Use and Subdivision matters". In Paragraph 3 on Page 4, confirm the intention in the original application.

In addition to the Scheme Plan of Subdivision (drawing S1372/1) detail building plans for each separate dwelling (drawing S1372/1A etc) were submitted with the application, and discussions with Mr Bracey anticipated one consent process for the development.

It is pointed out that the subsequent granting of three Building Consents for new dwellings on proposed Lots 1, 4 & 5 clearly confirm Mr Bracey's own understanding. Building Consents for a third and fourth dwelling on the site would not have been available without Land Use consideration.

The wording of the Land Use Consent as granted was considered to be deficient in description of the activity but this was considered to be an error and not intentional. The writer telephoned Mr Bracey prior to his departure from Council and was assured that the Land Use Consent included the proposed buildings and that he would place a note on Council's file accordingly.

It is noted that Condition 1.(i) is all embracing and covers consent for buildings. This refers to the whole site and not just the Barry Avenue frontage which would have been the case if only the front yard dispensation was being delt with. The plan referred to (drawing S1372/1A) is the building plan showing all five proposed new dwellings.

However it is acknowledged that there are anomalies and accordingly I enclose herewith an Application for Land Use Consent to regularise the situation so that building of proposed dwellings on Lots 2 & 3 can proceed independently of subdivision.

Reasons for the reduction of the front yard requirement along Barry Avenue essentially remain the same as previously. In particular there is no footpath requirement along this frontage, so that an open space appearance can be maintained. The reduced front yard in Barry Avenue to a minimum of 4.0 metres still maintains a similar berm width from kerb to buildings as in McGarvey Road where a normal front yard of 6.0 metres applies. In respect of Lot 3, it would not be practical to require a greater setback than adjoining buildings on Lots 2 & 4. A greater setback would require removal of the Liquid Amber tree which is not intended nor we believe warranted.

The overall effect of the proposed amendment to Condition 2.(vii) of the Subdivision Consent will be to protect two additional significant trees which will be in relatively prominent locations and benefit the amenity value of the general neighbourhood. In addition the Liquid Amber tree will be retained, and recovery of its natural shape encouraged.

Land Use Consent will clarify the original intention for this development.

A cheque totalling $405 is enclosed being Council's processing charges.

We await your advice.

Yours faithfully

R J OVERINGTON

24.3.96.100
11.1.5

MEMORANDUM

TO: District Planner

SUBJECT: **LAND USE CONSENTS**
MR M D CHOUDHAREY, 6 MCGARVEY ROAD, WHAKATANE

DATE: 2 October 1997

With reference to Mr Overington's letter of 9 September:

1. The Liquidamber tree in question has certainly had "its value.....compromised." It is unfortunate that Council's procedure for ensuring effective protection to significant trees on development sites has proved to be so inadequate, and is something which needs to be addressed with some urgency.

2. The inclusion of two additional Phoenix palms in the proposed protective covenant is supported. The proposal to relocate these specimens appears unnecessary, and will incur the risk of damage and/or loss of the palms as a result of the transplanting operation. Some form of bond or guarantee of survival is required if the proposed transplanting is approved.

3. The Council's Parks Officer is not available to oversee this type of operation. There are competent, qualified contractors in the area who should undertake the work.

4. The proposed protection covenant to encourage the regrowth of the damaged Liquidamber or replacement is encouraged. This would perhaps be more likely to succeed if included in land use consent condition as opposed to a private covenant.

5. The $500.00 credit for the protection of the Liquidamber (and other trees on the site) is in my opinion most inappropriate. Council should not be in effect paying developers to not cut down significant trees. This should be a straightforward requirement as provided for in the District Plan. Furthermore, the $500.00 sum gives a clear message to developers that the 'value' of these trees is $500.00. This diminishes the perceived importance of these trees, bears no relationship to any recognised tree valuation system and has the effect that the financial implication of ignoring protective conditions of consent is almost insignificant.

6. It is important that Council develops a clear standard procedure for dealing with significant trees. This would include identifying significant trees on

development sites, valuing those trees, and providing effective protection for those trees through both dissemination of appropriate information and ensuring effective deterrents to damaging those trees.

The development of a standard procedure to deal with this issue should be undertaken with some urgency.

Rob Cairns
MANAGER - PARKS AND RECREATION

97\2\I-2\RWC0210

Whakatane District Council

Your ref: Our ref: 24.3.96.100

1 September 1997

Mr M D Choudharey
6 ~~McAlister~~ Street
WHAKATANE

McGarvey.

Dear Sir

BUILDING CONSENT - NEW DWELLING
4 BARRY AVENUE, WHAKATANE

I have received your application for a building consent to construct a dwelling at 4 Barry Ave, Whakatane.

Further to my letter dated 18 August 1997, I confirm that a resource consent is required before this dwelling can be constructed.

I have heard verbally from Mr Overington and you, that the resource consent (land use) obtained on the 6 August 1996 was intended to allow the development of the six dwellings (without first completing the subdivision of land).

Regardless of what may have been intended, the resource consent obtained is very specific. It only allows the reduction of the front yard to 4.0 metres, not the construction of multiple dwellings. It is also noted that this consent is subject to three conditions. Condition 1(i) states:

- *"That the development of Lot 1 DPS 35113 be undertaken in accordance with plans submitted with this application (reference S1372/1A dated 18 July 1996) and the conditions of any subsequent subdivision consent".*

As you are aware, the basis for Council being able to support the encroachment of buildings into the 6.0 metre front yard was because of the position of the trees on-site and their protection through conditions on the subdivision consent. The subdivision consent requires the protection of the liquid amber, which has now been irreparably damaged. It would now seem impossible to comply with condition 1(i) at this time.

In my opinion, you have the following options:

(a) Apply and obtain resource consent (land use) to construct more than two dwellings on the existing title.

Address all letters to:
THE GENERAL MANAGER, WHAKATANE DISTRICT COUNCIL, PRIVATE BAG 1002, WHAKATANE 3080.
TELEPHONE: (07) 307-9800
FAX NO.: (07) 307-0718

(b) Apply for a "change of conditions" to then complete the subdivision, prior to the construction of any further dwellings.

Please note that in reaching agreement over the loss of the liquidamber, the need for a dwelling to be sited only 4.0 metres from the front boundary may be reassessed.

Should you wish to discussion this matter, please do not hesitate to contact me.

Yours faithfully



David Bewley
DISTRICT PLANNER

97\1\L\DCB0109

Whakatane District Council

Your ref: Our ref: 24.3.96.100

18 August 1997

Mr M D Choudharey
6 McGarvey Road
WHAKATANE

Dear Sir

PROTECTION OF TREES: 6-10 McGARVEY ROAD, WHAKATANE

Further to our meeting on 12 August 1997, I wish to confirm the points discussed.

The liquidamber on proposed Lot 4 has been severely pruned. In the opinion of the Parks Officer, the tree retains little value and is unlikely to recover its shape and form. For this reason, there appears to be little point in protecting the tree as required by condition 2(vii) of resource consent 24.3.96.100.

However, the subdivision of the land cannot be completed without complying with all conditions of consent. A change to condition 2(vii) is now necessary under Section 127 of the Resource Management Act 1991. In order for staff to support such a change, you should suggest other ways of retaining the high amenity value of the area towards which the liquidamber contributed. For example:

(i) There may other trees on the site which are worthwhile protecting. I understand that two other phoenix palm trees are located are on Lot 4 3 which are worth protecting.

(ii) An additional financial contribution (other than the $500 referred to in condition 2[i]) may be warranted. A figure of $2 000 has been suggested to you. This would seem to be a reasonable figure if it is recognised that the liquidamber had a value of $12 000-15 000.

(iii) The relocation or planting of a tree or trees to public reserves in the vicinity

An application under Section 127 of the Act requires that a change in circumstances can be established which has made the condition unnecessary or inappropriate. I have enclosed a copy of this provision of the Act for your reference. A deposit of $135 is payable to Council for the processing of this application.

In addition, I advised you that a resource consent (land use) for constructing more than two dwellings on the land is necessary if the subdivision is not complete. Until a land use consent has been obtained or the subdivision has been completed, no

Address all letters to:
THE GENERAL MANAGER, WHAKATANE DISTRICT COUNCIL, PRIVATE BAG 1002, WHAKATANE 3080.
TELEPHONE: (07) 307-9800
FAX NO.: (07) 307-0718

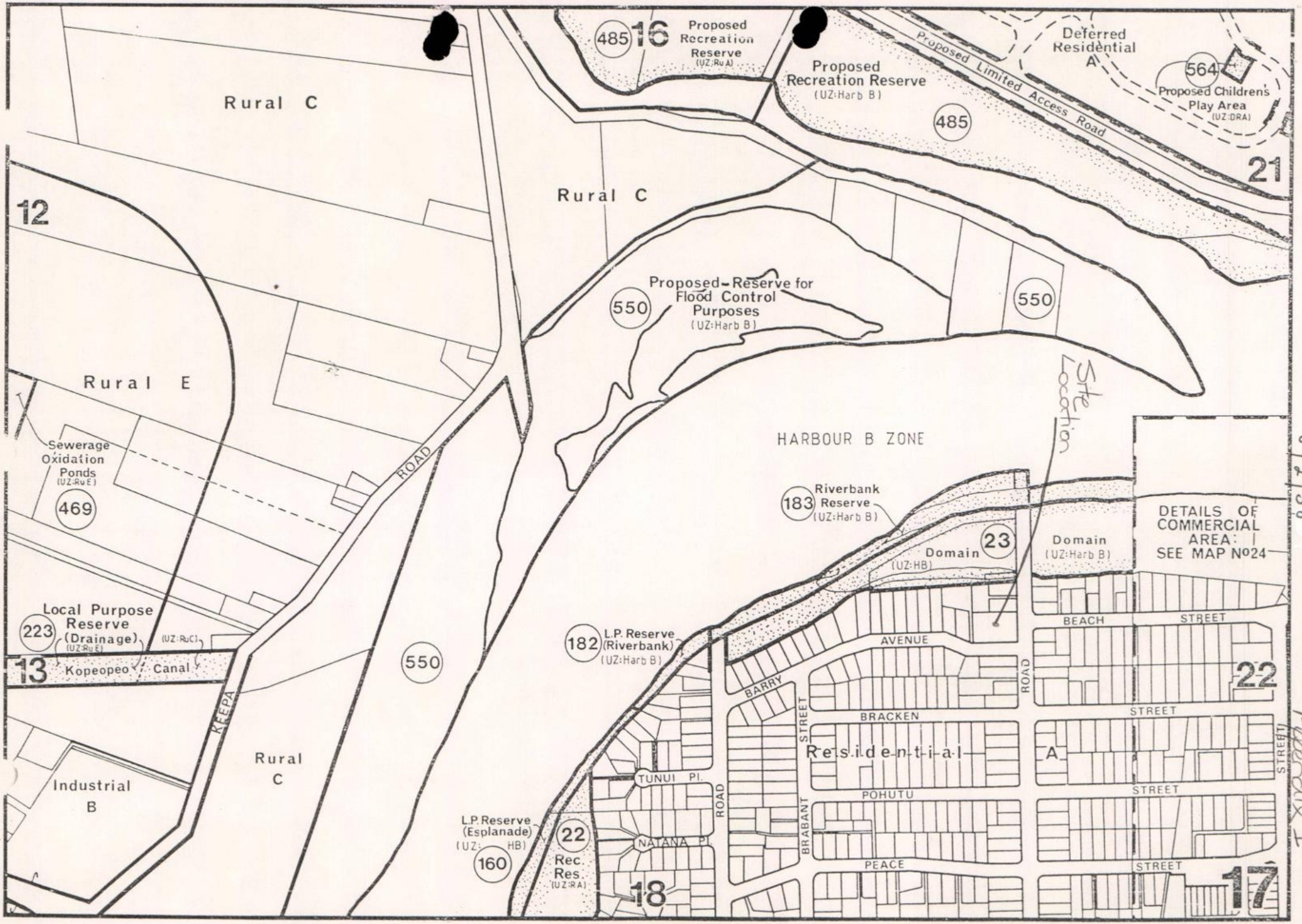
further construction of dwellings is permitted under Rule 5.35 of the Transitional Whakatane District Plan. A deposit of $270 is payable to Council for the processing of this resource consent.

Should you wish to discuss this matter, please do not hesitate to contact me.

Yours faithfully

David Bewley
DISTRICT PLANNER

97\3\L\DCB1808A


485
16
Proposed Recreation Reserve (UZ:Ru A)
Proposed Recreation Reserve (UZ:Harb B)
Proposed Limited Access Road
Deferred Residential A
564
Proposed Childrens Play Area (UZ:DRA)
485
21
Rural C
Rural C
12
Proposed Reserve for Flood Control Purposes (UZ:Harb B)
550
550
Rural E
Sewerage Oxidation Ponds (UZ:Ru E)
469
ROAD
HARBOUR B ZONE
Site Location
183
Riverbank Reserve (UZ:Harb B)
Domain
23
(UZ:HB)
Domain (UZ:Harb B)
DETAILS OF COMMERCIAL AREA: SEE MAP No24
Local Purpose Reserve (Drainage)
223
(UZ:Ru E)
(UZ:Ru C)
13
Kopeopeo Canal
182
L.P. Reserve (Riverbank) (UZ:Harb B)
550
BEACH
STREET
AVENUE
22
BARRY
ROAD
BRACKEN
STREET
KEEPA
Rural C
Residential A
STREET
STREET
Industrial B
TUNUI PL.
ROAD
POHUTU
STREET
BRABANT
STREET
L.P. Reserve (Esplanade) (UZ: HB)
160
NATANA PL
22
Rec. Res. (UZ:RA)
PEACE
STREET
18
17
6/2/38
Appendix I

24.3.97.100

1 October 1997

Mr Ross J Overington
P O Box 596
WHAKATANE

Dear Sirs

RESOURCE CONSENT (LAND USE) :
M D CHOUDHAREY, 6 McGARVEY ROAD, WHAKATANE

Notice is hereby given that the hearing of the above application has been set down for Wednesday, 15 October 1997 at 9:00 am in the Council Chambers, Civic Centre, Whakatane District Council, Commerce Street, Whakatane.

A copy of the Planner's report will be forwarded to you as soon as it is available.

If you intend to present any further written evidence or submission, it would be appreciated if you could arrange for at least ten copies of this to be made available for use at the hearing.

Yours faithfully

Ellen Stenton
PLANNING ASSISTANT

97\1\L\GGC0110D

RESOURCE CONSENT

1.0 **APPLICANT:** Choudhary

2.0 **REFERENCE NO:** 24.3.96.100

3.0 **PLANNER:** GC ☐ DS ☐ LH ☐ OTHER ☑ David

4.0 **INFORMATION COMPLETE?**
(eg: deposit, description of activity, AEE, written consents)

Yes ☑ Go to 6
No ☐ Go to 5

5.0 **FURTHER INFORMATION REQUESTED** _____ (Date) **Received** _____ (Date)

FURTHER INFORMATION REQUESTED _____ (Date) **Received** _____ (Date)

6.0 **OTHER RESOURCE CONSENTS?**

Land Use ☑ Subdivision ☐

Discharge Permit ☐ Water Permit ☐ Coastal Permit ☐

7.0 **SECTION 91 APPLICABLE?** Yes ☐ No ☐

8.0 **ZONING:** Residential A

9.0 **ACTIVITY STATUS:** Change of conditions. 5127.

Controlled ☐ Discretionary ☐ Discretionary (Limited) ☐
Non Complying ☐

10.0 **NOTIFICATION**

10.1 **Persons Adversely Affected:**

Comments: N/A – no consents requested originally.

10.2 **Environmental Effects Minor:**

Comments: ~~Not relevant under~~ No.

10.3 **Special Circumstances (S 94(5))**

Do special circumstances exist? **Yes** ☐ **No** ☑

10.4 **Conclusion**

(i) Taking into account the effects considered above, the adverse effect on the environment of the activity for which consent is sought will be:

Minor ☑

More than Minor ☐

(ii) Written approval **has** ☐ **has not** ☐ been obtained from every person who may be adversely affected by the granting of this resource consent. N/A.

(iii) It is considered unreasonable in the circumstances to require the obtaining of the approval of _____ because _____.

(iv) Special circumstances exist in relation to the application, therefore, it needs to be notified. **Yes** ☐ **No** ☑

10.5 **Recommendation**

(a) That for the reasons concluded above, this application be processed without notice, pursuant to Section 93 of the Act. ☑

(b) That for the reasons concluded above, this application be processed with notice, pursuant to Section 93 of the Act. ☐

_____ _____

(Planner) *(Date)*

10.6 **Authorised by**

_____ 3/10/97

(District Planner/EOES) *(Date)*

10.7 **Report Presentation**

Letter ☐ Memo ☐ Full Report ☑

10.8 **Decision**

District Planner/EOES ☐ Hearings Committee ☑

10.0 **CIRCULATION**

10.1 **Internal**

Department	Circulate *or* No Comment	Time (Minute)	Cost	Code	Initial	Date
Engineers	☐ ☐					
Inspectors	☐ ☐					
Parks	☑ ☐					
Property Officer	☐ ☐					
	☐ ☐					
	☐ ☐					

16/9/97

10.2 **External**

Environment BOP ☐
DLR ☐
Transit New Zealand ☐
Iwi ☐
Department of Conservation ☐
Network Utility Operator ☐
_____ ☐
_____ ☐
_____ ☐
_____ ☐

COST RECOVERY (Planning)

Processing

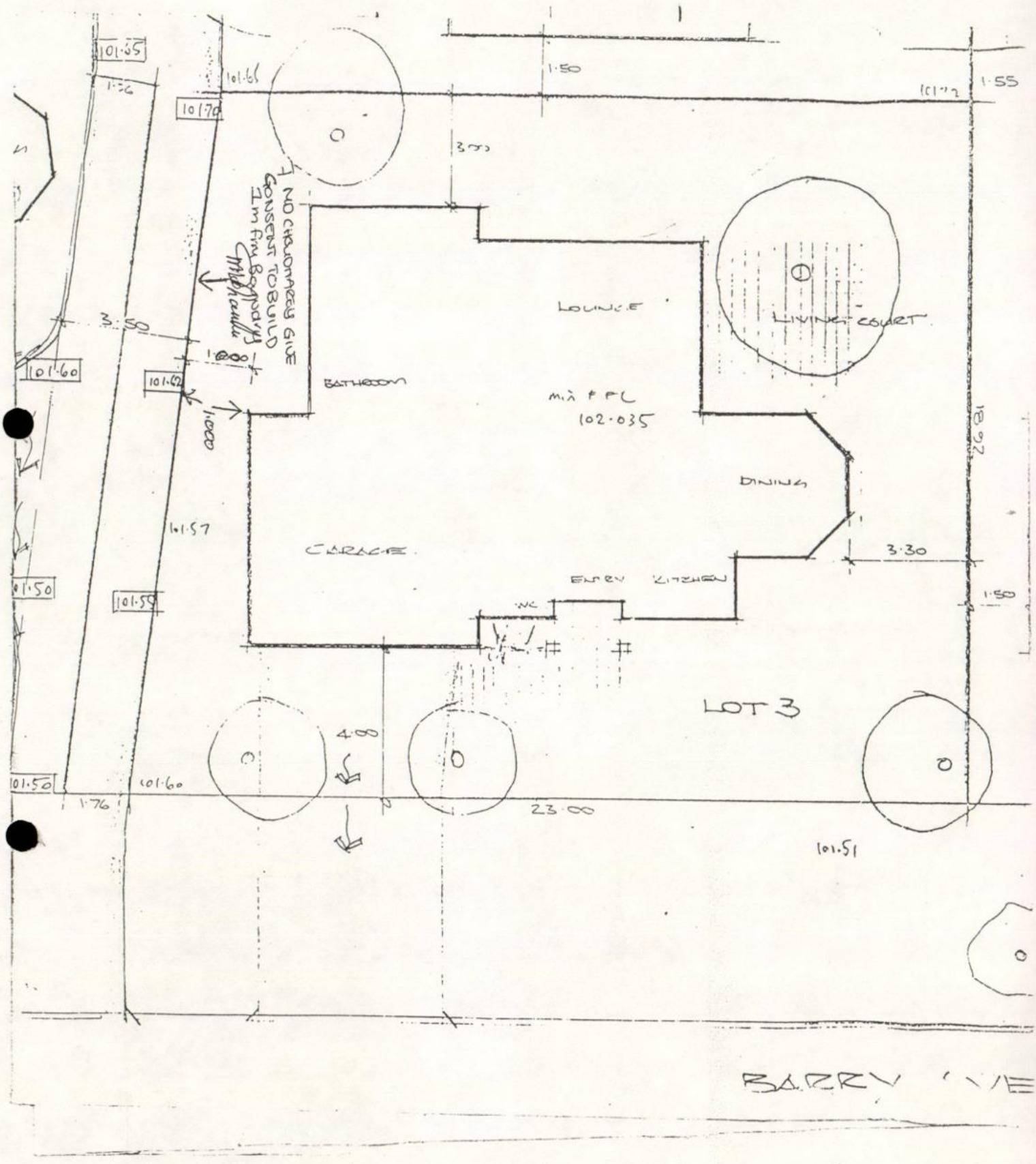
Date	Time (Min)	Comment	Initials

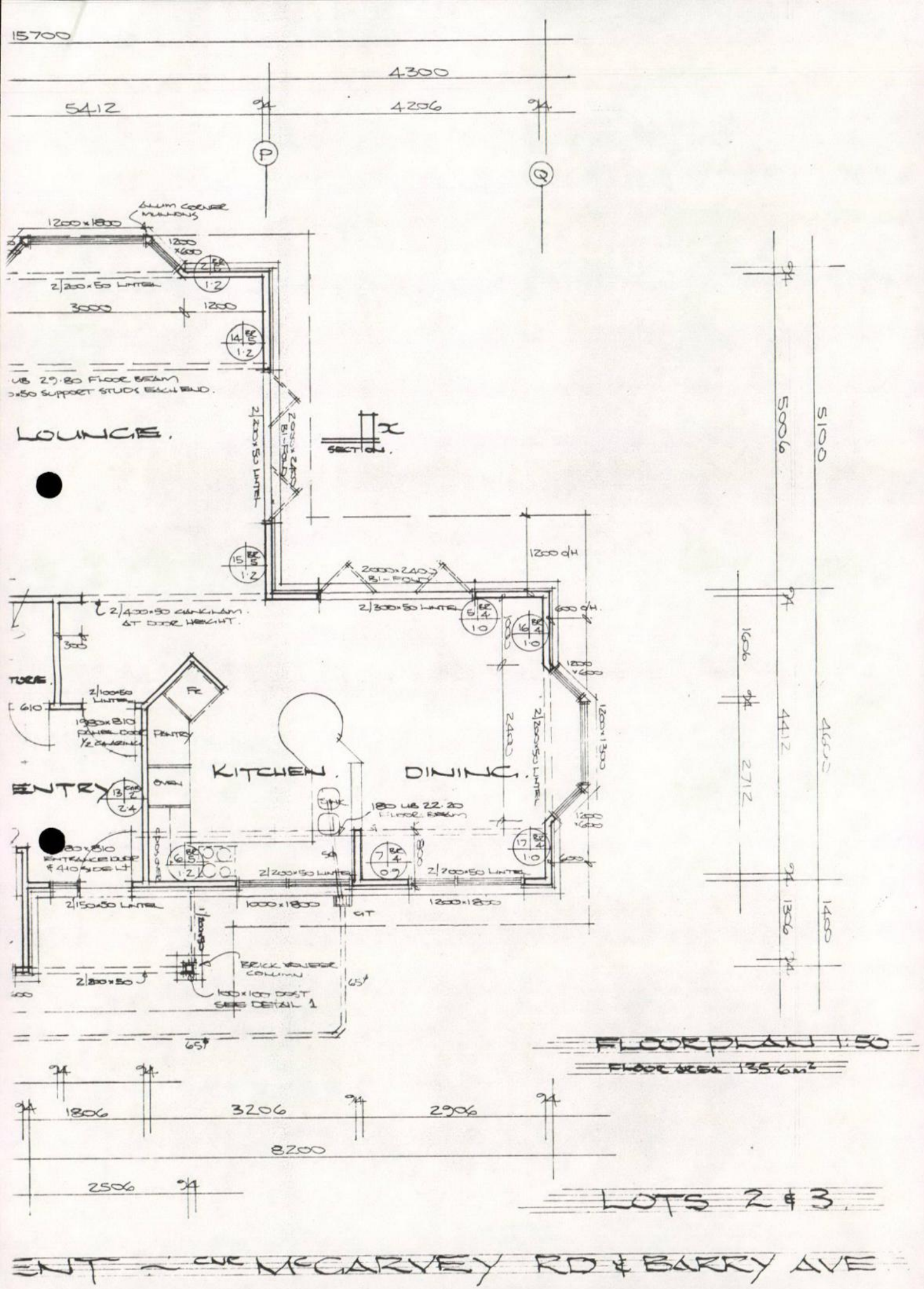
Planner

Date	Time (Min)	Comment	Initials
18/8	60	letter / discussion with appl.	DB.
1/9	30	letter / discn. with surveyor	DB.
5/9.	120	write report.	DB.
6/9			

Additional Charges (inclusive of GST)

Purpose	Cost	Code	Initials


101.65
101.66
1.76
101.70
1.50
1.55
101.72
3.70
NO CHAINAGES GIVE CONSENT TO BUILD 1m FM BOUNDARY
3.50
1.000
101.60
101.62
BATHROOM
LOUNGE
LIVING COURT
mid FFL
102.035
1.000
DINING
18.92
101.57
CARAGE
3.30
ENTRY
KITCHEN
WC
1.50
101.50
101.59
LOT 3
4.00
101.50
101.60
1.76
23.00
101.51
BARRY AVE


15700
4300
5412
4206
P
Q
ALUM CORNER MULLIONS
1200 x 1800
1200 x 600
2/250 x 50 LINTEL
3000
1200
UB 29.80 FLOOR BEAM
50 SUPPORT STUDS EACH END.
LOUNGE.
2/200 x 50 LINTEL
2000 x 2400 BI-FOLD
SECTION X
2/300 x 50 LINTEL
2/400 x 50 CANTILEVER AT DOOR HEIGHT.
TORE.
2/100 x 50 LINTEL
1980 x 810 FRAME DOOR 1/2 GLAZING
FR
PANTRY
OVEN
ENTRY
KITCHEN.
DINING.
180 UB 22.20 FLOOR BEAM
2/200 x 50 LINTEL
2/700 x 50 LINTEL
2/150 x 50 LINTEL
1000 x 1800
1200 x 1800
GT
BRICK VENEER COLUMN
100 x 100 POST SEE DETAIL 1
2/250 x 50
65°
5100
5006
1606
4412
2712
1306
1400
FLOORPLAN 1:50
FLOOR AREA 135.6m²
1806
3206
2906
8200
2506
LOTS 2 & 3.
ENT - CNR McGARVEY RD & BARRY AVE

CHOUDHAREY DEVELOPMENT

FORM 5

Section 88 Reg 8 (1)

RESOURCE MANAGEMENT ACT 1991

LAND USE CONSENT

The General Manager
Whakatane District Council
Private Bag 1002
WHAKATANE

I, M D CHOUDHAREY
apply for the resource consent(s) described below:

1. The names and addresses of the owner and occupier (other than the applicant) of any land to which the application relates are as follows:

   N/A

2. The street address/location to which this application relates. *(See Note 1)*

   6 MCGARVEY ROAD, WHAKATANE.

   Legal Description : LOT 1 DP 35113

3. The type of resource consent sought is a land use consent

4. A description of the activity to which the application relates is *(See Note 2)*

   TO ERECT A TOTAL OF SIX DWELLINGS (TWO ADDITIONAL) ON AN EXISTING RESIDENTIAL PROPERTY.

5. (a) The following additional resource consents are required in relation to this proposal: *(See Note 3)*

   SUBDIVISION.

   (b) Have you applied for additional consent(s) ? *(See Note 3)* YES ~~XXXX~~ / NO

6. I attached an assessment of any effects that the proposed activity may have on the environment. *(See Note 4)* YES ☑

7. I wish to be heard by Council. ~~YES~~ / NO

8. I attach other information required *(See Note 5)* YES ☑

(Signature of Applicant or person authorised to sign on behalf of Applicant)

9-9-97
Date

Address for service of Applicant
ROSS J. OVERINGTON
Registered Surveyor
P.O. Box 596
WHAKATANE
Telephone No: 308 6334
Fax No: 307 0665

Annexures:
(a) An assessment of effects on the environment in accordance with the Fourth Schedule of the Act:
(b) Any other information required by the district plan or regional plan or Act or regulations to be included.

NOTES:

1. Describe the location in a manner which will allow it to be readily identified, eg, the street address, the legal description, the name of any relevant stream, river, or other water body to which the application may relate, proximity to any well-known landmark, the grid reference (if known), etc.

2. Give a full description of the activity you are proposing to undertake. Continue on a separate paper if necessary.

3. Some activities require more than one resource consent. Although it is not mandatory to make all applications at once, in some circumstances Council can decide not to proceed with an application until another resource consent has been obtained. In some cases a joint hearing or combined hearing may be required.

4. A separate pamphlet has been prepared to assist you in preparing as assessment of the effects on the environment in accordance with Section 88 of, and the Fourth Schedule to, the Act. In some cases (eg, if the activity is a controlled activity) as assessment may not be required.

5. The District Plan will require specific information to be submitted with most applications. Copies of the Plan are held in the District Council offices (Whakatane and Murupara) and the district libraries. The Resource Management Act and Regulations 1991 and regional plans may also specify additional information that is required. It is important to check out these requirements before lodging your application.

Staff at the Planning Department will be happy to assist you in completing your application.

Whakatane District Council

COMMERCE STREET, PRIVATE BAG 1002, WHAKATANE. PHONE (07) 307-9800, FAX (07) 307-0718

RECEIPT

md choudhary altd

Date :16Sep97
Drawer No :2
Receipt No :12562

----- General Ledger Receipts -----

68800/100	md choudhary ltd	$405.00
	Total:	$405.00

WHAKATANE DISTRICT
all together better

Whakatane District Council

Private Bag 1002, Whakatane 3400
GST Reg No. 16-940-356

Telephone (07) 307 9800
Fax No. (07) 307 0718

M.D. Choudharey ltd.
6. McGarvey Road.

Land Use deposit and
variation of condition.

68800 - $405.00

Whakatane District Council

Your ref: Our ref: 24.3.96.100

12 August 1997

Mr M D Choudharey
6 McGarvey Road
WHAKATANE

Dear Sir

PROTECTION OF TREES : 6-10 McGARVEY ROAD, WHAKATANE

An inspection of your property on 11 August 1997 confirmed that at least one tree which was required to be protected as a condition of resource consent 24.3.96.100 has been irreparably damaged through severe pruning. I understand that a second tree may also have been heavily pruned.

I wish to advise that this action is seen as a blatant breach of Rule 9B.2.3(3)(b) of the Transitional Whakatane District Plan. This rule requires Council consent prior to the destruction or irreparable damage of any exotic tree in excess of ten metres in height and having a circumference of more than 0.5 metres. The Council has not given any such consent. In fact, the Council has provided a very clear direction that it wished the trees to remain without modification, by requiring their permanent protection as a condition of resource consent.

You are requested to contact me urgently to explain your actions, and how you see Council now being able to provide final approval to the subdivision.

If I have not heard from you by the end of this week, I will be left no option but to seek legal advice on the matter which may lead to prosecution.

Your faithfully,

David Bewley
DISTRICT PLANNER

Not sent
Spoke with M. Choudharey personally. 12/8.
David B.

97\3\L\DCB1208A

Address all letters to:
THE GENERAL MANAGER, WHAKATANE DISTRICT COUNCIL, PRIVATE BAG 1002, WHAKATANE 3080.

TELEPHONE: (07) 307-9800
FAX NO.: (07) 307-0718

.3 Requirement (Cont'd)

(2) LAND TO BE SUITABLE FOR PROPOSED USE

Notwithstanding that a building complies with the requirement of Ordinances 4,5,6,7 or 8 or that a scheme of subdivision complies with the requirements of this Ordinance, no building shall be erected or placed and no use shall be established or development commenced or scheme of subdivision approved on any land which is not suitable for the use proposed.

Provided that in determining whether a site is suitable, regard shall be had to the best use of the land and its economic servicing and development, to its liability to flooding, to earthquake fault lines, erosion and landslip, to stability of foundations, to traffic likely to be generated by the proposed use, to safety, health and amenities, and the preservation or conservation of trees, bush, and plants and to any likely detrimental effect that such matters could have upon adjoining sites and the general locality.

(3) CARRYING OUT WORK SUBJECT TO CONSTRAINTS

(a) Subdivision, building and other developments often alter the pattern of natural drainage through attendant damming and diversion. They may also alter the quantity and quality of waters emanating from the development site or create wastes which need to be discharged. Water rights may need to be obtained from the Regional Water Board or the Council before such changes in the status quo are effected.

(b) No alteration shall be made without the consent of Council to landform, trees, bush or any other physical feature which involves -

.3 Requirement (Cont'd)

(2) LAND TO BE SUITABLE FOR PROPOSED USE

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(b) No alteration shall be made without the consent of Council to landform, trees, bush or any other physical feature which involves -

.3 Requirement (Cont'd)

i) The destruction of, or irreparable damage to native trees standing higher than 3 m and exotic trees standing higher than 10 m and in both cases having a trunk circumference of more than 0.5 m, as measured at breast height which shall be 1.4 m from the ground, provided that where there is no existing practicable building platform such restrictions shall not apply to works or activity to obtain such a practicable building platform after a building permit has been issued.

ii) The clearing of areas of trees, bush or scrub in excess of 500 m2 or 35 percent of the site, whichever is the lesser: provided that nothing herein conflicts with subclause i).

iii) The removal of topsoil, provided that topsoil from the land to be covered by a building (including a swimming pool) in accordance with any conditions of a building permit for such purposes or required parking areas and access may be removed from the site after a building permit has been issued.

iv) The excavation and/or depositing by powered vehicles or machinery of spoil, soil or other materials or the excavation and/or depositing by hand tools of more than 20 m3 of spoil, soil or other materials: provided that nothing herein prevents the excavation of land for a swimming pool, after a building permit has been issued for such purposes, and provided nothing conflicts with subclause iii).

Subdivision shows building platforms clear of trees. ?

NOTE 1: The placement of materials (chemicals, solid wastes, etc.) in a position where they can be washed, blown, percolate or otherwise find their way into watercourses and water bodies (including groundwater) is an offence under the Water & Soil Conservation Act 1967).

NOTE 2: The words underlined on this page and the following page are defined in Ordinance 14.

Whakatane District Council

Your ref: Our ref:

28 February 1997

The District Land Registrar
Land Titles Office
HAMILTON

Dear Sir

PLAN S.74877 - M D CHOUDHAREY LIMITED

The Whakatane District Council confirms that the registration of a Memorandum of Transfer for a fixed term of 1 000 years to create the right to Drain Sewage Easement in Gross specified in the Memorandum of Easements in Gross endorsed on Plan S.74877 will satisfy the Council's resource consent condition requiring creating of such easements in relation to the subdivision shown on that plan.

Yours faithfully

B F Miles
GENERAL MANAGER

97\2\L\LH2102

Address all letters to:
THE GENERAL MANAGER, WHAKATANE DISTRICT COUNCIL, PRIVATE BAG 1002, WHAKATANE 3080.

TELEPHONE: (07) 307-9800
FAX NO.: (07) 307-0718

Hamertons

BARRISTERS AND SOLICITORS

DP Planning

PARTNERS: Robert Chappell LL.M
Robert J.A. Morse LL.B
William H. Jones LL.B
Brian N. Carter LL.B
Frank Cain LL.B
Jonathan R. Kay LL.B

Main Office
Top Floor
Niederer Plaza
The Strand
Whakatane
NEW ZEALAND

Telephone: (07) 307-0680
Fax: (07) 307-0225
P.O. Box 601, Whakatane.
Dx: JA31519

WHAKATANE DISTRICT

18 FEB 1997

COUNCIL

Our Reference Mrs L Ford: 954370/173

Your Reference ~~Alan Kanes~~

14 February, 1997

The Property Administration Officer
Whakatane District Council
Private Bag
WHAKATANE

Dear Sir

re: **SEWAGE EASEMENT - M D CHOUDHAREY LIMITED**

We **enclose**:

1. Transfer to Create the Right to Drain Sewage Easement in Gross in triplicate following execution by the subdivider.

   Please arrange execution by Council under seal on page two and initialling at the foot of page two by the Council's signatories.

2. A copy of a letter to the District Land Registrar relating to the Easement in Gross. Could you please reproduce the wording of that letter on the Council's letterhead and forward the signed letter to us, together with the above documents.

Yours faithfully
HAMERTONS

Per: L Ford

Lesley Ford
Law Clerk

W H Jones
Supervising Partner
LF:dw
06cxc069/14

TRANSFER

Land Transfer Act 1952

This page does not form part of the Transfer.

TRANSFER

Land Transfer Act 1952

If there is not enough space in any of the panels below, cross-reference to and use the approved Annexure Schedule: no other format will be received.

Land Registration District

South Auckland

Certificate of Title No.		All or Part?	Area and legal description — ***Insert only when part or Stratum, CT***
60B	238	All	
60B	239	All	

Transferor *Surnames must be underlined*

M D CHOUDHAREY LIMITED

Transferee *Surnames must be underlined*

THE WHAKATANE DISTRICT COUNCIL

Estate or Interest or Easement to be created: *Insert e.g. Fee simple; Leasehold in Lease No. .....; Right of way etc.*

Easement of Right to Drain Sewage in Gross

(continued on page 2 Annexure Schedule)

Consideration

The Premises

Operative Clause

For the above consideration (receipt of which is acknowledged) the TRANSFEROR TRANSFERS to the TRANSFEREE all the transferor's estate and interest described above in the land in the above Certificate(s) of Title and if an easement is described above such is granted or created.

Dated this **day of** **19**

Attestation

	EXECUTED by M D Choudharey Limited by its Director Muni Deo Choudharey Signed in my presence by the Transferor xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx in the presence of: Signature of Witness **Witness to complete in BLOCK letters** *(unless typewritten or legibly stamped)* Witness name Peter Ian Allen Occupation Solicitor Address Whakatane Director (Muni Deo Choudharey)
Signature, or common seal of Transferor	(continued on page 2 Annexure Schedule)

Certified correct for the purposes of the Land Transfer Act 1952

Certified that no conveyance duty is payable by virtue of Section 24(1) of the Stamp and Cheque Duties Act 1971.
(DELETE INAPPLICABLE CERTIFICATE)

Solicitor for the Transferee

REF 4135

Continuation of "Estate or Interest or Easement to be Created"

The Transferee shall have the right to drain sewage over firstly that part of the land in Certificate of Title 60B/238 marked "A" on DPS.74877 ("the first Easement Area") and secondly those parts of the land in Certificate of Title 60B/239 marked "B" and "B1" on DPS.74877 ("the second Easement Area") for a term of 1,000 years from the date of execution of these premises.

AND AS INCIDENTAL to the within written Transfer the Transferor HEREBY COVENANTS with the Transferee that the Transferor will not place any buildings, fences or erections whatsoever on the First Easement Area and the Second Easement Area, without the written consent of the Transferee being first obtained and will not at any time hereafter do, permit or suffer to be done any acts whereby the rights, powers, licences or liberties granted to the Transferee pursuant to these presents may be interfered with or affected.

AND the Transferor HEREBY COVENANTS with the Transferee that the Transferor shall pay all costs and disbursements relating to the preparation, execution and registration of these presents.

Continuation of "Attestation"

Executed by the Transferee in the presence of:

THE WHAKATANE DISTRICT COUNCIL
THE Common Seal OF

.....
Common Seal of the Transferee

.....
Anthony Andre Bonne
Mayor

.....
Barrie Frederic Miles
General Manager

Mayor

GM

If this A... solicitor... ...expansion of an instr... ...ls here. ...her their witnesses or their

Whakatane District Council

Your ref: Our ref: 24.3.96.100

23 October 1996

R J Overington
P O Box 596
WHAKATANE

Dear Sir

RESOURCE CONSENT (SUBDIVISION AND LAND USE) -
M D CHOUDHAREY

Further to your letter dated 16 October 1996, I confirm that Council approves the proposed Sewer Reticulation Plan No E1372/1 submitted for the above activity.

Yours faithfully

S J Bracey
SENIOR PLANNER

96\2\L\SJB2310A

Address all letters to:
THE GENERAL MANAGER, WHAKATANE DISTRICT COUNCIL, PRIVATE BAG 1002, WHAKATANE 3080.

TELEPHONE: (07) 307-9800
FAX NO.: (07) 307-0718


SEWER

MEMORANDUM

To: Stuart Bracey. File No. 24.3.96.100

From: Design Engineer

Subject: M.D. Choudharey

Date: 17-Oct-96

Stuart,
Ross Overington dropped this off yesterday , and said he has mentioned to you.

I see no problems with his proposal.

Guy J Dennis.
Design Engineer

Cost Recovery

Eng. 30 mins GJD.

ROSS J. OVERINGTON

REGISTERED SURVEYOR

Land Subdivision and Resource Management Consultant

Upstairs Phoenix House, Pyne Street
P.O. Box 596, WHAKATANE
Telephone 07 308 6384 • Fax 07 307 0665
Mobile Phone 025 904 203

Refer: F1372

16 October 1996

The General Manager
Whakatane District Council
Private Bag
WHAKATANE

ATTENTION: GUY DENNIS

Dear Sir

YOUR REFERENCE 24.3.96.100 : SUBDIVISION -
M D CHOUDHAREY, CORNER MCGARVEY ROAD AND BARRY AVENUE

Enclosed herewith for approval please find three copies of my drawing E1372/1 showing proposed sewer reticulation in respect of the above.

A new 150mm diameter sewer main to service Lots 3-6 is proposed to be extended from an existing main at the south-west in Barry Avenue. It is proposed to thrust the majority of new line where it will be located beneath the Barry Avenue carriageway. The new main within the property will be located along a right of way and there will be an easement in gross over this in favour of Council.

It is intended to connect the existing house on Lot 6 to the new main and to utilise the existing 100mm property connection to service Lot 1 from near McGarvey Road.

A new 100mm diameter connection for Lot 2 will be provided direct from an existing manhole in McGarvey Road.

Mr Choudharey is anxious to commence sewer construction and accordingly we await your reply.

Yours faithfully

R J OVERINGTON

Residence: 124/2 Pohutukawa Avenue, Ohope • Telephone 07 312 4434

LOT 5

LOT 6

LOT 1

LOT 4

LOT 3

LOT 2

EXIST. 100Ø FROM HOUSE TO BE ABANDONED

EXIST 100Ø SEWER

1B

REMOVE EXIST. 1B

3.5 x 100Ø

5.0

EXIST. SEWER MAIN

ROAD

Mc GARVEY

L.H.2
LL 101.64
IL 100.87

NEW 100Ø TO CONNECT EXIST. HOUSE

100Ø VJ

EXIST. SEWER MAIN

EXIST. M.H.
LL 101.44
IL 100.03

1.0

10.0 x 100Ø

IL MIN. 100.50

1500Ø @ 1:125

40 x 100Ø

10.0

28.0

3.0

40 x 100Ø

M.H.1
LL 101.43
IL 100.65 N

1500Ø @ 1:125

KERB

KERB

25.0

EXIST. 1500Ø MAIN

EXIST. M.H.
LL 101.35
IL 100.33 EXIST.
IL 100.43 E

LENGTH OF NEW LINE UNDER CARRIAGEWAY TO BE THRUST.

BARRY AVENUE

PREPARED FOR:
M. D. CHOUDHAREY
BUILDING CONTRACTOR

SUBDIVISION AT NO. 6 Mc GARVEY ROAD

SEWER RETICULATION

ROSS J. OVERINGTON
REGISTERED SURVEYOR
P.O. BOX 596 * WHAKATANE * PHONE 3086384

SHEET E.1372/1

DRAWN RJO
SAW

OCT. 1996

SCALES 1:250

E 1372/1
Oct 96

LOT 5

LOT 6

LOT 1

LOT 4

LOT 3

LOT 2

ROAD

McGARVEY

BARRY AVENUE

KERB

KERB

EXIST. 100Ø FROM HOUSE TO BE ABANDONED

EXIST 100Ø SEWER

1B

REMOVE EXIST. 1B

3.5 x 100Ø

5.0

EXIST. SEWER MAIN

EXIST. SEWER MAIN

EXIST. M.H.
LL 101.44
IL 100.03

10.0 x 100Ø

1.0

IL MIN 100.50

L.H.2
LL 101.64
IL 100.87

27.0

NEW 100Ø TO CONNECT EXIST. HOUSE

100Ø YJ

25.7

@ 1:125

40 x 100Ø

150Ø x

6.0

28.0

3.0

40 x 100Ø

M.H.1
LL 101.43
IL 100.65 N

150Ø @ 1:125

25.0

EXIST 150Ø MAIN

EXIST. M.H.
LL 101.35
IL 100.33 EXIST.
IL 100.43 E

LENGTH OF NEW LINE UNDER CARRIAGEWAY TO BE THRUST.

Reviewed P.O.D.

PREPARED FOR:
M. D. CHOUDHAREY
BUILDING CONTRACTOR

SUBDIVISION AT NO. 6 McGARVEY ROAD

SEWER RETICULATION

ROSS J. OVERINGTON
REGISTERED SURVEYOR
PO BOX 596 * WHAKATANE * PHONE 3086384

DRAWN	DESIGNED	SCALE	SHEET
RJO			E.1372/1
SAW	OCT 1996	1:250	

ROSS J. OVERINGTON

REGISTERED SURVEYOR

Land Subdivision and Resource Management Consultant

Upstairs Phoenix House, Pyne Street
P.O. Box 596, WHAKATANE
Telephone 07 308 6384 • Fax 07 307 0665
Mobile Phone 025 904 203

Refer: F1372

26 September 1996



The General Manager
Whakatane District Council
Private Bag
WHAKATANE

ATTENTION: STUART BRACEY

Dear Sir

YOUR REFERENCE 24.3.96.100 : SUBDIVISION - M D CHOUDHAREY, 6 MCGARVEY ROAD.

Further to your letter of 6 August, please find herewith the original Land Transfer Title Plan in respect of the above for formal approval pursuant to Section 223 of the Resource Management Act.

Also enclosed is a copy of this plan for your records together with a cheque for $56.25 being Council's endorsement fee.

Kindly advise as soon as the tracing has been signed and sealed.

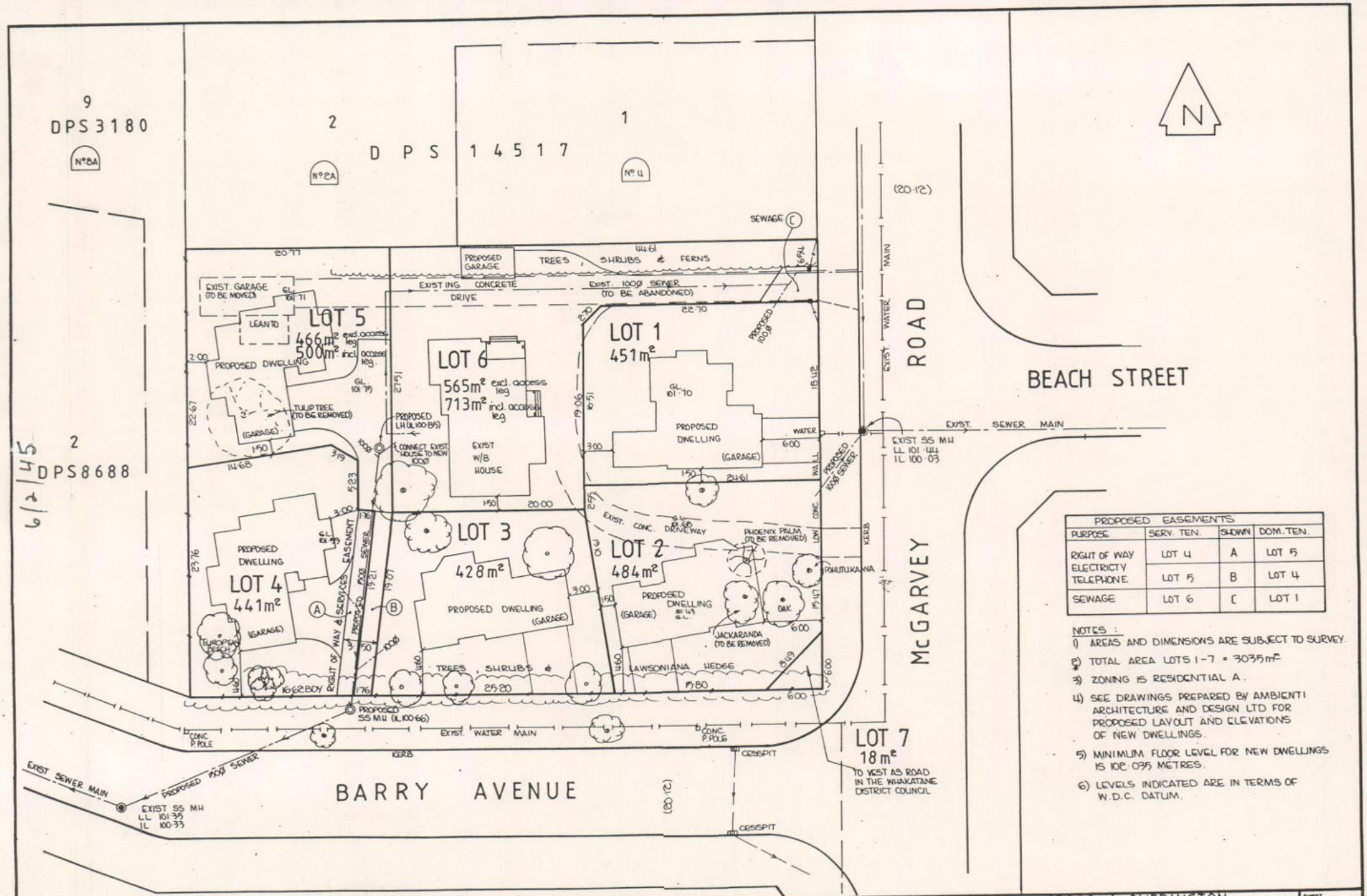
Yours faithfully

R J OVERINGTON

Signed & returned
11/10/96.

Residence: 124/2 Pohutukawa Avenue, Ohope • Telephone 07 312 4434


LOT 5
LOT 6.
LOT 1
LOT 4
LOT 3
EXISTING PHOENIX PALMS
PROPOSED PHOENIX PALM
EXISTING PHOENIX PALMS
BARRY AVE
McCARVEY ROAD.
NORTH
SITE PLAN
1:100
S1372/1A
18/7/96
Approved by the Kaikoura District Council under Section 105 Resource Management Act 1991 on the 31 day of July 1996.



PROPOSED EASEMENTS			
PURPOSE	SERV. TEN.	SHOWN	DOM. TEN.
RIGHT OF WAY ELECTRICTY TELEPHONE	LOT 4	A	LOT 5
	LOT 5	B	LOT 4
SEWAGE	LOT 6	C	LOT 1

NOTES :

1) AREAS AND DIMENSIONS ARE SUBJECT TO SURVEY.
2) TOTAL AREA LOTS 1-7 = 3035m²
3) ZONING IS RESIDENTIAL A.
4) SEE DRAWINGS PREPARED BY AMBIENTI ARCHITECTURE AND DESIGN LTD FOR PROPOSED LAYOUT AND ELEVATIONS OF NEW DWELLINGS.
5) MINIMUM FLOOR LEVEL FOR NEW DWELLINGS IS 102·035 METRES.
6) LEVELS INDICATED ARE IN TERMS OF W.D.C. DATUM.

PREPARED FOR : M. D. CHOUDHAREY
BUILDING CONTRACTOR
PROPERTY AT : NO. 6 McGARVEY ROAD
WHAKATANE

PROPOSED LOTS 1-7 BEING SUBDIVISION OF LOT 1 DP 35113.

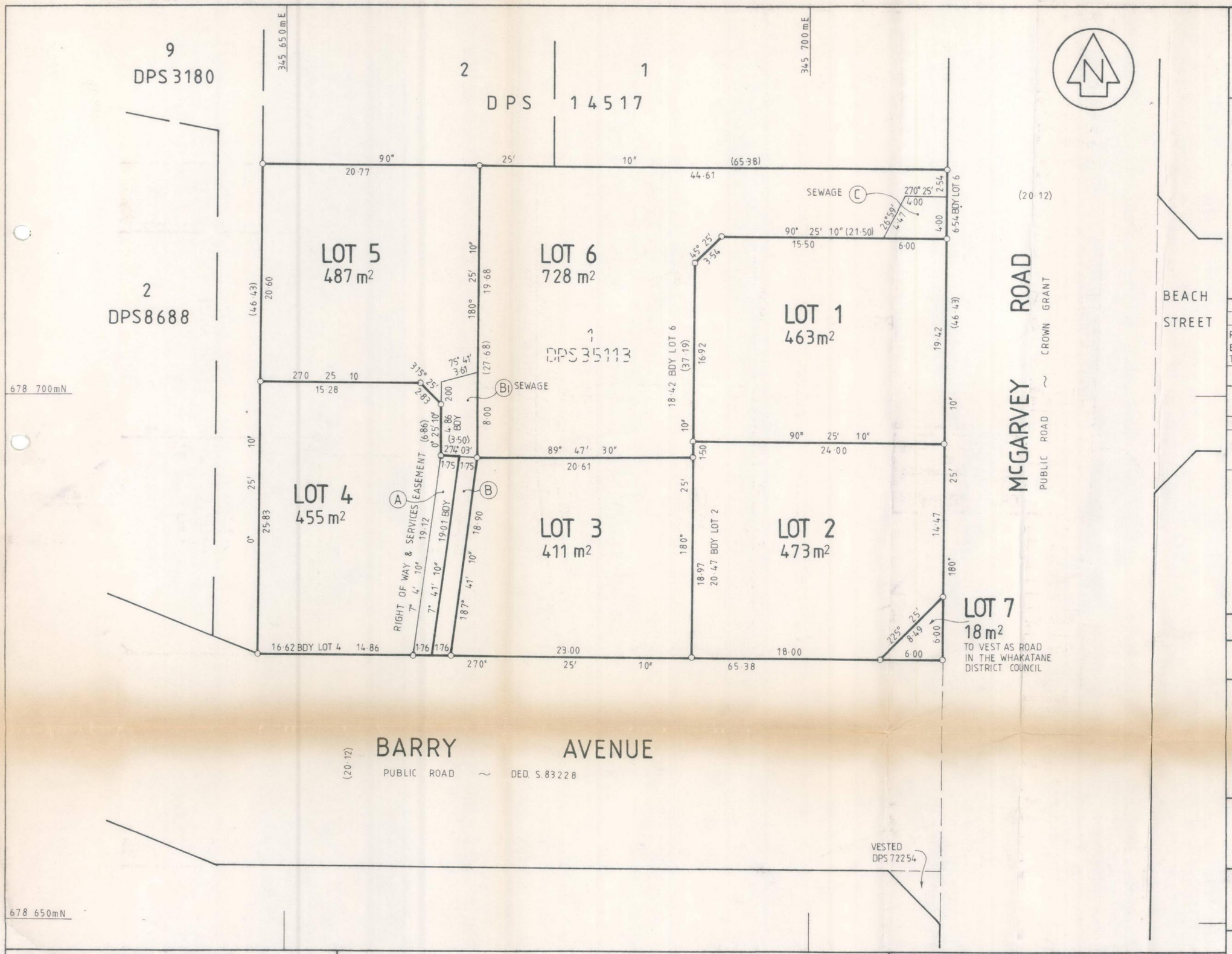
COMPRISED IN CT 902/239 All

WHAKATANE DISTRICT

ROSS J. OVERINGTON
REGISTERED SURVEYOR
P.O. BOX 596 * WHAKATANE * PHONE 30 863B4

DRAWN	CHECKED	SCALES	SHEET
RJO		1:250	S1372/1
TRACED	DATE		SERIES OF
SAW	MAY 1996		REF

6/2/45



Approvals

M. D. CHOUDHAREY
REGISTERED OWNERS

APPROVED PURSUANT TO SECTION 223 OF THE RESOURCE MANAGEMENT ACT 1991 ON THE ___ DAY OF _____ 1996 SUBJECT TO THE GRANTING OR RESERVING OF THE EASEMENTS SET OUT IN THE MEMORANDA HEREON.

THE COMMON SEAL OF THE WHAKATANE DISTRICT COUNCIL IS AFFIXED HERETO IN THE PRESENCE OF :

Signed & Sealed 10/10/96 SSB

GENERAL MANAGER

COUNCILLOR

MEMORANDUM OF EASEMENTS

PURPOSE	SERV. TEN.	SHOWN	DOM. TEN.
RIGHT OF WAY ELECTRICITY TELEPHONE	LOT 4	A	LOT 5
	LOT 5	B	LOT 4
SEWAGE	LOT 6	C	LOT 1

MEMORANDUM OF EASEMENTS IN GROSS FOR A TERM OF 1000 YEARS

PURPOSE	SERV TEN	SHOWN	GRANTEE
SEWAGE	LOT 4	A	WHAKATANE DISTRICT COUNCIL
	LOT 5	B , B1	

NEW C.T. ALLOCATED			
LOT	CT REFERENCE	LOT	CT REFERENCE
1		2	
3		4	
5		6	
7	ROAD TO VEST		

Total Area 3035 m²

Comprised in C.T. 902/239 (ALL)

I, ROSS JAMES OVERINGTON

Registered Surveyor and holder of an annual practising certificate (or who may act as a registered surveyor pursuant to section 25 of the Survey Act 1986) hereby certify that this plan has been made from surveys executed by me or under my directions, that both plan and survey are correct and have been made in accordance with the Survey Regulations 1972 or any regulations made in substitution thereof.

Dated at WHAKATANE *this* ... *day* ... *of* ... 1996 *Signature* ...

Field Book ... *p.* ... *Traverse Book* ... *p.* ...

Reference Plans DP 35113 , DPS 3180 , 8688 , 14517 , 26517 , 72254 ;

Examined ... *Correct* ...

Approved as to Survey

/ / Chief Surveyor

Deposited this ... day of ... 19

District Land Registrar

File
Received
Instructions

LAND DISTRICT SOUTH AUCKLAND
Survey Blk. & Dist. II WHAKATANE
NZMS 261 Sheet W.15 Record Map No. 21·22

LOTS 1 – 7 BEING SUBDIVISION OF LOT 1 DP 35113.

TERRITORIAL AUTHORITY WHAKATANE DISTRICT
Surveyed by ROSS J. OVERINGTON F.1372
Scale 1: 250 Date SEPTEMBER 1996

W.A. ROBERTSON, DIRECTOR GENERAL/SURVEYOR GENERAL, DEPARTMENT OF SURVEY AND LAND INFORMATION, NEW ZEALAND

Whakatane District Council

Private Bag 1002, Whakatane 3400

GST Reg No: 16-940-35

Telephone (07) 307 9800
Fax No. (07) 307 0718

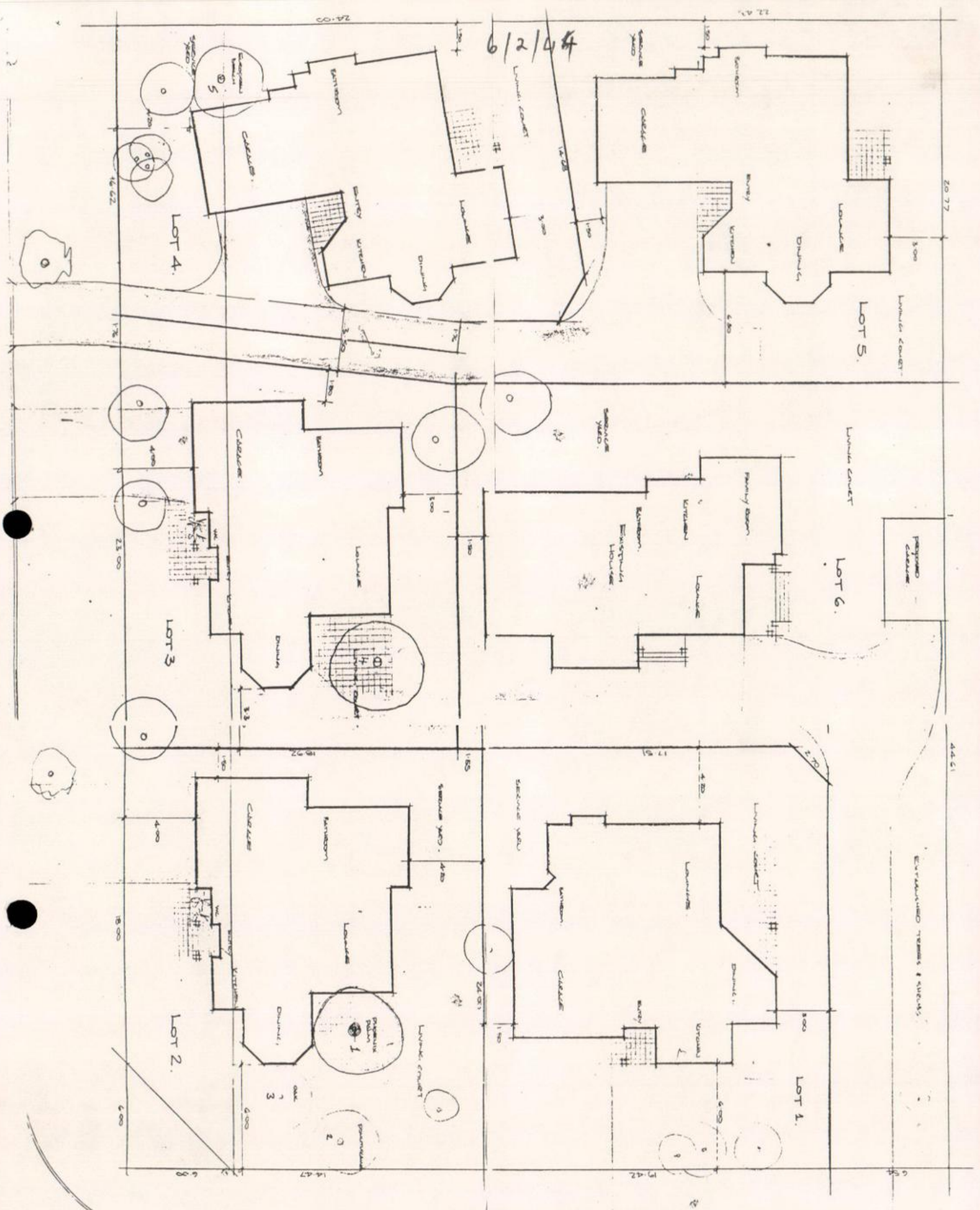
7 August 1996

Ross J Overington (Attention: Ross Overington)
P O Box 596 WHAKATANE

RESOURCE CONSENT INVOICE : 24 3 96 10 SUBDIVISION
APPLICANT : M D CHOUDHAREY

DESCRIPTION	CODE	FEE $
Consent Processing	68800	80.00
Planning	68800	760.00
Building	73800	.00
Environmental Health	77800	45.83
Engineering	68800	210.00
Parks & Recreation	68800	120.00
Consultant's Fee	-	.00
Cost of Advertisement	68890	.00
Additional Charges	-	.00
Monitoring Fee	68820	30.00
Total (includes GST)		**1,245.83**
Less Deposit Paid		225.00
TOTAL to pay/refund (includes GST)		**$1,020.83**

David Bewley
DISTRICT PLANNER



Approved by the Whakatane District Council under Section 105 Resource Management Act 1991 on the

31 day of July 1996.

E Stuart

Planner

AFTER MEETING ACTION SHEET

File Reference

24.3.96.100

Details of Meeting: Hearings 31.7.96

[✓] **Resolved**

[ ] **Recommended**

Received/Adopted/Amended at Council Meeting held on 14.8.96

1.2 **Resource Consent Application (Subdivision) - Mr D Choudharey, Corner McGarvey Road and Barry Avenue** : 24.3.96.100

Refer pages 6/2/25 - 45 of the agenda.

Appearance

Mr R Overington - For the applicant
Mr S Bracey - Senior Planner, Whakatane District Council

Note: No additional evidence was tabled.

The Committee noted that a footpath on the northern side of Barry Avenue was not on Council's priority list.

Cont. /1

AFTER MEETING ACTION:

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AFTER MEETING ACTION SHEET

File Reference

24.3.96.100

☐ **Resolved**

2.2 **Resumption of Open Meeting**

After item 2.1 above had been considered, the public were readmitted to the meeting.

RESOLVED:

1. **THAT** pursuant to Sections 34(4) and 105 and after consideration of Part II Matters and Sections 104 and 108 of the Resource Management Act 1991, the Whakatane District Council grants consent to the land use consent application by M D Choudharey, being a discretionary activity to reduce the front yard requirement along the Barry Avenue frontage of Lot 1 DP 35113 from 6 m to 4 m. Consent is subject to the following conditions:

   (i) That the development of Lot 1 DP 35113 be undertaken in accordance with plans submitted with this application (reference S 1372/1A, dated 18 July 1996) and the conditions of any subsequent subdivision consent.

   (ii) That a continuous screen fence, or landscaping, to a height of 1.8 m be erected or established along the Barry Avenue frontage of proposed Lots 2, 3 and 4 (excluding accessways) within twelve months of the date of this consent.

   (iii) That accessways to the site be located in accordance with Plan S 1372/1A, dated 18 July 1996.

   Reasons

   1. It is not considered that any consents are required because of the layout of the proposed dwellings and their relationship to the adjoining sites.

   2. The reduction in the yard is to facilitate the retention of the mature trees on the site which will help to maintain the amenity of the area and mitigate the effects of the increase in density resulting from the development of the site.

   3. A screen fence or landscaping along the Barry Avenue frontage is required to mitigate the effects of the proposed buildings encroaching on the front yard.

2. **THAT** pursuant to Sections 34(4) and 105 and after consideration of Part II Matters and Sections 104, 108 and 220 of the Resource Management Act 1991, the Whakatane District Council grants consent to the subdivision consent application by M D Choudharey, being a non-complying activity, for the proposed subdivision of Lot 1 DP 35113

as shown on Plans S 1372/1 dated May 1996 and S 1372/1A dated 18 July 1996. Consent is subject to the following conditions:

(i) That a reserves contribution of $9 000 (inclusive of GST) or an amount determined at 4.5% (plus GST) of the land value of the five new allotments created, as assessed by a registered land valuer, be paid to Council. This amount to be reduced by $500 (inclusive of GST) for each of the trees protected by a consent notice registered against the Certificate of Title for the lot on which the tree is located, in accordance with the conditions of this consent.

(ii) That the right-of-way serving Lots 4 and 5 shall be formed and constructed in accordance with Council's Code of Subdivisional Standards to the satisfaction of the Executive Officer - Works and Services.

(iii) That Lot 7, shown as road, shall vest in the Whakatane District Council.

(iv) That engineering plans, specifications and calculations providing for the disposal and control of stormwater from the site shall be submitted for approval prior to any works being carried out on the site.

The design shall take into consideration the provision of both primary and secondary disposal and control systems.

Primary - The primary system shall be required to provide an on-site containment or disposal system designed to cater for rainfall of a 10 % probability of occurring annually.

Secondary - The secondary system shall be required to provide the disposal of rainfall of less than a 10 % of probability of occurring annually in a manner that does not cause nuisance to property or buildings both on and off the site.

(v) That finished building platform levels on all lots shall be not less than 102.035 above Moturiki Datum. Any fill placed on the site to meet this condition shall be placed under the supervision of a suitably qualified person and certified as being suitable for any subsequent building development provided for as a permitted activity in the District Plan by a Registered Engineer.

(vi) That all lots shall be provided with independent underground sewer and metered water and electricity supply in accordance with Council's Code of Subdivisional Standards.

AFTER MEETING ACTION SHEET **File Reference**

24.3.96.100

☐ **Resolved**

(vii) That a consent notice be registered against the Certificate of Title for Lots 2, 3 and 4 requiring that:

(a) The following trees and their natural root systems be protected from damage that would be likely to kill or irreparably damage the tree(s) or otherwise adversely affect the shape or form of the tree for the natural lifespan of the tree(s).

Lot 2	Phoenix Palm (1)
	Pohutukawa(2)
	Oak (3)
Lot 3	Liquid Amber (4)
Lot 4	European Beech (5)

(b) The owner of the property shall ensure that the tree(s) are maintained in accordance with good arboricultural practice. All maintenance work shall be carried out by a suitably qualified person at the owner's expense.

(c) The consent notice shall be prepared by Council's solicitors at the cost of the applicant.

(viii) That engineering plans for all engineering works required to satisfy these conditions shall be submitted to Council for approval prior to any work being carried out on site. The plans shall be in the form specified in Council's Code of Subdivisional Standards.

(ix) That as-built plans of all new and extended services shall be provided to Council for approval. The plans shall be in the form specified in Council's Code of Subdivisional Standards and shall be certified as being an accurate record of the location of the services, as constructed, by a registered surveyor or a registered engineer.

(x) That an engineering fee of 1 % of the cost of engineering works required to satisfy these conditions or $50 (inclusive of GST) whichever is the greater, shall be paid to Council for receiving, processing and approving engineering plans required by these conditions.

(xi) That all easements required to protect right-of-ways or services within the subdivision shall be duly granted or reserved.

(xii) That a footpath contribution be paid to Council to form a footpath along the entire McGarvey Road frontage of the site. The applicant is to pay 50% of an agreed value to complete the footpath.

5

(xiii) That all legal documents required to satisfy the conditions of this consent shall be prepared by the Council's solicitor at the applicant's expense.

(xiv) That an additional administrative charge of $270.83 (inclusive of GST) be paid to Council in relation to the receiving, processing and granting of this Resource Consent.

3. **THAT** pursuant to Section 223 of the Resource Management Act 1991, the Executive Officer - Environmental Services be authorised to approve the Survey Plan in respect of the above subdivision once the Survey Plan is submitted and is in accordance with the approved subdivision consent.

4. **THAT** pursuant to Section 224 of the Resource Management Act 1991, the General Manager be authorised to sign a certificate in respect of the above subdivision, stating that all conditions of subdivision consent have been complied with to his satisfaction.

Reasons

1. The proposed subdivision is a non-complying activity in the Residential zone of the Whakatane Transitional District Plan. Council is satisfied that any adverse environmental effects that may actually or could potentially occur as a result of this subdivision are likely to be minor or are avoided, remedied or mitigated by the conditions of this resource consent.

2. Council is satisfied that the proposal is in accordance with Part II of the Resource Management Act 1991, particularly as it relates to the sustainable management of the land and maintaining and enhancing the amenity value of the surrounding area.

3. Council is satisfied that the objectives, policies and rules of the District Plan as they relate to multi-unit developments on a single site are not compromised by the proposed subdivision of the site into separate freehold titles.

4. Council considers that the increase in intensity of development resulting from this subdivision is likely to increase the demand for reserves and community facilities in the District and the requirement to contribute to these services is justified. The reserves contribution was assessed as follows:

Land value of additional lots (as advised by applicant including GST) $40,000 x 5	$200 000
Reserves Contribution at 4.5% of land value (GST included)	9 000
Total	$9 000

AFTER MEETING ACTION SHEET

File Reference

24. 3. 96. 100

Details of Meeting: Hearings 31. 7. 96

✓ **Resolved**

Recommended

Received/Adopted/Amended at Council Meeting held on 14. 8. 96

HEARINGS COMMITTEE : 31 JULY 1996

Consideration is given to the ongoing protection of the trees identified in condition 7.

5. Council is satisfied that the right-of-way serving Lots 4 and 5 is of sufficient width to provide vehicle and pedestrian access to the lots.

6. The proposed subdivision is in an area that is subject to inundation during extreme storm events and it is considered that appropriate measures should be taken to avoid any increased adverse effect of flooding as a result of the development of the site. Subject to compliance with conditions 4 and 5, Council is satisfied that the proposed subdivision will not contribute to a nuisance or a significant adverse effect outside the new lots created.

7. The existing site level is less than that permitted for a minimum building platform in the district. It is appropriate that the buildingplatform be raised to avoid inundation during extreme storm events.

His Worship the Mayor/Weaver **CARRIED**

AFTER MEETING ACTION:

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AFTER MEETING ACTION SHEET

File Reference

24.3.96.100

Details of Meeting: Hearings 31.7.96

☑ **Resolved**

☐ **Recommended**

Received/Adopted/Amended at Council Meeting held on 14.8.96

AFTER MEETING ACTION:

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6/2/25

HEARINGS COMMITTEE

WEDNESDAY, 31 JULY 1996

24.3.96.100

RESOURCE CONSENT APPLICATION (SUBDIVISION)

M D CHOUDHAREY, CORNER OF McGARVEY ROAD AND BARRY AVENUE, WHAKATANE

1.0 APPLICATION

(a) To subdivide a site into six residential lots plus a corner splay for road reserve.

(b) To allow development within the 6 m yard requirement.

1.1 Applicant

M D Choudharey

1.2 Location

6 McGarvey Road. Corner of McGarvey Road and Barry Avenue (see Location Plan Appendix I).

1.3 Legal Description

Lot 1 DP 35113

1.4 Zone

Residential A

2.0 PROPOSAL

2.1 The applicants wish to subdivide a 3 035 m^2 site on the corner of McGarvey Road and Barry Avenue into six residential lots, one containing the existing house, plus a 6 m corner splay of 18 m^2 to vest in the Whakatane District Council (see Application and Site Plan, Appendix II).

6/2/26

2.2 The proposed lots are described in the following table:

Lot No.	Gross Area/ Nett Area (m^2)	Frontage (m)	Shape Factor (18m circle)	Front Yard (6m)
1	451	18.42	Yes	Yes
2	484	39.76 (corner site)	Yes	McGarvey Rd, Yes Barry Ave, No (4m)
3	428	25.2	Yes	No (4m)
4	441/ 407	18.38	Yes	No (4.2m)
5	500/ 466	1.76 (rear site subject to right of way 3.5m wide)	Yes	N/a
6	713/ 565	6.54 (rear site)	Yes	N/a
7	18 (to vest as road)	N/a	N/a	N/a

2.3 The site has been developed and landscaped over a number of years. The existing house is to be retained on Lot 6 and a number of mature trees are to be retained on the site. The reduction in the front yard along Barry Avenue is required to allow these to be retained including the Phoenix Palm on Lot 2. Other smaller plants on the site will be transplanted within the subdivision to complement the development.

3.0 DISTRICT PLAN

3.1 The site is located in the Residential A zone which allows for subdivision provided that where there are six or more lots created, one half of the lots shall have an area of at least 650 m^2 and one quarter of all allotments shall have an area of at least 800 m^2. (Rule 9B.9(2), p 417.)

3.2 In addition, rear lots are required to have a minimum frontage of 4.5 m where two or three lots are being served by the one frontage ie, a right-of-way situation. (Rule 9B.9(2), p 419.)

3.3 In this case the proposed subdivision does not meet the variety of lot size requirement and the right-of-way serving Lots 4 and 5 is only 3.5 m in width. A land use consent is also required to provide for the reduction in the front yard for the properties fronting to Barry Avenue. (Rule 5.8(1), p 231.)

3.4 The proposal is therefore considered to be a non-complying activity.

6/2/27

4.0 RESOURCE MANAGEMENT ACT

4.1 When considering a non-complying activity Council must be satisfied that:

(a) The adverse effects on the environment will be minor; or

(b) Granting consent will not be contrary to the objectives and policies of the District Plan.

4.2 If Council is satisfied that at least one of the above tests is met, it must then have regard to Section 104 of the Act.

Subject to Part II of the Act, Section 104 requires Council to have regard to the following relevant matters:

(i) Any actual or potential effects on the environment of allowing the activity.

(ii) Any relevant objectives, policies, rules or other provisions of a District or Regional Plan.

(iii) Any other matters that Council considers relevant and reasonably necessary to determine the application.

4.3 In accordance with Section 94 of the Act, it is considered that the application may be processed as non-notified as any effect of the proposed subdivision and front yard reduction on the environment is likely to be minor. It is also considered that because of the layout of the site and the adjoining sites no other persons are likely to be adversely affected by the proposal.

5.0 PLANNING COMMENT

5.1 District Plan Objectives, Policies and Rules

5.1.1 The following objectives, policies and rules are considered relevant to the subdivision consent application:

Urban Land Development and Subdivision

9B.1 OBJECTIVES

To safeguard and, wherever and whenever possible, to improve the quality of the urban environment at the time of land development and to prescribe standards for subdivision that are appropriate for particular uses in particular urban zones.

9B.2 CONSERVATION AND DEVELOPMENT

.1 Policy

To ensure that there is a reasonable balance between the needs of development and the conservation of the natural landscape.

To preserve specimen trees and significant stands of trees.

[PAGE 401]

9B.9 SUBDIVISIONS IN RESIDENTIAL ZONES

(2) Residential Subdivision Standards

.1 Policy

To prescribe one minimum standard for land subdivision for all residential sites in the District.

.2 Explanation

Although there is a minimum lot size prescribed, it is also desirable to achieve a mix of allotment sizes in order to cater for differing residential use requirements and to create a sense of visual variety in new residential areas.

No distinction is made between front, corner and rear sites except that access strips and private ways are excluded from the measurement of net area of an allotment. It is considered that the requirements for a shape factor and building platform together with the bulk and location requirements for buildings should be adequate for the proper development of the residential areas without the need for varying standards for the type of site.

[PAGE 417]

9B.9
(2).3 Requirements

(1) Allotment Area - 400 m^2 minimum exclusive of any access leg.

(2) Variety of Allotment Size - In any subdivision containing six or more allotments one half of all allotments shall have an area greater than 650 m^2 and one quarter of all allotments shall have an area greater than 800 m^2.

(5) Minimum width of access leg or private way.

One allotment	*3.5 m*
Two and three allotments	*4.5 m*
Four, five and six allotments	*6.0 m*

5.1.2 ***Comment***

The proposed subdivision is located close to the centre of Whakatane and, although it is a large underlying site, it is in essence an infill development catering for the present day demands for central area living. The applicant is a builder who intends to develop the site as shown in the application. The development provides for a medium density living environment which has been comprehensively designed to take into account the existing mature trees on the site.

In these circumstances the proposal is considered appropriate to the area and the setting and to meet the requirements of both Objective 9B.1 and Policy 9B.2.1 related to Conservation and Development.

The proposal is also in accordance with Policy 9B.9(2).1 and its corresponding explanation as the design shows compliance with the shape factor and the bulk and location requirements for buildings in residential areas.

All lots in the subdivision meet the minimum lot size requirement and as it is an infill subdivision, it is not considered that the non-compliance with the rule relating to variety of lot size is likely to detrimentally affect the amenity of the area. The comprehensive design of the subdivision and dwellings to be built also retains a degree of openness on the site that is not always achieved when different developers build on adjoining sites.

It should also be noted that a multi-unit development for cross-lease titles on the same site could be undertaken as a discretionary activity rather than a non-complying activity as in this case.

The non-compliance relating to the width of the right of way to Lots 4 and 5 is considered to be minor as the right-of-way as it serves Lot 4 is for convenience only to enable the mature trees in the south-western corner of the lot to be retained. The provision of services and access to the rear lot is still possible along the reduced width right-of-way.

5.1.3 The following objectives, policies and rules are considered relevant to the land use consent application:

5.2 ***Primary Objective***

To maintain the relatively low density character of existing development; to retain the visual predominance of the natural environment and to aim for a socially balanced community.

5.8 ***Minimum Yard Requirements***

.1 Policy

To provide for access about buildings.

To provide for the maximum freedom possible in locating buildings on a site in order to take advantage of aspect and topography and other site conditions and shape factor.

To provide for the erection of dwellings up to site boundaries where protection of adjoining properties against daylight, sunlight and noise is maintained and the general appearance is in character with the residential locality.

[PAGE 231]

.2 Explanation

The general residential environment is enhanced by landscaping including live planting of the spaces about buildings, especially the front yard. Yards are required for the following reasons:

(a) To accommodate live planting and landscaping;

(b) To enable satisfactory movement of vehicles on to and off the site;

(c) To provide room for off street parking other than on the front yard;

(d) To provide the dwelling's occupants with some privacy and to allow them to provide a barrier against the effects of street noise.

[PAGE 231]

5.8.3 ***Requirements***

(1)(a) Front Site - front yard 6.0m

[PAGE 231]

5.1.4 ***Comment***

The front yard reduction is to facilitate the retention of the Phoenix Palm on Lot 2 and other mature trees on the site. The height and mature appearance of the site provides mitigation for the reduction of the front yard.

The berm along Barry Avenue outside Lots 2, 3 and 4 is 6 m wide and does not have a footpath along it. The boundary is also planted in mature trees some of which will be retained. These factors combine to provide the proposed dwellings with a degree of privacy greater than many complying infill subdivisions.

It is not considered that any other person is adversely affected by the reduction in the front yard because the property adjoining the site to the west is a driveway to the rear site. The boundary of Barry Avenue angles back from the frontage of the site and the position of the dwelling on Lot 4 would be relatively unchanged, if it were a further 1.8 m back from the road, when seen from the other properties on this side of the road.

5.2 Effects on the Environment

5.2.1 *Amenity*

It is considered that the comprehensive design of the development and the retention of a number of mature trees on the site will help to preserve the amenity of the area after it has been developed. Conditions of consent requiring the on-going protection of the trees will ensure that the amenity is not compromised over time.

5.2.2 *Stormwater*

The site is low lying and will require building up to meet Council's minimum requirements for building platforms. Provided this can be done without causing nuisance to the neighbouring properties, the disposal of stormwater from the property is not considered likely to cause a problem. Conditions of consent requiring engineering design for the disposal of stormwater before development commences will ensure that Council's requirements are met.

5.2.3 *Footpaths*

At present there are no footpaths along the frontage of the site. The requirement for footpaths is considered to be a direct result of the increase in density of development as a consequence of this subdivision. As it is likely that future residents will expect footpaths along these streets, it is appropriate that a contribution towards construction be required at this time.

5.2.4 *Traffic*

Each proposed dwelling has a double garage attached providing carparking for two cars outside of the proposed front yard and out of sight of the street. Barry Avenue is a short local street with a low traffic count along it and it is considered that on site manoeuvring is not necessary in these circumstances.

It is considered appropriate to vest the corner splay in Council to protect the traffic sight lines at the corner of McGarvey Road and Barry Avenue.

5.3 **Part II Matters**

The following matters raised in Part II of the Act are considered directly relevant:

> *"Section 7(b)*
>
> *The efficient use and development of natural and physical resources.*
>
> *Section 7(c)*
>
> *The maintenance and enhancement of amenity values."*

It is considered that the proposed subdivision and development is an efficient use of the land resource. The proposal increases the intensity of use of the land, as anticipated by the District Plan, without compromising Council's ability to provide services to the vicinity or otherwise causing a nuisance to the neighbouring properties.

The amenity values of the vicinity are maintained by comprehensively designing the development to take into account, and protecting in perpetuity, the significant mature trees on the site.

5.4 **Other Plans**

No other plans are considered to be relevant to this proposal.

6.0 FINANCIAL CONTRIBUTION

6.1 The subdivision creates five additional residential sections. It is therefore appropriate to require a cash reserve contribution.

6.2 The applicant proposes to protect by way of consent notice, five large trees situated within the site. The trees contribute significantly to the amenity values of the locality. it is recommended that the value of protecting the trees be recognised by reducing the cash reserve contribution by $500 per tree protected

7.0 CONCLUSION

Overall it is considered that, subject to compliance with the suggested conditions of approval, the effects of the proposed subdivision and subsequent development of the site on the environment are likely to be minor.

The proposal is also, in my opinion, not contrary to the objectives and policies of the District Plan and therefore the integrity of the District Plan is not likely to be compromised by granting consent.

It is recommended that the application be granted consent subject to conditions.

RECOMMENDED RESOLUTION:

1. **THAT** pursuant to Sections 34(4) and 105 and after consideration of Part II Matters and Sections 104 and 108 of the Resource Management Act 1991, the Whakatane District Council grants consent to the land use consent application by M D Choudharey, being a discretionary activity to reduce the front yard requirement along the Barry Avenue frontage of Lot 1 DP35113 from 6 m to 4 m. Consent is subject to the following conditions:

   (i) That the development of Lot 1 DP 35113 be undertaken in accordance with plans submitted with this application (reference S 1372/1A, dated 18 July 1996) and the conditions of any subsequent subdivision consent.

   (ii) That a continuous screen fence, or landscaping, to a height of 1.8 m be erected or established along the Barry Avenue frontage of proposed Lots 2, 3 and 4 (excluding accessways) within twelve months of the date of this consent.

   (iii) That accessways to the site be located in accordance with Plan S 1372/1A, dated 18 July 1996.

   Reasons

   1. It is not considered that any consents are required because of the layout of the proposed dwellings and their relationship to the adjoining sites.

   2. The reduction in the yard is to facilitate the retention of the mature trees on the site which will help to maintain the amenity of the area and mitigate the effects of the increase in density resulting from the development of the site.

   3. A screen fence or landscaping along the Barry Avenue frontage is required to mitigate the effects of the proposed buildings encroaching on the front yard.

2. **THAT** pursuant to Sections 34(4) and 105 and after consideration of Part II Matters and Sections 104, 108 and 220 of the Resource Management Act 1991, the Whakatane District Council grants consent to the subdivision consent application by M D Choudharey, being a non-complying activity, for the proposed subdivision of Lot 1 DP 35113 as shown on Plans S 1372/1 dated May 1996 and S 1372/1A dated 18 July 1996. Consent is subject to the following conditions:

   (i) That a reserves contribution of $9 000 (inclusive of GST) or an amount determined at 4.5% (plus GST) of the land value of the five new allotments created, as assessed by a registered land

valuer, be paid to Council. This amount to be reduced by $500 (inclusive of GST) for each of the trees protected by a consent notice registered against the Certificate of Title for the lot on which the tree is located, in accordance with the conditions of this consent.

(ii) That the right-of-way serving Lots 4 and 5 shall be formed and constructed in accordance with Council's Code of Subdivisional Standards to the satisfaction of the Executive Officer - Works and Services.

(iii) That Lot 7, shown as road, shall vest in the Whakatane District Council.

(iv) That engineering plans, specifications and calculations providing for the disposal and control of stormwater from the site shall be submitted for approval prior to any works being carried out on the site.

The design shall take into consideration the provision of both primary and secondary disposal and control systems.

Primary - The primary system shall be required to provide an on-site containment or disposal system designed to cater for rainfall of a 10 % probability of occurring annually.

Secondary - The secondary system shall be required to provide the disposal of rainfall of less than a 10 % of probability of occurring annually in a manner that does not cause nuisance to property or buildings both on and off the site.

(v) That finished building platform levels on all lots shall be not less than 3.1 m above Mean High Water Mark. Any fill placed on the site to meet this condition shall be placed under the supervision of a suitably qualified person and certified as being suitable for any subsequent building development provided for as a permitted activity in the District Plan by a Registered Engineer.

(vi) That all lots shall be provided with independent underground sewer and metered water and electricity supply in accordance with Council's Code of Subdivisional Standards.

(vii) That a consent notice be registered against the Certificate of Title for Lots 2, 3 and 4 requiring that:

(a) The following trees and their natural root systems be protected from damage that would be likely to kill or irreparably damage the tree(s) or otherwise adversely

affect the shape or form of the tree for the natural lifespan of the tree(s).

Lot 2	Phoenix Palm (1)
	Pohutukawa(2)
	Oak (3)
Lot 3	Liquid Amber (4)
Lot 4	European Beech (5)

(b) The owner of the property shall ensure that the tree(s) are maintained in accordance with good arboricultural practice. All maintenance work shall be carried out by a suitably qualified person at the owner's expense.

(c) The consent notice shall be prepared by Council's solicitors at the cost of the applicant.

(viii) That engineering plans for all engineering works required to satisfy these conditions shall be submitted to Council for approval prior to any work being carried out on site. The plans shall be in the form specified in Council's Code of Subdivisional Standards.

(ix) That as-built plans of all new and extended services shall be provided to Council for approval. The plans shall be in the form specified in Council's Code of Subdivisional Standards and shall be certified as being an accurate record of the location of the services, as constructed, by a registered surveyor or a registered engineer.

(x) That an engineering fee of 1 % of the cost of engineering works required to satisfy these conditions or $50 (inclusive of GST) whichever is the greater, shall be paid to Council for receiving, processing and approving engineering plans required by these conditions.

(xi) That all easements required to protect right-of-ways or services within the subdivision shall be duly granted or reserved.

(xii) That a footpath contribution be paid to Council to form a footpath around the entire frontage of the site. The applicant is to pay 50% of an agreed value to complete the footpath.

(xiii) That all legal documents required to satisfy the conditions of this consent shall be prepared by the Council's solicitor at the applicant's expense.

(xiv) That an additional administrative charge of $..... (inclusive of GST) be paid to Council in relation to the receiving, processing and granting of this Resource Consent.

3. **THAT** pursuant to Section 223 of the Resource Management Act 1991, the Executive Officer - Environmental Services be authorised to approve the Survey Plan in respect of the above subdivision once the Survey Plan is submitted and is in accordance with the approved subdivision consent.

4. **THAT** pursuant to Section 224 of the Resource Management Act 1991, the General Manager be authorised to sign a certificate in respect of the above subdivision, stating that all conditions of subdivision consent have been complied with to his satisfaction.

Reasons

1. The proposed subdivision is a non-complying activity in the Residential zone of the Whakatane Transitional District Plan. Council is satisfied that any adverse environmental effects that may actually or could potentially occur as a result of this subdivision are likely to be minor or are avoided, remedied or mitigated by the conditions of this resource consent.

2. Council is satisfied that the proposal is in accordance with Part II of the Resource Management Act 1991, particularly as it relates to the sustainable management of the land and maintaining and enhancing the amenity value of the surrounding area.

3. Council is satisfied that the objectives, policies and rules of the District Plan as they relate to multi-unit developments on a single site are not compromised by the proposed subdivision of the site into separate freehold titles.

4. Council considers that the increase in intensity of development resulting from this subdivision is likely to increase the demand for reserves and community facilities in the District and the requirement to contribute to these services is justified. The reserves contribution was assessed as follows:

Land value of additional lots (as advised by applicant including GST) $40,000 x 5	$200 000
Reserves Contribution at 4.5% of land value (GST included)	9 000
Total	**$9,000**

Consideration is given to the ongoing protection of the trees identified in condition 7.

6/2/37

5. Council is satisfied that the right-of-way serving Lots 4 and 5 is of sufficient width to provide vehicle and pedestrian access to the lots.

6. The proposed subdivision is in an area that is subject to inundation during extreme storm events and it is considered that appropriate measures should be taken to avoid any increased adverse effect of flooding as a result of the development of the site. Subject to compliance with conditions 4 and 5, Council is satisfied that the proposed subdivision will not contribute to a nuisance or a significant adverse effect outside the new lots created.

7. The existing site level is less than that permitted for a minimum building platform in the district. It is appropriate that the building platform be raised to avoid inundation during extreme storm events.

S J Bracey
SENIOR PLANNER

23 July 1996

96\1\A\HGS3107

6/2/39

FORM 5

Section 88 Reg 8 (1)

RESOURCE MANAGEMENT ACT 1991

SUBDIVISION CONSENT

The General Manager
Whakatane District Council
Private Bag 1002
WHAKATANE

I, M D CHOUDHAREY
apply for the resource consent(s) described below:

1. The names and addresses of the owner and occupier (other than the applicant) of any land to which the application relates are as follows:
N/A

2. The street address/location to which this application relates. *(See Note 1)*
6 MCGARVEY ROAD, WHAKATANE.
Legal Description : LOT 1 DP 35113

3. The type of resource consent sought is a subdivision consent

4. A description of the activity to which the application relates is *(See Note 2)*
TO CREATE SIX (FIVE ADDITIONAL) FREEHOLD SECTIONS!!

5. (a) The following additional resource consents are required in relation to this proposal: *(See Note 3)*
NIL

(b) Have you applied for additional consent(s) ? *(See Note 3)* YES / NO

6. I attached an assessment of any effects that the proposed activity may have on the environment. *(See Note 4)* YES / NO

7. I attach information sufficient to adequately define: *(See Note 5)*

(a) The position of all new boundaries YES ☑
(b) The areas of all new allotments. *(See Note 5a)* YES ☑
(c) The location and areas of new reserves to be created (including esplanade reserves). *(See Note 5b)* YES ☐
(d) The location and areas of any esplanade strips to be created under Section 232 of the Act: YES ☐
(e) The location and areas of any existing esplanade reserves, esplanade strips, or access strips: YES ☐
(f) The location and areas of land below mean high water springs of the sea or any part of the bed of a river or lake which is to vested in the Crown or local authority under Section 237A of the Act: YES ☐
(g) The location and areas of land to be set aside as a new road YES ☐

N/A

6/2/40

ROSS J. OVERINGTON

REGISTERED SURVEYOR

Land Subdivision and Resource Management Consultant

Upstairs Phoenix House, Pyne Street
P.O. Box 596, WHAKATANE
Telephone 07 308 6384 • Fax 07 307 0665
Mobile Phone 025 904 203

Refer: F1372

20 May 1996

21 MAY 1996
DISTRICT COUNCIL

The General Manager
Whakatane District Council
Private Bag
WHAKATANE

ATTENTION: STUART BRACEY

Dear Sir

M D CHOUDHAREY : PROPERTY AT NO.6 MCGARVEY ROAD, WHAKATANE - PROPOSED SUBDIVISION

Enclosed herewith please find an Application for Subdivision Consent in respect of the above, together with five copies of my drawing S1372/1 and a further copy reduced to size A4 being the Scheme Plan illustrating the proposal. Also attached is a cheque for $225 being Council's application deposit fee.

Mr Choudharey who is a building contractor has recently purchased the 3035 square metre subject property at the corner of McGarvey Road and Barry Avenue for the purpose of constructing five new dwellings himself.

The existing property includes a large weatherboard house and separate garage as well as extensive established gardens and trees. A feature of the property is the variety and maturity of vegetation, and building and subdivision layout has been designed to preserve as much of this as practical.

Accordingly the proposal shows a total of 7 new lots: Lots 1-5 being new building sites, Lot 6 containing the existing dwelling, and Lot 7 being a corner splay to vest as road.

It is proposed to remove three of the larger trees on the site which are considered to be either not compatible with dwellings in close proximity or they unreasonably restrict development. These are a large Tulip Tree at the west and a large Phoenix Palm and spreading Jacaranda tree near the road corner. The Phoenix Palm is offered by Mr Choudharey to Council, free for trans-plantation should a suitable location be available for it. There are several small trees and seedlings on the property which will be transplanted on-site to locations which complement the development. Advice from Council's Parks and Reserves Department would be welcome in this regard.

Residence: 124/2 Pohutukawa Avenue, Ohope • Telephone 07 312 4434

Indicated on the Scheme Plan is layout for new dwellings, with side yards shown where these are the minimum or less than the minimum normal requirement. Further details of building layout, elevations and compliance with the District Rules is shown on attached drawings prepared by Ambienti Architecture & Design Limited.

Referring to building layout, dispensation is sought for a reduction of the normal front yard along Barry Avenue from 6.00 to 4.60 metres. This is to allow more aesthetic siting of buildings and for better protection of vegetation. Barry Avenue frontage is extensively planted with a variety of trees and shrubs which are currently competing with an old high Lawsoniana hedge. It is intended to remove the hedge in order to feature the trees and shrubs so that a natural screen from the road will remain. The adjoining street berm along Barry Avenue is 5.5 metres wide (kerb to boundary) while the berm in McGarvey Road is 4.0 metres wide. Accordingly the distance from proposed buildings in McGarvey Road (with 6.00 metre set-back from boundary) to the kerb will be 10.00 metres while the distance from proposed buildings in Barry Avenue at 4.6 metre set-back will be 10.10 metres. The average front yard of all three proposed dwellings fronting Barry Avenue exceeds 4.60 metres. It is also noted that a similar dispensation was recently granted by Council for a dwelling directly opposite on Barry Avenue.

Except for consideration of existing trees, a total of six dwellings could readily be accommodated on the site in terms of the District Rules for multi-unit development. Separate freehold titles are the desired form of tenure for the completed development, and Subdivision Consent is therefore required in this format.

The proposal meets all normal subdivision requirements of the District Rules except for variety of allotment sizes. The application is presented as a comprehensive development including specific building design and protection of vegetation which it is considered off-sets possible requirement for larger lots to accommodate random building by separate owners.

Lots 1, 2, 3 & 4 are front sites averaging 451 square metres, while Lot 5 is a rear site totalling 500 square metres, with 466 square metres exclusive of access leg. Lots 4 and 5 share a common entrance and driveway, and a mutual right of way and services easement is provided in respect of this.

Lot 6 is also a rear site and totals 713 square metres, with 565 square metres excluding a wide access leg. The substantial existing house on this lot appears to be in good structural condition and it is intended to carry out extensive internal alterations.

Lot 7 is the standard splay required by the District Rules and it is noted that the 18 square metre area includes a tree which Council may wish to retain.

Existing ground levels over the property range 101.4 to 101.7 metres and it is noted that a minimum floor level for new dwellings of 102.035 metres applies to this area.

It is proposed to dispose of stormwater to ground soakage and we anticipate that the existing soils will adequately cater for this.

It is proposed to extend an existing 150mm diameter sewer main at the south-west in Barry Avenue in order to service Lots 3, 4, 5 and 6. Effluent from the existing house (on Lot 6) will be redirected to this new reticulation and the existing 100mm diameter connection from separate reticulation in McGarvey Road will be utilised for Lot 1 with an appropriate easement over part of the access strip of Lot 6. A new 100mm diameter connection will be provide for Lot 2 from the existing reticulation in McGarvey Road.

There are existing water mains along both McGarvey Road and Barry Avenue frontages which will allow ready individual connections for the new lots. The existing metered connection will be utilised for Lot 1 and a new separate 20mm line installed within Lot 6 to the existing house.

The existing garage building (on Lot 5) will be removed and a new separate garage constructed on Lot 6 adjacent to the northern boundary as indicated. It is acknowledged that location as shown will require dispensation from the normal side yard requirement and agreement from the neighbour at No.4 McGarvey Road will be sought for this.

An existing concrete strip driveway along the northern boundary will be retained for Lot 6 and the width of access strip containing this allows for retention of existing vegetation except for entry to the new garage position. A Protection Covenant could be provided over the vegetation area to ensure its protection and enhancement for benefit of the general neighbourhood.

Specific significant trees within the development could also be protected by covenant, and consultation and advice is sought from Council's Parks and Reserves Department in this regard.

Referring to Reserve contribution, it is anticipated that cash contribution for five additional sections will be required with some possible credit off-set for vegetation protection covenants. It is considered that assessment of the current market value of the new lots for this purpose should not exceed $40,000 each.

There are no existing footpaths along the street frontages and it is considered that these are not necessary for public use in this location, particularly along Barry Avenue. There is no evidence of foot traffic on either berm, and construction of paths would detract from the park-like setting it is intended to preserve.

The proposed subdivision will create six unique sections in an established part of the urban area which takes advantage of existing native and exotic vegetation. As developer of the individual sites, the subdivider will have control to ensure that each dwelling and associated landscaping is complimentary to the overall project.

It is considered that dispensation to reduce the Barry Avenue front yard will have little adverse effect, particularly when there is an existing generous width of grass berm available. This street is not a busy traffic route and it is pointed out that the existing 3 metre high dense hedge along the road boundary currently creates a visual barrier at that point.

With reference to "variety of allotment size", it is obviously not practical to comply with the normal requirements in this instance. There are a total of only six residential lots, and the same number of cross-lease titles could be created as of right, or alternatively a two stage freehold development could achieve the same end result. However, the comprehensive development proposed allows consideration of both Land Use and Subdivision matters.

The proposal would appear to comply with requirements of the Whakatane Transitional District Plan as a discretionary activity and as such cannot be considered to be detrimental to the environment or to the local community.

Please do not hesitate to contact the writer should you have any query. We await your advice.

Yours faithfully

R J OVERINGTON

PUBLIC EXCLUDED REPORT

HEARINGS COMMITTEE MEETING

HELD IN THE COUNCIL CHAMBERS, CIVIC CENTRE,

COMMERCE STREET, WHAKATANE

ON WEDNESDAY, 31 JULY 1996

1.0 **RESOURCE CONSENT APPLICATION (SUBDIVISION) - MR D CHOUDHAREY, CORNER McGARVEY ROAD AND BARRY AVENUE** : 24.3.96.100

The Committee discussed the recommendations.

2.0 **RESOLUTION TO READMIT THE PUBLIC**

RESOLVED:

THAT the public be readmitted to the meeting.

His Worship the Mayor/Violich **CARRIED**

96\1\M\HGSP3107

RCSGEN 2

LOT 5.

LOT 6.

LOT 1.

LOT 4.

LOT 3

LOT 2.

EXISTING HOUSE.

LEGEND

(1.2) 1200mm dia. x 1200mm deep precast concrete soakrings. Precast concrete base, and lid to 200mm below f.g.l., with standard 510 opening. 500 cast iron manhole frame and cover, haunched to f.g.l.

standard precast cessspit, cast iron grate and frame, 100 uPVC outlet to soakhole laid at 1:120 fall, 300mm min. cover. Standard concrete kerb, minimum adjacent length shown.

Proposed Falls

101.36 Proposed Finished Level of sealed surface

101.36 Existing ground level

SHORT SPECIFICATION

Kerbing, Drainage Construction shall be in accordance with Whakatane District Subdivisional Standard Requirements.

Locate and protect existing services in construction areas

Refer to attatched report 95296 for maintenance requirements.

All levels to Moturiki Datum + 100.00 m.

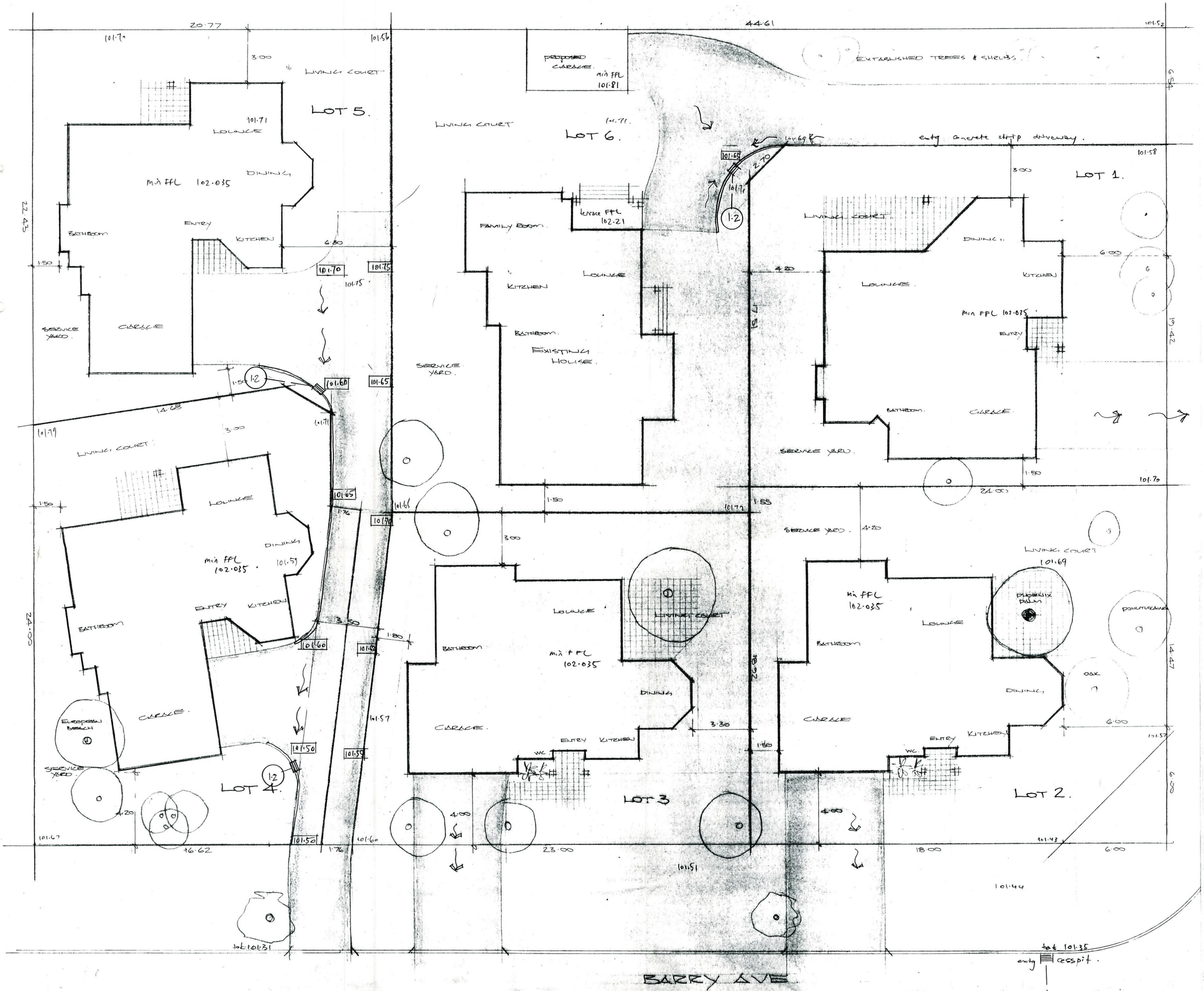
TO McGARVEY RD.

CHOUDHAREY DEVELOPMENT
BARRY AVE/MCGARVEY RD
WHAKATANE
STORMWATER MANAGEMENT

Cutfield Consulting
50 Strand East, P.O. Box 37, Whakatane.
Telephone 07 307 1444.

A/01	Issue for Resource Consent		26.07.96
DRAWN	SCALE 1:100	SHEET 1 OF 1	REF 95296

Sept. 1st
Mary Ann
West


20.77
44.61
101.52
101.70
101.56
3.00
LIVING COURT
LOT 5.
101.71
LOUNGE
DINING
Min FFL 102.035
ENTRY
BATHROOM
KITCHEN
6.80
1.50
101.70
101.75
101.75
SERVICE YARD.
CARPORT
1:2
1.50
101.60
101.65
14.03
101.79
LIVING COURT
3.00
LOUNGE
DINING
Min FFL 102.035
101.59
ENTRY
KITCHEN
BATHROOM
3.50
1.80
101.60
101.65
1.76
101.65
101.62
101.57
101.59
101.50
CARPORT.
EUROPEAN BEECH
SERVICE YARD.
LOT 4.
1:2
4.20
16.62
101.67
101.50
1.76
101.60
24.00
tok 101.31
proposed CARPORT.
min FFL 101.81
LIVING COURT
101.71
LOT 6.
ESTABLISHED TREES & SHRUBS.
entry concrete strip driveway.
101.69
101.65
2.10
101.71
1:2
Terrace FFL 102.21
FAMILY ROOM.
LOUNGE
KITCHEN
BATHROOM.
EXISTING HOUSE.
SERVICE YARD.
1.50
101.72
3.00
LOUNGE.
DINING
LOUNGE
KITCHEN
4.20
6.00
Min FFL 102.035
ENTRY
BATHROOM.
CARPORT.
SERVICE YARD.
1.50
101.70
24.00
1.55
101.72
SERVICE YARD.
4.20
LIVING COURT
101.69
Min FFL 102.035
LOUNGE
LIVING COURT
BATHROOM
Min FFL 102.035
DINING
CARPORT.
ENTRY
KITCHEN
WC
3.30
1.80
LOT 3
4.00
23.00
101.51
LOUNGE
PHOENIX PALM
POLYNESIAN
BATHROOM
DINING
OAK
CARPORT
ENTRY
KITCHEN
WC
6.00
101.57
LOT 2.
4.00
18.00
6.00
101.43
101.44
tok 101.35
entry cesspit.
BARRY AVE.
20.43
22.43
24.00
14.47
19.42
6.00
6.00
10.92
6.00
N
LEGEND
1:2 1200mm dia. x 1200mm deep precast concrete soakrings. Precast concrete base, and lid to 200mm below f.g.l., with standard 510 opening. 500 cast iron manhole frame and cover, haunched to f.g.l.
standard precast cesspit, cast iron grate and frame, 100 uPVC outlet to soakhole laid at 1:120 fall, 300mm min. cover. Standard concrete kerb, minimum adjacent length shown.
Proposed Falls
101.36 Proposed Finished Level of sealed surface
101.36 Existing ground level
SHORT SPECIFICATION
Kerbing, Drainage Construction shall be in accordance with Whakatane District Subdivisional Standard Requirements.
Locate and protect existing services in construction areas
Refer to attatched report 95296 for maintenance requirements.
All levels to Moturiki Datum + 100.00 m.
MC GARVEY RD.
CHOUDHAREY DEVELOPMENT
BARRY AVE/MCGARVEY RD
WHAKATANE
STORMWATER MANAGEMENT
Cuttfield Consulting
50 Strand East, P.O. Box 37, Whakatane.
Telephone 07 307 1444.
ACENZ
A/01 Issue for Resource Consent JC 26.07.96
CHECKED
DRAWN SCALES 1:100 SHEET 1 OF 1
REF 95296

E

61/____/____

MEMORANDUM

TO: Jim Finlay

FROM: Stuart Bracey

SUBJECT: Chadray Subdivision – McGarvey Rd

DATE: 26/7/96

Please find attached an application to: Please check the attached initial stormwater disposal plans

Could you please let Stuart have your comments by urgent

COMMENTS:

I am satisfied with these calculations and the drawings which indicate the positions and levels of the soakholes. HOWEVER: The adequacy of this design depends on the ground water level being lower than the base of the soakholes (The soakholes are designed to provide immediate storage for runoff – the soakage rate is not relied upon in the design).

I have asked Cuttfield consultants to verify that the water table depths at this time of year (a reasonably conservative time to check) is adequate.

If this is provided and confirms the design then I approve of the design. If not, then more/shallower storage units are req'd.

see overleaf

EOWS.

F\PLANMEMO

COMMENTS (Contd):

Further to notes over leaf

Cutfield Cons. have confirmed ground water level at 100.2 m

I Recommend the following conditions apply

That the stormwater system design be as outlined by the applicant's Consultant (refer Cutfield Consultant letter dated 26 July 1996 and associated plans ref 95 296.) with the additional requirement that the base of the soakhole chambers be set no lower than RL 100.4 (Wanganui datum)

COST RECOVERY (Engineering):

	Time (Min)	Cost	Code	Initial	Date
Community Services					
Structural					
Water Drainage Sanitation					
Roading					
Other (specify)	30		STORM WATER		31/7/96
TOTAL					

CUTFIELD CONSULTING
☎ (07) 3071444
PO BOX 37 WHAKATANE

29.7.96

Shaun Bracey.
WDC

Choudhary Subdiv.

This report accompanies the drawings and calculations delivered Friday 26th July.

Thanks

B

Cutfield Consulting

CIVIL AND STRUCTURAL
CONSULTING ENGINEERS

50 Strand East, P.O. Box 37, Whakatane.
Telephone 07 307 1444.

Principal:
Barry Cutfield - BE, MIPENZ
ACENZ

Our file : 95296

Date : 26 July 1996

Subject : CHOUDHAREY SUBDIVISION

BARRY AVE / MCGARVEY RD WHAKATANE

STORMWATER MANAGEMENT

Report to : Mr M D Choudharey

References : 1. Survey Plans, Ross Overington, S1372/1, 5/96
2. Stormwater Drainage Plan Cutfield Consulting 95296/A01
3. NZ Building Code Approved Documents E1

1.0 INTRODUCTION

It is proposed to subdivide Lot 1 DP 35113 to yield 6 residential lots. Proposed Lots 1 to 5 are presently undeveloped, whereas an existing house is located upon proposed lot 6.

Proposals have been developed to mitigate the effects of excess stormwater runoff arising from the proposed increase in the intensity of land development.

The intent of the proposed stormwater design is to manage the internally generated stormwater discharges for storm events of 10% annual probability of exceedance (AEP), without cross boundary nuisance. For greater events, the existing paths for overland flow will be subjected to discharges of approximately the same order as occurred prior to the proposed developments.

2.0 STORMWATER DRAINAGE, PROPOSED LOTS 1, 2, 3

2.1 Design

These lots have direct street frontage. Existing ground levels fall to the existing street kerb & channel. It is proposed that the existing ground levels and overland flowpaths will remain unaltered, apart from minor landscaping measures associated with the proposed houses.

Mitigation of the effect of increased intensity of development is to be achieved by disposing of roofwater by ground soakage.

It is proposed that roofwater be discharged to soakholes. Soakhole capacity has been set to contain the volume of the 10% annual probability of exceedence (AEP) design runoff. Calculations suggest that soakholes will need to be provided at the rate of 1/900dia x 900 deep soakhole per 33 m2 roof area. The capacities and layout to be confirmed at the time of building consent applications.

The groundwater table on 29 July 1996 was at R.L.100.2, after a period of wet winter conditions, followed by a 3 day dry spell.

3.0 STORMWATER DRAINAGE, LOTS 4,5,6

3.1 Design

These lots require significant paved vehicle access and manoeuvring areas, for which stormwater disposal by ground soakage is proposed. Storage capacities are set to contain the 10% AEP rainfall. For larger events, the design of paved areas provides for overland flow to the street kerb & channel, via the vehicle crossings, upon approximately the same flow paths that exist now.

Roofwater disposal is by groundwater soakage, as for lots 1,2 & 3

Mitigation of the effects of the increased intensity of the development is achieved by these measures.

3.2 Maintenance

The effectiveness of the proposed soakage system relies upon regular maintenance. The cesspit needs to be cleared of silt, at least monthly during the period of construction work on Lots 4,5 & 6, and thereafter annually. The soakholes should be inspected annually, and cleared as required.

Responsibility for this maintenance rests with the owners of proposed lots 4,5 & 6, individually, in respect of the one soakhole on each property.

B E Cutfield

DISCLAIMERS

This report has been prepared for the purpose of supporting Mr M D Choudharey's application for resource consent for the proposed subdivision, and shall not be relied upon for any other purpose.

Opinions and judgements expressed herein are based on our understanding of current regulatory standards, and should not be construed as legal opinions. Where opinions or judgements are to be relied on, they should be independently verified with appropriate legal advice.

This report and design has relied upon survey level information provided by others. Cutfield Consulting has not independently verified the information and is not endorsing that information as to it's accuracy.

Project M. Choudharey Subdivision
Stormwater Control
Barry Ave Whakatane

File 95296
Date July 1996
By BEC Page 1

1, STORMWATER CONTROL

1.1 general.

An intensive infill subdivision is proposed for an existing residential property.

Property lies upon flat ground and is rectangular in shape, 3035 m^2. one house.

6 lots are proposed, 1 of which contains exty. house

Property is bounded on 2 sides by streets where t.o.k ranges from R.L 101.55 to RL 101.50.

Ground levels upon the property range from 101.43 to 101.75

In the existing situation overland drainage occurs from the property to Barry Ave and McGarvey Rd K&C.

1.2 methodology.

The stormwater management scheme for the proposed subdivision sets out to mitigate the effects of the increased intensity of development upon the existing regime of stormwater drainage.

The scheme is intended also the satisfy the provisions of NZ Building Code in respect of surface water so that buildings and "other property" are protected.

ie per NZBC E1

stormwater arising from 10% AEP storm to be discharged without nuisance

stormwater arising from 2% AEP storm to not enter buildings min F.L. 101.035.

Cutfield Consulting
CONSULTING CIVIL AND STRUCTURAL ENGINEERS
Telephone 07 307 1444
P.O. Box 37, Whakatane.

1-3 specific provisions

Lots 1, 2, 3.

These lots have direct frontage streets with natural cross fall to the kerb & channel.

— Soakholes are proposed to drain roof areas - design capacities for 10% AEP.

— Paved vehicle accessways are of small area and are to be graded to drain to K&C consistent with the existing ground slopes.

— Nett discharges across the streetfront boundary are approximately equal to the pre-development values for 10% AEP events, given that the roof water soakholes mitigate the effect of the increased runoff from roof & paved areas

— for 2% AEP events, the existing cross falls ensure over land drainage to street K&C, without threatening buildings

Note that min building F.L. = 102.035

whereas 101.50 < top of kerb < 101.35

Lots 4, 5.

These lots have shared ROW to Barry Ave.

— Soakholes for roof water; 10% AEP capacity

— Soakholes for paved ROW formation beyond 5.0 m from Barry Ave boundary. 10% AEP capacity.

Cutfield Consulting
CONSULTING CIVIL AND STRUCTURAL ENGINEERS
Telephone 07 307 1444
P.O. Box 37, Whakatane.

- overland flow path available for undeveloped yard areas generally as before, to Barry Ave K&C.

- for 2% AEP events the sealed ROW becomes the significant drainage path falling to Barry Ave K&C.

Note that: min bldg floor level = 101.035
max ROW seal level = 101.70
Barry Ave K&C T.O.K. = 101.31

Lot 6

existing dwelling here. FFL ≥ 102.21
natural cross falls toward McCarvey & Barry Ave. G.G.L ≥ 101.65.

- supplement exist'g soakholes for roof water to achieve 10% AEP capacity.

- Soakhole vic. lot 1 bdy for increased paving associated with garage & turning bay; intercepts potential flows to Lot 1 across boundary. 10% AEP capacity.

1.4 Design.

1.41 Roofwater.

T_c = 10 minutes 10% AEP NZBC E1/AS1
design depth = 19mm.
roofing c = 0.9

soakhole capacity = 0.9(0.019)
= 0.0172 m³/m² roof

i.e. 1/900 ϕ × 900 D soakhole per 33 m².
or 1/1200 ϕ × 900 D per 59 m².

1.42 Paved Row areas pave C = 0.85

soakhole capacity = 0.85 (0.019)
= 0.0163 m³/m²

1/1200 ϕ × 1200 D

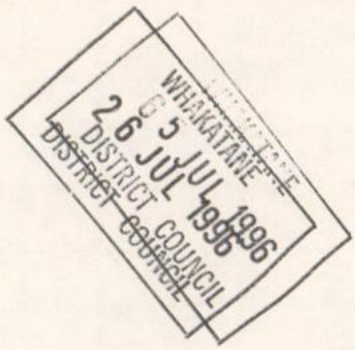
plus 0.60 × 0.40 × 0.40 ccsp pit

plus 1.5 m² at depth 0.025 ponding.

per 112 m².

without ponding : 89 m²

CUTFIELD CONSULTING
☎ (07) 3071444
PO BOX 37 WHAKATANE



Our file 95296.

26/7/96.

Stuart Bracey
WDC.

Choudhary Subdiv
Barry Ave / McGarvey Rd.
Stormwater.

Stuart,

I am finalising the report at the moment.

If it is of any help in the tight timetable for the consent processing, I herewith enclose:

2 copies stormwater plan
1 copy calculations.

The calculations describe our strategy on this one, report will be delivered also Monday 29th; Barry

Whakatane District Council

Your ref: Our ref: 96.100

8 July 1996

Ross J Overington
P O Box 596
WHAKATANE

Dear Sir

RESOURCE CONSENT :
MDC CHOUDHAREY, 6 MCGARVEY ROAD

With regard to the above application I advise that Council is unable to process the application until the following information is submitted, to satisfy the requirements of Section 88 Resource Management Act 1991:

1. Because this area of Whakatane is low lying and has a high water table, particularly in winter, further information is requested in relation to stormwater disposal. In particular a design plan and calculations prepared by a Registered Engineer should be submitted showing:

   (a) Soakaways and/or on site storage for each lot adequate to cater for rainfall that has a 10% probability of occurring annually;

   (b) For surface water generally and for run off from rainfall with less than 10% probability of annual occurrence a secondary flow path system is to be provided that will direct stormwater to the street channels such that nuisance to adjacent property is avoided. A "finished level" contour plan would serve to provide details of this requirement.

2. I would also confirm that as a consequence of your meeting with Mr Choudharey, consideration is to be given to retaining the Phoenix Palm on Lot 2 by allowing a reduction in the front yard to Barry Avenue. Could you please submit a site plan showing this amendment.

If you wish to discuss the matter, please do not hesitate to contact Keith Frentz or Stuart Bracey at the Planning Section of the Whakatane District Council.

Yours faithfully

pp Stuart Bracey

Ellen Stenton
PLANNING ASSISTANT

96\2\L\KF2706

Address all letters to:
THE GENERAL MANAGER, WHAKATANE DISTRICT COUNCIL, PRIVATE BAG 1002, WHAKATANE 3080.
TELEPHONE: (07) 307-980
FAX NO.: (07) 307-071

PLEASE CIRCULATE

Date _____

☐ READ
☐ COMMENT
and
☐ FORWARD
☐ FILE
☐ DISCARD
☐ RETURN TO

To 1 trees.
2
3 See plng notes.
4 Ate
5 ~~Could be~~ stormwater issue but
6 haven't received comments
7 from Eng ~~or hsp~~. (See
8 hsp comments)
9

Post-it Notes

PLEASE CIRCULATE

Date _____

☐ READ
☐ COMMENT
and
☐ FORWARD
☐ FILE
☐ DISCARD
☐ RETURN TO

To 1 Ross Overington, Surveyor,
2 will ring to arrange meeting
3 with Mr Chaudhary (developer/
4 owner), Stuart Bracey, you
5 + Craig Pocock (Parks Dept).
6 re landscaping / trees.
7
8 Craig has drawn up plan
9 showing all vegetation +
prioritising significant

Post-it Notes

9
DPS 3180

2

DPS 8688

2

D P S 14517

1

Nº 2A

Nº 4

Paul Whitmore.

SEWAGE (C)

(20.12)

EXIST. WATER MAIN

ROAD

EXIST. SEWER

EXIST SS MH
LL 101.44
IL 100.03

PROPOSED 100Ø SEWER

PROPOSED GARAGE

TREES, SHRUBS & FERNS

20.77

44.61

EXIST. GARAGE (TO BE MOVED)

GL 101.71

LEAN TO

EXISTING CONCRETE DRIVE

EXIST. 100Ø SEWER (TO BE ABANDONED)

22.70

2.70

PROPOSED 100Ø

LOT 5
466m² excl. access leg
500m² incl. access leg

2.00

PROPOSED DWELLING

GL 101.75

TULIP TREE (TO BE REMOVED)

(GARAGE)

22.67

1.50

3.19

14.68

5.23

LOT 6
565m² excl. access leg
713m² incl. access leg

27.51

PROPOSED LH (IL 100.85)

100Ø

CONNECT EXIST HOUSE TO NEW 100Ø

EXIST W/B HOUSE

1.50

20.00

LOT 1
451m²

GL 101.70

16.51

19.06

18.42

PROPOSED DWELLING

(GARAGE)

3.00

WATER

6.00

WALL

1.50

24.61

PROPOSED 100Ø SEWER

LOT 3
428m²

PROPOSED DWELLING

(GARAGE)

3.00

1.50

19.07

19.21

LOT 2
484m²

EXIST. CONC DRIVEWAY

G.L. 101.68

PHOENIX PALM (TO BE REMOVED)

CONC.

LOW

KERB

POHUTUKAWA

PROPOSED DWELLING

(GARAGE)

101.43 G.L.

OAK 3

15.47

6.00

JACKARANDA (TO BE REMOVED)

LAWSONIANA HEDGE

8.49

15.80

6.00

6.00

LOT 4
441m²

PROPOSED DWELLING

(GARAGE)

EUROPEAN BEECH

23.76

4.60

A

B

RIGHT OF WAY & SERVICES EASEMENT

PROPOSED 150Ø SEWER

3.50

1.50

100Ø

1.76

4.60

16.62 BDY

TREES, SHRUBS &

25.20

PROPOSED SS MH (IL 100.66)

CONC P. POLE

EXIST. WATER MAIN

CONC. P. POLE

KERB

CESSPIT

LOT 7
18m²

TO VEST AS ROAD IN THE WHAKATANE DISTRICT COUNCIL

EXIST SEWER MAIN

PROPOSED 150Ø SEWER

(20.12)

BARRY AVENUE

McGARVEY

COST RECOVERY (Planning):

Processing

Date	Time (Min)	Comment	Initials

Planner

Date	Time (Min)	Comment	Initials
31/5/96	60	DP provisions / Initial Processing	KAM
5/6/96	2½ hrs	Site visit w. Parks access proposed	KAM
6/96	40	site visit / tree	SSB
7/96	60	Site visit / trees / conditions	SSB
5/6/96.	120	Parks	
7/96	60	Site visit - keith	SSB.
7/96	360	Report.	SSB
31/7/96	30	Hearing preparation	SSB

RESOURCE CONSENT: 61/ /

St ☐ Al ☐ Li ☐ Cons ☑

Deposit Paid ☑
Description of Activity ☑
Plans/Maps ☑
Assessment of Effects ☑
Other required information ☐
Written Consents ☐

Neighbours ☐ Iwi ☐
Env BOP ☐ DOC ☐
TNZ ☐ Council ☐
Other ☐

Further Info Needed?

Ellen - open file
- Ack ✓
- circulate ✓

↓
Katie.

Circulation

Eng ☑ Insp ☑
Parks ☐ Env BOP ☐
TNZ ☐ DLR ☐
Iwi ☐ Com Bd ☐
DOC ☐
Other ☐

Non Notified ☑ Notified ☐

HC/ES Com ☐ ES Sub Com ☐ Dist Pl ☑

District Planner

10/6/1996
Date

295\G\RESCON

archaeo

<400 m² both lots
Nat light to front lot by accessway compromised by fence
Front lot yard req not met Front ✓ Side × Rear ? (× but see 5.13.3)
Side - fence provides no side yard on access, only 2m

Van den Broek

Rural A, non-complying as shed closer than 75 m of boundary *
Obj + pols + p. 131 + 156
Purpose of Rural A zone p. 132
Height max 12 m (4.9.3)

* Ltd discr if <30m + neighbour's approval obtained
Look at health + safety of neighbouring dwellings; + amenities of neighbourhood
Req ≥45 m dwelling on same site 75 m place used for food,
75 m dwelling on adjacent site (4.30)

E[redacted]

Noncomplying as <400 m area for ~~each~~ lot 1 [+ shape factor discretion exercised for both lots]
Multi-unit dev rules met ~~and~~ two separate dwellings rules
Reserve contribution needed
See notes overleaf

Chaudhary

Variety of allotment size req not met p. 417
All other subdiv req met.
(Yard req not met. All other land use req met by plan)

Application for subdn consent only not LU consents - no neighbours consents.

Further info on SW ☑ requested.

Van den Broek

122 x 11 m for new bldg
No extra vehicle mvts (though must be some delivering/removing chickens)
Don't need anyone but Cricket's approval. Hansen + Gardiner not affected.
Crickets' concerns before visiting - noise, odour, manure, trucks
Satisfied that no noise or odour outside shed
Manure to be put in a different shed
Have agmt w. Crickets re time trucks leave
Fence (c. 2m high) btwn proposed shed + Crickets on boundary
Also mature trees on Crickets property
No plng problems w. application provided Cricket's approval obtained. ✓

Elkin

Wld need to cut into bank for any kind of dwelling
If had garage underneath, wld block light to W side of house, lower storey
All vegetation would be lost eg up side of drive
Living court cold + damp
Probs w ponding if no slope + hard surfaces increased?
Not consistent w. other houses in street, although continues trend in other parts of Okope
Not happy w. application, even if bldg envelope defined in consent

Choudharey

No. 4 McGarvey Rd affected, partic by house on Lot 1 + driveway if vege removed. Proposed garage for Lot 6 does not sig. affect No. 4 as their garage on opp. side of fence.
No other neighbours affected.
No need for footpaths
Does Council want Lot 7? Can't see any advantage - tree not sig.
Better to have jt accessway for Lots 2 + 3 - traffic safety, protection of vege, better landscaping
NB Protect neighbours' amenity via reg re house on Lot 5 amended so as to retain tulip tree

Chaudhary (cont.)

Pocock (Parks)

Refer to Craig re protection of trees
Reserve contribution required
Protection covenant for sig trees?
Reserve contribution reduced for tree protection?
"Variety of allotment size" only impose due to no. of dwellings / lots proposed

Dribben

Rural A
No dwg currently on ppty
Dwg permitted activity as ppty > 4·5 ha + dwg accessory to farming activity

Cuttfield

Not met: Lot 1 size { rear boundary Lot 1 distance btwn dwgs?, Frontage of Lot 1, Lot 1 shape factor, Lot 2 shape factor
Protect oak tree?
Ensure accessway to Lot 2 sealed for width of 3.5 m?
Lot 1 size – still gd amt of space in front yard. Fence will block some light to back area. Driveway on nthern side for next door.
Rear boundary, Lot 1 – fence will block some light to back area, living areas in front of house
Shape factors – orkeet dispensation on both lots
Parking for Lot 1? (Only single garage on proposed Lot 2). Living court?
Maybe limit any dwg on Lot 2 so no more light blocked out for dwg on Lot 1 – limit height / distance btwn dwgs / light plane.

E

611 96 / 100

MEMORANDUM

TO: Jim Finlay

FROM: Stefania

SUBJECT: M. D. Choudhary
6 Mc Garvey Rd.
Whakatane

DATE: 30 May 1996.

Please find attached an application to:
Create six (five additional) freehold sections.

Could you please let Katie have your comments by 7th June.

COMMENTS:

1. Water: Each lot to be provided with an independent, metered water connection to Council main
2. Sewer: Each lot to be provided with an independent 100mm diameter sewer connection to Council mains
3. ~~Stormwater~~: The proposal to extend the Romy Ave 150mm diam. sewer in an easement to terminate at a new manhole in lot 5 is approved
3. Stormwater: Information provided in the application is not adequate. This area of Whakatane is low lying and has a high water table, particularly in winter months. Generally the following rules are to be followed:
   - on each lot soakaway/on site storage is to be provided to cater for rainfall ~~runoff~~ that has a 10% probability of occurring annually. ~~on each lot~~ For surface water generally, and for runoff from rainfall with less than 10% probability of annual occurrence a secondary flowpath/system is to be provided that will direct stormwater to the street channels such that

F\PLANMEMO

9: Full contribution for Footpath and pram crossing on McGarvey Road and full contribution for footpath on Barry Ave up to entrance of Lot 4.

COMMENTS (Contd): Nuisance to adjacent property and in particular buildings, is avoided. A design plan of proposed A requirement for approval prior to constn.

4. Appropriate easements covering right of access, purpose and maintenance provision are to be created where necessary.

5. As built drawings, A/B drwgs prepared by a Reg Surveyor/ Reg Civ Engineer are required to indicate the location Size and type of all services and treat where easements exist, these services are located in the centre of such easements.

6. Vehicle Berm Crossings: V+B crossings shall be constructed to Council standard and subject to a V+B permit application. Redundant Crossings to be removed, kerb & channel reconstructed to council Std.

7. No works shall be carried out within the road reserve without 48 hours prior approval to the Asset manager Transportation.

(Note: pls. ensure, on item 3, that a layout plan of the Stormwater system/overland flowpath is to be provided for ~~approval~~ Council approval prior to construction.)

COST RECOVERY (Engineering):

	Time (Min)	Cost	Code	Initial	Date
Community Services					
Structural					
Water Drainage Sanitation	✓				
Roading	✓				
Other (specify)	180				2/6/10.
TOTAL					

8. Building Restriction on lots: i) No habitable Floor level to be less than 102.03 Motoriki Datum
ii) No gulley trap/vent opening to the Sewer to be located at less than 101.7 motoriki Datum.

I

611/96/100

MEMORANDUM

TO: Paul Howells

FROM: Stefania

SUBJECT: M.D. Choudharey
6 McGarvey Road
Whakatane

DATE: 30 May 1996

Please find attached an application to:

Create six (five additional) freehold sections.

Could you please let Katie have your comments by 7 June

COMMENTS:

I have no objection in principle to this application being granted. There are however some matters which I believe require clarification before a decision on this application can reasonably be made. These being

i/ stormwater disposal. The applicant indicates that on site disposal is proposed. The adequacy of the site to accomodate such a method of disposal has not however been established

ii/ Sewerage disposal. A 150ϕ main is proposed to serve lots 3 to 6 inclusive. It is unknown whether this main is intended to be a private rising main or whether it is the applicants desire for Council

F\PLANMEMO

COMMENTS (Contd):

to take over same. In the event Council engineering division is not prepared to take it over then appropriate easements will be required and the responsibility for this drain clarified. I would recommend in this regard it be declared a private council drain pursuant to Section 461 of the Local Government Act.

In addition to the above, I would also wish to make the following comments / conditions regarding this application.

i) Floor levels be established at a minimum height of 102.035 Metres Datum.

ii) Separate water connections be provided to each of the proposed lots.

COST RECOVERY (Inspectors):

	Time (Min)	Cost	Code	Initial	Date
Building					
Environmental Health	50			MB.	20.6.95.
District Inspector					
Other (specify)					
TOTAL					

F\PLANMEM2

continued

iii) appropriate easements be created for the passage of water to proposed lots.

iv) as a matter of principle should not any development be in accordance with the set back distances specified in our Town Planning Code of Ordinances. This being obviously unless a very good case for a dispensation is provided, which in my opinion is not the case here

continued.

6/ From the plan provided several large trees are shown as being removed from the intended building sites. Specific design of aspects of the buildings foundations by a suitably qualified engineer may be required on these affected sites.

FORM 5

Section 88 Reg 8 (1)

RESOURCE MANAGEMENT ACT 1991

SUBDIVISION CONSENT

The General Manager
Whakatane District Council
Private Bag 1002
WHAKATANE

I, M D CHOUDHAREY
apply for the resource consent(s) described below:

1. The names and addresses of the owner and occupier (other than the applicant) of any land to which the application relates are as follows:
N/A

2. The street address/location to which this application relates. *(See Note 1)*
6 MCGARVEY ROAD, WHAKATANE.
Legal Description : LOT 1 DP 35113

3. The type of resource consent sought is a subdivision consent

4. A description of the activity to which the application relates is *(See Note 2)*
TO CREATE SIX (FIVE ADDITIONAL) FREEHOLD SECTIONS!!

5. (a) The following additional resource consents are required in relation to this proposal: *(See Note 3)*
NIL

(b) Have you applied for additional consent(s) ? *(See Note 3)* YES / NO

6. I attached an assessment of any effects that the proposed activity may have on the environment. *(See Note 4)* YES / NO

7. I attach information sufficient to adequately define: *(See Note 5)*

(a) The position of all new boundaries YES ☑
(b) The areas of all new allotments. *(See Note 5a)* YES ☑
(c) The location and areas of new reserves to be created (including esplanade reserves). *(See Note 5b)* YES ☐
(d) The location and areas of any esplanade strips to be created under Section 232 of the Act: YES ☐
(e) The location and areas of any existing esplanade reserves, esplanade strips, or access strips: YES ☐
(f) The location and areas of land below mean high water springs of the sea or any part of the bed of a river or lake which is to vested in the Crown or local authority under Section 237A of the Act: YES ☐
(g) The location and areas of land to be set aside as a new road YES ☐

N/A

ROSS J. OVERINGTON

REGISTERED SURVEYOR

Land Subdivision and Resource Management Consultant

Upstairs Phoenix House, Pyne Street
P.O. Box 596, WHAKATANE
Telephone 07 308 6384 • Fax 07 307 0665
Mobile Phone 025 904 203

Refer: F1372

20 May 1996

RECEIVED
21 MAY 1996
DISTRICT COUNCIL

The General Manager
Whakatane District Council
Private Bag
WHAKATANE

ATTENTION: STUART BRACEY

Dear Sir

M D CHOUDHAREY : PROPERTY AT NO.6 MCGARVEY ROAD, WHAKATANE - PROPOSED SUBDIVISION

Enclosed herewith please find an Application for Subdivision Consent in respect of the above, together with five copies of my drawing S1372/1 and a further copy reduced to size A4 being the Scheme Plan illustrating the proposal. Also attached is a cheque for $225 being Council's application deposit fee.

Mr Choudharey who is a building contractor has recently purchased the 3035 square metre subject property at the corner of McGarvey Road and Barry Avenue for the purpose of constructing five new dwellings himself.

The existing property includes a large weatherboard house and separate garage as well as extensive established gardens and trees. A feature of the property is the variety and maturity of vegetation, and building and subdivision layout has been designed to preserve as much of this as practical.

Accordingly the proposal shows a total of 7 new lots: Lots 1-5 being new building sites, Lot 6 containing the existing dwelling, and Lot 7 being a corner splay to vest as road.

It is proposed to remove three of the larger trees on the site which are considered to be either not compatible with dwellings in close proximity or they unreasonably restrict development. These are a large Tulip Tree at the west and a large Phoenix Palm and spreading Jacaranda tree near the road corner. The Phoenix Palm is offered by Mr Choudharey to Council, free for trans-plantation should a suitable location be available for it. There are several small trees and seedlings on the property which will be transplanted on-site to locations which complement the development. Advice from Council's Parks and Reserves Department would be welcome in this regard.

Residence: 124/2 Pohutukawa Avenue, Ohope • Telephone 07 312 4434

Indicated on the Scheme Plan is layout for new dwellings, with side yards shown where these are the minimum or less than the minimum normal requirement. Further details of building layout, elevations and compliance with the District Rules is shown on attached drawings prepared by Ambienti Architecture & Design Limited.

Referring to building layout, dispensation is sought for a reduction of the normal front yard along Barry Avenue from 6.00 to 4.60 metres. This is to allow more aesthetic siting of buildings and for better protection of vegetation. Barry Avenue frontage is extensively planted with a variety of trees and shrubs which are currently competing with an old high Lawsoniana hedge. It is intended to remove the hedge in order to feature the trees and shrubs so that a natural screen from the road will remain. The adjoining street berm along Barry Avenue is 5.5 metres wide (kerb to boundary) while the berm in McGarvey Road is 4.0 metres wide. Accordingly the distance from proposed buildings in McGarvey Road (with 6.00 metre set-back from boundary) to the kerb will be 10.00 metres while the distance from proposed buildings in Barry Avenue at 4.6 metre set-back will be 10.10 metres. The average front yard of all three proposed dwellings fronting Barry Avenue exceeds 4.60 metres. It is also noted that a similar dispensation was recently granted by Council for a dwelling directly opposite on Barry Avenue.

Except for consideration of existing trees, a total of six dwellings could readily be accommodated on the site in terms of the District Rules for multi-unit development. Separate freehold titles are the desired form of tenure for the completed development, and Subdivision Consent is therefore required in this format.

The proposal meets all normal subdivision requirements of the District Rules except for variety of allotment sizes. The application is presented as a comprehensive development including specific building design and protection of vegetation which it is considered off-sets possible requirement for larger lots to accommodate random building by separate owners.

Lots 1, 2, 3 & 4 are front sites averaging 451 square metres, while Lot 5 is a rear site totalling 500 square metres, with 466 square metres exclusive of access leg. Lots 4 and 5 share a common entrance and driveway, and a mutual right of way and services easement is provided in respect of this.

Lot 6 is also a rear site and totals 713 square metres, with 565 square metres excluding a wide access leg. The substantial existing house on this lot appears to be in good structural condition and it is intended to carry out extensive internal alterations.

Lot 7 is the standard splay required by the District Rules and it is noted that the 18 square metre area includes a tree which Council may wish to retain.

Existing ground levels over the property range 101.4 to 101.7 metres and it is noted that a minimum floor level for new dwellings of 102.035 metres applies to this area.

It is proposed to dispose of stormwater to ground soakage and we anticipate that the existing soils will adequately cater for this.

It is proposed to extend an existing 150mm diameter sewer main at the south-west in Barry Avenue in order to service Lots 3, 4, 5 and 6. Effluent from the existing house (on Lot 6) will be redirected to this new reticulation and the existing 100mm diameter connection from separate reticulation in McGarvey Road will be utilised for Lot 1 with an appropriate easement over part of the access strip of Lot 6. A new 100mm diameter connection will be provide for Lot 2 from the existing reticulation in McGarvey Road.

There are existing water mains along both McGarvey Road and Barry Avenue frontages which will allow ready individual connections for the new lots. The existing metered connection will be utilised for Lot 1 and a new separate 20mm line installed within Lot 6 to the existing house.

The existing garage building (on Lot 5) will be removed and a new separate garage constructed on Lot 6 adjacent to the northern boundary as indicated. It is acknowledged that location as shown will require dispensation from the normal side yard requirement and agreement from the neighbour at No.4 McGarvey Road will be sought for this.

An existing concrete strip driveway along the northern boundary will be retained for Lot 6 and the width of access strip containing this allows for retention of existing vegetation except for entry to the new garage position. A Protection Covenant could be provided over the vegetation area to ensure its protection and enhancement for benefit of the general neighbourhood.

Specific significant trees within the development could also be protected by covenant, and consultation and advice is sought from Council's Parks and Reserves Department in this regard.

Referring to Reserve contribution, it is anticipated that cash contribution for five additional sections will be required with some possible credit off-set for vegetation protection covenants. It is considered that assessment of the current market value of the new lots for this purpose should not exceed $40,000 each.

There are no existing footpaths along the street frontages and it is considered that these are not necessary for public use in this location, particularly along Barry Avenue. There is no evidence of foot traffic on either berm, and construction of paths would detract from the park-like setting it is intended to preserve.

The proposed subdivision will create six unique sections in an established part of the urban area which takes advantage of existing native and exotic vegetation. As developer of the individual sites, the subdivider will have control to ensure that each dwelling and associated landscaping is complimentary to the overall project.

It is considered that dispensation to reduce the Barry Avenue front yard will have little adverse effect, particularly when there is an existing generous width of grass berm available. This street is not a busy traffic route and it is pointed out that the existing 3 metre high dense hedge along the road boundary currently creates a visual barrier at that point.

With reference to "variety of allotment size", it is obviously not practical to comply with the normal requirements in this instance. There are a total of only six residential lots, and the same number of cross-lease titles could be created as of right, or alternatively a two stage freehold development could achieve the same end result. However, the comprehensive development proposed allows consideration of both Land Use and Subdivision matters.

The proposal would appear to comply with requirements of the Whakatane Transitional District Plan as a discretionary activity and as such cannot be considered to be detrimental to the environment or to the local community.

Please do not hesitate to contact the writer should you have any query. We await your advice.

Yours faithfully

R J OVERINGTON

RCSGEN 3

9
DPS 3180
Nº8A

2
DPS 8688

2
Nº2A

D P S 1 4 5 1 7

1
Nº 4

N

(20·12)

SEWAGE (C)

PROPOSED GARAGE

TREES, SHRUBS & FERNS

EXIST. GARAGE (TO BE MOVED)

EXISTING CONCRETE DRIVE

EXIST. 100Ø SEWER (TO BE ABANDONED)

LEAN TO

LOT 5
466m² excl. access leg
500m² incl. access leg

PROPOSED DWELLING

TULIP TREE (TO BE REMOVED)

(GARAGE)

PROPOSED LH (IL 100·85)

CONNECT EXIST. HOUSE TO NEW 100Ø

LOT 6
565m² excl. access leg
713m² incl. access leg

EXIST. W.B. HOUSE

LOT 1
451m²

PROPOSED DWELLING

(GARAGE)

PROPOSED 100Ø

EXIST. WATER MAIN

ROAD

BEACH STREET

EXIST. SEWER MAIN

EXIST SS MH
LL 101·44
IL 100·03

PROPOSED 100Ø SEWER

WALL

CONC.

KERB

LOT 3
428m²

PROPOSED DWELLING

(GARAGE)

EXIST. CONC. DRIVEWAY

LOT 2
484m²

PROPOSED DWELLING
(GARAGE)
101·43 G.L.

PHOENIX PALM (TO BE REMOVED)

POHUTUKAWA

OAK

JACKARANDA (TO BE REMOVED)

LAWSONIANA HEDGE

LOT 4
441m²

PROPOSED DWELLING

(GARAGE)

EUROPEAN BEECH

RIGHT OF WAY & SERVICES EASEMENT

PROPOSED 150Ø SEWER

16·62 BDY

TREES, SHRUBS &

PROPOSED SS MH (IL 100·66)

CONC. P. POLE

EXIST. WATER MAIN

CONC. P. POLE

KERB

CESSPIT

LOT 7
18m²
TO VEST AS ROAD IN THE WHAKATANE DISTRICT COUNCIL

McGARVEY

BARRY AVENUE

(20·12)

EXIST. SEWER MAIN

PROPOSED 150Ø SEWER

EXIST SS MH
LL 101·35
IL 100·33

CESSPIT

PROPOSED EASEMENTS			
PURPOSE	SERV. TEN.	SHOWN	DOM. TEN.
RIGHT OF WAY ELECTRICTY TELEPHONE	LOT 4	A	LOT 5
	LOT 5	B	LOT 4
SEWAGE	LOT 6	C	LOT 1

NOTES :

1) AREAS AND DIMENSIONS ARE SUBJECT TO SURVEY.
2) TOTAL AREA LOTS 1-7 = 3035m²
3) ZONING IS RESIDENTIAL A.
4) SEE DRAWINGS PREPARED BY AMBIENT ARCHITECTURE AND DESIGN LTD FOR PROPOSED LAYOUT AND ELEVATIONS OF NEW DWELLINGS.
5) MINIMUM FLOOR LEVEL FOR NEW DWELLINGS IS 102.035 METRES.
6) LEVELS INDICATED ARE IN TERMS OF W.D.C. DATUM.

PREPARED FOR : M. D. CHOUDHAREY
BUILDING CONTRACTOR
PROPERTY AT : NO. 6 McGARVEY ROAD
WHAKATANE

PROPOSED LOTS 1-7 BEING SUBDIVISION OF LOT 1 DP 35113.

COMPRISED IN CT 902/239 All

WHAKATANE DISTRICT

ROSS J. OVERINGTON
REGISTERED SURVEYOR
P.O. BOX 596 * WHAKATANE * PHONE 30 86384

DRAWN	RJO	CHECKED		SCALES	SHEET
TRACED	SAW	DATE	MAY 1996	1 : 250	S1372/1
					SERIES OF
					REF

1372/1

MAY 96

Amended

Whakatane District Council

Your ref: _____ Our ref: 96.100

30th May 1996

TO: Ross Overington
BO Box 596
Whakatane

Attention: R.J. Overington

Resource Consent : Subdivision. M.D. Choudharey.
6 McGarvey Road, Whakatane

I acknowledge receipt of your letter of 20th May. This matter will be dealt with at the earliest opportunity. You will be contacted again as soon as possible.

Please direct any queries you may have on this matter to Katie Mayes.

Yours faithfully

pp David Bewley
DISTRICT PLANNER

Encl

FORMS\PLAN6

Whakatane District Council

Private Bag 1002, Whakatane 3400
GST Reg No. 16-940-356

Telephone (07) 307 9800
Fax No. (07) 307 0718

M-D Chaudhary Ltd
C/- R.J Overington
P.O Box 596
Whakatane.

Resource Consent Application (Subdivision)
Berry Ave / McGarvey St, Whakatane.
Application Fee Deposit

WHAKATANE DISTRICT COUNCIL
OFFICIAL RECEIPT

Receipt No.: 83768-43495 Date: 24/05/96
Account No.: 68800.100 NEWJANET
Total Amount: $225.00 CHQ

Stuart Bracey 24/5/96

FORM 5

Section 88 Reg 8 (1)

RESOURCE MANAGEMENT ACT 1991

SUBDIVISION CONSENT

The General Manager
Whakatane District Council
Private Bag 1002
WHAKATANE

I, M D CHOUDHAREY
apply for the resource consent(s) described below:

1. The names and addresses of the owner and occupier (other than the applicant) of any land to which the application relates are as follows:
   N/A

2. The street address/location to which this application relates. *(See Note 1)*
   6 MCGARVEY ROAD, WHAKATANE.
   Legal Description : LOT 1 DP 35113

3. The type of resource consent sought is a subdivision consent

4. A description of the activity to which the application relates is *(See Note 2)*
   TO CREATE SIX (FIVE ADDITIONAL) FREEHOLD SECTIONS!!

5. (a) The following additional resource consents are required in relation to this proposal: *(See Note 3)*
   NIL

   (b) Have you applied for additional consent(s) ? *(See Note 3)* YES / NO

6. I attached an assessment of any effects that the proposed activity may have on the environment. *(See Note 4)* YES / NO

7. I attach information sufficient to adequately define: *(See Note 5)*

   (a) The position of all new boundaries YES ☑
   (b) The areas of all new allotments. *(See Note 5a)* YES ☑
   (c) The location and areas of new reserves to be created (including esplanade reserves). *(See Note 5b)* YES ☐
   (d) The location and areas of any esplanade strips to be created under Section 232 of the Act: YES ☐
   (e) The location and areas of any existing esplanade reserves, esplanade strips, or access strips: YES ☐
   (f) The location and areas of land below mean high water springs of the sea or any part of the bed of a river or lake which is to vested in the Crown or local authority under Section 237A of the Act: YES ☐
   (g) The location and areas of land to be set aside as a new road YES ☐

N/A

8. I attach other information required *(See Note 6)* YES ☑

(Signature of Applicant or person authorised to sign on behalf of Applicant)

21-5-96
Date

Address for service of Applicant

R J OVERINGTON
REGISTERED SURVEYOR
P O BOX 596, WHAKATANE.
Telephone No: 3086384
Fax No: 3070665

Annexures:

(a) An assessment of effects on the environment in accordance with the Fourth Schedule to the Act:

(b) Any other information required by the district plan or regional plan or Act or regulations to be included:

(c) Other information in accordance with Section 219 of the Act:

Notes:

1. Describe the location in a manner which will allow it to be readily identified, eg, the street address, the legal description, the name of any relevant stream, river, or other water body to which the application may relate, proximity to any well-known landmark, the grid reference (if known), etc.

2. Give a full description of the activity you are proposing to undertake. Continue on a separate paper if necessary.

3. Some activities require more than one resource consent. Although it is not mandatory to make all applications at once, in some circumstances Council can decide not to proceed with an application until another resource consent has been obtained. In some cases a joint hearing or combined hearing may be required.

4. A separate pamphlet has been prepared to assist you in preparing an assessment of the effects on the environment in accordance with Section 88 of, and the Fourth Schedule to, the Act. In some cases (eg, if the activity is a controlled activity) an assessment may not be required.

5. This information is required under the provision of Section 219 of the Resource Management Act 1991.

   (a) The area of new allotments is not required for cross leases, company leases or unit plans.

   (b) The requirements relating to esplanade reserves strips are specified in Section 230 of the Resource Management Act 1991.

6. The District Plan will require specific information to be submitted with most applications. Copies of the Plan are held in the District Council offices (Whakatane and Murupara) and the district libraries. The Resource Management Act and Regulations 1991 and regional plans may also specify additional information required. It is important to check out these requirements before lodging your application.

Staff at the Planning Department will be happy to assist you in completing your application.

ROSS J. OVERINGTON

REGISTERED SURVEYOR

Land Subdivision and Resource Management Consultant

Upstairs Phoenix House, Pyne Street
P.O. Box 596, WHAKATANE
Telephone 07 308 6384 • Fax 07 307 0665
Mobile Phone 025 904 203

Refer: F1372

20 May 1996

WHAKATANE
21 MAY 1996
DISTRICT COUNCIL

The General Manager
Whakatane District Council
Private Bag
WHAKATANE

ATTENTION: STUART BRACEY

Dear Sir

M D CHOUDHAREY : PROPERTY AT NO.6 MCGARVEY ROAD, WHAKATANE - PROPOSED SUBDIVISION

Enclosed herewith please find an Application for Subdivision Consent in respect of the above, together with five copies of my drawing S1372/1 and a further copy reduced to size A4 being the Scheme Plan illustrating the proposal. Also attached is a cheque for $225 being Council's application deposit fee.

Mr Choudharey who is a building contractor has recently purchased the 3035 square metre subject property at the corner of McGarvey Road and Barry Avenue for the purpose of constructing five new dwellings himself.

The existing property includes a large weatherboard house and separate garage as well as extensive established gardens and trees. A feature of the property is the variety and maturity of vegetation, and building and subdivision layout has been designed to preserve as much of this as practical.

Accordingly the proposal shows a total of 7 new lots: Lots 1-5 being new building sites, Lot 6 containing the existing dwelling, and Lot 7 being a corner splay to vest as road.

It is proposed to remove three of the larger trees on the site which are considered to be either not compatible with dwellings in close proximity or they unreasonably restrict development. These are a large Tulip Tree at the west and a large Phoenix Palm and spreading Jacaranda tree near the road corner. The Phoenix Palm is offered by Mr Choudharey to Council, free for trans-plantation should a suitable location be available for it. There are several small trees and seedlings on the property which will be transplanted on-site to locations which complement the development. Advice from Council's Parks and Reserves Department would be welcome in this regard.

Residence: 124/2 Pohutukawa Avenue, Ohope • Telephone 07 312 4434

Indicated on the Scheme Plan is layout for new dwellings, with side yards shown where these are the minimum or less than the minimum normal requirement. Further details of building layout, elevations and compliance with the District Rules is shown on attached drawings prepared by Ambienti Architecture & Design Limited.

Referring to building layout, dispensation is sought for a reduction of the normal front yard along Barry Avenue from 6.00 to 4.60 metres. This is to allow more aesthetic siting of buildings and for better protection of vegetation. Barry Avenue frontage is extensively planted with a variety of trees and shrubs which are currently competing with an old high Lawsoniana hedge. It is intended to remove the hedge in order to feature the trees and shrubs so that a natural screen from the road will remain. The adjoining street berm along Barry Avenue is 5.5 metres wide (kerb to boundary) while the berm in McGarvey Road is 4.0 metres wide. Accordingly the distance from proposed buildings in McGarvey Road (with 6.00 metre set-back from boundary) to the kerb will be 10.00 metres while the distance from proposed buildings in Barry Avenue at 4.6 metre set-back will be 10.10 metres. The average front yard of all three proposed dwellings fronting Barry Avenue exceeds 4.60 metres. It is also noted that a similar dispensation was recently granted by Council for a dwelling directly opposite on Barry Avenue.

Except for consideration of existing trees, a total of six dwellings could readily be accommodated on the site in terms of the District Rules for multi-unit development. Separate freehold titles are the desired form of tenure for the completed development, and Subdivision Consent is therefore required in this format.

The proposal meets all normal subdivision requirements of the District Rules except for variety of allotment sizes. The application is presented as a comprehensive development including specific building design and protection of vegetation which it is considered off-sets possible requirement for larger lots to accommodate random building by separate owners.

Lots 1, 2, 3 & 4 are front sites averaging 451 square metres, while Lot 5 is a rear site totalling 500 square metres, with 466 square metres exclusive of access leg. Lots 4 and 5 share a common entrance and driveway, and a mutual right of way and services easement is provided in respect of this.

Lot 6 is also a rear site and totals 713 square metres, with 565 square metres excluding a wide access leg. The substantial existing house on this lot appears to be in good structural condition and it is intended to carry out extensive internal alterations.

Lot 7 is the standard splay required by the District Rules and it is noted that the 18 square metre area includes a tree which Council may wish to retain.

Existing ground levels over the property range 101.4 to 101.7 metres and it is noted that a minimum floor level for new dwellings of 102.035 metres applies to this area.

It is proposed to dispose of stormwater to ground soakage and we anticipate that the existing soils will adequately cater for this.

It is proposed to extend an existing 150mm diameter sewer main at the south-west in Barry Avenue in order to service Lots 3, 4, 5 and 6. Effluent from the existing house (on Lot 6) will be redirected to this new reticulation and the existing 100mm diameter connection from separate reticulation in McGarvey Road will be utilised for Lot 1 with an appropriate easement over part of the access strip of Lot 6. A new 100mm diameter connection will be provide for Lot 2 from the existing reticulation in McGarvey Road.

There are existing water mains along both McGarvey Road and Barry Avenue frontages which will allow ready individual connections for the new lots. The existing metered connection will be utilised for Lot 1 and a new separate 20mm line installed within Lot 6 to the existing house.

The existing garage building (on Lot 5) will be removed and a new separate garage constructed on Lot 6 adjacent to the northern boundary as indicated. It is acknowledged that location as shown will require dispensation from the normal side yard requirement and agreement from the neighbour at No.4 McGarvey Road will be sought for this.

An existing concrete strip driveway along the northern boundary will be retained for Lot 6 and the width of access strip containing this allows for retention of existing vegetation except for entry to the new garage position. A Protection Covenant could be provided over the vegetation area to ensure its protection and enhancement for benefit of the general neighbourhood.

Specific significant trees within the development could also be protected by covenant, and consultation and advice is sought from Council's Parks and Reserves Department in this regard.

Referring to Reserve contribution, it is anticipated that cash contribution for five additional sections will be required with some possible credit off-set for vegetation protection covenants. It is considered that assessment of the current market value of the new lots for this purpose should not exceed $40,000 each.

There are no existing footpaths along the street frontages and it is considered that these are not necessary for public use in this location, particularly along Barry Avenue. There is no evidence of foot traffic on either berm, and construction of paths would detract from the park-like setting it is intended to preserve.

The proposed subdivision will create six unique sections in an established part of the urban area which takes advantage of existing native and exotic vegetation. As developer of the individual sites, the subdivider will have control to ensure that each dwelling and associated landscaping is complimentary to the overall project.

It is considered that dispensation to reduce the Barry Avenue front yard will have little adverse effect, particularly when there is an existing generous width of grass berm available. This street is not a busy traffic route and it is pointed out that the existing 3 metre high dense hedge along the road boundary currently creates a visual barrier at that point.

With reference to "variety of allotment size", it is obviously not practical to comply with the normal requirements in this instance. There are a total of only six residential lots, and the same number of cross-lease titles could be created as of right, or alternatively a two stage freehold development could achieve the same end result. However, the comprehensive development proposed allows consideration of both Land Use and Subdivision matters.

The proposal would appear to comply with requirements of the Whakatane Transitional District Plan as a discretionary activity and as such cannot be considered to be detrimental to the environment or to the local community.

Please do not hesitate to contact the writer should you have any query. We await your advice.

Yours faithfully

R J OVERINGTON

RCSGEN 4



SKETCH DRAWINGS FOR *THE* PROPOSED:

MULTI - UNIT DEVELOPMENT

FOR : MR M. CHOUDHARDY.
CNR Mc GARVEY ROAD & BARRY AVENUE.
WHAKATANE.

AMBIENTI DESIGN CONSULTANTS :
ARCHITECTURE & DESIGN LTD.
STRAND HOUSE. 31 THE STRAND. PH. 07- 5784-712. TAURANGA .

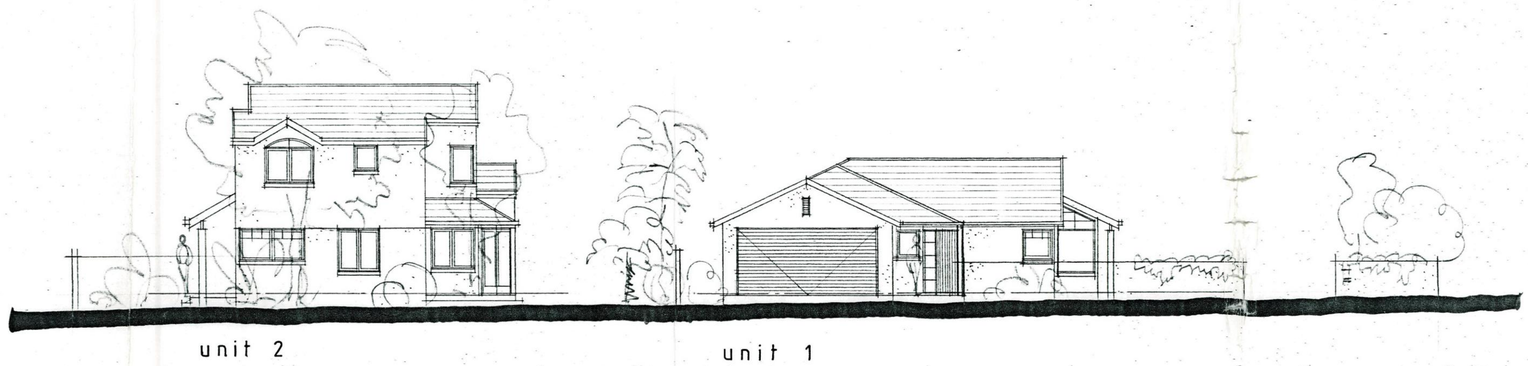


AMBIENTI
ARCHITECTURE AND DESIGN LTD
11 The Strand PO Box 1000 Tauranga Ph 0-7-578-4712 Fax 0-7-578-1725

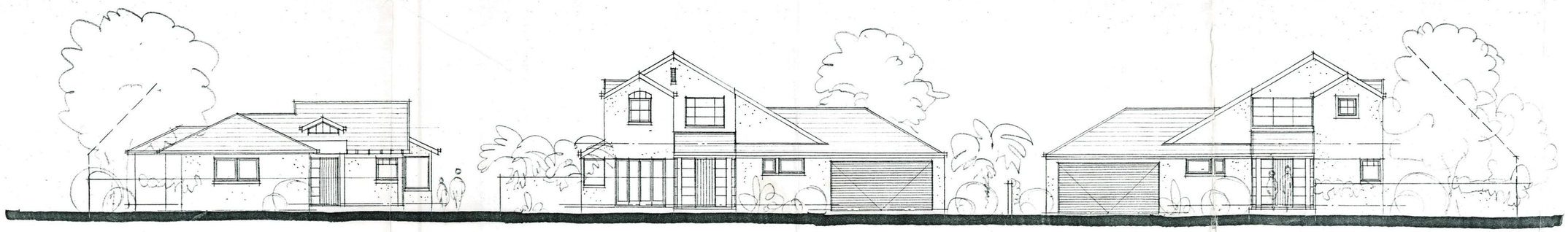
Barry Avenue

FLOOR / SITE DEVELOPMENT PLAN

1:100



Mc GARVEY ROAD ELEVATIONS



BARRY AVENUE ELEVATIONS

AMBIENTI
ARCHITECTURE AND DESIGN LTD
31 The Strand PO Box 1000 Tauranga Ph 0-7-578-4712 Fax 0-7-578-1725

ELEVATIONS
scale 1:100

9
DPS 3180
Nº8A

2
DPS8688

2
Nº2A

D P S 1 4 5 1 7

1
Nº 4

N

(20·12)

MAIN WATER EXIST. ROAD

BEACH STREET

SEWAGE (C)

PROPOSED GARAGE

TREES, SHRUBS & FERNS

EXISTING CONCRETE DRIVE

EXIST. 100Ø SEWER (TO BE ABANDONED)

EXIST. GARAGE (TO BE MOVED)

GL 101·71

LEAN TO

LOT 5
466m² excl access leg
500m² incl access leg

PROPOSED DWELLING

GL 101·75

TULIP TREE (TO BE REMOVED)

(GARAGE)

LOT 6
565m² excl access leg
713m² incl access leg

PROPOSED LH (IL 100·85)

CONNECT EXIST HOUSE TO NEW 100Ø

EXIST W/B HOUSE

LOT 1
451m²

PROPOSED 100Ø

GL 101·70

PROPOSED DWELLING

(GARAGE)

WATER

EXIST. SEWER MAIN

EXIST SS MH
LL 101·44
IL 100·03

PROPOSED 100Ø SEWER

WALL

CONC.

KERB

LOT 3
428m²

PROPOSED DWELLING

(GARAGE)

EXIST. CONC. DRIVEWAY

GL 101·68

PHOENIX PALM (TO BE REMOVED)

LOT 2
484m²

PROPOSED DWELLING

(GARAGE)

101·43 G.L.

POHUTUKAWA

OAK

JACKARANDA (TO BE REMOVED)

LOT 4
441m²

(GARAGE)

EUROPEAN BEECH

RIGHT OF WAY & SERVICES EASEMENT

PROPOSED 150Ø SEWER

GL 101·79

TREES, SHRUBS & LAWSONIANA HEDGE

PROPOSED SS MH (IL 100·66)

CONC. P. POLE

EXIST. WATER MAIN

KERB

CESSPIT

LOT 7
18m²
TO VEST AS ROAD IN THE WHAKATANE DISTRICT COUNCIL

McGARVEY ROAD

BARRY AVENUE

EXIST SEWER MAIN

PROPOSED 150Ø SEWER

EXIST SS MH
LL 101·35
IL 100·33

CESSPIT

PROPOSED EASEMENTS			
PURPOSE	SERV. TEN.	SHOWN	DOM. TEN.
RIGHT OF WAY ELECTRICTY TELEPHONE	LOT 4	A	LOT 5
	LOT 5	B	LOT 4
SEWAGE	LOT 6	C	LOT 1

NOTES :

1) AREAS AND DIMENSIONS ARE SUBJECT TO SURVEY.
2) TOTAL AREA LOTS 1-7 = 3035m²
3) ZONING IS RESIDENTIAL A.
4) SEE DRAWINGS PREPARED BY AMBIENT ARCHITECTURE AND DESIGN LTD FOR PROPOSED LAYOUT AND ELEVATIONS OF NEW DWELLINGS.
5) MINIMUM FLOOR LEVEL FOR NEW DWELLINGS IS 102·035 METRES.
6) LEVELS INDICATED ARE IN TERMS OF W.D.C. DATUM

PREPARED FOR : M. D. CHOUDHAREY
BUILDING CONTRACTOR
PROPERTY AT : NO. 6 McGARVEY ROAD
WHAKATANE

PROPOSED LOTS 1-7 BEING SUBDIVISION OF LOT 1 DP 35113.

COMPRISED IN CT 902/239 All

WHAKATANE DISTRICT

ROSS J. OVERINGTON
REGISTERED SURVEYOR
P.O. BOX 596 * WHAKATANE * PHONE 30 86384

DRAWN	RJO	CHECKED		SCALES	SHEET
TRACED	SAW	DATE	MAY 1996	1:250	S1372/1
					SERIES OF
					REF

File 6 McGarvey.

CONSENT NOTICE

(Pursuant to Section 221 of the Resource Management Act 1991)

GIVEN by: M D CHOUDHAREY

IN FAVOUR of: THE WHAKATANE DISTRICT COUNCIL

DATED 3rd day of February 1998

PROPERTY: Deposited Plan No S.74877

SUBJECT: Consent Conditions

COUNCIL REFERENCE: 24.3.96.100

HAMERTONS
SOLICITORS
(B N Carter)
Telephone NO. 07 307 0680
Fax NO. 07 307 0225
PO Box 601
DX JA31519
WHAKATANE

IN THE MATTER of the Resource Management Act 1991 ("the Act")

AND

IN THE MATTER of a subdivision of land in the South Auckland Land Registration District

CONSENT NOTICE

(Pursuant to Section 221 of the Act)

THE WHAKATANE DISTRICT COUNCIL ("the Council") being the territorial authority for the district within which the Land described in the First Schedule of this Notice is situated has, pursuant to Part X of the Act, granted its consent to the subdivision shown on Land Transfer Plan S.74877 subject to certain conditions, including the requirement in respect of the Land that the Owner (as defined in the Act) complied on a continuing basis with the conditions set out in the Second Schedule of this Notice.

FIRST SCHEDULE

("the Land")

First: 484 square metres more or less being Lot 2 on Land Transfer Plan No S.74877 and being all of the land in Certificate of Title 60B/236 (South Auckland Registry).

Secondly: 441 square metres more or less being Lot 4 on Land Transfer Plan No S.74877 and being all of the land in Certificate of Title 60B/238 (South Auckland Registry).

SECOND SCHEDULE

("the Conditions")

The Owner of the Land shall, on a continuing basis:

1. (a) Ensure that the following trees, (identified on sketch Plan entitled "Location of Trees Subject to Protection covenants on Lots 2 and 4 DPS.74877" (a copy which is annexed hereto), and their natural root-systems be protected from damage that would be likely to kill or irreparably damage the tree(s) or otherwise adversely affect the shape or form of the tree for the natural life-span of the tree(s):

Lot 2 - Phoenix Palm (2)
- Pohutukawa (2)
- Oak (3)

Lot 4 - European Beech (5)
- Phoenix Palm (1)

(b) Ensure that the tree(s) are maintained in accordance with good arboricultural practice. All maintenance work shall be carried out by a suitably qualified person at the owner's expense.

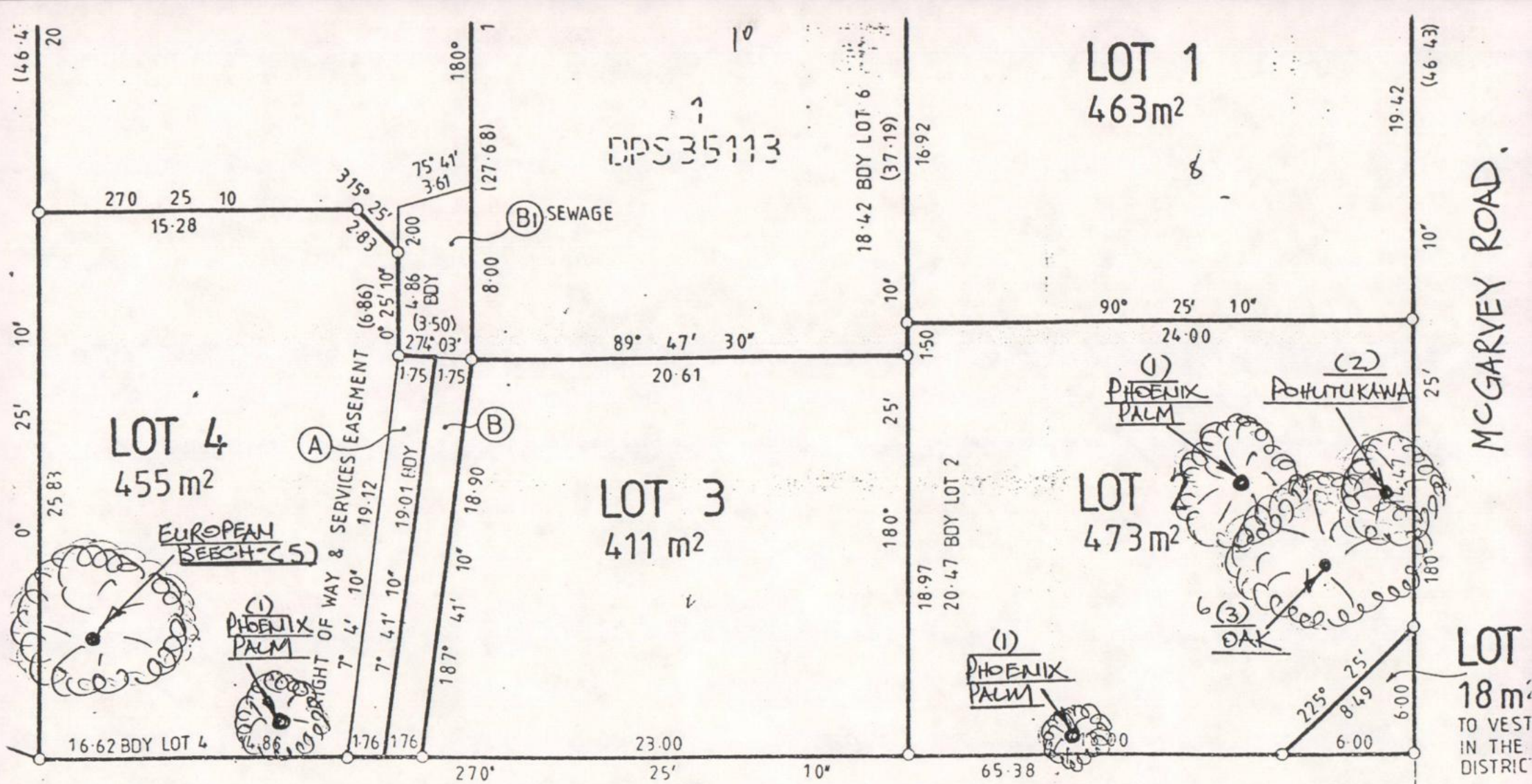
(c) Permit Council officers or contractors entry upon the land at reasonable times so as to ascertain compliance with these conditions.

2. Pay the Council's legal costs and disbursements directly or indirectly attributable to the preparation execution registration and enforcement of this Notice and the Council's conditions set out in this Notice and any variation or cancellation of such conditions.

DATED at Whakatane this 3rd day of February 1998

AUTHENTICATED by the Council by)
the Principal Administration Officer of)
the Council pursuant to Section 252 of)
the Local Government Act 1974)

.....
(General Manager)



PLAN SHOWING LOCATION OF TREES SUBJECT TO PROTECTION COVENANTS ON LOTS 2 & 4 DPS 74877.

ROSS J. OVERINGTON
Registered Surveyor
P.O. Box 596

SCALE: 1:250 (FROM DPS 74877)

24.3.96.100

R J Overington
P O Box 596
WHAKATANE

IN THE MATTER of the
Resource Management Act 1991

AND

IN THE MATTER of an application for Resource consent (subdivision) - Change of conditions by:

M D Choudharey
6 McGarvey Road
WHAKATANE

Dear Sir/Madam

In accordance with the provisions of the Resource Management Act 1991, you are hereby advised that the Hearings Committee of the Whakatane District Council, acting under delegated authority from the Council at its meeting held 15 October 1997, resolved to change condition 2 (viii) of the abovementioned application.

Council's decision in this matter and the reasons therefor are as set out on the attached sheet.

In accordance with Section 357 of the Resource Management Act 1991, you have the right to submit to Council an objection to any of the above conditions of approval. If you are in any way not satisfied with the decision of Council on this application you have the right to appeal to the Environment Court. Any appeal is required to be lodged with the Environment Court within fifteen working days of receiving this decision.

In addition to the Whakatane District Council, the following persons and bodies appeared or were represented at the hearing of this application:

Mr R J Overington - for the applicant

DATED AT WHAKATANE THIS _____ DAY OF _____ 1997

_____

David Bewley
DISTRICT PLANNER

Encl
97\2\G\EES2410C

DECISION

THAT pursuant to Section 127 Resource Management Act 1991, Council grants consent to change condition 2(vii) of subdivision consent 24.3.96.100 as follows:

"2(vii) That a consent notice be registered against the Certificate of Title for Lots 2, 3 and 4 requiring that:

(a) The following trees and their natural root systems be protected from damage that would be likely to kill or irreparably damage the tree(s) or otherwise adversely affect the shape or form of the tree for the natural lifespan of the tree(s):

Lot 2 Phoenix Palm (1)
Pohutukawa (2)
Oak (3)
Lot 3 Phoenix Palms
Lot 4 European Beech (5)

(b) The owner of the property shall ensure that the tree(s) are maintained in accordance with good arboricultural practice. All maintenance work shall be carried out by a suitably qualified person at the owner's expense.

(c) The consent notice and any bond agreement shall be prepared by Council's solicitors at the cost of the applicant."

(d) The phoenix palms may be relocated to the positions shown on Plan S1372/1A entitled "Relocation of Trees (Phoenix Palms) from Lot 3".

A bond of $3 000 shall be entered into between the developer and Council to ensure the trees are relocated without damage and will remain in good health in their new location. The period of the bond will be twelve months from the date of the transportation of the phoenix palms. The final wording of the bond agreement will be agreed upon by the developer and Council.

For clarity:

(i) the consent notice requiring protection of trees will include the phoenix palms on Lot 3 or in their new relocated positions on Lots 2 and 4; and

(ii) no reserves credit, as outlined in condition 2(i), will be given for the protection of the two phoenix palm trees.

Reasons

1. Council considers that the liquid amber on Lot 3 has been so severely pruned that it now contributes little value to the amenity of the area, and is unlikely to recover its previous shape and form. Council reluctantly accepts that a change in circumstances has occurred which makes part of condition 2(vi) now inappropriate. Therefore, Section 127 of the Resource Management Act 1991 is satisfied.

2. While Council accepts the alternative proposal of protecting two phoenix palms (in exchange for the liquid amber), its incentive for protection of the tree, as outlined in condition 2(i) is no longer offered. This is because the pruning was carried out in full knowledge of the condition of resource consent seeking its ongoing protection.

3. Council acknowledges and encourages the private covenanting of the liquidamber for its value, albeit limited, in the immediate environment.

97\2\G\EES2410C

24.3.96.100

6 August 1996

Mr Ross J Overington
P O Box 596
WHAKATANE

Dear Sir

RESOURCE CONSENT (SUBDIVISION) -
MR M D CHOUDHAREY

On 31 July 1996, the Hearings Committee considered the above subdivision and resolved as follows:

*"1. **THAT** pursuant to Sections 34(4) and 105 and after consideration of Part II Matters and Sections 104 and 108 of the Resource Management Act 1991, the Whakatane District Council grants consent to the land use consent application by M D Choudharey, being a discretionary activity to reduce the front yard requirement along the Barry Avenue frontage of Lot 1 DP 35113 from 6 m to 4 m. Consent is subject to the following conditions:*

(i) That the development of Lot 1 DP 35113 be undertaken in accordance with plans submitted with this application (reference S 1372/1A, dated 18 July 1996) and the conditions of any subsequent subdivision consent.

(ii) That a continuous screen fence, or landscaping, to a height of 1.8 m be erected or established along the Barry Avenue frontage of proposed Lots 2, 3 and 4 (excluding accessways) within twelve months of the date of this consent.

(iii) That accessways to the site be located in accordance with Plan S 1372/1A, dated 18 July 1996.

Reasons

1. It is not considered that any consents are required because of the layout of the proposed dwellings and their relationship to the adjoining sites.

2. *The reduction in the yard is to facilitate the retention of the mature trees on the site which will help to maintain the amenity of the area and mitigate the effects of the increase in density resulting from the development of the site.*

3. *A screen fence or landscaping along the Barry Avenue frontage is required to mitigate the effects of the proposed buildings encroaching on the front yard.*

2. ***THAT** pursuant to Sections 34(4) and 105 and after consideration of Part II Matters and Sections 104, 108 and 220 of the Resource Management Act 1991, the Whakatane District Council grants consent to the subdivision consent application by M D Choudharey, being a non-complying activity, for the proposed subdivision of Lot 1 DP 35113 as shown on Plans S 1372/1 dated May 1996 and S 1372/1A dated 18 July 1996. Consent is subject to the following conditions:*

(i) *That a reserves contribution of $9 000 (inclusive of GST) or an amount determined at 4.5% (plus GST) of the land value of the five new allotments created, as assessed by a registered land valuer, be paid to Council. This amount to be reduced by $500 (inclusive of GST) for each of the trees protected by a consent notice registered against the Certificate of Title for the lot on which the tree is located, in accordance with the conditions of this consent.*

(ii) *That the right-of-way serving Lots 4 and 5 shall be formed and constructed in accordance with Council's Code of Subdivisional Standards to the satisfaction of the Executive Officer - Works and Services.*

(iii) *That Lot 7, shown as road, shall vest in the Whakatane District Council.*

(iv) *That engineering plans, specifications and calculations providing for the disposal and control of stormwater from the site shall be submitted for approval prior to any works being carried out on the site.*

The design shall take into consideration the provision of both primary and secondary disposal and control systems.

***Primary** - The primary system shall be required to provide an on-site containment or disposal system designed to cater for rainfall of a 10 % probability of occurring annually.*

***Secondary** - The secondary system shall be required to provide the disposal of rainfall of less than a 10 % of probability of*

occurring annually in a manner that does not cause nuisance to property or buildings both on and off the site.

(v) *That finished building platform levels on all lots shall be not less than 102.035 above Moturiki Datum. Any fill placed on the site to meet this condition shall be placed under the supervision of a suitably qualified person and certified as being suitable for any subsequent building development provided for as a permitted activity in the District Plan by a Registered Engineer.*

(vi) *That all lots shall be provided with independent underground sewer and metered water and electricity supply in accordance with Council's Code of Subdivisional Standards.*

(vii) *That a consent notice be registered against the Certificate of Title for Lots 2, 3 and 4 requiring that:*

(a) *The following trees and their natural root systems be protected from damage that would be likely to kill or irreparably damage the tree(s) or otherwise adversely affect the shape or form of the tree for the natural lifespan of the tree(s).*

Lot 2	*Phoenix Palm (1)*
	Pohutukawa(2)
	Oak (3)
Lot 3	*Liquid Amber (4)*
Lot 4	*European Beech (5)*

(b) *The owner of the property shall ensure that the tree(s) are maintained in accordance with good arboricultural practice. All maintenance work shall be carried out by a suitably qualified person at the owner's expense.*

(c) *The consent notice shall be prepared by Council's solicitors at the cost of the applicant.*

(viii) *That engineering plans for all engineering works required to satisfy these conditions shall be submitted to Council for approval prior to any work being carried out on site. The plans shall be in the form specified in Council's Code of Subdivisional Standards.*

(ix) *That as-built plans of all new and extended services shall be provided to Council for approval. The plans shall be in the form specified in Council's Code of Subdivisional Standards and shall be certified as being an accurate record of the location of the services, as constructed, by a registered surveyor or a registered engineer.*

(x) *That an engineering fee of 1 % of the cost of engineering works required to satisfy these conditions or $50 (inclusive of GST) whichever is the greater, shall be paid to Council for receiving, processing and approving engineering plans required by these conditions.*

(xi) *That all easements required to protect right-of-ways or services within the subdivision shall be duly granted or reserved.*

(xii) *That a footpath contribution be paid to Council to form a footpath along the entire McGarvey Road frontage of the site. The applicant is to pay 50% of an agreed value to complete the footpath.*

(xiii) *That all legal documents required to satisfy the conditions of this consent shall be prepared by the Council's solicitor at the applicant's expense.*

(xiv) *That an additional administrative charge of $1 020.83 (inclusive of GST) be paid to Council in relation to the receiving, processing and granting of this Resource Consent.*

3. ***THAT** pursuant to Section 223 of the Resource Management Act 1991, the Executive Officer - Environmental Services be authorised to approve the Survey Plan in respect of the above subdivision once the Survey Plan is submitted and is in accordance with the approved subdivision consent.*

4. ***THAT** pursuant to Section 224 of the Resource Management Act 1991, the General Manager be authorised to sign a certificate in respect of the above subdivision, stating that all conditions of subdivision consent have been complied with to his satisfaction.*

Reasons

1. *The proposed subdivision is a non-complying activity in the Residential zone of the Whakatane Transitional District Plan. Council is satisfied that any adverse environmental effects that may actually or could potentially occur as a result of this subdivision are likely to be minor or are avoided, remedied or mitigated by the conditions of this resource consent.*

2. *Council is satisfied that the proposal is in accordance with Part II of the Resource Management Act 1991, particularly as it relates to the sustainable management of the land and maintaining and enhancing the amenity value of the surrounding area.*

3. *Council is satisfied that the objectives, policies and rules of the District Plan as they relate to multi-unit developments on a single site are not compromised by the proposed subdivision of the site into separate freehold titles.*

4. *Council considers that the increase in intensity of development resulting from this subdivision is likely to increase the demand for reserves and community facilities in the District and the requirement to contribute to these services is justified. The reserves contribution was assessed as follows:*

Land value of additional lots (as advised by applicant including GST) $40,000 x 5	*$200 000*
Reserves Contribution at 4.5% of land value (GST included)	*9 000*
Total	*$9 000*

Consideration is given to the ongoing protection of the trees identified in condition 7.

5. *Council is satisfied that the right-of-way serving Lots 4 and 5 is of sufficient width to provide vehicle and pedestrian access to the lots.*

6. *The proposed subdivision is in an area that is subject to inundation during extreme storm events and it is considered that appropriate measures should be taken to avoid any increased adverse effect of flooding as a result of the development of the site. Subject to compliance with conditions 4 and 5, Council is satisfied that the proposed subdivision will not contribute to a nuisance or a significant adverse effect outside the new lots created.*

7. *The existing site level is less than that permitted for a minimum building platform in the district. It is appropriate that the buildingplatform be raised to avoid inundation during extreme storm events."*

In accordance with Section 357 of the Resource Management Act 1991, you have the right to submit to Council an objection to any of the above conditions of approval. If you are in any way not satisfied with the decision of Council on this application you have the right to appeal to the Planning Tribunal. Any appeal is required to be lodged with the Planning Tribunal within fifteen working days of receiving this decision.

If you have any further enquiries, please contact Stuart Bracey (Senior Planner) at this office.

Yours faithfully

Diane Turner
EXECUTIVE OFFICER -
ENVIRONMENTAL SERVICES
96\2\L\EES0108A

WHAKATANE DISTRICT COUNCIL
PRIVATE BAG 1002
WHAKATANE

APPLICATION FOR PERMIT TO CONNECT TO COUNCIL WATER SUPPLY

The Engineer
Whakatane District Council
Private Bag 1002
WHAKATANE

WATER

BC No: 5418

COMPLETED

Dear Sir

I hereby apply for a permit to complete a water connection in accordance with the relevant requirements of the Water Supply Bylaw of the Whakatane District Council.

Address for Connection: 6A Barry Avenue

Owner of Property: Choudhary, M.D. Limited.

Type of Building: Dwelling
(New House, Existing House, Home Units Etc)

Contact Name/Phone Number for Enquiries:
M. Choudhary, ph: 3084425

Postal Address: 6 McGarvey Road, WHK

Signature: ..... Date: .....

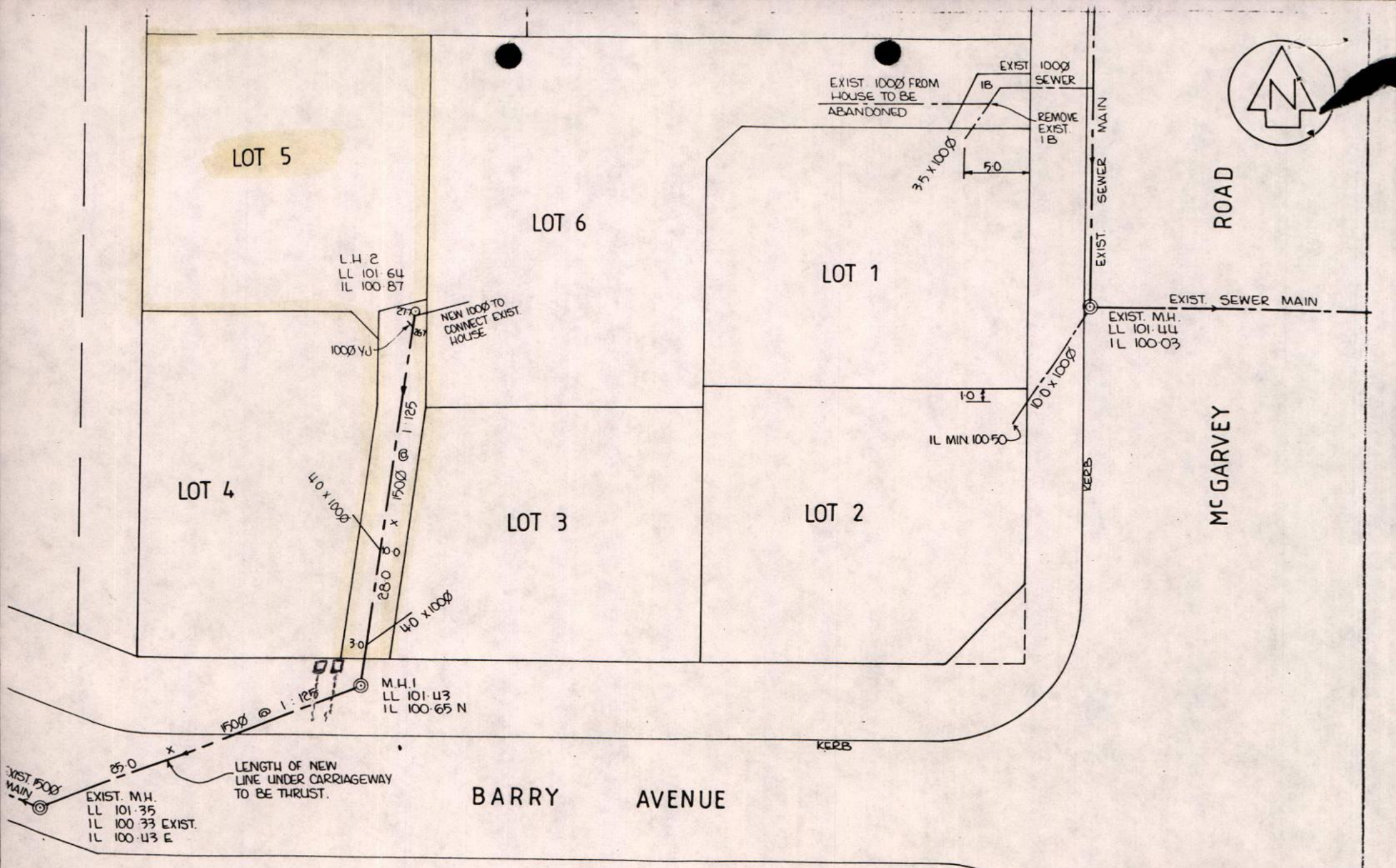
PLEASE DRAW A SITE PLAN ON THE BACK TO INDICATE PREFERRED POSITION OF CONNECTION ON THE SECTION
** IF THERE IS NO PLAN FOR LOCATION OF METER, COUNCIL ACCEPTS NO RESPONSIBILITY FOR PLACEMENT **

FOR OFFICE USE ONLY

To Supply: Connec & Meter Fee: $370.00
Valuation Roll No: 7107/566/00 Legal Desc. Lot 5
Receipt No & Date of Receipt: 39359 / 28-2-97
Permit No & Date of Issue:
Date of Connection: 6-3-97 Meter Size: 15mm
Meter No: 961 8977 Start Reading:
Debtor No: (215922) 212272 Connection Ref: L/H Side of drive -
Book & Serial No: 87 81 26 089.6A.
Date Copy Given to Drawing Office:
Comments:

For Any Queries Please Phone Our Water Staff Ian Smith or Velma Harris on 3071700

J:\WORDPROC\MISC\FORMS\WATERFM.DOC



PREPARED FOR:
M. D. CHOUDHAREY
BUILDING CONTRACTOR

SUBDIVISION AT NO. 6 McGARVEY ROAD

SEWER RETICULATION

ROSS J. OVERINGTON
REGISTERED SURVEYOR
PO BOX 596 * WHAKATANE * PHONE 308 6844

RJO			
SAW	OCT 1996	1:250	

SHEET E.1372/1

PERFORM: Query Next Previous View Add Update Remove Table Screen ..
Shows the next page of the form. ** 1: resource_consent table**

RESOURCE CONSENT APPLICATION Screen 1 of

*** APPLICATION DETAILS ***

Applicant [M D][CHOUDHAREY] Phone [
Postal [6][MCGARVEY RD] Site [ ][
Address [WHAKATANE] Address [

** LEGAL DESCRIPTION **

Valuation Number [7107/566/ /] Parcel Plan [DP 35113]
Parcel Type [LOT] Area [WHK] Whakatane
Lot No/Descript [1] Ward [WHW] Whakatane
Additional Desc [ ]

Reference Number [24 3 96 10] Notified [N] Type [S][SUBDIVISION]
Planning Officer [2][Stuart Bracey]
Surveyor [4] [Ross][Overington]
Ross J Overington
Application Received[21/05/1996] Application Acknowledged [30/05/199
Date Due [27/06/1996]
Notification Date [ ] Submissions Close ... [

1Transfer2Backup/ 3Command 4Logging 1 9 5File Mgr6Terminal7 Help 8 Exit

PERFORM: Query Next Previous View Add Update Remove Table Screen ..
Shows the next page of the form. ** 1: resource_consent table**

*** APPLICATION DETAILS *** Screen 2 of 3

Application Approved [Y][31.7.96.] Date Advertised [
Objection Decision Date [ ] Hearings Posted [
Date Appealed [ ] Appeal Decision Date [
Sub Plan Completed By [ ] Recorded on Plan Date [
Sub/Land Use Completed By [ ]

*** PROCESS MONITORING ***

	Date Sent	Date Due Return	Date Returned
Engineering	[30/05/1996]	[13/06/1996]	[ ]
Inspectorial	[30/05/1996]	[13/06/1996]	[ ]
Parks & Recreation	[30/05/1996]	[13/06/1996]	[ ]
[ ]	[ ]	[ ]	[ ]
[ ]	[ ]	[ ]	[ ]

Comments [ ]
[ ]
[ ]
[ ]
[ ]

RCSGEN

1Transfer2Backup/ 3Command 4Logging 1 9 5File Mgr6Terminal7 Help 8 Exit

Whakatane District Council

Private Bag 1002, Whakatane 3400
GST Reg No. 16-940-356

Telephone (07) 307 9800
Fax No. (07) 307 0718

N Sharma
2 Barry Avenue
WHAKATANE

APPLICATION TO VARY A CONSENT NOTICE (SUBDIVISION 24.3.96.100)

Application Fee Deposit $135.00

Environmental Services Department

FORMS\INVFORM

Whakatane District Council

COMMERCE STREET, PRIVATE BAG 1002, WHAKATANE. PHONE (07) 307-9800, FAX (07) 307-0718

RECEIPT

Date :26Nov01
Drawer No :8
Receipt No :268772

----- General Ledger Receipts -----

68800/100 n sharma 24.3.96.100 $135.00

TAX INVOICE: G.S.T. No :16-940-356
Consideration Excl. GST: $120.00
GST Amount: $15.00
Total: $135.00

WHAKATANE DISTRICT
all together better

24.3.96.100
24.2.04.177
0290/0006/000

18 October 2004

John W Haldane
P O Box 132
WHAKATANE

Dear Sir

WITHDRAWAL OF VARIATION TO CONSENT NOTICE (SUBDIVISION): TREE REMOVAL, J W HALDANE, 6 BARRY AVENUE, WHAKATANE

This letter acknowledges the withdrawal your resource consent application to vary the consent notice registered against the title of the above property. The Council considers that it is not necessary to vary the consent notice registered against your property title for the protection of the Beech tree. This is because the removal of the diseased tree is not contrary to condition 1 (a) the consent notice. The Council keeps a record of all tree removal consents and a notice will be placed on the appropriate subdivision and property files to show that the Beech tree has been consented for removal due to disease.

Please find enclosed with this letter a cheque for $250.00 for your refund.

If you have any further enquiries, please contact me at this office.

Yours faithfully

Emma Hilderink
PLANNER

04\2\L\ENH1810

24.2.04.177
0290/0006/000

2 August 2004

John W Haldane
P O Box 132
WHAKATANE

Dear Sir

RESOURCE CONSENT (LAND USE) – REMOVAL OF TREE

On 2 August 2004, the Senior Planner, under delegated authority, resolved as follows:

"1. ***THAT*** *pursuant to Section 94(2) of the Resource Management Act 1991, the Whakatane District Council is satisfied that the adverse effects on the environment of removing the tree will be minor. Therefore, the resource consent need not be publicly notified in accordance with Section 93 of the Resource Management Act 1991.*

2. ***THAT*** *pursuant to Section 34A and after consideration of Section 104 Resource Management Act 1991 and Rule 9B.2.3(3)(b)(i) of the Transitional Whakatane District Plan, the Whakatane District Council grants resource consent to remove the Fagus sylvatica (Common Beech tree) from a property legally described as Lot 4 DPS 74877, 6 Barry Avenue, Whakatane.*

3. ***THAT*** *pursuant to Section 37 of the Resource Management Act 1991, the Council advises that the 20 working day time limit for issuing a resource consent is being extended by 5 working days. This will bring the new date for the resource consent to 4 August 2004.*

Reason

The Whakatane District Council is satisfied that the removal of the tree will have a minor adverse effect on the amenity values of the surrounding neighbourhood. The tree is infected by fungal heartwood decay disease, with the potential for trunk and branch failure in high winds. The activity is not considered to be contrary to Part II of the Resource Management Act 1991."

In accordance with Section 357 of the Resource Management Act 1991, you have the right to submit to Council an objection to any of the above conditions of approval. An objection must be lodged with the Whakatane District Council within 15 working days of receipt of the Council's decision. If you are in any way not satisfied with the decision of Council on this application, you have the right to appeal to the Environment Court. Any appeal is required to be lodged with the Environment Court within fifteen working days of receiving this decision on the objection.

Address all correspondence to: The Chief Executive **Whakatane District Council** Private Bag 1002 Whakatane 3080 New Zealand
Telephone +64 7 306 0500 Facsimile +64 7 307 0718 Email information@whakatane-dc.govt.nz

If you have any further enquiries, please contact Emma Hilderink, (Planner), at this office.

Yours faithfully

Tony Bullard
SENIOR PLANNER

MEMORANDUM

TO: Senior planner - Tony Bullard

SUBJECT: **RESOURCE CONSENT APPLICATION -REMOVAL OF TREE 6 BARRYAVENUE**

DATE: 14 July 2004

In light of the recommendations in the attached Arborist's report dated 10 July2004 please process this application immediately and arrange to remove the tree from the property title.

Mike Naudé
MANAGER
PARKS AND RECREATION

G:\DATA\WORDPROC\04\8\Internal\Mike\mpn1407a

WHAKATANE DISTRICT COUNCIL
FILE:
REG. No.: G 19701
29 JUN 2004
ACTIONED 1 Rod Fraser DATE
2
3
4

For Office Use Only

Whakatane District Council

APPLICATION FOR RESOURCE CONSENT
Removal of Trees

24.2.04 177
0290/0006/000

To: The Chief Executive, Whakatane District Council, Private Bag 1002, WHAKATANE 3080 (Attention: District Planner)

APPLICATION DETAILS

I, *(full name of applicant)* JOHN WARNER HALDANE hereby apply for a land use consent.

No additional resource consents are required.

DESCRIPTION OF ACTIVITY

To remove the following trees: BEECH AT SW CORNER OF PROPERTY
SAFETY CONCERNS DUE TO FUNGAL ATTACK
AND SIGNS OF DIE BACK (SEE PHOTOS) CONFIRMED BY P. DE SILVA OF TREELINE.

SITE DESCRIPTION

No: 6 Street: BARRY AVENUE Locality: WHAKATANE

Legal description: LOT 4 DPS 74877 Zoning:
(Lot and DPs number)

GIS ref:: ____ / ____ / ____ Valuation ref: 07107 / 566.01

OWNERSHIP/OCCUPANCY

I am the OWNER of the property *(owner, occupier, lessee, prospective purchaser, etc)*

Name of owner: JOHN WARNER HALDANE

Address: 6 BARRY AVE., WHAKATANE

POTENTIALLY AFFECTED PARTIES

Have you obtained the written approval of any potentially affected neighbours? ☑ Yes ☐ No

The Council may ask you to seek the written approval of any neighbour who may be adversely affected by the tree removal.

ADDRESS FOR SERVICE/CORRESPONDENCE

Name of agent *(if any)*: AS ABOVE

Phone: *(Business)* 07 308 0215 *(Fax)* 07-308 0217 *(Home)* 07-308 0215

Address for Service PO Box 132, WHAKATANE

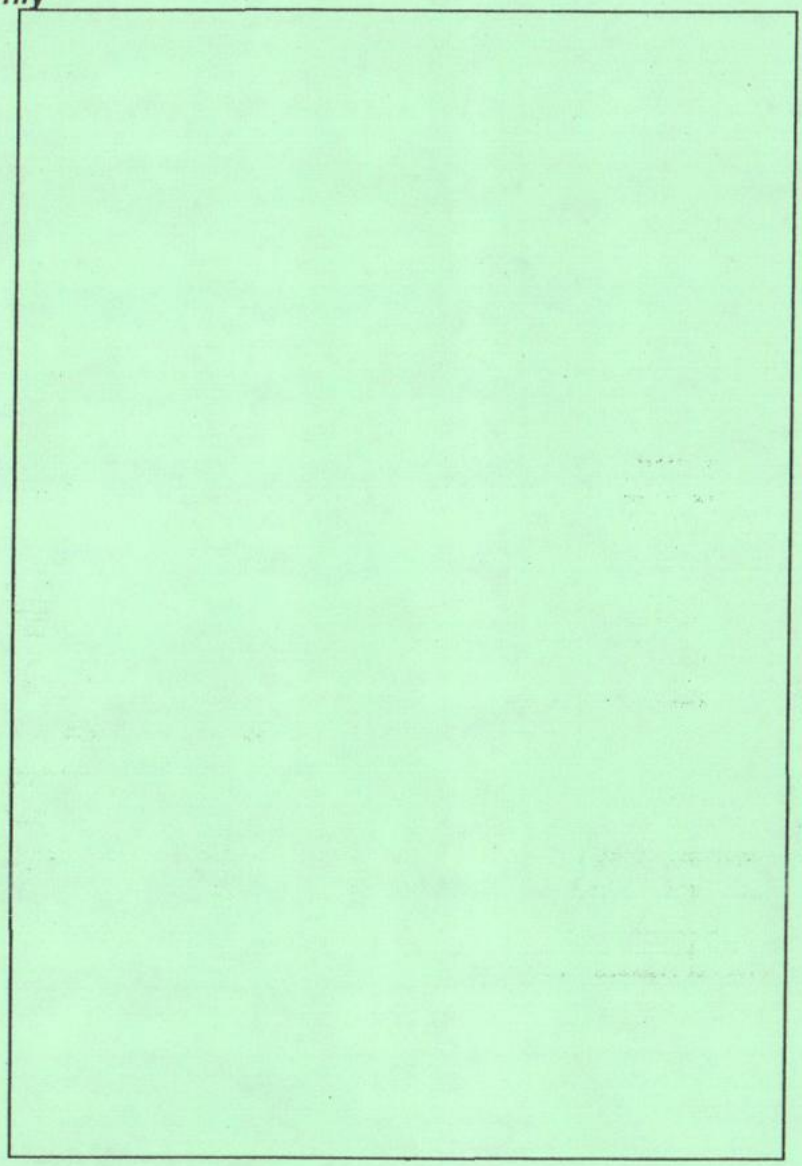
I acknowledge hereunder that no work will be carried out on the tree(s) without written consent.

Signature of applicant/agent: J Haldane

Dated at Whakatane this 29t day of JUNE 20 04

Resource Consent No: _____

For Office Use Only



Location/Address _____

Botanical Name _____

Common Name _____

Height (ht) m _____ Volume (m^3) = 1 x formula _____

Canopy Diameter (d) m _____ Circumference = πd _____

Stem Diameter @ 1.4m _____

Protected Status _____

Comments Removal approved as per recommendations of Arborist report d.d. 10/July 2004

Resource Consent No: _____

For Office Use Only

FULL TREE EVALUATION SCORE SHEET

Condition Evaluation

Points	*3*		*9*		*15*		*21*		*27*		*Score*
Form	Poor		Moderate		Good		Very Good		Specimen		
Occurrence	Predominant		Common		Infrequent		Rare		Very Rare		
Vigour & Vitality	Poor		Some		Good		Very Good		Excellent		
Function	Minor		Useful		Important		Significant		Major		
Age (yr)	10yrs +		20yrs +		40yrs +		80yrs +		100yrs +		
Subtotal Points											

Amenity Evaluation

Points	*3*		*9*		*15*		*21*		*27*		*Score*
Stature (m)	3 to 8		9 to 14		15 to 20		21 to 26		27+		
Visibility (km)	0.5		1.0		2.0		4.0		8.0		
Proximity	Forest		Parkland		Group 10+		Group 3+		Solitary		
Role	Minor		Moderate		Important		Significant		Major		
Climate	Minor		Moderate		Important		Significant		Major		
Subtotal Points											

Notable Evaluation

Recognition / *Points*	*Local* / *3*		*District* / *9*		*Regional* / *15*		*National* / *21*		*International* / *27*		*Score*
Stature											
• Feature											
• Form											
Historic											
• Age 100+											
• Association											
• Commemoratio											
• Remnant											
• Relict											
Scientific											
• Source											
• Rarity											
• Endangered											
Subtotal Points											
Total Points											

Formula for Volume:

Hemisphere - $2/3\pi r^3$
Cylinder - $\pi r^2 ht$
Cone - $\frac{1}{3}\pi r^2 ht$

Date: _____ RC No: _____

_____ *[Name]*

_____ *[Address]*

_____

RESOURCE CONSENT (LAND USE) - REMOVAL OF TREE(S)

On the *[date]* ___/___/____ the District Planner/Director Strategy and Development, under delegated authority resolved as follows:

"1. That pursuant to Section 94(2) of the Resource Management Act 1991, the Whakatane District Council is satisfied that:

(i) the adverse effect on the environment of removing the tree(s) will be minor; and
(ii) written approval has been obtained from every person whom the Council is satisfied may be adversely affected by the granting of the resource consent.

Therefore, the resource consent need not be publicly notified in accordance with Section 93 of the Resource Management Act 1991.

2. *That pursuant to Sections 34(4) and 105, and after consideration of Section 104 Resource Management Act 1991 and Rule 9B.2.3(3)(b)(i) of the Transitional Whakatane District Plan, and Rule 4.3.6 of Variation 2 to the Proposed Whakatane District Plan, the Whakatane District Council grants resource consent to remove [species of tree(s)]:*

_____

from a property legally described as *[legal description]*_____

at *[property address]* _____

subject to the following conditions: _____

_____

Advice Note: Please check the location of underground services to ensure that the removal of the tree(s) will not damage any such services.

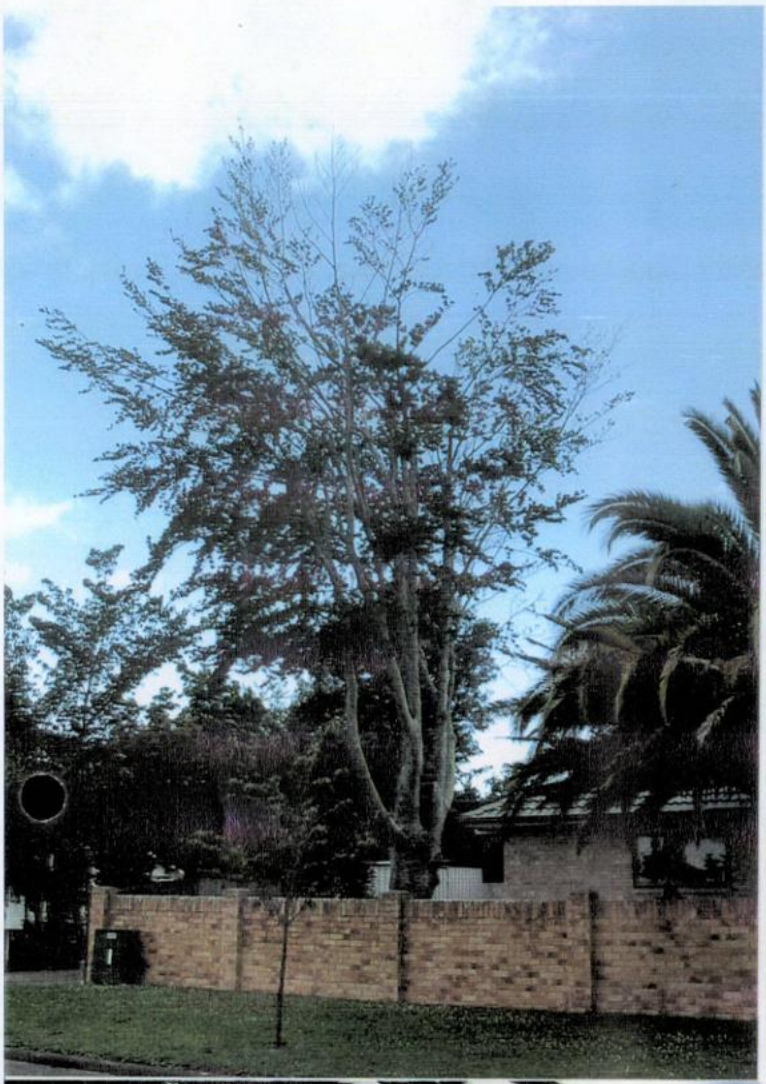
Reason

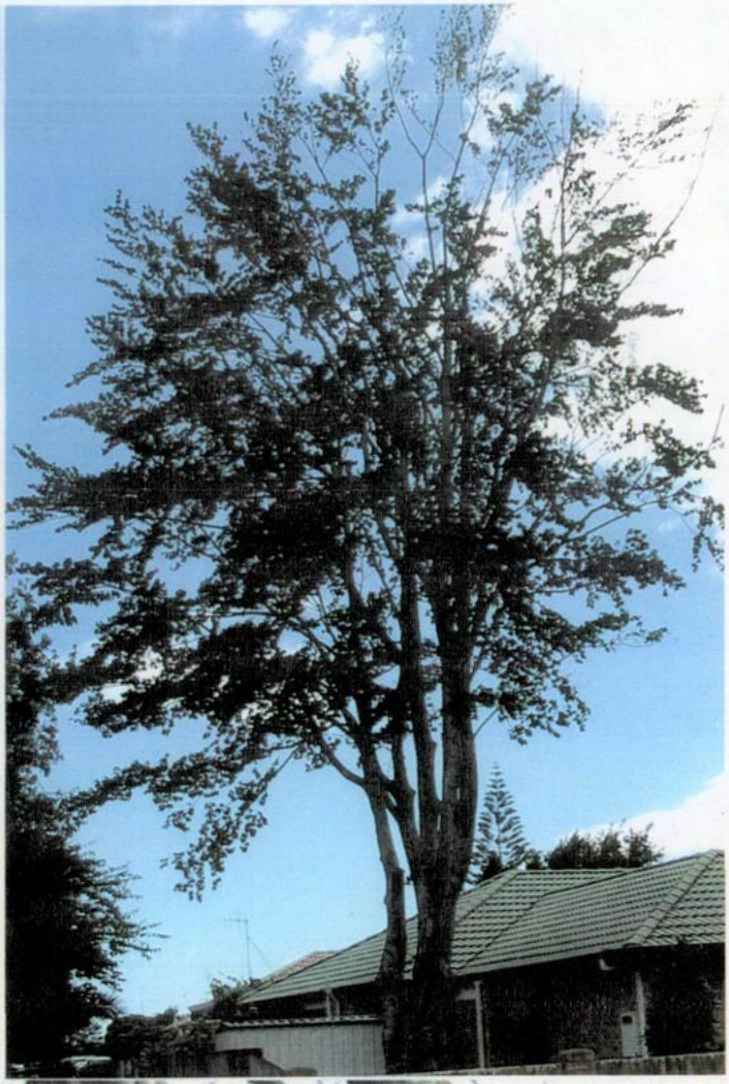
The Whakatane District Council is satisfied that the removal of the tree(s) will have a minor adverse effect on the amenity values of the surrounding neighbourhood. The activity is not considered to be contrary to Part II of the Resource Management Act 1991".

In accordance with Section 357 of the Resource Management Act 1991, you have the right to submit to Council an objection to this approval. An objection must be lodged within fifteen working days of the decision being received. If you are not satisfied with the decision of Council on this application you have the right to appeal to the Environmental Court within fifteen working days of receiving this decision.

If you have any further enquiries, please contact Kathy Belshaw (Planner) at this office on phone (07) 306 0500.

David Bewley
DISTRICT PLANNER









Whakatane District Council

For Office Use:
Resource Consent
Application No.: 24._____

RESOURCE MANAGEMENT ACT 1991
Written Approval of Person(s) Likely to be Affected by the Granting of a Resource Consent

PART A—TO BE COMPLETED BY THE APPLICANT

Applicant's Name: JOHN WARNER HALDANE

I have applied to the Whakatane District Council for a resource consent to: *(Describe activity)*

REMOVE BEECH TREE ON SW OF SECTION DUE TO SAFETY CONCERNS CAUSED BY FUNGAL ATTACK.

The property to which this application relates is: *(Street address, legal description, locality, place name, etc.)*

6 BARRY AVENUE, WHAKATANE
LOT 4 DPS 74877

PART B—TO BE COMPLETED BY PERSON OR ORGANISATION GIVING APPROVAL

Full name of person or organisation giving approval: MARK THOMPSON

Position *(if applicable)*: OWNER

Address: 8 BARRY AVE

Daytime telephone No: 3087642

I am/~~we are~~, the owner/~~occupier~~ *(delete one)* of the following property

Address *(if different from above)*:

Legal description: LOT 2 DPS 8688

1. I/we have seen a copy of the application and the supporting information, including plans and the assessment of effects;
2. I/we have signed a copy of the site plan or other relevant plan which is attached to this form.
3. I/we agree to the applicant giving this written approval to the Whakatane District Council;
4. I/we understand that the Council will not have regard to any actual or potential effect of the activity on me/us when considering the application, and the fact that any such effect may occur shall not be relevant grounds upon which the Council may decline to grant the application.
5. I/we understand that this approval can be withdrawn by notice in writing to the Council at any time before the date of the hearing (if any) or the determination of the application.

Signed: _____ Date: 24-6-04

Before signing, please read the notes on the back of this form.

PLEASE READ THESE NOTES:

1. *If you are unsure of your legal rights in respect of signing this approval, please discuss the matter with your legal advisor.*
2. *The Council will not accept this form if approval is given subject to conditions listed on the form. While an agreement may be reached between an affected party and the applicant to get written approval, this form must be signed unconditionally.*
3. *It is recommended that you sign (or initial) and date each page of the application and plans to ensure no misrepresentation occurs by either party.*
4. *If you have any queries about this matter, please contact Council's planning staff for assistance.*

Whakatane District Council

For Office Use:
Resource Consent
Application No.: 24._____

RESOURCE MANAGEMENT ACT 1991
Written Approval of Person(s) Likely to be Affected by the Granting of a Resource Consent

PART A—TO BE COMPLETED BY THE APPLICANT

Applicant's Name: JOHN WARNER HALDANE

I have applied to the Whakatane District Council for a resource consent to: *(Describe activity)*

REMOVE BEECH TREE ON SW OF SECTION
DUE TO SAFETY CONCERNS CAUSED BY FUNGAL ATTACK

The property to which this application relates is: *(Street address, legal description, locality, place name, etc.)*

6 BARRY AVE., WHAKATANE
LOT 4 DPS 74877

PART B—TO BE COMPLETED BY PERSON OR ORGANISATION GIVING APPROVAL

Full name of person or organisation giving approval: MAY VIOLET RUA

Position *(if applicable)*: OWNER

Address: 8A BARRY AVE.
WHAKATANE

Daytime telephone No: 07 308 7727

I am/~~we are~~, the owner/~~occupier~~ *(delete one)* of the following property

Address *(if different from above)*: AS ABOVE

Legal description: LOT 9 DPS 3180

1. I/we have seen a copy of the application and the supporting information, including plans and the assessment of effects;
2. I/we have signed a copy of the site plan or other relevant plan which is attached to this form.
3. I/we agree to the applicant giving this written approval to the Whakatane District Council;
4. I/we understand that the Council will not have regard to any actual or potential effect of the activity on me/us when considering the application, and the fact that any such effect may occur shall not be relevant grounds upon which the Council may decline to grant the application.
5. I/we understand that this approval can be withdrawn by notice in writing to the Council at any time before the date of the hearing (if any) or the determination of the application.

Signed: M V Rua Date: 24-6-04

Before signing, please read the notes on the back of this form.

PLEASE READ THESE NOTES:

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4. *If you have any queries about this matter, please contact Council's planning staff for assistance.*

Whakatane District Council

For Office Use:
Resource Consent
Application No.: 24._____

RESOURCE MANAGEMENT ACT 1991
Written Approval of Person(s) Likely to be Affected by the Granting of a Resource Consent

PART A—TO BE COMPLETED BY THE APPLICANT

Applicant's Name: JOHN WARNER HALDANE

I have applied to the Whakatane District Council for a resource consent to: *(Describe activity)*
REMOVE BEECH TREE ON SW OF SECTION DUE TO SAFETY CONCERNS CAUSED BY FUNGAL ATTACK.

The property to which this application relates is: *(Street address, legal description, locality, place name, etc.)*
6 BARRY AVENUE, WHAKATANE
LOT 4 DPS 74877

PART B—TO BE COMPLETED BY PERSON OR ORGANISATION GIVING APPROVAL

Full name of person or organisation giving approval: MARION JESSIE BRACKEN

Position *(if applicable)*: OWNER

Address: 4 BARRY AVE, WHAKATANE

Daytime telephone No: 07-3086878

I am/~~we are~~ the owner/~~occupier~~ *(delete one)* of the following property

Address *(if different from above)*: AS ABOVE

Legal description: LOT 3 DPS 74877

1. I/we have seen a copy of the application and the supporting information, including plans and the assessment of effects;
2. I/we have signed a copy of the site plan or other relevant plan which is attached to this form.
3. I/we agree to the applicant giving this written approval to the Whakatane District Council;
4. I/we understand that the Council will not have regard to any actual or potential effect of the activity on me/us when considering the application, and the fact that any such effect may occur shall not be relevant grounds upon which the Council may decline to grant the application.
5. I/we understand that this approval can be withdrawn by notice in writing to the Council at any time before the date of the hearing (if any) or the determination of the application.

Signed: M. J. Bracken Date: 24/6/04

Before signing, please read the notes on the back of this form.

PLEASE READ THESE NOTES:

1. *If you are unsure of your legal rights in respect of signing this approval, please discuss the matter with your legal advisor.*
2. *The Council will not accept this form if approval is given subject to conditions listed on the form. While an agreement may be reached between an affected party and the applicant to get written approval, this form must be signed unconditionally.*
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4. *If you have any queries about this matter, please contact Council's planning staff for assistance.*

TREEWISE

Tree Surgery & Arboricultural Services

8B Merito Place, Ohope

Ph. 07 3124579 Mobile. 027 2868036 E-mail: treewise@xtra.co.nz

WHAKATANE DISTRICT COUNCIL
FILE:
REG. No. G19953
14 JUL 2004
ACTIONED DATE
1 Mike N
2
3
4

Mr. Mike Naude
Parks and Reserves Manager
Whakatane District Council

July 10 2004

RE: VISUAL TREE ASSESSMENT AND HAZARD EVALUATION OF A COMMON BEECH TREE AT 6 BARRY AVENUE, WHAKATANE.

Dear Mike

We are pleased to provide, as requested by our client Mr. Warner Haldane, a copy of the above report.

If you have any queries please do not hesitate to contact me.

Your sincerely

P. De Silva

Paul De Silva
TreeWise

Encl. 1 report copy

TREEWISE

Tree Surgery & Arboricultural Services

VISUAL TREE ASSESSMENT AND HAZARD EVALUATION OF A COMMON BEECH TREE AT 6 BARRY AVENUE, WHAKATANE

Prepared by Paul De Silva
TreeWise

July 2004

TreeWise Arboricultural Services Report No. 8-7-4 #1

CONTENTS

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2.2. TREE HEALTH	2-3
2.3. ROOT DEFECTS	3
2.4. CROWN DEFECTS	4
2.5. LEAN	4
2.6. SITE CONDITIONS	4-5
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2.9. HAZARD ABATEMENT	5
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4. RECOMMENDATIONS	6

1. INTRODUCTION

This report details a visual tree assessment and hazard evaluation of a common beech tree (*Fagus sylvatica*) located in the garden of 6 Barry Avenue, Whakatane. The report was prepared for Mr. Warner Haldane (owner of the property) following a request from the Whakatane District Council.

An initial inspection of the tree was carried out on 24/06/04 and more detailed arboricultural and site examinations were subsequently undertaken on 8 and 9/07/04.

Photographs utilised within this report have been provided by Mr. Haldane.

A copy of this report has been sent to Mr. Mike Naude (Parks and Reserves Manager) at the Whakatane District Council.

Note. TreeWise is not liable for the results of any actions taken based upon conclusions and recommendations made within this report.

2. VISUAL TREE INSPECTION & HAZARD EVALUATION DATA

Site/Address: 6 Barry Avenue, Whakatane.
Location: Tree is positioned within small garden on western side of house.
Owner: Mr. Warner Haldane.

2.1 TREE CHARACTERISTICS

Tree: Common Beech. **Species:** *Fagus sylvatica.*
Type: Exotic (European), deciduous broadleaf. **Rarity:** Locally frequent.
Form: Medium sized, generally symmetric, multi-trunked and upright with a domed crown but relatively narrow spreading canopy. Form is normal, although crown altered by a significant pruning event in or prior to 1998 (see below).
Height: ~12.20m (measured from north).
DBH (diameter at breast height): ~0.75m **Butt diameter:** ~1.00m.
Spread: Generally narrowly symmetric with minor dominance to south i.e. 5.4mN / 4.2mE / 7mS / 4.9mW.
Trunks: A relatively short and thick basal trunk divides into three large secondary trunks (with lower diameters of 0.35m, 0.47m and 0.45) at 2.40m and 1.75m above ground level. These further subdivide initially into 7 main leaders at 2.60m, 3.10m, 3.75m and 4.60m above ground (with lower diameters of ~0.25-0.35m) and give rise to bowed (species typical) scaffold limbs with crotch angles of ~50-60 degrees. Trunks and leaders are mainly upright with no significant leans. Basal trunk exhibits an extremely minor easterly lean of <5 degrees.
Age class: Semi-mature to mature. **Age:** ~50 yrs.
Crown class: Dominant. **Live crown ratio:** ~80-85%.
Pruning history: Several obvious or recorded pruning events have been undertaken:

- ? Circa 1998: 8 large limbs (consisting of secondary trunks and leaders) and numerous scaffold branches (with basal diameters ranging from ~0.40m to 0.20m) on the eastern side were removed, presumably to allow for construction of the present house in 1998. This pruning was extremely poor resulting in large non-sealing and non-callusing 'stub-cuts' often with bark and cambium tearing (the lowest wound on the eastern side exhibits a significant tear measuring 0.45m by 0.20m).
- 28/8/2000: 'Target- cutting' and 'cambium-slicing' of above wounds to initiate callus wound wood development (undertaken by TreeWise). Callus development (of up to 0.05m across) has since occurred on all wounds.
- 13/06/2001: Maintenance pruning (undertaken by TreeWise).
- 17/06/2002: Maintenance pruning (undertaken by TreeWise).
- 17/06/2003: Crown reduction and maintenance pruning (undertaken by TreeWise).

Special value of tree: Tree is protected under a Whakatane District Council covenant (1996).
Specimen quality: Low, due to fungal heartwood decay (see below) and form change due to extensive easterly lateral reduction (see above).

2.2 TREE HEALTH

Foliage/bud density: Average to low in parts. **Foliage colour:** Unknown, tree in bud.
Leaf size: Unknown, tree is in bud **Bud size and condition:** Average.
Annual shoot growth: Average.
Vigour class: Fair to low and declining. **Vitality:** Moderate to low (declining).

Epicormic growth: Low.
Branch dieback: Moderate gradual foliage and branch/twig dieback from the tips has occurred affecting 15 - 20% of the crown, predominantly on the eastern side (see Figures 1-3).
Callus (wound wood) development: Excellent on pruning cuts undertaken by TreeWise. Moderate on poor pruning undertaken in or before 1998 (see above).
Major pests: None apparent, minor borer on surface of large wounds.
Major diseases: Fungal Heartwood Decay.
Cause of disease: Infection by Jews Ear wood-decaying fungus.
Symptoms of disease recognised:

1) Presence of 4 clusters of fungal fruiting bodies (bracts) identified as Jews Ear (*Auricularia auricula-judae*) growing at and above ~5.4m from ground level on easternmost leader (see Figure 4). Presence of bracts typically indicates significant fungal establishment within the tree. Growth of bracts was initially noticed in December 2003. The fungus is spread by airborne spores and usually infects dead wood, but can enter living trees (often elm and beech) via non-sealing wounds, where it can be saprophytic and parasitic, the latter resulting in digestion and rot of heartwood tissues prior to infection of the surrounding sapwood and cambium.
2) Wood samples taken from borings and block cuttings into the easternmost leader and the main trunk, below the pruning wound surfaces, exhibit thin white mycelial fungal sheaths and hyphae, fungal odour, extensive dry fibrous white (and rarely wet) rot and decay of the heartwood (resulting from lignin digestion), and dark ringing and zoning caused by episodes of tissue compartmentalisation.
3) ~15 - 20 % dieback of branches from the tips, indicating that fungal decay has spread to parts of the sapwood and vascular cambium resulting in deterioration of water, nutrient and sugar transportation.

Note: No external signs of the disease were present at the time of the last pruning event (17/03/03).
Treatment of infection: None, disease is untreatable.
Infection isolation: No, due to significant trunk (and possible root crown) infection
Prognosis: Further internal spread of fungal hyphae resulting in enzyme decay and rot (typically commencing with the heartwood) will continue. This will lead to increased decline from the extremities, failure of vascular systems and/or loss of structural/mechanical strength from internal wood of trunk, limbs and possibly root system, which will result in breakage or collapse of trunks and branches or the entire tree, especially in winds. Exact extent of decay is unknown, but typically spreads at least 6-8cm per year.
Signs of poisoning: None evident.
Growth obstructions: None.

2.3 ROOT DEFECTS

Root rot/fungal growth: None evident (however possible spread of fungal heartwood decay into the root crown is unknown)
Exposed roots: None significant. **Root undermining:** No.
Root pruned: Possibly on the eastern side to allow for house construction (probably not undertaken professionally).
Root heave/uplift: None evident. **Root cracking:** No.
Restricted root area: No.
Potential for root anchorage failure: At present probably low - moderate, but will increase as fungal decay spreads causing root growth decline and loss of structural strength.
Butt wounds: None.
Detailed subsurface examination: Not required.

2.4 CROWN DEFECTS

Poor taper: None. **Bow sweep:** Mod., normal for species.
Codominants/forks: Secondary trunks exhibit partial codominant growth with extensive bark inclusion (see below). This growth has resulted in 0.25m deep central trunk pit or hollow in which water and debris collects
Included bark: Secondary trunk unions exhibit bark inclusion. This is often longitudinally significant, particularly at union of trunks on western side (up to ~0.40 to 0.60m). However bark 'chevroning' is upwards suggesting less extensive transverse inclusion.
Multiple attachments: Minor. **Girdling:** No.
Excessive end weight: Moderate to low and normal for species.
Cracks/Splits: Very minor longitudinal splits on upper scaffold limb sections, possibly due to eccentric stresses. Reaction wood development present.
Wounds/seams: Minor other than pruning wounds.
Exposed cavities: None **Internal cavities:** None apparent.
Internal decay: Significant fungal heartwood decay in basal and some secondary trunks (see section 2.2).
Residual wood: Difficult to ascertain, however boring tests very tentatively suggest that uninfected sound wood within lower trunk is >40% and ~30% within the easterly secondary trunk. Required % for structural integrity = 30% (Mattheck, 1993).
Fungal fruiting bodies (conks, mushroom, bracket): Yes (see section 2.2).
Internal fungal growth: Mycelial growth within lower and some secondary trunks (see section 2.2).
Loose/cracked bark: Very minor. **Bleeding sap flow:** No
Borers/termites/ants: Minor borer - on deadwood. **Nesting hole/bee hive:** No.
Stubs: No.
Deadwood: Low but will increase with dieback.
Canker/galls/burls: None evident **Hangers:** None.
Previous failure: No evidence of significant previous failure.

2.5 LEAN

Trunk leans: Basal/lower trunk exhibits a minor <5 degree easterly lean. Secondary trunks are either upright or exhibit minor variable direction mid-point leans.
Scaffold leans: Mainly upright with ~50-60 degree crotch bow angles generally supporting high angled branches.
Cause of lean: Normal growth pattern. **Stress due to lean:** V. minor at present.
Soil heaving or cracking: No. **Roots broken:** No.

2.6 SITE CONDITIONS

Site character & landscape type: Residential. Tree sits in small garden upon flat ground in close proximity to house, small shed and garden walls/fences. Trunk to nearest house wall =2.35m, guttering to closest tree part =1.4m, trunk to fence =2.15m and trunk to front garden wall =5.4m. Branches overhang roof by ~1.3m.
Ground inclination: Flat
Irrigation: Adequate.
Soil problems:
Drainage: Adequate. **Depth:** Adequate.
Compaction: None. **Clay layers:** None evident
Saline: No. **Alkaline - acidic extremes:** No.
Slope: No **Soil/substrate slippage:** None.
Poisoning: None evident **Soil volume:** Adequate
History of fall: None.
Disease centre: Trees on neighbouring properties are poorly pruned and variably infected with fungal

decays. No evidence of other diseased trees on this property.
Recent site disturbance: No.
% dripline paved/sealed: 15% due to house construction **% dripline w/fill soil:** 0%.
% dripline grade lowered: Minor on western side due to driveway.
Exposure to wind: Yes, intermittently strong and gusty **Prevailing direction:** Northwesterly.
Occurrence snow/ice storms: No. **Occurrence forest/bush fire:** No.

2.7 TARGETS (based on present usage)

- Occupied residential house, shed and recreational garden beneath tree.
- Roadway, neighbours driveway and pedestrian pathways within falling distance of tree and tree parts.

Elimination/restriction/isolation of targets: No.
Occupancy: Constant.
Target Rating: Severe (4/4).

2.8 HAZARD RATING

Tree parts most likely to fail: With continued spread of fungal heartwood decay and associated losses in the tree's mechanical strength collapse of secondary trunks and scaffold limbs or the entire tree will occur.
Failure potential: High to severe. (3-4/4).
Hazard rating: A high to severe rating (11-12/12) is assigned based on the failure potential, size and configuration of the tree and its targets.

2.9 HAZARD ABATEMENT

Remove the tree.

3. SUMMARY

(Important - refer to section 2 for supporting details)

This medium sized, multi-trunked, semi-mature common or European beech (*Fagus sylvatica*) is infected by Jews Ear (*Auricularia auricula-judae*) fungal heartwood decay disease. As this decay spreads it will significantly weaken the tree's structural strength and result in breakage of trunks and branches or collapse of the entire tree. Potential failure would be increased in high winds.

Infection is indicated by clusters of fungal fruiting bodies (bracts) on the easternmost secondary trunk and by extensive white rot (lignin digestion) of the heartwood, with associated 'compartmentalisation patterns' and fungal mycelium, within the basal trunk and easternmost secondary trunk, in conjunction with branch dieback from the extremities (prevalent in the eastern crown and indicative of disease spread to parts of the sapwood and vascular cambium). This fungal pathogen is disseminated by air borne spores released from bracts attached to surrounding infected trees or deadwood. It probably entered the tree via the large non-sealing/non-callusing 'stub-cut' and tear wounds, created by very poor pruning techniques used to laterally reduce the tree to allow for construction of the present house in 1998.

There is no effective or practical treatment of existing fungal heartwood decay and it is difficult to prevent spread of the disease, particularly when the main trunk is infected. Estimation (from boring and 'block-cut' samples) tentatively suggests that more than 40% of residual unaffected wood remains within the basal trunk of this tree. Although this is above the 30% generally accepted as providing sufficient structural strength to guarantee mechanical security, inevitable decay spread through the trunk and probably into the root crown will gradually reduce this. The easternmost secondary trunk is estimated to consist of 30% residual wood and its present structural integrity is therefore doubtful. The tree exhibits codominant trunk unions with associated bark inclusions, which (although often species typical) are zones of potential failure that will become significantly weakened with further decay.

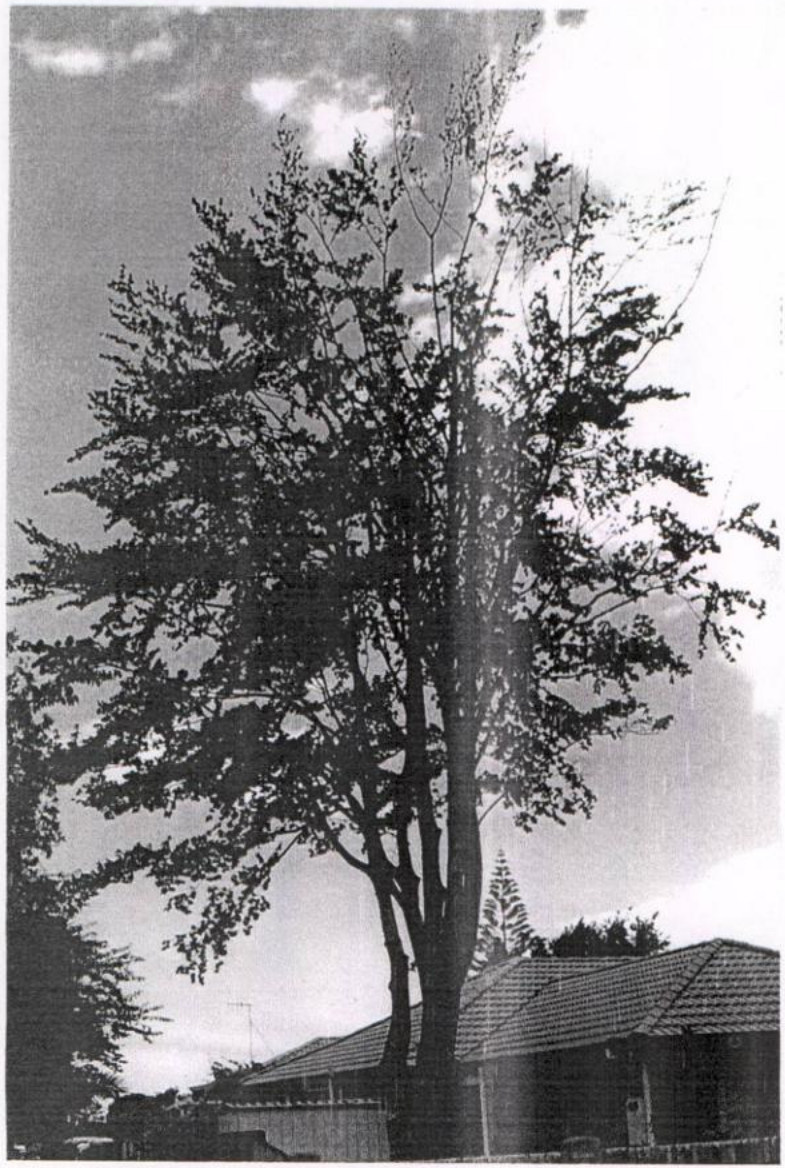
The presence of established fungal heartwood decay within the basal trunk and within at least one secondary trunk, in association with the tree's size and configuration and its close proximity to residential property and roadways, driveways and pedestrian areas make this tree a significant potential hazard.

4. RECOMMENDATIONS

In view of the high to severe failure potential assigned to this tree and the high existing target ratings, we recommend that it be removed. Due to surrounding property the tree cannot be felled, and in accordance with safe arboricultural practices and OSH regulations (regarding trees with trunk heartwood decay) aerial dismantling by a climber attached to the tree cannot be undertaken. Dismantling utilizing a crane or suitable MEWP (mobile elevating work platform) is therefore recommended.

FIGURES 1 - 4

Figures 1 & 2. Beech tree in garden of 6 Barry Ave., Whakatane exhibiting approximately 15- 20% dieback from the extremities in eastern crown 25/12/03. (Photo. W. Haldane)



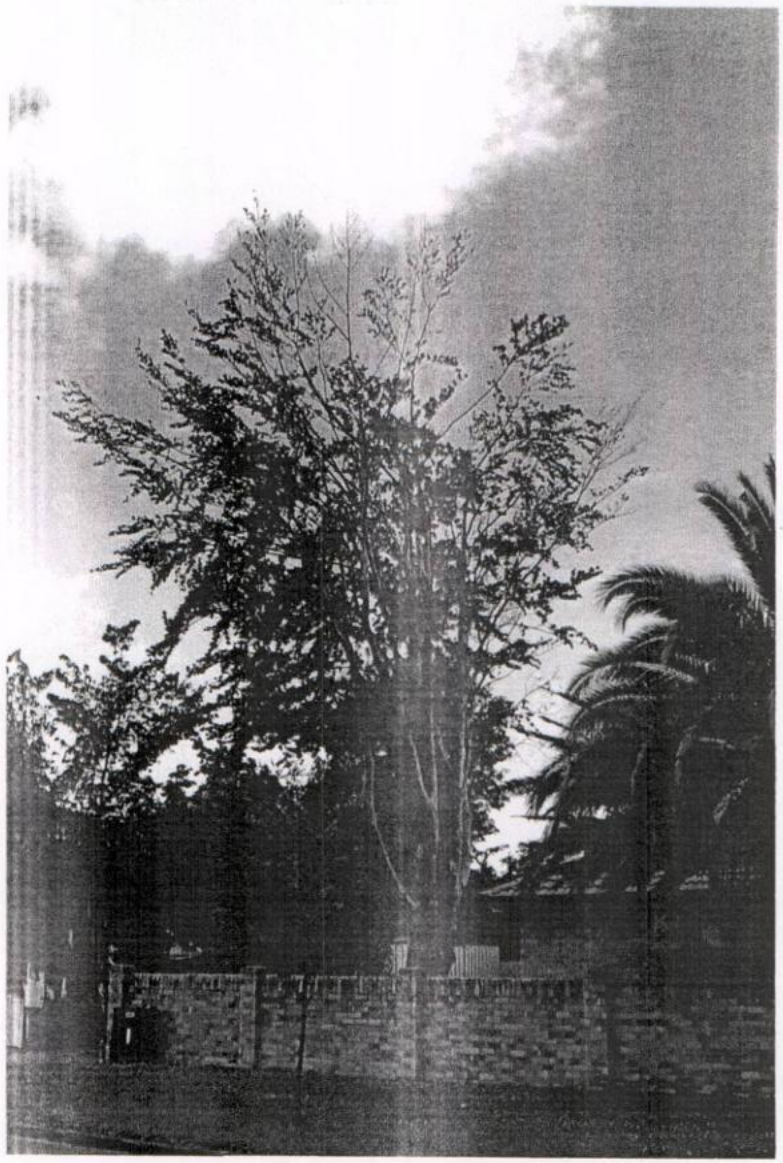


Figure 3. Beech at 6 Barry Ave., Whakatane exhibiting approx. 15- 20% dieback in eastern crown 25/12/03. (Photo. W. Haldane)



Figure 4. Clusters of Jews Ear bracts on eastern secondary trunk of beech at 6 Barry Ave., Whakatane 13/5/04. (Photo. W. Haldane)



To: "Warner Haldane" <warnerh@wave.co.nz>
From: Rod Fraser <rodf@whakatane.govt.nz>
Subject: RE: Tree information
Cc:
Bcc:
Attached:

Hi Warner
No , they are payable as you wish to progress with them.

I will be on leave for three weeks so please persue this further with Mike.
Cheers
rod

At 14:12 2/07/2004 +1200, you wrote:

Rod,

Are any of these fees payable in advance? If so, when?

Warner Haldane

-----Original Message-----
From: Rod Fraser [mailto:rodf@whakatane.govt.nz]
Sent: Wednesday, 30 June 2004 10:21
To: warnerh@wave.co.nz
Subject: Tree information

Hi Warner

Thank you for the call earlier.

I just want to assure you that when the arboricultural report is received your application will be processed over the normal 20 day turn around period even if i am still on leave. Mike Naude is expecting the report and will process your application in my absence. This will enable the tree to be removed at the soonest possible time.

Following consultation with the District Planner: - David Bewley, I would like to provide clarity to expenses you may incur relating to uplifting/removing the Consent Notice reference on your property title. Put simply, in a situation where a tree with a Consent Notice is found to have died a natural death and the owner would like the Consent Notice removed from the title documents, an estimate for the legal component is $300 and the planners administrative processing fee is approximately $135.00.

Please do not hesitate to contact me if you have any further queries.

Rod Fraser
PARKS OFFICER

Whakatane District Council
Tel : 7 306 0500 ext 858
Fax : 7 307 0718
Email - rodf@whakatane.govt.nz

Incoming mail is certified Virus Free.
Checked by AVG anti-virus system (http://www.grisoft.com).
Version: 6.0.712 / Virus Database: 468 - Release Date: 27/06/04

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Rod Fraser
PARKS OFFICER

Whakatane District Council
Tel : 7 306 0500 ext 858
Fax : 7 307 0718
Email - rodf@whakatane.govt.nz

To: Warner
From: Rod Fraser <rodf@whakatane.govt.nz>
Subject: Tree Removal
Cc:
Bcc:
Attached:

Hi Warner

Thank you for your reply and the attached photos.

One can see by the photos that the fungal heartwood decay is affecting the health of the tree.

As you know a Consent Notice has been registered on the property title for the protection of the tree, for which the developer would have been remitted $500.00 for his reserve contribution.

Where removal of a tree (with a Consent Notice) is considered to be the only outcome, an Arboricutural Assessment must be provided to confirm the extent and implications of the fungal heartwood decay.

This would be required with the Application For Resource Consent: - Removal of Trees form.

Please do not hesitate to contact me on Tel 306 0500 if further information is required.

Rod Fraser
PARKS OFFICER

Whakatane District Council
Tel : 7 306 0500 ext 858
Fax : 7 307 0718
Email - rodf@whakatane.govt.nz

6/2/31

CONSENT NOTICE

(Pursuant to Section 221 of the Resource Management Act 1991)

GIVEN by: M D CHOUDHAREY

IN FAVOUR of: THE WHAKATANE DISTRICT COUNCIL

DATED 3rd day of February 1998

PROPERTY: Deposited Plan No S.74877

SUBJECT: Consent Conditions

COUNCIL REFERENCE: 24.3.96.100

HAMERTONS
SOLICITORS
(B N Carter)
Telephone NO. 07 307 0680
Fax NO. 07 307 0225
PO Box 601
DX JA31519
WHAKATANE

6/2/32

IN THE MATTER of the Resource Management Act 1991 ("the Act")

AND

IN THE MATTER of a subdivision of land in the South Auckland Land Registration District

CONSENT NOTICE

(Pursuant to Section 221 of the Act)

THE WHAKATANE DISTRICT COUNCIL ("the Council") being the territorial authority for the district within which the Land described in the First Schedule of this Notice is situated has, pursuant to Part X of the Act, granted its consent to the subdivision shown on Land Transfer Plan S.74877 subject to certain conditions, including the requirement in respect of the Land that the Owner (as defined in the Act) complied on a continuing basis with the conditions set out in the Second Schedule of this Notice.

FIRST SCHEDULE

("the Land")

First: 484 square metres more or less being Lot 2 on Land Transfer Plan No S.74877 and being all of the land in Certificate of Title 60B/236 (South Auckland Registry).

Secondly: 441 square metres more or less being Lot 4 on Land Transfer Plan No S.74877 and being all of the land in Certificate of Title 60B/238 (South Auckland Registry).

SECOND SCHEDULE

("the Conditions")

The Owner of the Land shall, on a continuing basis:

1. (a) Ensure that the following trees, (identified on sketch Plan entitled "Location of Trees Subject to Protection covenants on Lots 2 and 4 DPS.74877" (a copy which is annexed hereto), and their natural root-systems be protected from damage that would be likely to kill or irreparably damage the tree(s) or otherwise adversely affect the shape or form of the tree for the natural life-span of the tree(s):

6/2/33

Lot 2 - Phoenix Palm (2)
- Pohutukawa (2)
- Oak (3)

Lot 4 - European Beech (5)
- Phoenix Palm (1)

(b) Ensure that the tree(s) are maintained in accordance with good arboricultural practice. All maintenance work shall be carried out by a suitably qualified person at the owner's expense.

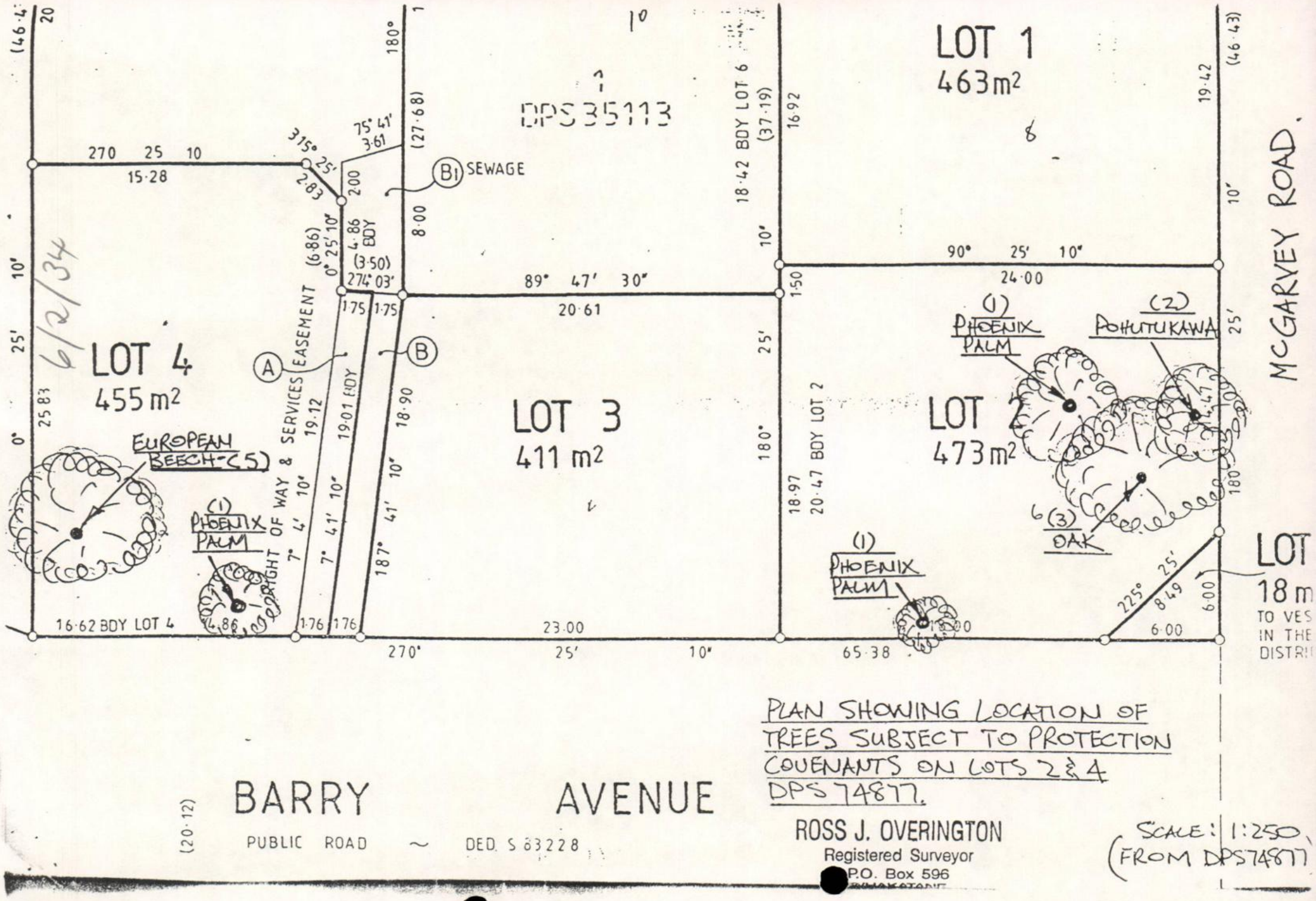
(c) Permit Council officers or contractors entry upon the land at reasonable times so as to ascertain compliance with these conditions.

2. Pay the Council's legal costs and disbursements directly or indirectly attributable to the preparation execution registration and enforcement of this Notice and the Council's conditions set out in this Notice and any variation or cancellation of such conditions.

DATED at Whakatane this 3rd day of February 1998

AUTHENTICATED by the Council by)
the Principal Administration Officer of)
the Council pursuant to Section 252 of)
the Local Government Act 1974)

.....
(General Manager)



PLAN SHOWING LOCATION OF TREES SUBJECT TO PROTECTION COVENANTS ON LOTS 2 & 4 DPS 74877.

ROSS J. OVERINGTON
Registered Surveyor
P.O. Box 596

SCALE: 1:250 (FROM DPS74877)

Whakatane District Council

Your ref: Our ref: 24.3.96.100

6 August 1996

Mr Ross J Overington
P O Box 596
WHAKATANE

Dear Sir

RESOURCE CONSENT (SUBDIVISION) -
MR M D CHOUDHAREY

On 31 July 1996, the Hearings Committee considered the above subdivision and resolved as follows:

"1. ***THAT*** *pursuant to Sections 34(4) and 105 and after consideration of Part II Matters and Sections 104 and 108 of the Resource Management Act 1991, the Whakatane District Council grants consent to the land use consent application by M D Choudharey, being a discretionary activity to reduce the front yard requirement along the Barry Avenue frontage of Lot 1 DP 35113 from 6 m to 4 m. Consent is subject to the following conditions:*

(i) *That the development of Lot 1 DP 35113 be undertaken in accordance with plans submitted with this application (reference S 1372/1A, dated 18 July 1996) and the conditions of any subsequent subdivision consent.*

(ii) *That a continuous screen fence, or landscaping, to a height of 1.8 m be erected or established along the Barry Avenue frontage of proposed Lots 2, 3 and 4 (excluding accessways) within twelve months of the date of this consent.*

(iii) *That accessways to the site be located in accordance with Plan S 1372/1A, dated 18 July 1996.*

Reasons

1. *It is not considered that any consents are required because of the layout of the proposed dwellings and their relationship to the adjoining sites.*

2. *The reduction in the yard is to facilitate the retention of the mature trees on the site which will help to maintain the amenity of the area and mitigate the effects of the increase in density resulting from the development of the site.*

3. *A screen fence or landscaping along the Barry Avenue frontage is required to mitigate the effects of the proposed buildings encroaching on the front yard.*

2. *THAT pursuant to Sections 34(4) and 105 and after consideration of Part II Matters and Sections 104, 108 and 220 of the Resource Management Act 1991, the Whakatane District Council grants consent to the subdivision consent application by M D Choudharey, being a non-complying activity, for the proposed subdivision of Lot 1 DP 35113 as shown on Plans S 1372/1 dated May 1996 and S 1372/1A dated 18 July 1996. Consent is subject to the following conditions:*

(i) *That a reserves contribution of $9 000 (inclusive of GST) or an amount determined at 4.5% (plus GST) of the land value of the five new allotments created, as assessed by a registered land valuer, be paid to Council. This amount to be reduced by $500 (inclusive of GST) for each of the trees protected by a consent notice registered against the Certificate of Title for the lot on which the tree is located, in accordance with the conditions of this consent.*

(ii) *That the right-of-way serving Lots 4 and 5 shall be formed and constructed in accordance with Council's Code of Subdivisional Standards to the satisfaction of the Executive Officer - Works and Services.*

(iii) *That Lot 7, shown as road, shall vest in the Whakatane District Council.*

(iv) *That engineering plans, specifications and calculations providing for the disposal and control of stormwater from the site shall be submitted for approval prior to any works being carried out on the site.*

The design shall take into consideration the provision of both primary and secondary disposal and control systems.

***Primary** - The primary system shall be required to provide an on-site containment or disposal system designed to cater for rainfall of a 10 % probability of occurring annually.*

***Secondary** - The secondary system shall be required to provide the disposal of rainfall of less than a 10 % of probability of*

occurring annually in a manner that does not cause nuisance to property or buildings both on and off the site.

(v) *That finished building platform levels on all lots shall be not less than 102.035 above Moturiki Datum. Any fill placed on the site to meet this condition shall be placed under the supervision of a suitably qualified person and certified as being suitable for any subsequent building development provided for as a permitted activity in the District Plan by a Registered Engineer.*

(vi) *That all lots shall be provided with independent underground sewer and metered water and electricity supply in accordance with Council's Code of Subdivisional Standards.*

(vii) *That a consent notice be registered against the Certificate of Title for Lots 2, 3 and 4 requiring that:*

(a) *The following trees and their natural root systems be protected from damage that would be likely to kill or irreparably damage the tree(s) or otherwise adversely affect the shape or form of the tree for the natural lifespan of the tree(s).*

Lot 2	*Phoenix Palm (1)*
	Pohutukawa(2)
	Oak (3)
Lot 3	*Liquid Amber (4)*
Lot 4	*European Beech (5)*

(b) *The owner of the property shall ensure that the tree(s) are maintained in accordance with good arboricultural practice. All maintenance work shall be carried out by a suitably qualified person at the owner's expense.*

(c) *The consent notice shall be prepared by Council's solicitors at the cost of the applicant.*

(viii) *That engineering plans for all engineering works required to satisfy these conditions shall be submitted to Council for approval prior to any work being carried out on site. The plans shall be in the form specified in Council's Code of Subdivisional Standards.*

(ix) *That as-built plans of all new and extended services shall be provided to Council for approval. The plans shall be in the form specified in Council's Code of Subdivisional Standards and shall be certified as being an accurate record of the location of the services, as constructed, by a registered surveyor or a registered engineer.*

(x) *That an engineering fee of 1 % of the cost of engineering works required to satisfy these conditions or $50 (inclusive of GST) whichever is the greater, shall be paid to Council for receiving, processing and approving engineering plans required by these conditions.*

(xi) *That all easements required to protect right-of-ways or services within the subdivision shall be duly granted or reserved.*

(xii) *That a footpath contribution be paid to Council to form a footpath along the entire McGarvey Road frontage of the site. The applicant is to pay 50% of an agreed value to complete the footpath.*

(xiii) *That all legal documents required to satisfy the conditions of this consent shall be prepared by the Council's solicitor at the applicant's expense.*

(xiv) *That an additional administrative charge of $1 020.83 (inclusive of GST) be paid to Council in relation to the receiving, processing and granting of this Resource Consent.*

3. ***THAT*** *pursuant to Section 223 of the Resource Management Act 1991, the Executive Officer - Environmental Services be authorised to approve the Survey Plan in respect of the above subdivision once the Survey Plan is submitted and is in accordance with the approved subdivision consent.*

4. ***THAT*** *pursuant to Section 224 of the Resource Management Act 1991, the General Manager be authorised to sign a certificate in respect of the above subdivision, stating that all conditions of subdivision consent have been complied with to his satisfaction.*

Reasons

1. *The proposed subdivision is a non-complying activity in the Residential zone of the Whakatane Transitional District Plan. Council is satisfied that any adverse environmental effects that may actually or could potentially occur as a result of this subdivision are likely to be minor or are avoided, remedied or mitigated by the conditions of this resource consent.*

2. *Council is satisfied that the proposal is in accordance with Part II of the Resource Management Act 1991, particularly as it relates to the sustainable management of the land and maintaining and enhancing the amenity value of the surrounding area.*

3. *Council is satisfied that the objectives, policies and rules of the District Plan as they relate to multi-unit developments on a single site are not compromised by the proposed subdivision of the site into separate freehold titles.*

4. *Council considers that the increase in intensity of development resulting from this subdivision is likely to increase the demand for reserves and community facilities in the District and the requirement to contribute to these services is justified. The reserves contribution was assessed as follows:*

Land value of additional lots (as advised by applicant including GST) $40,000 x 5	*$200 000*
Reserves Contribution at 4.5% of land value (GST included)	*9 000*
Total	*$9 000*

Consideration is given to the ongoing protection of the trees identified in condition 7.

5. *Council is satisfied that the right-of-way serving Lots 4 and 5 is of sufficient width to provide vehicle and pedestrian access to the lots.*

6. *The proposed subdivision is in an area that is subject to inundation during extreme storm events and it is considered that appropriate measures should be taken to avoid any increased adverse effect of flooding as a result of the development of the site. Subject to compliance with conditions 4 and 5, Council is satisfied that the proposed subdivision will not contribute to a nuisance or a significant adverse effect outside the new lots created.*

7. *The existing site level is less than that permitted for a minimum building platform in the district. It is appropriate that the buildingplatform be raised to avoid inundation during extreme storm events."*

In accordance with Section 357 of the Resource Management Act 1991, you have the right to submit to Council an objection to any of the above conditions of approval. If you are in any way not satisfied with the decision of Council on this application you have the right to appeal to the Planning Tribunal. Any appeal is required to be lodged with the Planning Tribunal within fifteen working days of receiving this decision.

If you have any further enquiries, please contact Stuart Bracey (Senior Planner) at this office.

Yours faithfully

Diane Turner
EXECUTIVE OFFICER -
ENVIRONMENTAL SERVICES
96\2\L\EES0108A

File Note 24.2.96.100

16 January 2004

This serves to confirm that an inspection was carried out together with Monitoring and Compliance Officer: Norma Pugh at 2 barry Ave on the above date. The inspection confirmed that the *Phoenix canariensis* Canary Island palm is prematurely dead with no apparent cause. An Arborist will be engaged to determine the state and cause of the death of the tree.

Rod Fraser
Parks Officer

Can't find signed original in file.

24.2.96.100

IN THE MATTER of the
Resource Management Act 1991

AND

IN THE MATTER of an application to vary a consent notice:

N Sharma
2 Barry Avenue, Whakatane

Dear Sir/Madam

In accordance with the provisions of the Resource Management Act 1991, you are hereby advised that the Hearings Committee of the Whakatane District Council, acting under delegated authority from the Council at its meeting held on Wednesday, 21 November 2001, resolved to grant consent to vary a consent notice to the abovementioned application.

Council's decision in this matter and the reasons therefor are as set out on the attached sheet.

No persons and bodies, other than Whakatane District Council staff, appeared or were represented at the hearing of this application:

DATED AT WHAKATANE THIS 27TH DAY OF NOVEMBER 2001

David Bewley
DISTRICT PLANNER

DECISION – 24.3.96.100

That pursuant to Section 221(3) Resource Management Act 1991, the Whakatane District Council grants consent to vary condition 1(a) of the consent notice on Lot 2 DPS 74877 to allow the:

1. Removal of the oak marked (3) and the phoenix palm marked (4) on the attached plan, subject to the following:

   - That two replacement trees, of a minimum PB 240 size, be planted either on Lot 2 DPS 74877 or in the vicinity of the property, after consultation with and approval of the Manager Parks and Recreation. The Manager Parks and Recreation is to give his prior approval to the type and location of the replacement trees.

2. Relocation of the phoenix palm marked (1) on the attached plan, subject to the following;

   - The palm is relocated within Whakatane township; and
   - The relocation of the palm occurs in full consultation with the Manager Parks and Recreation, Whakatane District Council; and
   - That one further replacement tree, of a minimum PB 240 size, be planted either on Lot 2 DPs 74877 or in the vicinity of the property, after consultation with and approval of the Manager Parks and Recreation. The Manager Parks and Recreation is to give prior approval to the type and location of the replacement tree.

   The Council will not meet any of the costs in the removal or relocation of these trees.

Reasons

1. The Council had regard to the special circumstances surrounding the protection of the trees. It was noted at the time of subdivision that a number of trees were protected because of their contribution to the amenity of the area. A credit of $500 was given for each protected tree, and dispensation was also given to allow houses to be built closer than six metres from the front boundary of the property.

2. While noting these matters, the Council considered that the house on Lot 2 was located too close to the phoenix palm, and that the on-going management of the tree was difficult because of its close proximity to the house. However, the tree contributes significantly to the amenity of the area. This is particularly so with the deaths of the smaller phoenix palm adjacent to the Barry Avenue frontage, and the oak.

3. The Council is agreeable to the large phoenix palm being relocated within Whakatane township, so that the town does not lose a significant tree specimen. This will provide the owner with an opportunity to sell or otherwise dispose of the tree, and to be relieved of any maintenance obligations in respect of this tree.

4. To replace the level of amenity that will be lost by the removal of the three trees on-site, the Council considers it appropriate for the owner to provide replacement trees on-site or off-site but close to the property.

G B Gray
CHAIRPERSON
HEARINGS COMMITTEE

Dated at Whakatane this 27th day of November 2001

6/2/26

BUDDLE BENTLEY TWEED

BARRISTERS & SOLICITORS

Our Ref: I D Bentley

Your Ref:

WHAKATANE DISTRICT
13 OCT 1999
COUNCIL

12 October 1999

The General Manager
Whakatane District Council
Private Bag
WHAKATANE

Dear Sir

Re: Mrs J Smith, 6A Barry Avenue, Whakatane

We act for Mrs J Smith of 6A Barry Avenue, Whakatane. Mrs Smith has referred to us copies of correspondence relating to the protected beech tree on her property.

There is clearly some divergence of opinion as to whether this particular tree is in good health, the methods of rectifying the tree's current problems and whether it is such an outstanding specimen that it should be protected at all.

Our client has instructed us to make application to Council to have the protection afforded this beech tree removed and we ask that you treat this letter as such.

We understand that an application of this type will be put to a Council Committee at which Mrs Smith or her representative will be able to make submissions. We would be happy to supply the Council with a copy of those submissions and alternative suggestions prior to any hearing should that be required.

We look forward to hearing further from you.

Yours faithfully
BUDDLE BENTLEY TWEED

Ian Bentley
Partner

First Floor
8 Richardson Street
Whakatane
Telephone
07 308 7179
Fax
07 307 0709

Postal Address:
P.O. Box 43
Whakatane

DX JA 31517

PARTNERS
Ian Bentley LLB.
CORONER
Tony Tweed LLB

NOTARY PUBLIC
Joe Buddle

6/2/27

FULL TREE EVALUATION SCORE SHEET

Condition Evaluation

Points	*3*		*9*		*15*		*21*		*27*		*Score*
Form	Poor		Moderate		Good	✓	Very Good		Specimen		15
Occurrence	Predominant		Common	✓	Infrequent		Rare		Very Rare		9
Vigour & Vitality	Poor		Some		Good	✓	Very Good		Excellent		15
Function	Minor		Useful	✓	Important		Significant		Major		9
Age (yr)	10yrs +		20yrs +		40yrs +	✓	80yrs +		100yrs +		15
Subtotal Points											63

Amenity Evaluation

Points	*3*		*9*		*15*		*21*		*27*		*Score*
Stature (m)	3 to 8		9 to 14		15 to 20	✓	21 to 26		27+		15
Visibility (km)	0.5		1.0	✓	2.0		4.0		8.0		9
Proximity	Forest		Parkland		Group 10+		Group 3+	✓	Solitary		21
Role	Minor		Moderate	✓	Important		Significant		Major		9
Climate	Minor		Moderate	✓	Important		Significant		Major		9
Subtotal Points											63

Notable Evaluation

Recognition Points	*Local 3*		*District 9*		*Regional 15*		*National 21*		*International 27*		*Score*
Stature											
• Feature											
• Form											
Historic											
• Age 100+											
• Association											
• Commemoration											
• Remnant											
• Relict											
Scientific											
• Source											
• Rarity											
• Endangered											
Subtotal Points											
Total Points											126

6/2/28



Location/Address: 6 Barry Ave

Botanical Name: Fagus sylvatica

Common Name: European Beech

Height (ht) m: 16 m

Volume (m^3) = ht x $\pi d^2/2$

Canopy Diameter (d) m: 10 m

Circumference = πd

Stem Diameter @ 1.4m: 800 mm

Protected Status: Protection Covenant

Comments: In terms of the Resource Management Act 1991 and the subdivision of the land that created this adress a protection covenant was placed on both this tree and the palm. This is to ensure that the trees are maintained in accordance with good arboricultural

6/2/39A

Gael → Reply confirming OK. Pl 9 → advise Coral.

BUDDLE BENTLEY TWEED

BARRISTERS & SOLICITORS

WHAKATANE DISTRICT COUNCIL

18 NOV 1999

Our Ref: I D Bentley - 4537/1

Your Ref: The General Manager

17 November 1999

Whakatane District Council
Private Bag 1002
WHAKATANE

Dear Sir

Re: Resource Consent - J Smith - 6 Barry Avenue, Whakatane.

We refer to your facsimile of 11 November 1999 advising of the hearing in the above matter.

Regrettably Mrs Smith died last week. Although the family are of a mind to continue with the hearing, they have asked that in the interim we seek to have the matter adjourned until the estate matters can be finalised. Accordingly we would ask that the matter be adjourned for say three months and look forward to your advice that this request has been approved.

Yours faithfully
BUDDLE BENTLEY TWEED

Ian Bentley
Partner

IDB:tlb

f:\tt\tlsmith.wdc

First Floor
8 Richardson Street
Whakatane
Telephone
07 308 7179
Fax
07 307 0709

Postal Address:
P.O. Box 43
Whakatane

DX JA 31517

PARTNERS
Ian Bentley LLB, CORONER
Tony Tweed LLB

NOTARY PUBLIC
Joe Buddle

6/2/29

11.1.19

MEMORANDUM

TO: Senior Planner

SUBJECT: **RESOURCE CONSENT - LAND USE (TREE REMOVAL) J SMITH, 6 BARRY AVENUE, WHAKATANE**

DATE: 22 October 1999

A standard Tree Evaluation Method (STEM) was carried out on the Fagus sylvatica, European Beech tree at 6 Barry Avenue.

With reference to the STEM evaluation criteria, the form of the tree is good, but requires maintenance to counteract and repair the destructive pruning which has recently been carried out to facilitate site development.

The occurrence of the species common to the district.

Vigour and vitality is seen to be good. Natural attrition is present in the form of dead branches, but this is overcome through consistent arboricultural maintenance which if carried out regularly maintains the natural shape of the tree and intercepts die back in selected limbs. In terms of the Resource Consent Conditions:

> *"The owner of the land shall on a continuing basis:*
>
> 1 (a) *Ensure that the tree and its natural root system be protected from damage that would affect the shape or form of the tree for the natural lifespan of the tree.*
>
> (b) *Ensure that the tree is maintained in accordance with good arboricultural practice."*

It is therefore imperative that pruning and maintenance be carried out as soon as possible to improve the condition of the tree to a healthy state.

The physical functions of this deciduous tree include acting as a pollution filter, filtering fumes, dust, pollen, UV rays, smoke and noise. The conservation function is the provision of refuge, shelter and shade for birds.

6/2/30

The age of the tree is estimated at approximately 40 to 60 years.

The Amenity Evaluation criteria has recorded the tree to be 16 m in height and to be visible from a distance of a kilometre.

This specimen used to be part of a larger group of 24 trees that existed on the original section prior to the subdivision. In order to maintain the amenity of the area, six of the original 24 trees were covenanted.

This European Beech is one of the tallest trees in the vicinity and can easily be seen from Barry Avenue, Beach Street and McGarvey Road.

It contributes to the immediate environment by enhancing the appearance of the landscape, without which would create a vacant space along the north eastern end of Barry Avenue.

Its moderate climatic role is enhanced in summer through the cooling and provision of shade and reduced in winter as the bare tree allows the sunlight through to warm the western aspect of the property.

The request to remove the protection status of this tree is not supported. Numerous site meetings have been held with the owner to clarify the status and condition of the tree.

The owner has also been requested to obtain an independent report from a registered qualified arborist and submit this to the Manager - Parks and Recreation. This report would then either confirm the professional opinion of the Parks and Recreation Section or identify new evidence regarding the condition of the tree.

This report has not been received by this Section and until such time this application should not be considered.

Rod Fraser
PARKS OFFICER

G:\DATA\PARKS\JOLENES\1999\LETTERS\RJF2210A

KA WHAKATANE AU I AHAU

24.3.96.100

16 November 1999

Estate J Smith
C/- Buddle Bentley Tweed
PO Box 43
WHAKATANE

Dear Sir

RESOURCE CONSENT: LAND USE - REMOVAL OF EUROPEAN BEECH TREE, 6 BARRY AVENUE, WHAKATANE

Further to previous correspondence, please find attached the report by the Planner for the above resource consent which will be heard on 24 November 1999 at 9.15am in the Council Chambers, Civic Centre, Whakatane District Council, Commerce Street, Whakatane.

Yours faithfully

Rozanna Lillas
PLANNING ASSISTANT

G:\DATA\PLANNING\ROZANNA\WP\RML1611A

HEARINGS COMMITTEE

WEDNESDAY, 24 NOVEMBER 1999

24.3.96.100

APPLICATION FOR CONSENT TO VARY A CONSENT NOTICE, 6 BARRY AVENUE, WHAKATANE

1.0 APPLICATION DETAIL

1.1	**Applicant's Name:**	The Trustees of J Smith Estate
1.2	**Address/Location:**	6 Barry Avenue, Whakatane
1.3	**Legal Description:**	Lot 4 DPS 74877
1.4	**Zoning:**	Residential A - Transitional Whakatane District Plan

2.0 PROPOSAL

The applicant has applied to Council to remove the protection of a European Beach tree on her property. The protection is required by a consent notice that is registered on the title of her property, pursuant to Section 221 of the Resource Management Act 1991.

3.0 BACKGROUND

On 31 July 1996, Council approved a subdivision application lodged by M D Choudharey for consent to subdivide a large piece of land on the corner of McGarvey Road and Barry Avenue into 6 lots for residential use.

At the time the application was lodged with Council, the applicant signalled his intent to protect a number of mature trees on the site. The protection of these trees was taken into account when assessing the effects of the subdivision (which was a non-complying activity) and the applicant was given a $500 reduction in reserve contribution for each tree protected.

It is noted that a land use consent was granted for the reduction of the front yard requirement for all lots fronting Barry Avenue from 6 metres to 4 metres was also granted. The main reason for approving this application was to facilitate the protection of trees on the site.

The consent notice on the title states:

> *"The owner of the land shall on a continuing basis:*
>
> *(a) Ensure that the following trees and their natural root systems be protected from damage that would be likely to kill or irreparably damage the tree(s) or otherwise adversely affect the shape or form of the tree for the natural lifespan of the tree(s).*
>
> | | |
> |---|---|
> | *Lot 4* | *European Beech* |
> | | *Phoenix Palm* |
>
> *(b) The owner of the property shall ensure that the tree(s) are maintained in accordance with good arboricultural practice. All maintenance work shall be carried out by a suitably qualified person at the owner's expense.*
>
> *(c) Permit Council officers or contractors entry upon the land at reasonable times so as to ascertain compliance with these conditions*
>
> *(d) That the owner shall pay the Council's legal costs and disbursements directly or indirectly attributable to the preparation, execution, registration and enforcement of the notice of consent and the Council's Conditions set out in the notice and any variation or cancellation of them."*

It is noted that in October 1997, the Hearings Committee heard a request under Section 127 of the Resource Management Act 1991 (change of consent condition) to remove the requirement to protect a liquid amber tree that had also been protected as part of the subdivision. The tree had been damaged by severe pruning. As a result of this, two additional Phoenix Palms were offered for protection.

4.0 STATUTORY CONSIDERATIONS

Under the provisions of Section 221(3) Resource Management Act 1991;

> *"any condition specified in a consent notice may be varied or cancelled by agreement between the owner for the time being, and the territorial authority".*

5.0 CONSIDERATION OF APPLICATION

In considering whether to agree to vary a condition of the consent notice, the reasons for requiring the consent notice, at the time of the subdivision, need to be understood.

At the time the consent was approved by the Council Hearings Committee, the Planner's report noted the two contributing factors towards protection of the trees:

(a) **Amenity**

It is considered that the comprehensive design of the development and the retention of a number of mature trees on the site will help to preserve the amenity of the area after it has been developed. Conditions of consent requiring the ongoing protection of the trees will ensure that the amenity is not compromised over time.

(b) **Financial contribution**

The subdivision creates five additional residential sections. It is therefore appropriate to require a cash reserve contribution. The applicant proposes to protect by way of consent notice, five large trees situated within the site. The trees contribute significantly to the amenity values of the locality. it is recommended that the value of protecting the trees be recognised by reducing the cash reserve contribution by $500 per tree protected

Council required the protection of the trees to mitigate the effects of the subdivision on the amenity of the area. The applicant was agreeable to this, and received a $500 reduction in reserve contribution for each tree protected. The subdivision has been completed, and the lots have subsequently been sold.

The applicant has stated that they believe there is some divergence of opinion as to whether the tree is in good health, and if it should be protected at all.

Council uses the Standard Tree Evaluation Method (STEM) for determining the value of a tree for protection. At time of development, any significant tree is subjected to a STEM report, trees scoring over 108 points are considered worthy of protection.

Council undertook a STEM analysis of the tree in August 1999, and the tree maintained a high STEM score (126 points) which would render it worthy of protection. Upon receipt of this application to remove the protection afforded to the tree by the consent notice on the title, Parks staff submitted comments regarding the tree, they note:

> *"With reference to the STEM evaluation criteria, the form of the tree is good, but requires maintenance to counteract and repair the destructive pruning which has recently been carried out to facilitate site development.*

Vigour and vitality is seen to be good. Natural attrition is present in the form of dead branches, but this is overcome through consistent arboricultural maintenance which if carried out regularly maintains the natural shape of the tree and intercepts die back in selected limbs.

It is therefore imperative that pruning and maintenance be carried out as soon as possible to improve the condition of the tree to a healthy state."

In summary, the Parks Department staff do not believe that the protection of the tree should be removed, the tree significantly contributes to the amenity of the area, the tree is in good health, although requires some pruning by and appropriately qualified person.

As such it is considered that the tree still provides substantial amenity to the surrounding area, the purpose for which it was originally protected. There appears to be no reason why the protection of the tree should be removed.

Therefore I am unable to support the amendment to the consent notice applied for, being the removal of the protection of the European Beech at 6 Barry Avenue, Whakatane.

SUGGESTED RECOMMENDATION:

1. **THAT** pursuant to Section 221(3) Resource Management Act 1991, the Whakatane District Council declines to vary condition No 1(a) of the consent notice on Lot 2 DPS 74877 as it relates to the protection of the European Beech Tree.

2. **THAT** the additional administrative charge of $_____ (inclusive of GST), be paid to the Council in relation to the receiving, processing and granting of this resource consent.

Gael Cooper
SENIOR PLANNER

16 November 1999

BUDDLE BENTLEY TWEED

BARRISTERS & SOLICITORS

Our Ref: I D Bentley

Your Ref:

WHAKATANE DISTRICT

13 OCT 1999

COUNCIL

12 October 1999

The General Manager
Whakatane District Council
Private Bag
WHAKATANE

Dear Sir

Re: Mrs J Smith, 6A Barry Avenue, Whakatane

We act for Mrs J Smith of 6A Barry Avenue, Whakatane. Mrs Smith has referred to us copies of correspondence relating to the protected beech tree on her property.

There is clearly some divergence of opinion as to whether this particular tree is in good health, the methods of rectifying the tree's current problems and whether it is such an outstanding specimen that it should be protected at all.

Our client has instructed us to make application to Council to have the protection afforded this beech tree removed and we ask that you treat this letter as such.

We understand that an application of this type will be put to a Council Committee at which Mrs Smith or her representative will be able to make submissions. We would be happy to supply the Council with a copy of those submissions and alternative suggestions prior to any hearing should that be required.

We look forward to hearing further from you.

Yours faithfully
BUDDLE BENTLEY TWEED

Ian Bentley
Partner

First Floor
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Fax
07 307 0709

Postal Address:
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Whakatane

DX JA 31517

PARTNERS
Ian Bentley LLB.
CORONER
Tony Tweed LLB

NOTARY PUBLIC
Joe Buddle

FULL TREE EVALUATION SCORE SHEET

Condition Evaluation

Points	*3*		*9*		*15*		*21*		*27*		*Score*
Form	Poor		Moderate		Good	✓	Very Good		Specimen		15
Occurrence	Predominant		Common	✓	Infrequent		Rare		Very Rare		9
Vigour & Vitality	Poor		Some		Good	✓	Very Good		Excellent		15
Function	Minor		Useful	✓	Important		Significant		Major		9
Age (yr)	10yrs +		20yrs +		40yrs +	✓	80yrs +		100yrs +		15
Subtotal Points											63

Amenity Evaluation

Points	*3*		*9*		*15*		*21*		*27*		*Score*
Stature (m)	3 to 8		9 to 14		15 to 20	✓	21 to 26		27+		15
Visibility (km)	0.5		1.0	✓	2.0		4.0		8.0		9
Proximity	Forest		Parkland		Group 10+		Group 3+	✓	Solitary		21
[redacted]ble	Minor		Moderate	✓	Important		Significant		Major		9
Climate	Minor		Moderate	✓	Important		Significant		Major		9
Subtotal Points											63

Notable Evaluation

Recognition / *Points*	*Local* *3*		*District* *9*		*Regional* *15*		*National* *21*		*International* *27*		*Score*
Stature											
• Feature											
• Form											
Historic											
• Age 100+											
• Association											
• Commemoration											
• Remnant											
• Relict											
• [redacted]ntific											
• Source											
• Rarity											
• Endangered											
Subtotal Points											
Total Points											126



Location/Address: 6 Barry Ave

Botanical Name: Fagus sylvatica

Common Name: European Beech

Height (ht) m: 16 m

Volume (m^3) = ht x $\pi d^2/2$

Canopy Diameter (d) m: 10 m

Circumference = πd

Stem Diameter @ 1.4m: 800 mm

Protected Status: Protection covenant

Comments: In terms of the Resource Management Act 1991 and the subdivision of the land that created this adres a protection covenant was placed on both this tree and the palm. This is to ensure that the trees are maintained in accordance with good arboricultural

11.1.19

MEMORANDUM

TO: Senior Planner

SUBJECT: **RESOURCE CONSENT - LAND USE (TREE REMOVAL) J SMITH, 6 BARRY AVENUE, WHAKATANE**

DATE: 22 October 1999

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The occurrence of the species common to the district.

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> *"The owner of the land shall on a continuing basis:*
>
> 1 (a) *Ensure that the tree and its natural root system be protected from damage that would affect the shape or form of the tree for the natural lifespan of the tree.*
>
> (b) *Ensure that the tree is maintained in accordance with good arboricultural practice."*

It is therefore imperative that pruning and maintenance be carried out as soon as possible to improve the condition of the tree to a healthy state.

The physical functions of this deciduous tree include acting as a pollution filter, filtering fumes, dust, pollen, UV rays, smoke and noise. The conservation function is the provision of refuge, shelter and shade for birds.

The age of the tree is estimated at approximately 40 to 60 years.

The Amenity Evaluation criteria has recorded the tree to be 16 m in height and to be visible from a distance of a kilometre.

This specimen used to be part of a larger group of 24 trees that existed on the original section prior to the subdivision. In order to maintain the amenity of the area, six of the original 24 trees were covenanted.

This European Beech is one of the tallest trees in the vicinity and can easily be seen from Barry Avenue, Beach Street and McGarvey Road.

It contributes to the immediate environment by enhancing the appearance of the landscape, without which would create a vacant space along the north eastern end of Barry Avenue.

Its moderate climatic role is enhanced in summer through the cooling and provision of shade and reduced in winter as the bare tree allows the sunlight through to warm the western aspect of the property.

The request to remove the protection status of this tree is not supported. Numerous site meetings have been held with the owner to clarify the status and condition of the tree.

The owner has also been requested to obtain an independent report from a registered qualified arborist and submit this to the Manager - Parks and Recreation. This report would then either confirm the professional opinion of the Parks and Recreation Section or identify new evidence regarding the condition of the tree.

This report has not been received by this Section and until such time this application should not be considered.

Rod Fraser
PARKS OFFICER

G:\DATA\PARKS\JOLENES\1999\LETTERS\RJF2210A

CONSENT NOTICE

(Pursuant to Section 221 of the Resource Management Act 1991)

GIVEN by: M D CHOUDHAREY

IN FAVOUR of: THE WHAKATANE DISTRICT COUNCIL

DATED 3rd day of February 1998

PROPERTY: Deposited Plan No S.74877

SUBJECT: Consent Conditions

COUNCIL REFERENCE: 24.3.96.100

HAMERTONS
SOLICITORS
(B N Carter)
Telephone NO. 07 307 0680
Fax NO. 07 307 0225
PO Box 601
DX JA31519
WHAKATANE

IN THE MATTER of the Resource Management Act 1991 ("the Act")

AND

IN THE MATTER of a subdivision of land in the South Auckland Land Registration District

CONSENT NOTICE

(Pursuant to Section 221 of the Act)

THE WHAKATANE DISTRICT COUNCIL ("the Council") being the territorial authority for the district within which the Land described in the First Schedule of this Notice is situated has, pursuant to Part X of the Act, granted its consent to the subdivision shown on Land Transfer Plan S.74877 subject to certain conditions, including the requirement in respect of the Land that the Owner (as defined in the Act) complied on a continuing basis with the conditions set out in the Second Schedule of this Notice.

FIRST SCHEDULE

("the Land")

First: 484 square metres more or less being Lot 2 on Land Transfer Plan No S.74877 and being all of the land in Certificate of Title 60B/236 (South Auckland Registry).

Secondly: 441 square metres more or less being Lot 4 on Land Transfer Plan No S.74877 and being all of the land in Certificate of Title 60B/238 (South Auckland Registry).

SECOND SCHEDULE

("the Conditions")

The Owner of the Land shall, on a continuing basis:

1. (a) Ensure that the following trees, (identified on sketch Plan entitled "Location of Trees Subject to Protection covenants on Lots 2 and 4 DPS.74877" (a copy which is annexed hereto), and their natural root-systems be protected from damage that would be likely to kill or irreparably damage the tree(s) or otherwise adversely affect the shape or form of the tree for the natural life-span of the tree(s):

Lot 2 - Phoenix Palm (2)
- Pohutukawa (2)
- Oak (3)

Lot 4 - European Beech (5)
- Phoenix Palm (1)

(b) Ensure that the tree(s) are maintained in accordance with good arboricultural practice. All maintenance work shall be carried out by a suitably qualified person at the owner's expense.

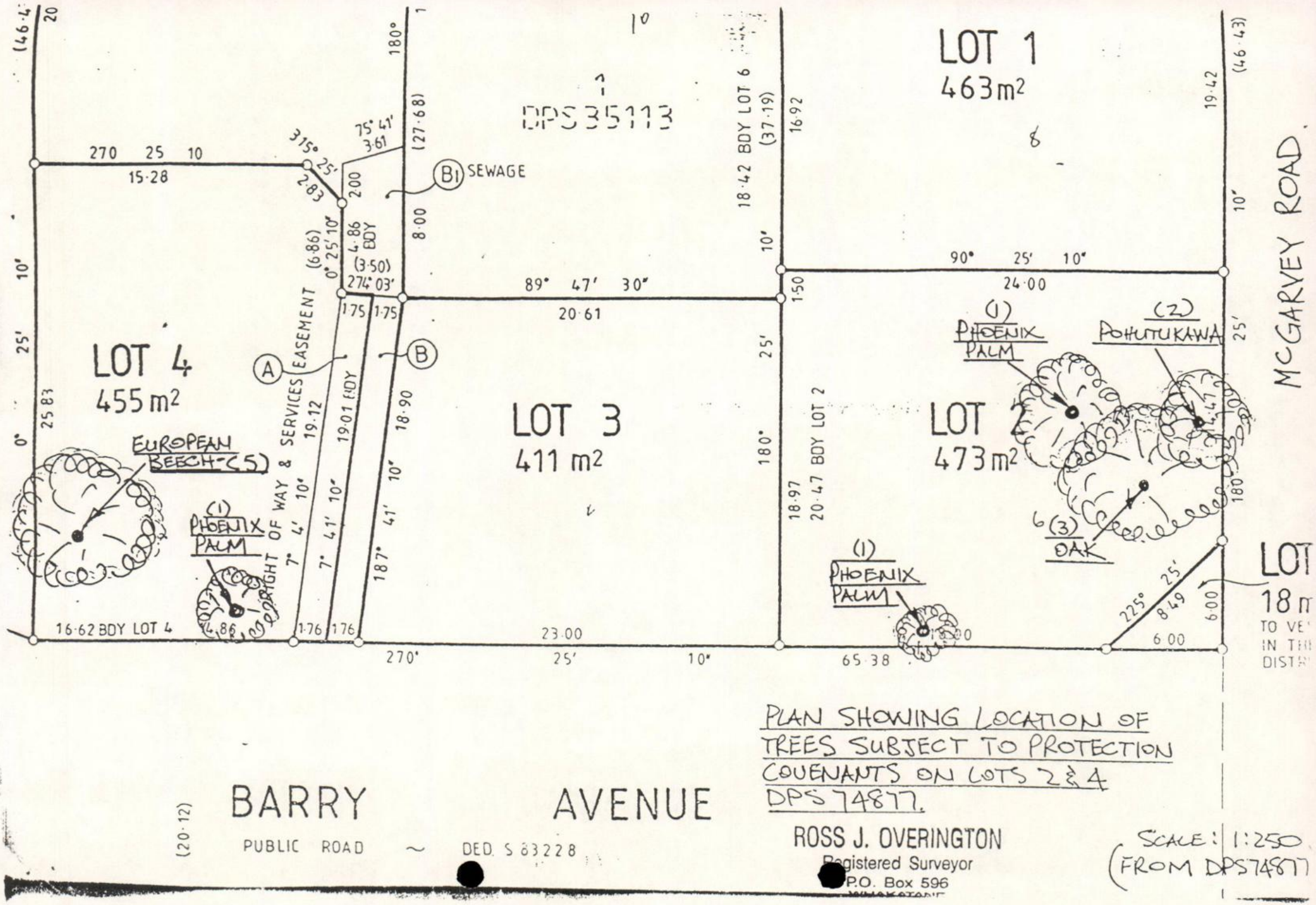
(c) Permit Council officers or contractors entry upon the land at reasonable times so as to ascertain compliance with these conditions.

2. Pay the Council's legal costs and disbursements directly or indirectly attributable to the preparation execution registration and enforcement of this Notice and the Council's conditions set out in this Notice and any variation or cancellation of such conditions.

DATED at Whakatane this 3rd day of February 1998

AUTHENTICATED by the Council by)
the Principal Administration Officer of)
the Council pursuant to Section 252 of)
the Local Government Act 1974)

.....
(General Manager)


LOT 1
463m²
LOT 2
473m²
LOT 3
411 m²
LOT 4
455 m²
DPS 35113
MCGARVEY ROAD
BARRY AVENUE
PUBLIC ROAD
DED. S 83228
SEWAGE
EASEMENT
RIGHT OF WAY & SERVICES
EUROPEAN BEECH-(5)
(1) PHOENIX PALM
(2) POHUTUKAWA
(3) OAK
16·62 BDY LOT 4
18·42 BDY LOT 6 (37·19)
20·47 BDY LOT 2
20·61
23·00
65·38
270° 25' 10"
90° 25' 10"
89° 47' 30"
PLAN SHOWING LOCATION OF TREES SUBJECT TO PROTECTION COVENANTS ON LOTS 2 & 4 DPS 74877.
ROSS J. OVERINGTON
Registered Surveyor
P.O. Box 596
SCALE: 1:250
(FROM DPS74877)

24.3.96.100

6 August 1996

Mr Ross J Overington
P O Box 596
WHAKATANE

Dear Sir

RESOURCE CONSENT (SUBDIVISION) -
MR M D CHOUDHAREY

On 31 July 1996, the Hearings Committee considered the above subdivision and resolved as follows:

"1. *THAT pursuant to Sections 34(4) and 105 and after consideration of Part II Matters and Sections 104 and 108 of the Resource Management Act 1991, the Whakatane District Council grants consent to the land use consent application by M D Choudharey, being a discretionary activity to reduce the front yard requirement along the Barry Avenue frontage of Lot 1 DP 35113 from 6 m to 4 m. Consent is subject to the following conditions:*

(i) *That the development of Lot 1 DP 35113 be undertaken in accordance with plans submitted with this application (reference S 1372/1A, dated 18 July 1996) and the conditions of any subsequent subdivision consent.*

(ii) *That a continuous screen fence, or landscaping, to a height of 1.8 m be erected or established along the Barry Avenue frontage of proposed Lots 2, 3 and 4 (excluding accessways) within twelve months of the date of this consent.*

(iii) *That accessways to the site be located in accordance with Plan S 1372/1A, dated 18 July 1996.*

Reasons

1. *It is not considered that any consents are required because of the layout of the proposed dwellings and their relationship to the adjoining sites.*

2. *The reduction in the yard is to facilitate the retention of the mature trees on the site which will help to maintain the amenity of the area and mitigate the effects of the increase in density resulting from the development of the site.*

3. *A screen fence or landscaping along the Barry Avenue frontage is required to mitigate the effects of the proposed buildings encroaching on the front yard.*

2. *THAT pursuant to Sections 34(4) and 105 and after consideration of Part II Matters and Sections 104, 108 and 220 of the Resource Management Act 1991, the Whakatane District Council grants consent to the subdivision consent application by M D Choudharey, being a non-complying activity, for the proposed subdivision of Lot 1 DP 35113 as shown on Plans S 1372/1 dated May 1996 and S 1372/1A dated 18 July 1996. Consent is subject to the following conditions:*

(i) *That a reserves contribution of $9 000 (inclusive of GST) or an amount determined at 4.5% (plus GST) of the land value of the five new allotments created, as assessed by a registered land valuer, be paid to Council. This amount to be reduced by $500 (inclusive of GST) for each of the trees protected by a consent notice registered against the Certificate of Title for the lot on which the tree is located, in accordance with the conditions of this consent.*

(ii) *That the right-of-way serving Lots 4 and 5 shall be formed and constructed in accordance with Council's Code of Subdivisional Standards to the satisfaction of the Executive Officer - Works and Services.*

(iii) *That Lot 7, shown as road, shall vest in the Whakatane District Council.*

(iv) *That engineering plans, specifications and calculations providing for the disposal and control of stormwater from the site shall be submitted for approval prior to any works being carried out on the site.*

The design shall take into consideration the provision of both primary and secondary disposal and control systems.

Primary - The primary system shall be required to provide an on-site containment or disposal system designed to cater for rainfall of a 10 % probability of occurring annually.

Secondary - The secondary system shall be required to provide the disposal of rainfall of less than a 10 % of probability of

occurring annually in a manner that does not cause nuisance to property or buildings both on and off the site.

(v) *That finished building platform levels on all lots shall be not less than 102.035 above Moturiki Datum. Any fill placed on the site to meet this condition shall be placed under the supervision of a suitably qualified person and certified as being suitable for any subsequent building development provided for as a permitted activity in the District Plan by a Registered Engineer.*

(vi) *That all lots shall be provided with independent underground sewer and metered water and electricity supply in accordance with Council's Code of Subdivisional Standards.*

(vii) *That a consent notice be registered against the Certificate of Title for Lots 2, 3 and 4 requiring that:*

(a) *The following trees and their natural root systems be protected from damage that would be likely to kill or irreparably damage the tree(s) or otherwise adversely affect the shape or form of the tree for the natural lifespan of the tree(s).*

Lot 2	*Phoenix Palm (1)*
	Pohutukawa (2)
	Oak (3)
Lot 3	*Liquid Amber (4)*
Lot 4	*European Beech (5)*

(b) *The owner of the property shall ensure that the tree(s) are maintained in accordance with good arboricultural practice. All maintenance work shall be carried out by a suitably qualified person at the owner's expense.*

(c) *The consent notice shall be prepared by Council's solicitors at the cost of the applicant.*

(viii) *That engineering plans for all engineering works required to satisfy these conditions shall be submitted to Council for approval prior to any work being carried out on site. The plans shall be in the form specified in Council's Code of Subdivisional Standards.*

(ix) *That as-built plans of all new and extended services shall be provided to Council for approval. The plans shall be in the form specified in Council's Code of Subdivisional Standards and shall be certified as being an accurate record of the location of the services, as constructed, by a registered surveyor or a registered engineer.*

(x) *That an engineering fee of 1 % of the cost of engineering works required to satisfy these conditions or $50 (inclusive of GST) whichever is the greater, shall be paid to Council for receiving, processing and approving engineering plans required by these conditions.*

(xi) *That all easements required to protect right-of-ways or services within the subdivision shall be duly granted or reserved.*

(xii) *That a footpath contribution be paid to Council to form a footpath along the entire McGarvey Road frontage of the site. The applicant is to pay 50% of an agreed value to complete the footpath.*

(xiii) *That all legal documents required to satisfy the conditions of this consent shall be prepared by the Council's solicitor at the applicant's expense.*

(xiv) *That an additional administrative charge of $1 020.83 (inclusive of GST) be paid to Council in relation to the receiving, processing and granting of this Resource Consent.*

3. ***THAT*** *pursuant to Section 223 of the Resource Management Act 1991, the Executive Officer - Environmental Services be authorised to approve the Survey Plan in respect of the above subdivision once the Survey Plan is submitted and is in accordance with the approved subdivision consent.*

4. ***THAT*** *pursuant to Section 224 of the Resource Management Act 1991, the General Manager be authorised to sign a certificate in respect of the above subdivision, stating that all conditions of subdivision consent have been complied with to his satisfaction.*

Reasons

1. *The proposed subdivision is a non-complying activity in the Residential zone of the Whakatane Transitional District Plan. Council is satisfied that any adverse environmental effects that may actually or could potentially occur as a result of this subdivision are likely to be minor or are avoided, remedied or mitigated by the conditions of this resource consent.*

2. *Council is satisfied that the proposal is in accordance with Part II of the Resource Management Act 1991, particularly as it relates to the sustainable management of the land and maintaining and enhancing the amenity value of the surrounding area.*

3. *Council is satisfied that the objectives, policies and rules of the District Plan as they relate to multi-unit developments on a single site are not compromised by the proposed subdivision of the site into separate freehold titles.*

4. *Council considers that the increase in intensity of development resulting from this subdivision is likely to increase the demand for reserves and community facilities in the District and the requirement to contribute to these services is justified. The reserves contribution was assessed as follows:*

Land value of additional lots (as advised by applicant including GST) $40,000 x 5	*$200 000*
Reserves Contribution at 4.5% of land value (GST included)	*9 000*
Total	*$9 000*

Consideration is given to the ongoing protection of the trees identified in condition 7.

5. *Council is satisfied that the right-of-way serving Lots 4 and 5 is of sufficient width to provide vehicle and pedestrian access to the lots.*

6. *The proposed subdivision is in an area that is subject to inundation during extreme storm events and it is considered that appropriate measures should be taken to avoid any increased adverse effect of flooding as a result of the development of the site. Subject to compliance with conditions 4 and 5, Council is satisfied that the proposed subdivision will not contribute to a nuisance or a significant adverse effect outside the new lots created.*

7. *The existing site level is less than that permitted for a minimum building platform in the district. It is appropriate that the buildingplatform be raised to avoid inundation during extreme storm events."*

In accordance with Section 357 of the Resource Management Act 1991, you have the right to submit to Council an objection to any of the above conditions of approval. If you are in any way not satisfied with the decision of Council on this application you have the right to appeal to the Planning Tribunal. Any appeal is required to be lodged with the Planning Tribunal within fifteen working days of receiving this decision.

If you have any further enquiries, please contact Stuart Bracey (Senior Planner) at this office.

Yours faithfully

Diane Turner
EXECUTIVE OFFICER -
ENVIRONMENTAL SERVICES
96\2\L\EES0108A

BUDDLE BENTLEY TWEED

BARRISTERS & SOLICITORS

Our Ref: I D Bentley

Your Ref:

WHAKATANE DISTRICT
13 OCT 1999
COUNCIL

12 October 1999

First Floor
8 Richardson Street
Whakatane
Telephone
07 308 7179
Fax
07 307 0709

Postal Address:
P.O. Box 43
Whakatane

DX JA 31517

PARTNERS
Ian Bentley LLB, CORONER
Tony Tweed LLB

NOTARY PUBLIC
Joe Buddle

The General Manager
Whakatane District Council
Private Bag
WHAKATANE

Dear Sir

Re: Mrs J Smith, 6A Barry Avenue, Whakatane

We act for Mrs J Smith of 6A Barry Avenue, Whakatane. Mrs Smith has referred to us copies of correspondence relating to the protected beech tree on her property.

There is clearly some divergence of opinion as to whether this particular tree is in good health, the methods of rectifying the tree's current problems and whether it is such an outstanding specimen that it should be protected at all.

Our client has instructed us to make application to Council to have the protection afforded this beech tree removed and we ask that you treat this letter as such.

We understand that an application of this type will be put to a Council Committee at which Mrs Smith or her representative will be able to make submissions. We would be happy to supply the Council with a copy of those submissions and alternative suggestions prior to any hearing should that be required.

We look forward to hearing further from you.

Yours faithfully
BUDDLE BENTLEY TWEED

Ian Bentley
Partner

FULL TREE EVALUATION SCORE SHEET

Condition Evaluation

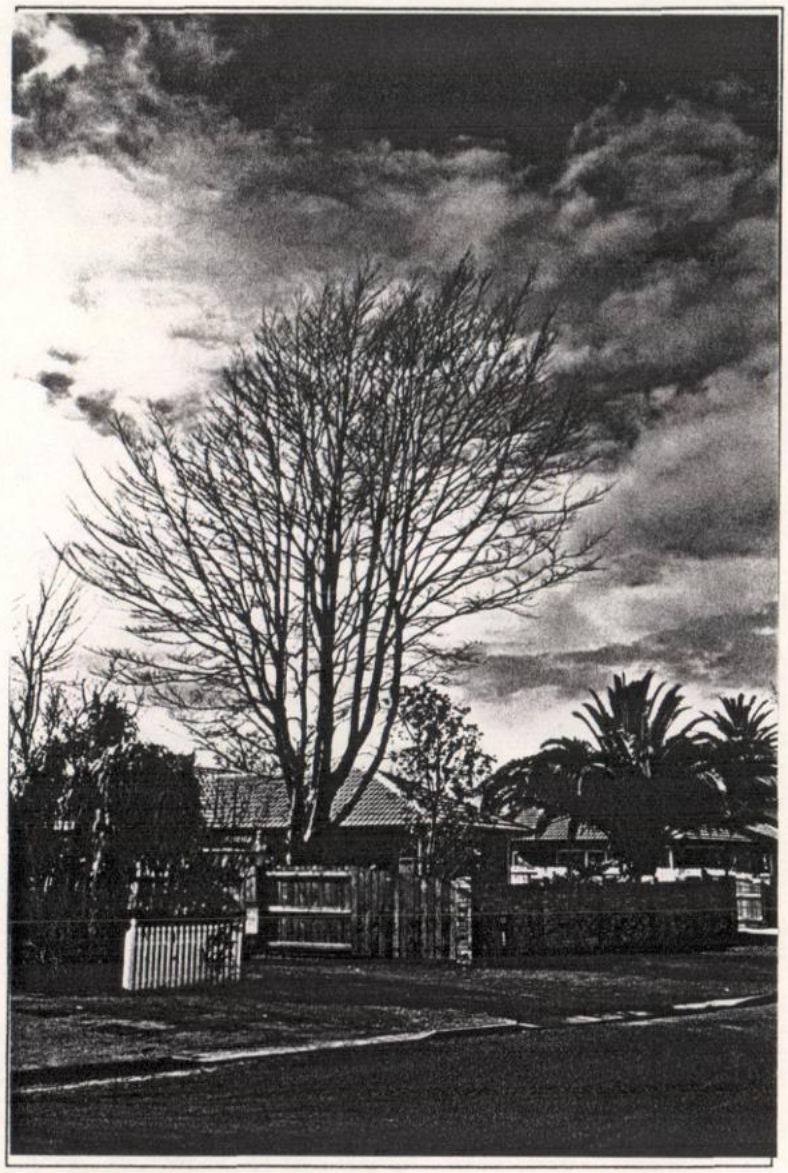
Points	*3*		*9*		*15*		*21*		*27*		*Score*
Form	Poor		Moderate		Good	✓	Very Good		Specimen		15
Occurrence	Predominant		Common	✓	Infrequent		Rare		Very Rare		9
Vigour & Vitality	Poor		Some		Good	✓	Very Good		Excellent		15
Function	Minor		Useful	✓	Important		Significant		Major		9
Age (yr)	10yrs +		20yrs +		40yrs +	✓	80yrs +		100yrs +		15
Subtotal Points											63

Amenity Evaluation

Points	*3*		*9*		*15*		*21*		*27*		*Score*
Stature (m)	3 to 8		9 to 14		15 to 20	✓	21 to 26		27+		15
Visibility (km)	0.5		1.0	✓	2.0		4.0		8.0		9
[redacted]oximity	Forest		Parkland		Group 10+		Group 3+	✓	Solitary		21
Role	Minor		Moderate	✓	Important		Significant		Major		9
Climate	Minor		Moderate	✓	Important		Significant		Major		9
Subtotal Points											63

Notable Evaluation

Recognition Points	*Local 3*		*District 9*		*Regional 15*		*National 21*		*International 27*		*Score*
Stature											
• Feature											
• Form											
Historic											
• Age 100+											
• Association											
• Commemoration											
• Remnant											
• [redacted]Relict											
Scientific											
• Source											
• Rarity											
• Endangered											
Subtotal Points											
Total Points											126



Location/Address: 6 Barry Ave

Botanical Name: Fagus sylvatica

Common Name: European Beech

Height (ht) m: 16 m

Volume (m^3) = ht x $\pi d^2/2$:

Canopy Diameter (d) m: 10 m

Circumference = πd:

Stem Diameter @ 1.4m: 800 mm

Protected Status: Protection covenant.

Comments: In terms of the Resource Management Act 1991 and the subdivision of the land that created this adress a protection covenant was placed on both this tree and the palm. This is to ensure that the trees are maintained in accordance with good arboricultural

11.1.19

MEMORANDUM

TO: Senior Planner

SUBJECT: **RESOURCE CONSENT - LAND USE (TREE REMOVAL) J SMITH, 6 BARRY AVENUE, WHAKATANE**

DATE: 22 October 1999

A standard Tree Evaluation Method (STEM) was carried out on the Fagus sylvatica, European Beech tree at 6 Barry Avenue.

With reference to the STEM evaluation criteria, the form of the tree is good, but requires maintenance to counteract and repair the destructive pruning which has recently been carried out to facilitate site development.

The occurrence of the species common to the district.

Vigour and vitality is seen to be good. Natural attrition is present in the form of dead branches, but this is overcome through consistent arboricultural maintenance which if carried out regularly maintains the natural shape of the tree and intercepts die back in selected limbs. In terms of the Resource Consent Conditions:

> *"The owner of the land shall on a continuing basis:*
>
> 1 (a) *Ensure that the tree and its natural root system be protected from damage that would affect the shape or form of the tree for the natural lifespan of the tree.*
>
> (b) *Ensure that the tree is maintained in accordance with good arboricultural practice."*

It is therefore imperative that pruning and maintenance be carried out as soon as possible to improve the condition of the tree to a healthy state.

The physical functions of this deciduous tree include acting as a pollution filter, filtering fumes, dust, pollen, UV rays, smoke and noise. The conservation function is the provision of refuge, shelter and shade for birds.

The age of the tree is estimated at approximately 40 to 60 years.

The Amenity Evaluation criteria has recorded the tree to be 16 m in height and to be visible from a distance of a kilometre.

This specimen used to be part of a larger group of 24 trees that existed on the original section prior to the subdivision. In order to maintain the amenity of the area, six of the original 24 trees were covenanted.

This European Beech is one of the tallest trees in the vicinity and can easily be seen from Barry Avenue, Beach Street and McGarvey Road.

It contributes to the immediate environment by enhancing the appearance of the landscape, without which would create a vacant space along the north eastern end of Barry Avenue.

Its moderate climatic role is enhanced in summer through the cooling and provision of shade and reduced in winter as the bare tree allows the sunlight through to warm the western aspect of the property.

The request to remove the protection status of this tree is not supported. Numerous site meetings have been held with the owner to clarify the status and condition of the tree.

The owner has also been requested to obtain an independent report from a registered qualified arborist and submit this to the Manager - Parks and Recreation. This report would then either confirm the professional opinion of the Parks and Recreation Section or identify new evidence regarding the condition of the tree.

This report has not been received by this Section and until such time this application should not be considered.

Rod Fraser
PARKS OFFICER

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CONSENT NOTICE

(Pursuant to Section 221 of the Resource Management Act 1991)

GIVEN by: M D CHOUDHAREY

IN FAVOUR of: THE WHAKATANE DISTRICT COUNCIL

DATED 3rd day of February 1998

PROPERTY: Deposited Plan No S.74877

SUBJECT: Consent Conditions

COUNCIL REFERENCE: 24.3.96.100

HAMERTONS
SOLICITORS
(B N Carter)
Telephone NO. 07 307 0680
Fax NO. 07 307 0225
PO Box 601
DX JA31519
WHAKATANE

IN THE MATTER of the Resource Management Act 1991 ("the Act")

AND

IN THE MATTER of a subdivision of land in the South Auckland Land Registration District

CONSENT NOTICE

(Pursuant to Section 221 of the Act)

THE WHAKATANE DISTRICT COUNCIL ("the Council") being the territorial authority for the district within which the Land described in the First Schedule of this Notice is situated has, pursuant to Part X of the Act, granted its consent to the subdivision shown on Land Transfer Plan S.74877 subject to certain conditions, including the requirement in respect of the Land that the Owner (as defined in the Act) complied on a continuing basis with the conditions set out in the Second Schedule of this Notice.

FIRST SCHEDULE

("the Land")

First: 484 square metres more or less being Lot 2 on Land Transfer Plan No S.74877 and being all of the land in Certificate of Title 60B/236 (South Auckland Registry).

Secondly: 441 square metres more or less being Lot 4 on Land Transfer Plan No S.74877 and being all of the land in Certificate of Title 60B/238 (South Auckland Registry).

SECOND SCHEDULE

("the Conditions")

The Owner of the Land shall, on a continuing basis:

1. (a) Ensure that the following trees, (identified on sketch Plan entitled "Location of Trees Subject to Protection covenants on Lots 2 and 4 DPS.74877" (a copy which is annexed hereto), and their natural root-systems be protected from damage that would be likely to kill or irreparably damage the tree(s) or otherwise adversely affect the shape or form of the tree for the natural life-span of the tree(s):

Lot 2 - Phoenix Palm (2)
- Pohutukawa (2)
- Oak (3)

Lot 4 - European Beech (5)
- Phoenix Palm (1)

(b) Ensure that the tree(s) are maintained in accordance with good arboricultural practice. All maintenance work shall be carried out by a suitably qualified person at the owner's expense.

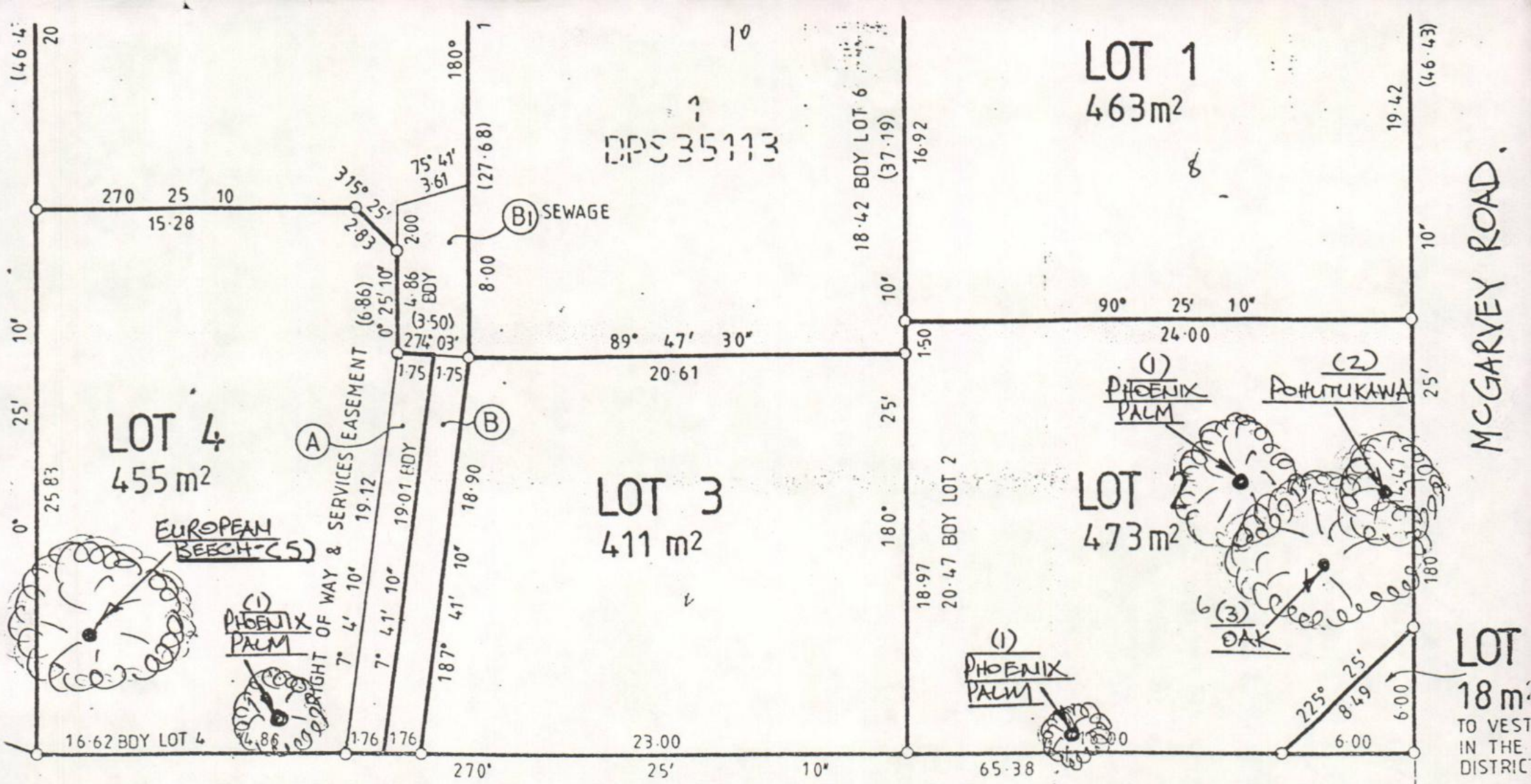
(c) Permit Council officers or contractors entry upon the land at reasonable times so as to ascertain compliance with these conditions.

2. Pay the Council's legal costs and disbursements directly or indirectly attributable to the preparation execution registration and enforcement of this Notice and the Council's conditions set out in this Notice and any variation or cancellation of such conditions.

DATED at Whakatane this 3rd day of February 1998

AUTHENTICATED by the Council by)
the Principal Administration Officer of)
the Council pursuant to Section 252 of)
the Local Government Act 1974)

.....
(General Manager)



PLAN SHOWING LOCATION OF TREES SUBJECT TO PROTECTION COVENANTS ON LOTS 2 & 4 DPS 74877.

ROSS J. OVERINGTON
Registered Surveyor
P.O. Box 596
WHAKATANE

SCALE: 1:250 (FROM DPS74877)

Whakatane District Council

Your ref:

Our ref: 24.2.99.129L

19 August 1999

Mrs J Smith
6 Barry Ave
WHAKATANE

Dear Sir

RESOURCE CONSENT: REMOVAL OF EUROPEAN BEECH

Further to your application to remove the European Beech on your property. I am writing to advise that the tree is protected by a consent notice, registered on the title of your property. As such to remove the tree, your are required to seek an amendment to that notice. Such a consent is required in writing, and will be heard by the Hearings Committee of Council. The consent must state why you wish to remove the tree, and any mitigation offered for the removal of the tree.

Should you wish to discuss this matter further, please do not hesitate to contact me.

Yours faithfully

Gael Cooper
SENIOR PLANNER

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Address all letters to:
THE GENERAL MANAGER, WHAKATANE DISTRICT COUNCIL, PRIVATE BAG 1002, WHAKATANE 3080, NEW ZEALAND
TELEPHONE: +64-7-307-9800
FAX: +64-7-307-0718

DISTRICT OF WHAKATANE

KA WHAKATANE AU I AHAU

24.2.99.129L

8 November 1999

Mrs J Smith
6 Barry Avenue
WHAKATANE

Dear Sir

RESOURCE CONSENT: LAND USE - REMOVAL OF EUROPEAN BEECH TREE, 6 BARRY AVENUE, WHAKATANE

Notice is hereby given that the hearing of the above application has been set down for 24 November 1999 at 9.15am in the Council Chambers, Civic Centre, Whakatane District Council, Commerce Street, Whakatane.

A copy of the Planner's report will be forwarded to you as soon as it is available.

If you intend to present any further written evidence or submission, it would be appreciated if you could arrange for at least ten copies of this to be made available for use at the hearing.

Yours faithfully

Rozanna Lillas
PLANNING ASSISTANT

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File Reference: 24.3.96.100

AFTER MEETING ACTION SHEET

Name of Meeting: Hearings Committee

Details of Meeting: 21 November 2001

☑ Resolved

☐ Recommended

Received at Council Meeting held on 12 December 2001

1.0 APPLICATION FOR CONSENT TO VARY A CONSENT NOTICE, N SHARMA, 2 BARRY AVENUE, WHAKATANE: 24.3.96.100

Refer to pages 6/2/1-24 of the agenda.

Appearance

A Sharp, Planner, Whakatane District Council;
R Fraser, Parks Officer, Whakatane District Council.

1.1 Planner's Report

The Planner spoke to his report and outlined the proposal to remove the protection over a Phoenix Palm located on the property. The protection was required by a consent notice that was registered on the title. If approval were to be granted, the applicant wishes to remove the palm.

The Planner outlined the reasons why the palm was required to be protected and advised that the Parks Officer would be able to elaborate on these reasons. The reasons why the applicant wished the palm to be removed were outlined on page 6/2/4 of the report.

The Planner advised that the Council staff were recommending not to revoke the protection for the palm.

1.2 Parks Officer

The Parks Officer elaborated on his assessment of the Phoenix Palm and advised that the palm significantly contributed to the amenity value of the area, and the tree was in good health. The STEM assessment score was explained.

The Parks Officer stated that the problems experienced by the applicant, and the reasons for which the applicant was seeking the removal of the palm could be managed by routine maintenance. The Parks Officer advised that the Council maintained the Phoenix Palms on the reserves in the area annually by removing fronds and pruning the seed heads in the spring prior to the fruit ripening. If these measures were carried out by the applicant this would reduce the problem associated with the fruit been eaten by birds and the fruit falling and blocking the drain pipes and spouting. It would also reduce the risk associated with the fronds dying and dropping to the ground.

RECORDS

PLS FILES

24.3.96.100

In response to questioning, the Parks Officer advised that the root system of the Phoenix palm allowed the palm to be transplanted well. It also enabled the palm to exist close to the house without the roots becoming invasive and destabilising the building structure. The Parks Officer, in response to questioning, outlined the maintenance required on an annual basis as part of the consent conditions, which would in his opinion, if carried out, alleviate the problems experienced by the applicant. He stated that the tree did not pose a threat in its current healthy state.

In response to questioning as to whether the amenity value of the tree was greater outside the property than within, the Parks Officer stated that the question of amenity value was debatable. He stated that it could be argued that the amenity value was greater externally than internally, however, there were amenity values to be had under and next to the tree, such as shade, atmosphere, and wildlife that could be equally argued as having the same amenity value as that experienced externally.

In response to questioning on whether it would be possible to replace the palm with other appropriate trees, the Parks Officer advised that it would be possible. In response to a question as to whether it was fair and reasonable to expect owners to have the responsibility and cost for the trees on their property protected by a consent notice, the Parks Officer stated that he believed it was fair and reasonable and people purchasing property were made aware of their responsibilities when they requested a Land Information Memorandum.

1.3 **Public Excluded Business**

RESOLVED:

THAT the public be excluded from the following parts of the proceedings of this meeting, namely:

Application for Consent to Vary a Consent Notice, N Sharma, 2 Barry Avenue, Whakatane

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution

Application to vary a Consent Notice, N Sharma, 2 Barry Avenue, Whakatane	To enable the Committee to discuss the legal and other ramifications of the application.	That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Committee to deliberate in private on its decision or recommendation in any proceedings where a right of appeal lies to any Court or tribunal against the final decision of the Committee in those proceedings. Section 48(1)(d)

Gray/Wright **CARRIED**

Note: A full account of this matter appears within the Public Excluded section of this report.

1.4 **Resumption of Open Meeting**

After the above item has been considered, the public were re-admitted to the meeting.

1.5 **Decision**

RESOLVED:

That pursuant to Section 221(3) Resource Management Act 1991, the Whakatane District Council grants consent to vary condition 1(a) of the consent notice on Lot 2 DPS 74877 to allow the:

1. Removal of the oak marked (3) and the Phoenix Palm marked (4) on the attached plan, subject to the following:

    - That two replacement trees, of a minimum PB 240 size, be planted either on Lot 2 DPS 74877 or in the vicinity of the property, after consultation with and approval of the Manager Parks and Recreation. The Manager Parks and Recreation is to give his prior approval to the type and location of the replacement trees.

2. Relocation of the Phoenix Palm marked (1) on the attached plan, subject to the following;

    - The palm is relocated within Whakatane township; and
    - The relocation of the palm occurs in full consultation with the Manager Parks and Recreation, Whakatane District Council; and
    - That one further replacement tree, of a minimum PB 240 size, be planted either on Lot 2 DPS 74877 or in the vicinity of the property, after consultation with and approval of the Manager Parks and Recreation. The Manager Parks and Recreation is to give prior approval to the type and location of the replacement tree.

The Council will not meet any of the costs in the removal or relocation of these trees.

Reasons

1. The Council had regard to the special circumstances surrounding the protection of the trees. It was noted at the time of subdivision that a number of trees were protected because of their contribution to the amenity of the area. A credit of $500 was given for each protected tree, and dispensation was also given to allow houses to be built closer than six metres from the front boundary of the property.

2. While noting these matters, the Council considered that the house on Lot 2 was located too close to the Phoenix Palm, and that the on-going management of the tree was difficult because of its close proximity to the house. However, the tree contributes significantly to the amenity of the area. This is particularly so with the deaths of the smaller phoenix palm adjacent to the Barry Avenue frontage, and the oak.

3. The Council is agreeable to the large Phoenix Palm being relocated within Whakatane township, so that the town does not lose a significant tree specimen. This will provide the owner with an opportunity to sell or otherwise dispose of the tree, and to be relieved of any maintenance obligations in respect of this tree.

4. To replace the level of amenity that will be lost by the removal of the three trees on-site, the Council considers it appropriate for the owner to provide replacement trees on-site or off-site but close to the property.

Mahoney/Eivers **CARRIED**

AFTER MEETING ACTION:

	DATE
1. District Planner	**12 December 2001**

File Reference: 24.3.96.100

PUBLIC EXCLUDED BUSINESS

AFTER MEETING ACTION SHEET

Name of Meeting: Hearings Committee

Details of Meeting: 21 November 2001

☑ Resolved

☐ Recommended

Received at Council Meeting held on 12 December 2001

3.0 APPLICATION FOR CONSENT TO VARY A CONSENT NOTICE, N SHARMA, 2 BARRY AVENUE, WHAKATANE: 24.3.96.100

Discussion focused on the desire to retain the amenity value of the phoenix palm in Whakatane township. The responsibilities of owners to maintain covenanted trees was discussed. It was acknowledged that the developer who had received a credit of $500 for each protected tree at the time of subdivision, had probably not passed this credit to the new owner of the property. It was also acknowledged that the developer was given dispensation to build houses closer than six metres from the front boundary due to the protection of the three trees.

Attendance

The Manager Parks and Recreation joined the meeting at this stage.

The Manager Parks and Recreation was asked to provide an approximate price for the removal and relocation of the phoenix palm and he advised that it would cost in the vicinity of $5,000 to relocate and advised that there was no budget provision in the current financial year in the parks department for this work.

He noted the difficulty of relocating in terms of disturbing the landscaping and driveway surrounding the palm.

The Manager Parks and Recreation was asked to comment on the type of trees suitable for replacement on such as site and he stated that trees of a PB240 size would be suitable.

AFTER MEETING ACTION:

	DATE
1. District Planner	**12 December 2001**

6/2/1

24.3.96.100

Report to: **HEARINGS COMMITTEE**
WEDNESDAY, 21 NOVEMBER 2001

From: **ALISTAIR SHARP, PLANNER**

Subject: **APPLICATION FOR CONSENT TO VARY A CONSENT NOTICE, 2 BARRY AVENUE, WHAKATANE**

1.0 APPLICATION DETAIL

1.1	**Applicant's Name:**	Neelam Sharma
1.2	**Address/Location:**	1 Barry Avenue, Whakatane
1.3	**Legal Description:**	Lot 2 DPS 74877
1.4	**Zoning:**	Residential A - Transitional Whakatane District Plan

2.0 PROPOSAL

The applicant has applied to Council to remove the protection over a Phoenix Palm located on her property (McGarvey Road side). The protection is required by a consent notice that is registered on the title of her property, pursuant to Section 221 of the Resource Management Act 1991. If approval is granted, the applicant wishes to remove the palm.

3.0 BACKGROUND

On 31 July 1996, Council approved a subdivision application lodged by M D Choudharey for consent to subdivide a large piece of land on the corner of McGarvey Road and Barry Avenue into six lots for residential use.

At the time the application was lodged with Council, the applicant signalled his intent to protect a number of mature trees on the site. The protection of these trees was taken into account when assessing the effects of the subdivision (which was a non-complying activity) and the applicant was given a $500 reduction in reserve contribution for each tree protected.

A land use consent was also granted at the time of subdivision approval, to allow a reduction of the front yard requirement for all lots fronting Barry Avenue from 6 metres to 4 metres. The main reason for approving the land use application was to facilitate the protection of trees on the site including the Phoenix Palm located on Lot 2 (McGarvey Road side of the property) the subject of this application.

6/2/2

In October 1997, a Section 127 (Change in Consent Condition) was considered and approved by Council. The change of consent condition required that a consent notice be registered against the property title of Lot 3 requiring the on going protection of a Liquid Amber tree.

Unfortunately the liquid amber was so severally pruned that its public amenity value was severely reduced. In approving the change in consent condition, the Hearings Committee required that an additional Phoenix palm located at the time of Lot 3, needed to be relocated to Lot 2 within the front yard adjoining Barry Avenue.

While the relocation of this Phoenix palm was initially successful, it appears that the tree has now died.

The consent notice on the title states:

> *"The owner of the land shall on a continuing basis:*
>
> *1.(a) Ensure that the following trees, (identified on sketch Plan entitled "Location of Trees Subject to Protection covenants on Lots 2 and 4 DPS.74877" (a copy which is annexed hereto), and their natural root systems be protected from damage that would be likely to kill or irreparably damage the tree(s) or otherwise adversely affect the shape or form of the tree for the natural life span of the tree(s).*
>
> | | |
> |---|---|
> | *Lot 2* | *Phoenix Palm (2 (two trees)*
Pohutukawa (2 (one tree)
Oak (3 (one tree) |
>
> *(b) Ensure that the tree(s) are maintained in accordance with good arboricultural practice. All maintenance work shall be carried out by a suitably qualified person at the owner's expense.*
>
> *(c) Permit Council officers or contractors entry upon the land at reasonable times so as to ascertain compliance with these conditions."*

Since the subdivision was completed, the Oak tree on Lot 2 has failed to reach its natural life expectancy and has unexpectedly died.

4.0 STATUTORY CONSIDERATIONS

Under the provisions of Section 221(3) Resource Management Act 1991;

> *"any condition specified in a consent notice may be varied or cancelled by agreement between the owner for the time being, and the territorial authority".*

6/2/3

5.0 CONSIDERATION OF APPLICATION

In considering whether to agree to vary a condition of the consent notice, the reasons for requiring the consent notice, at the time of the subdivision, need to be understood.

At the time the consent was approved by the Council Hearings Committee, the Planner's report noted the two contributing factors towards protection of the trees:

*"(a) **Amenity***

It is considered that the comprehensive design of the development and the retention of a number of mature trees on the site will help to preserve the amenity of the area after it has been developed. Conditions of consent requiring the ongoing protection of the trees will ensure that the amenity is not compromised over time.

*(b) **Financial contribution***

The subdivision creates five additional residential sections. It is therefore appropriate to require a cash reserve contribution. The applicant proposes to protect by way of consent notice, five large trees situated within the site. The trees contribute significantly to the amenity values of the locality. it is recommended that the value of protecting the trees be recognised by reducing the cash reserve contribution by $500 per tree protected"

(report to the Hearings Committee by Stuart Bracey Senior Planner, 31 July 1996).

Council required the protection of the trees to mitigate the effects of the subdivision on the amenity of the area. The applicant was agreeable to this, and received a $500 reduction in reserve contribution for each tree protected. The subdivision has been completed, and the lots have subsequently been sold.

Council uses the Standard Tree Evaluation Method (STEM) for determining the value of a tree for protection. At time of development, any significant tree is subjected to a STEM report, trees scoring over 108 points are considered to be significant.

Council undertook a STEM analysis of the palm in 1999 scoring a total of 108 points. As part of the processing of this application Council's parks staff have re-evaluated the palm using the STEM assessment criteria. The palm not only retained a high STEM score (114) but exceeded the score gained when assessed in 1999 by an additional six points.

This would also suggest that the palm is not only in good health but is thriving in its present location.

Upon receipt of this application to remove the protection afforded to the palm by the consent notice on the title, Parks staff submitted comments regarding the palm, they note:

6/2/14

"With reference to the STEM evaluation criteria, the form of the tree is good and shows good vigour and vitality with a full canopy of palm fronds

The form of the palm dominates the skyline at the end of Beach Street/Barry Avenue intersection and together with the protected Pohutukawa and English Oak (which has suddenly died) helping to soften the effect of the dwelling (double storey brick) located on Lot 2 and the surrounding predominate single storey streetscape.

The 14 metre height of the palm makes it easily visible from the surrounding neighbourhood and has become more prominent since the death of the English Oak presently located beside the palm.

The palm displays a positive role by contributing to the amenity of the setting. It has an association with the area (40 years old) as it was part of the streetscape prior to the subdivision on the original homestead."

The applicant has stated three reasons why the palm needs to be removed.

These are:

(a) The palm is constantly dropping fruit which creates a mess on the ground and blocks the spouting and down pipes of her dwelling.

(b) The fruit provides food for birds which in turn then defecate onto the dwelling, outdoor furniture and vehicles parked on the site.

(c) Fronds from the palm over time die and fall which may injure the owners or visitors to the site and pets or cause damage to the dwelling.

Council's Park Staff have reviewed these reasons and indicated that appropriate management of the palm including the removal of the seed heads in the spring prior to the fruit ripening should reduce problems associated with the fruit being eaten by birds and the fruit falling and blocking the drain pipes and spouting.

In addition, old or dying fronds could be pruned to reduce the potential for damage or injury caused by these fronds falling. This maintenance work could be carried out at the same time as the removal of the seed heads.

In summary, staff do not believe that the protection of the palm should be removed, the palm significantly contributes to the amenity of the area, the tree is in good health as noted by the STEM assessment score. Some on-going maintenance including the removal of the seed heads and dead or dying fronds by an appropriately qualified person should reduce any on site effects the owner is currently experiencing.

As such it is considered that the palm still provides substantial amenity to the surrounding area, the purpose for which it was originally protected. This is especially so now that the Oak tree located adjacent to and on the same site, has died and needs to be removed. There appears to be no reason why the protection of the tree should be removed.

6/2/5

Staff do not support the amendment to the consent notice applied for, being the removal of the protection of the Phoenix palm at 2 Barry Avenue, Whakatane and the subsequent approval to remove the palm.

However, an amendment to the consent notice is required because two of the protected trees noted in the notice (the Phoenix palm previously relocated from Lot 3 to a position adjacent to the Barry Avenue boundary of the site and the English Oak located adjacent to the McGarvey Road boundary of the site) have now died.

SUGGESTED RECOMMENDATION:

1. **THAT** pursuant to Section 221(3) Resource Management Act 1991, the Whakatane District Council declines to vary condition No 1(a) of the consent notice on Lot 2 DPS 74877 as it relates to the protection of the Phoenix palm located adjacent to the McGarvey Road boundary of the site.

2. **THAT** pursuant to Section 221(3) Resource Management Act 1991, the Whakatane District Council grants approval to vary condition 1.(a) of the consent notice on Lot 2 DPS 74877 as two of the trees noted in the notice have died (the Phoenix palm previously relocated from Lot 3 to a position adjacent to the Barry Avenue boundary of the site and the English Oak located adjacent to the McGarvey Road boundary of the site).

3. **THAT** the additional administrative charge of $_____ (inclusive of GST), be paid to the Council in relation to the receiving, processing and granting of this resource consent.

Alistair Sharp
PLANNER

David Bewley
DISTRICT PLANNER

9 November 2001

01\2\A\HGS2111

6/2/6

Property ID ____ / ____ / ____

APPLICATION FOR RESOURCE CONSENT:
Removal of Tree(s) 242

To: The General Manager, Whakatane District Council, Private Bag 1002, WHAKATANE 3080 - (Attention: District Planner)

APPLICATION DETAILS

I, *(full name of applicant)* NEELAM SHARMA hereby apply for a land use consent.

No additional resource consents are required.

Description of activity - To remove the following trees: THE PHOENIX PALM.

SITE DESCRIPTION

Street address/location of site: 02 BARRY AVENAU WHAKATANE

Legal description: _____ Zoning: _____

OWNERSHIP/OCCUPANCY

I am the OWNER of the property. *(Owner, Occupier, Lessee, Prospective Purchaser, etc.)*

Name of owner: NEELAM SHARMA

Address: 02 BARRY AVE WHAKATANE

POTENTIALLY AFFECTED PARTIES

Have you obtained the written approval of any potentially affected neighbours? Yes (consent attached)/No *(circle one)*

The Council may ask you to seek the written approval of any neighbour who may be adversely affected by the tree removal.

ADDRESS FOR SERVICE/CORRESPONDENCE

Name of agent *(if any)*: _____

Phone: *(Business)* _____ *(Fax)* _____ *(Home)* _____

ADDRESS FOR SERVICE: _____

I acknowledge hereunder that no work will be carried out on the tree without written consent.

Signature of applicant/agent: N. Sharma

Dated at 31/10/2012 this _____ day of _____ ___

6/2/17

#33676

Received
Whakatane District Council
24 OCT 2001
By

Neelam Sharma
02 Bally Avenue
Whakatane
3071064

24 October 2001

Alistal Sharp
planner
Whakatane District Council

Dear Sir.

Application to Amend Conset Notice
02 Bally Avenue Whakatane

In reply to your letter on October 2001 Concerning the above

(1) I will engage an arbolist to remove the dead English oak tree located in the yard adjoining my Mcgurvey Road boundary

(2) I wish to remove the large phoenix palm located in my yard for the following reasons:

(a) The palm is constantly dropping an abundance of fruit which blocks the gattering and the off load down pipes and also creates a mess on the ground which is then brought inside.

(b) Birds Contantly feed off the fruit and nest on the top of the palm resulting in a massive amount of birds dropping Shit etc On the front patio.
The roof the windows the out door furniture clothes on the line and on vehicles parked on the front entrance.

(C) As the fonds age they fall on the roof and could fall on to persons or pets which would cause damage to property and <u>injury</u>

6/2/8

I trust you will deal with this matter as quickly as possible. I enclose a cheque for $135.00 as the fee deposit as required in your letter in order to lodge my application to the (Hearing Committe of Council)

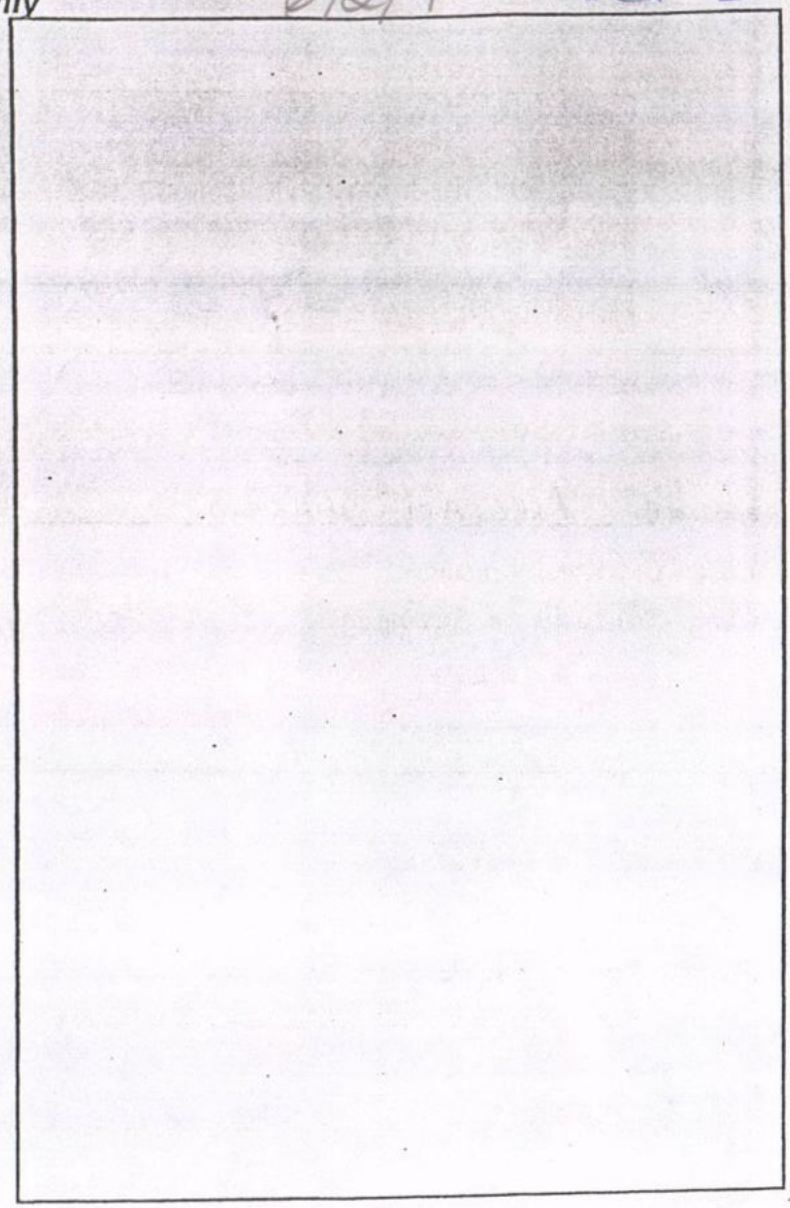
If you need any feuther infarmation please contact me on the above address or phone on the above telephone number.

Yours faithfully

Neelam Sharma.

STEM Assessment 6/2/9 OCT 2001.

For Office Use Only



Location/Address: 2 Barry Avenue

Botanical Name: Phoenix canariensis

Common Name: Canary Island Palm

Height (ht) m: 14m

Volume (m^3) = 1 x formula:

Canopy Diameter (d) m: 6m

Circumference = πd: 1500mm

Stem Diameter @ 1.4m: 500 mm

Protected Status: Covenanted

Comments: It is recommended that the seed heads be maintained annually during Spring. The fronds can be pruned at the same time which will remove all cause for concern. Removal of the palm is not supported.

6/2/10

For Office Use Only

FULL TREE EVALUATION SCORE SHEET

Condition Evaluation

Points	*3*		*9*		*15*		*21*		*27*		*Score*
Form	Poor		Moderate		Good	✓	Very Good		Specimen		15
Occurrence	Predominant		Common	✓	Infrequent		Rare		Very Rare		9
Vigour & Vitality	Poor		Some		Good	✓	Very Good		Excellent		15
Function	Minor		Useful	✓	Important		Significant		Major		9
Age (yr)	10yrs +		20yrs +	✓	40yrs +		80yrs +		100yrs +		9
Subtotal Points											57

Amenity Evaluation

Points	*3*		*9*		*15*		*21*		*27*		*Score*
Stature (m)	3 to 8		9 to 14	✓	15 to 20		21 to 26		27+		9
Visibility (km)	0.5		1.0	✓	2.0		4.0		8.0		9
Proximity	Forest		Parkland		Group 10+		Group 3+	✓	Solitary		21
Role	Minor		Moderate	✓	Important		Significant		Major		9
Climate	Minor		Moderate	✓	Important		Significant		Major		9
Subtotal Points											57

Notable Evaluation

Recognition Points	*Local 3*		*District 9*		*Regional 15*		*National 21*		*International 27*		*Score*
Stature											
• Feature											
• Form											
Historic											
• Age 100+											
• Association											
• Commemoration											
• Remnant											
• Relict											
Scientific											
• Source											
• Rarity											
• Endangered											
Subtotal Points											
Total Points											114

Formula for Volume:

Hemisphere - $2/3\pi r^3$
Cylinder - $\pi r^2 ht$
Cone - $\frac{1}{3}\pi r^2 ht$



6/2/12

CONSENT NOTICE

(Pursuant to Section 221 of the Resource Management Act 1991)

GIVEN by: M D CHOUDHAREY

IN FAVOUR of: THE WHAKATANE DISTRICT COUNCIL

DATED 3rd day of February 1998

PROPERTY: Deposited Plan No S.74877

SUBJECT: Consent Conditions

COUNCIL REFERENCE: 24.3.96.100

HAMERTONS
SOLICITORS
(B N Carter)
Telephone NO. 07 307 0680
Fax NO. 07 307 0225
PO Box 601
DX JA31519
WHAKATANE

6/2/13

IN THE MATTER of the Resource Management Act 1991 ("the Act")

AND

IN THE MATTER of a subdivision of land in the South Auckland Land Registration District

CONSENT NOTICE

(Pursuant to Section 221 of the Act)

THE WHAKATANE DISTRICT COUNCIL ("the Council") being the territorial authority for the district within which the Land described in the First Schedule of this Notice is situated has, pursuant to Part X of the Act, granted its consent to the subdivision shown on Land Transfer Plan S.74877 subject to certain conditions, including the requirement in respect of the Land that the Owner (as defined in the Act) complied on a continuing basis with the conditions set out in the Second Schedule of this Notice.

FIRST SCHEDULE

("the Land")

First: 484 square metres more or less being Lot 2 on Land Transfer Plan No S.74877 and being all of the land in Certificate of Title 60B/236 (South Auckland Registry).

Secondly: 441 square metres more or less being Lot 4 on Land Transfer Plan No S.74877 and being all of the land in Certificate of Title 60B/238 (South Auckland Registry).

SECOND SCHEDULE

("the Conditions")

The Owner of the Land shall, on a continuing basis:

1. (a) Ensure that the following trees, (identified on sketch Plan entitled "Location of Trees Subject to Protection covenants on Lots 2 and 4 DPS.74877" (a copy which is annexed hereto), and their natural root-systems be protected from damage that would be likely to kill or irreparably damage the tree(s) or otherwise adversely affect the shape or form of the tree for the natural life-span of the tree(s):

6/2/14

Lot 2 - Phoenix Palm (2)
- Pohutukawa (2)
- Oak (3)

Lot 4 - European Beech (5)
- Phoenix Palm (1)

(b) Ensure that the tree(s) are maintained in accordance with good arboricultural practice. All maintenance work shall be carried out by a suitably qualified person at the owner's expense.

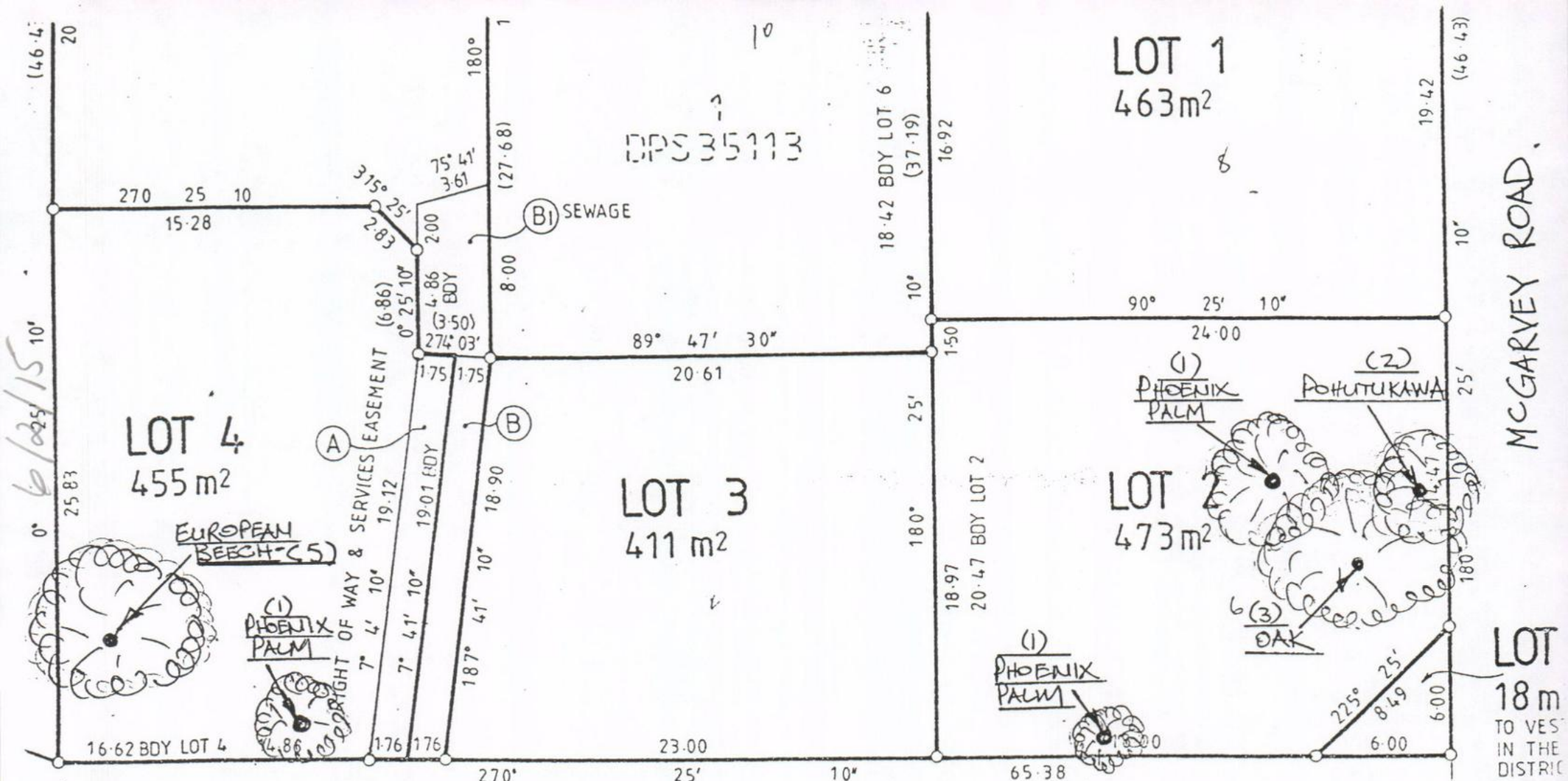
(c) Permit Council officers or contractors entry upon the land at reasonable times so as to ascertain compliance with these conditions.

2. Pay the Council's legal costs and disbursements directly or indirectly attributable to the preparation execution registration and enforcement of this Notice and the Council's conditions set out in this Notice and any variation or cancellation of such conditions.

DATED at Whakatane this 3rd day of February 1998

AUTHENTICATED by the Council by)
the Principal Administration Officer of)
the Council pursuant to Section 252 of)
the Local Government Act 1974)

.....
(General Manager)



PLAN SHOWING LOCATION OF TREES SUBJECT TO PROTECTION COVENANTS ON LOTS 2 & 4 DPS 74877.

ROSS J. OVERINGTON
Registered Surveyor
P.O. Box 596

SCALE: 1:250 (FROM DPS74877)

6/2/16
STEM Assessment

FULL TREE EVALUATION SCORE SHEET

August 99.

Condition Evaluation

Points	*3*		*9*		*15*		*21*		*27*		*Score*
Form	Poor		Moderate	✓	Good		Very Good		Specimen		9
Occurrence	Predominant		Common	✓	Infrequent		Rare		Very Rare		9
Vigour & Vitality	Poor		Some		Good	✓	Very Good		Excellent		15
Function	Minor		Useful	✓	Important		Significant		Major		9
Age (yr)	10yrs +		20yrs +	✓	40yrs +		80yrs +		100yrs +		9
Subtotal Points											51

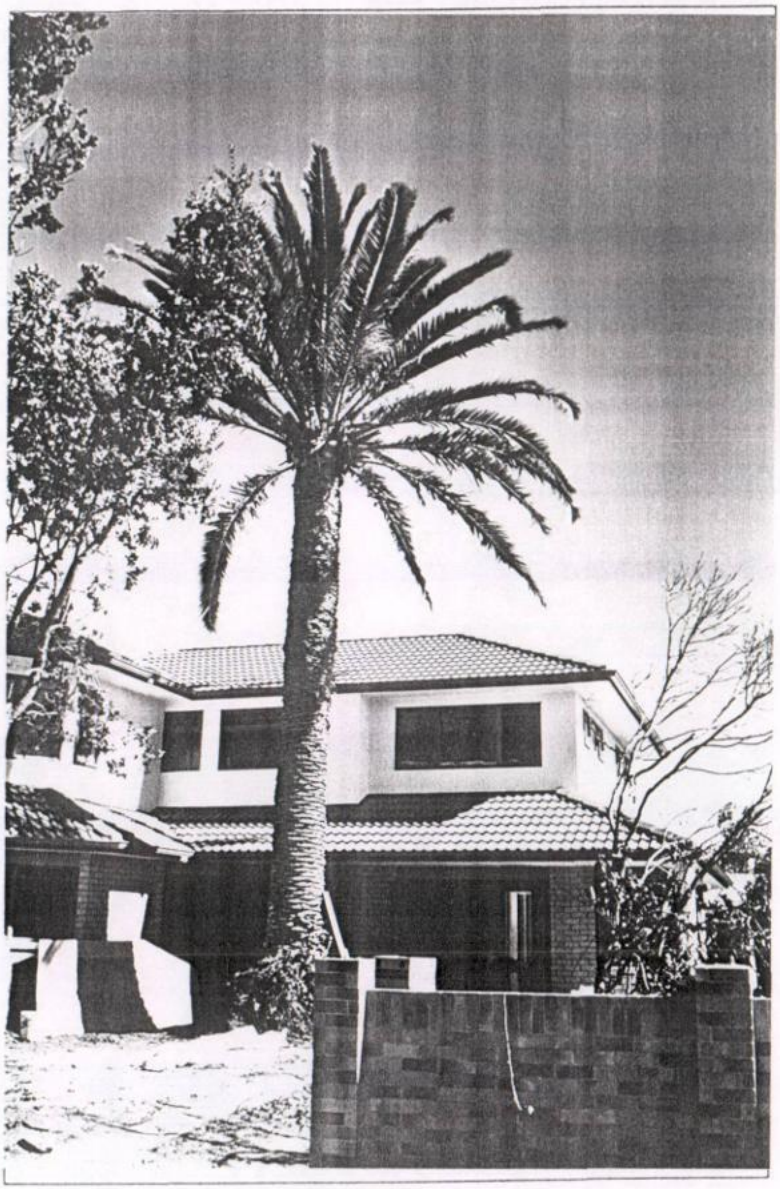
Amenity Evaluation

Points	*3*		*9*		*15*		*21*		*27*		*Score*
Stature (m)	3 to 8		9 to 14	✓	15 to 20		21 to 26		27+		9
Visibility (km)	0.5		1.0	✓	2.0		4.0		8.0		9
[redacted]ximity	Forest		Parkland		Group 10+		Group 3+	✓	Solitary		21
[redacted]ole	Minor		Moderate	✓	Important		Significant		Major		9
Climate	Minor		Moderate	✓	Important		Significant		Major		9
Subtotal Points											57

Notable Evaluation

Recognition Points	*Local 3*		*District 9*		*Regional 15*		*National 21*		*International 27*		*Score*
Stature											
• Feature											
• Form											
Historic											
• Age 100+											
• Association											
• Commemoration											
• Remnant											
• [redacted]Relict											
Scientific											
• Source											
• Rarity											
• Endangered											
Subtotal Points											
Total Points											108

STEM 6/2/17



Location/Address: 2 Barry Avenue

Botanical Name: Phoenix canariensis

Common Name: Canary Island Palm

Height (ht) m: 14 m

Volume (m^3) = ht x $\pi d^2/2$:

Canopy Diameter (d) m: 6m

Circumference = πd:

Stem Diameter @ 1.4m: 500mm

Protected Status: Covenanted

Comments: Pruned up in August 1999. An arborist was not contracted.

6/2/18

11.1.19

MEMORANDUM

TO: Alistair Sharp, Planner

SUBJECT: **RESOURCE CONSENT TREE REMOVAL, 2 BARRY AVENUE, PHOENIX CANARLENSIS, CANARY ISLAND DATE PALM**

DATE: 13 November 2001

The application to uplift the consent notice on the above palm is not supported for the following reasons:

1. The consent notice was on the property title documents when the applicant transacted the purchase. The applicant was therefore fully aware of the consent notice on the palm and the conditions for the land owner as far as health and maintenance of the tree.

2. The same potential problems relating to leaf frond and seeds dropping would have been apparent when the applicant went to look at the property prior to purchase.

3. The close proximity of the palm to the house structure is obvious and apparent.

4. The form of the palm dominates the skyline at the end of Beach Street and together with the Pohutukawa and English oak (which has suddenly died), softens the effect of the double-storey house on the single-storey streetscape.

5. The palm is in good condition and health at present with a full canopy of palm fronds and fruit.

6. The function and usefulness of the tree in terms of its physical and conservation characteristics is conventional within the urban ecosystem by the recycling of nutrients in the soil, providing refuge and shelter for birds and acting as a pollution filter for fumes, dust and noise.

7. The age of the tree is estimated to be up to 40 years old.

8. The 14 m high tree makes it easily visible from the surrounding neighbourhood.

6/2/19

9. This used to be part of a group of three trees but since the sudden death of the English oak, it has now become more prominent in its location.

10. The palm displays a positive role by contributing to the amenity of the setting. It has an association with the area as it was part of the streetscape prior to the subdivision on the original homestead. It enhances the appearance of the property by lending to the serenity of the area.

11. Its broad spreading canopy ameliorates the climate through the provision of shade which cools the air.

In view of the aforegoing the application is not supported.

Rod Fraser
PARKS OFFICER

6/2/20

Whakatane District Council

Our ref 24.3.96.100

6 August 1996

Mr Ross J Overington
P O Box 596
WHAKATANE

Dear Sir

RESOURCE CONSENT (SUBDIVISION) -
MR M D CHOUDHAREY

On 31 July 1996, the Hearings Committee considered the above subdivision and resolved as follows:

"1. ***THAT*** *pursuant to Sections 34(4) and 105 and after consideration of Part II Matters and Sections 104 and 108 of the Resource Management Act 1991, the Whakatane District Council grants consent to the land use consent application by M D Choudharey, being a discretionary activity to reduce the front yard requirement along the Barry Avenue frontage of Lot 1 DP 35113 from 6 m to 4 m. Consent is subject to the following conditions:*

(i) *That the development of Lot 1 DP 35113 be undertaken in accordance with plans submitted with this application (reference S 1372/1A, dated 18 July 1996) and the conditions of any subsequent subdivision consent.*

(ii) *That a continuous screen fence, or landscaping, to a height of 1.8 m be erected or established along the Barry Avenue frontage of proposed Lots 2, 3 and 4 (excluding accessways) within twelve months of the date of this consent.*

(iii) *That accessways to the site be located in accordance with Plan S 1372/1A, dated 18 July 1996.*

Reasons

1. *It is not considered that any consents are required because of the layout of the proposed dwellings and their relationship to the adjoining sites.*

6/2/21

2. *The reduction in the yard is to facilitate the retention of the mature trees on the site which will help to maintain the amenity of the area and mitigate the effects of the increase in density resulting from the development of the site.*

3. *A screen fence or landscaping along the Barry Avenue frontage is required to mitigate the effects of the proposed buildings encroaching on the front yard.*

2. *THAT pursuant to Sections 34(4) and 105 and after consideration of Part II Matters and Sections 104, 108 and 220 of the Resource Management Act 1991, the Whakatane District Council grants consent to the subdivision consent application by M D Choudharey, being a non-complying activity, for the proposed subdivision of Lot 1 DP 35113 as shown on Plans S 1372/1 dated May 1996 and S 1372/1A dated 18 July 1996. Consent is subject to the following conditions:*

(i) *That a reserves contribution of $9 000 (inclusive of GST) or an amount determined at 4.5% (plus GST) of the land value of the five new allotments created, as assessed by a registered land valuer, be paid to Council. This amount to be reduced by $500 (inclusive of GST) for each of the trees protected by a consent notice registered against the Certificate of Title for the lot on which the tree is located, in accordance with the conditions of this consent.*

(ii) *That the right-of-way serving Lots 4 and 5 shall be formed and constructed in accordance with Council's Code of Subdivisional Standards to the satisfaction of the Executive Officer - Works and Services.*

(iii) *That Lot 7, shown as road, shall vest in the Whakatane District Council.*

(iv) *That engineering plans, specifications and calculations providing for the disposal and control of stormwater from the site shall be submitted for approval prior to any works being carried out on the site.*

The design shall take into consideration the provision of both primary and secondary disposal and control systems.

***Primary** - The primary system shall be required to provide an on-site containment or disposal system designed to cater for rainfall of a 10 % probability of occurring annually.*

***Secondary** - The secondary system shall be required to provide the disposal of rainfall of less than a 10 % of probability of*

6/2/22

occurring annually in a manner that does not cause nuisance to property or buildings both on and off the site.

(v) *That finished building platform levels on all lots shall be not less than 102.035 above Moturiki Datum. Any fill placed on the site to meet this condition shall be placed under the supervision of a suitably qualified person and certified as being suitable for any subsequent building development provided for as a permitted activity in the District Plan by a Registered Engineer.*

(vi) *That all lots shall be provided with independent underground sewer and metered water and electricity supply in accordance with Council's Code of Subdivisional Standards.*

(vii) *That a consent notice be registered against the Certificate of Title for Lots 2, 3 and 4 requiring that:*

(a) *The following trees and their natural root systems be protected from damage that would be likely to kill or irreparably damage the tree(s) or otherwise adversely affect the shape or form of the tree for the natural lifespan of the tree(s).*

Lot 2	*Phoenix Palm (1)*
	Pohutukawa (2)
	Oak (3)
Lot 3	*Liquid Amber (4)*
Lot 4	*European Beech (5)*

(b) *The owner of the property shall ensure that the tree(s) are maintained in accordance with good arboricultural practice. All maintenance work shall be carried out by a suitably qualified person at the owner's expense.*

(c) *The consent notice shall be prepared by Council's solicitors at the cost of the applicant.*

(viii) *That engineering plans for all engineering works required to satisfy these conditions shall be submitted to Council for approval prior to any work being carried out on site. The plans shall be in the form specified in Council's Code of Subdivisional Standards.*

(ix) *That as-built plans of all new and extended services shall be provided to Council for approval. The plans shall be in the form specified in Council's Code of Subdivisional Standards and shall be certified as being an accurate record of the location of the services, as constructed, by a registered surveyor or a registered engineer.*

6/2/23

(x) *That an engineering fee of 1 % of the cost of engineering works required to satisfy these conditions or $50 (inclusive of GST) whichever is the greater, shall be paid to Council for receiving, processing and approving engineering plans required by these conditions.*

(xi) *That all easements required to protect right-of-ways or services within the subdivision shall be duly granted or reserved.*

(xii) *That a footpath contribution be paid to Council to form a footpath along the entire McGarvey Road frontage of the site. The applicant is to pay 50% of an agreed value to complete the footpath.*

(xiii) *That all legal documents required to satisfy the conditions of this consent shall be prepared by the Council's solicitor at the applicant's expense.*

(xiv) *That an additional administrative charge of $1 020.83 (inclusive of GST) be paid to Council in relation to the receiving, processing and granting of this Resource Consent.*

3. ***THAT** pursuant to Section 223 of the Resource Management Act 1991, the Executive Officer - Environmental Services be authorised to approve the Survey Plan in respect of the above subdivision once the Survey Plan is submitted and is in accordance with the approved subdivision consent.*

4. ***THAT** pursuant to Section 224 of the Resource Management Act 1991, the General Manager be authorised to sign a certificate in respect of the above subdivision, stating that all conditions of subdivision consent have been complied with to his satisfaction.*

Reasons

1. *The proposed subdivision is a non-complying activity in the Residential zone of the Whakatane Transitional District Plan. Council is satisfied that any adverse environmental effects that may actually or could potentially occur as a result of this subdivision are likely to be minor or are avoided, remedied or mitigated by the conditions of this resource consent.*

2. *Council is satisfied that the proposal is in accordance with Part II of the Resource Management Act 1991, particularly as it relates to the sustainable management of the land and maintaining and enhancing the amenity value of the surrounding area.*

3. *Council is satisfied that the objectives, policies and rules of the District Plan as they relate to multi-unit developments on a single site are not compromised by the proposed subdivision of the site into separate freehold titles.*

6/2/24

4. *Council considers that the increase in intensity of development resulting from this subdivision is likely to increase the demand for reserves and community facilities in the District and the requirement to contribute to these services is justified. The reserves contribution was assessed as follows:*

Land value of additional lots (as advised by applicant including GST) $40,000 x 5	*$200 000*
Reserves Contribution at 4.5% of land value (GST included)	*9 000*
Total	*$9 000*

Consideration is given to the ongoing protection of the trees identified in condition 7.

5. *Council is satisfied that the right-of-way serving Lots 4 and 5 is of sufficient width to provide vehicle and pedestrian access to the lots.*

6. *The proposed subdivision is in an area that is subject to inundation during extreme storm events and it is considered that appropriate measures should be taken to avoid any increased adverse effect of flooding as a result of the development of the site. Subject to compliance with conditions 4 and 5, Council is satisfied that the proposed subdivision will not contribute to a nuisance or a significant adverse effect outside the new lots created.*

7. *The existing site level is less than that permitted for a minimum building platform in the district. It is appropriate that the buildingplatform be raised to avoid inundation during extreme storm events."*

In accordance with Section 357 of the Resource Management Act 1991, you have the right to submit to Council an objection to any of the above conditions of approval. If you are in any way not satisfied with the decision of Council on this application you have the right to appeal to the Planning Tribunal. Any appeal is required to be lodged with the Planning Tribunal within fifteen working days of receiving this decision.

If you have any further enquiries, please contact Stuart Bracey (Senior Planner) at this office.

Yours faithfully

Diane Turner
EXECUTIVE OFFICER -
ENVIRONMENTAL SERVICES
96\2\L\EES0108A

LOCATION OF PACM

LOT 1
463m²

LOT 3
411 m²

LOT 2
473m²

LOT
18m²
TO VEST
IN THE
DISTRICT

B1 SEWAGE

(1) PHOENIX PALM

(2) POHUTUKAWA

6 (3) OAK

(1) PHOENIX PALM

EASEMENT (6·86) 315° 25' 10" 4·86 BDY (3·50) 274° 03' 2·00 75° 3·61 (27·68) 180° 1 8·00 89° 47' 30" 20·61 1·75 1·75 1·76 1·76 23·00 270° 25' 10" 65·38 1·50 25' 180° 18·97 20·47 BDY LOT 2 18·42 BDY LOT 6 (37·19) 16·92 10° 10 90° 25' 10" 24·00 19·42 (46·43) 10" 25' 180° 14·47 6·00 225° 25' 8·49 6·00 BARRY AVE

WAY & SERVICE EASEMENT 7° 4' 10" 7° 41' 10" 19·12 19·01 BDY 187° 41' 10" 18·90 B

MCGARVEY ROAD.

Whakatane District Council

24.2.96.100

Your ref: Our ref:

IN THE MATTER of the
Resource Management Act 1991

AND

IN THE MATTER of an application to
vary a consent notice:

N Sharma
2 Barry Avenue, Whakatane

Dear Sir/Madam

In accordance with the provisions of the Resource Management Act 1991, you are hereby advised that the Hearings Committee of the Whakatane District Council, acting under delegated authority from the Council at its meeting held on Wednesday, 21 November 2001, resolved to grant consent to vary a consent notice to the abovementioned application.

Council's decision in this matter and the reasons therefor are as set out on the attached sheet.

No persons and bodies, other than Whakatane District Council staff, appeared or were represented at the hearing of this application:

DATED AT WHAKATANE THIS 27TH DAY OF NOVEMBER 2001

David Bowley
DISTRICT PLANNER

01\3\G\DCB2611A

Address all letters to: The Chief Executive Whakatane District Council Private Bag 1002 Whakatane 3080 New Zealand
Telephone +64 7 307 9800 Facsimile +64 7 307 0718

DECISION—24.3.96.100

That pursuant to Section 221(3) Resource Management Act 1991, the Whakatane District Council grants consent to vary condition 1(a) of the consent notice on Lot 2 DPS 74877 to allow the:

1. Removal of the oak marked (3) and the phoenix palm marked (4) on the attached plan, subject to the following:

    - That two replacement trees, of a minimum PB 240 size, be planted either on Lot 2 DPS 74877 or in the vicinity of the property, after consultation with and approval of the Manager Parks and Recreation. The Manager Parks and Recreation is to give his prior approval to the type and location of the replacement trees.

2. Relocation of the phoenix palm marked (1) on the attached plan, subject to the following;

    - The palm is relocated within Whakatane township; and
    - The relocation of the palm occurs in full consultation with the Manager Parks and Recreation, Whakatane District Council; and
    - That one further replacement tree, of a minimum PB 240 size, be planted either on Lot 2 DPs 74877 or in the vicinity of the property, after consultation with and approval of the Manager Parks and Recreation. The Manager Parks and Recreation is to give prior approval to the type and location of the replacement tree.

    The Council will not meet any of the costs in the removal or relocation of these trees.

Reasons

1. The Council had regard to the special circumstances surrounding the protection of the trees. It was noted at the time of subdivision that a number of trees were protected because of their contribution to the amenity of the area. A credit of $500 was given for each protected tree, and dispensation was also given to allow houses to be built closer than six metres from the front boundary of the property.

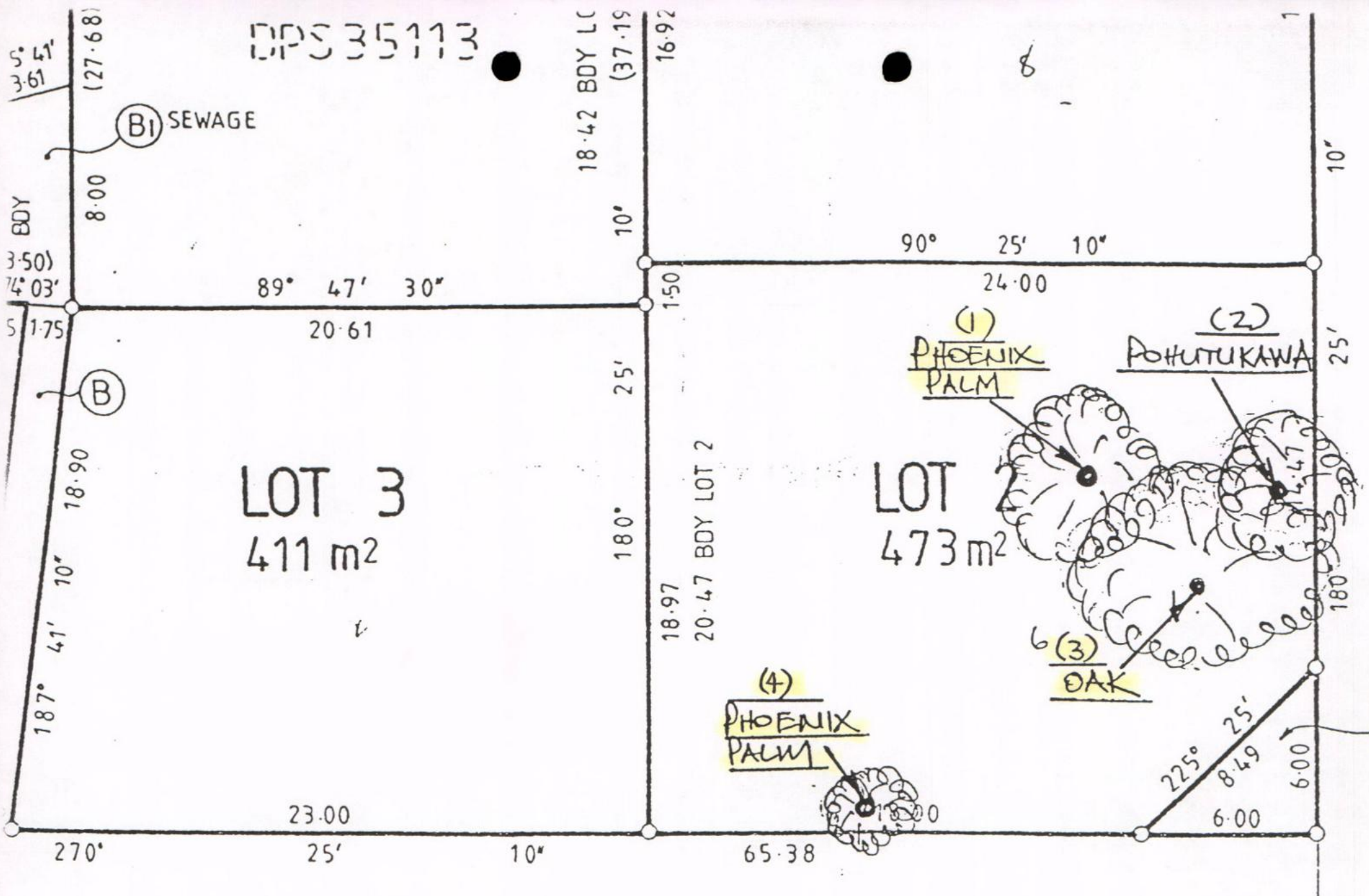
2. While noting these matters, the Council considered that the house on Lot 2 was located too close to the phoenix palm, and that the on-going management of the tree was difficult because of its close proximity to the house. However, the tree contributes significantly to the amenity of the area. This is particularly so with the deaths of the smaller phoenix palm adjacent to the Barry Avenue frontage, and the oak.

3. The Council is agreeable to the large phoenix palm being relocated within Whakatane township, so that the town does not lose a significant tree specimen. This will provide the owner with an opportunity to sell or otherwise dispose of the tree, and to be relieved of any maintenance obligations in respect of this tree.

4. To replace the level of amenity that will be lost by the removal of the three trees on-site, the Council considers it appropriate for the owner to provide replacement trees on-site or off-site but close to the property.

G B Gray
CHAIRPERSON
HEARINGS COMMITTEE

Dated at Whakatane this 27th day of November 2001



PLAN SHOWING LOCATION OF TREES SUBJECT TO PROTECTION

Whakatane District Council

COMMERCE STREET, PRIVATE BAG 1002, WHAKATANE
PHONE (07) 307-9800, FAX (07) 307-0718

TAX INVOICE

CUSTOMER

W SHARMA
2 BARRY AVE
WHAKATANE
3080

TAX INVOICE

PAGE 1

INVOICE No.	I 22314
DATE	28Nov01
DEBTOR No.	74127/6035
G.S.T. REG. No.	16-940-356
CLIENT REF.	

DETAILS	AMOUNT
PLANNING	575.56
DEPOSIT PAID	120.00CR
24.3.96.100 - ADDITIONAL FEES (CHARGES) CHANGE OF CONSENT NOTICE (VARIATION)	

WHAKATANE DISTRICT
all together better

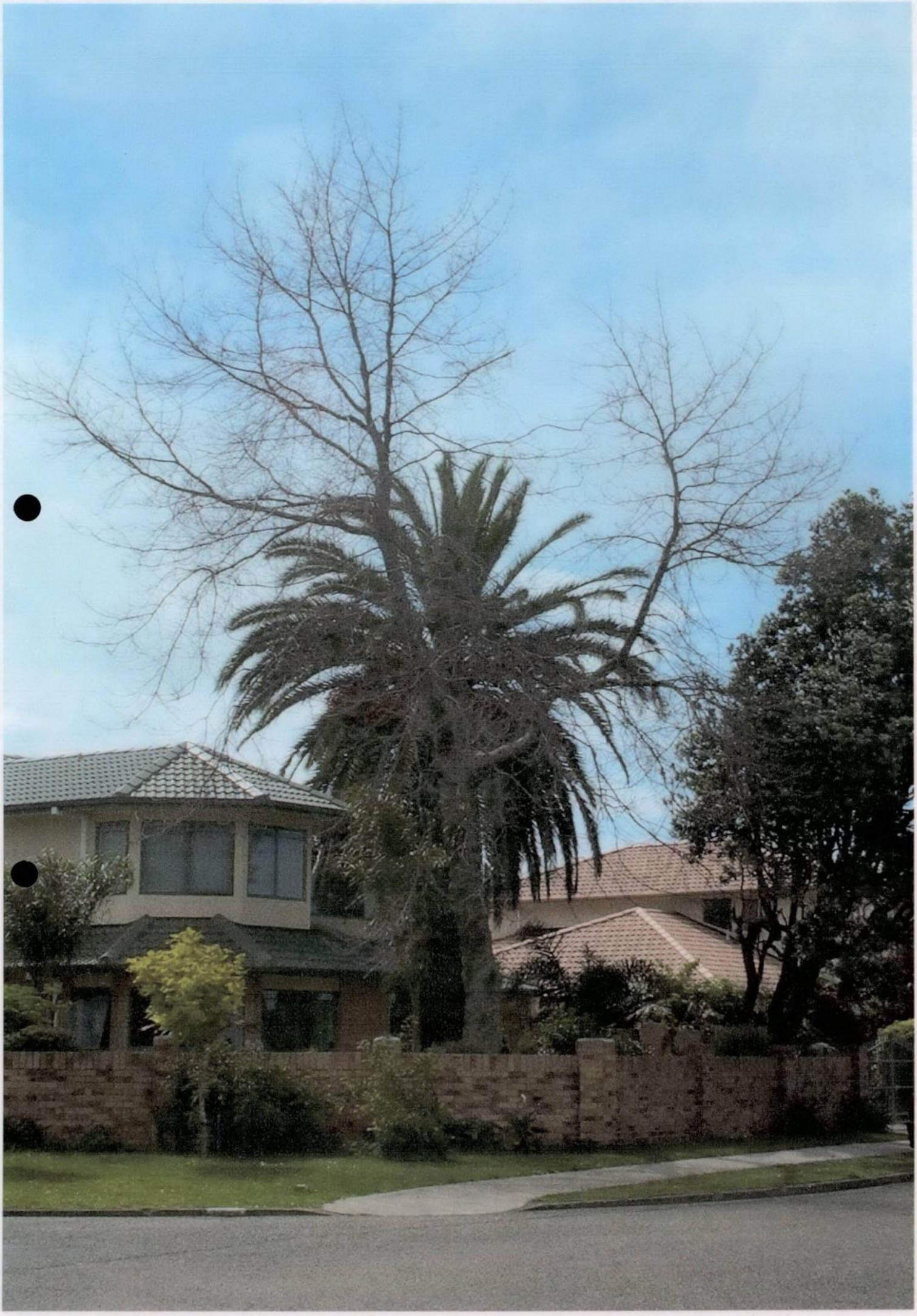
BAYS PRINT MANAGEMENT LTD

SUB TOTAL	455.56
G.S.T	56.94
TOTAL	512.50

Detach this portion and return with your payment to the address below.

Whakatane District Council
COMMERCE STREET
PRIVATE BAG 1002
WHAKATANE

INVOICE No.	I 22314
DEBTOR No.	74127/6035
NAME	SHARMA W
AMOUNT	512.50






MF Garvey rd






Barry Ave

Whakatane District Council

Your ref: Our ref: 24.3.96.100

13 November 2001

N Sharma
2 Barry Avenue
WHAKATANE

Dear Sir/Madam

RESOURCE CONSENT : AMENDMENT TO CONSENT NOTICE
N SHARMA, 2 BARRY AVENUE, WHAKATANE

Further to previous correspondence, please find attached the report by the Planner for the above resource consent which will be heard on Wednesday 21 November 2001 at 9.00am in the Council Chambers, Civic Centre, Whakatane District Council, Commerce Street, Whakatane.

Yours faithfully

Rozanna Lillas
PLANNING ASSISTANT

\\WDC_FS\DATA\DATA\WORDPROC\01\9\L\rml1311a

Address all letters to: The Chief Executive Whakatane District Council Private Bag 1002 Whakatane 3080 New Zealand
Telephone +64 7 307 9800 Facsimile +64 7 307 0718

24.3.96.100

Report to: **HEARINGS COMMITTEE**
WEDNESDAY, 21 NOVEMBER 2001

From: **ALISTAIR SHARP, PLANNER**

Subject: **APPLICATION FOR CONSENT TO VARY A CONSENT NOTICE, 2 BARRY AVENUE, WHAKATANE**

1.0 APPLICATION DETAIL

1.1	**Applicant's Name:**	Neelam Sharma
1.2	**Address/Location:**	1 Barry Avenue, Whakatane
1.3	**Legal Description:**	Lot 2 DPS 74877
1.4	**Zoning:**	Residential A - Transitional Whakatane District Plan

2.0 PROPOSAL

The applicant has applied to Council to remove the protection over a Phoenix Palm located on her property (McGarvey Road side). The protection is required by a consent notice that is registered on the title of her property, pursuant to Section 221 of the Resource Management Act 1991. If approval is granted, the applicant wishes to remove the palm.

3.0 BACKGROUND

On 31 July 1996, Council approved a subdivision application lodged by M D Choudharey for consent to subdivide a large piece of land on the corner of McGarvey Road and Barry Avenue into six lots for residential use.

At the time the application was lodged with Council, the applicant signalled his intent to protect a number of mature trees on the site. The protection of these trees was taken into account when assessing the effects of the subdivision (which was a non-complying activity) and the applicant was given a $500 reduction in reserve contribution for each tree protected.

A land use consent was also granted at the time of subdivision approval, to allow a reduction of the front yard requirement for all lots fronting Barry Avenue from 6 metres to 4 metres. The main reason for approving the land use application was to facilitate the protection of trees on the site including the Phoenix Palm located on Lot 2 (McGarvey Road side of the property) the subject of this application.

In October 1997, a Section 127 (Change in Consent Condition) was considered and approved by Council. The change of consent condition required that a consent notice be registered against the property title of Lot 3 requiring the on going protection of a Liquid Amber tree.

Unfortunately the liquid amber was so severally pruned that its public amenity value was severely reduced. In approving the change in consent condition, the Hearings Committee required that an additional Phoenix palm located at the time of Lot 3, needed to be relocated to Lot 2 within the front yard adjoining Barry Avenue.

While the relocation of this Phoenix palm was initially successful, it appears that the tree has now died.

The consent notice on the title states:

> *"The owner of the land shall on a continuing basis:*
>
> *1.(a) Ensure that the following trees, (identified on sketch Plan entitled "Location of Trees Subject to Protection covenants on Lots 2 and 4 DPS.74877" (a copy which is annexed hereto), and their natural root systems be protected from damage that would be likely to kill or irreparably damage the tree(s) or otherwise adversely affect the shape or form of the tree for the natural life span of the tree(s).*
>
> | | |
> |---|---|
> | *Lot 2* | *Phoenix Palm (2 (two trees)*
Pohutukawa (2 (one tree)
Oak (3 (one tree) |
>
> *(b) Ensure that the tree(s) are maintained in accordance with good arboricultural practice. All maintenance work shall be carried out by a suitably qualified person at the owner's expense.*
>
> *(c) Permit Council officers or contractors entry upon the land at reasonable times so as to ascertain compliance with these conditions."*

Since the subdivision was completed, the Oak tree on Lot 2 has failed to reach its natural life expectancy and has unexpectedly died.

4.0 STATUTORY CONSIDERATIONS

Under the provisions of Section 221(3) Resource Management Act 1991;

> *"any condition specified in a consent notice may be varied or cancelled by agreement between the owner for the time being, and the territorial authority".*

5.0 CONSIDERATION OF APPLICATION

In considering whether to agree to vary a condition of the consent notice, the reasons for requiring the consent notice, at the time of the subdivision, need to be understood.

At the time the consent was approved by the Council Hearings Committee, the Planner's report noted the two contributing factors towards protection of the trees:

"(a) *Amenity*

It is considered that the comprehensive design of the development and the retention of a number of mature trees on the site will help to preserve the amenity of the area after it has been developed. Conditions of consent requiring the ongoing protection of the trees will ensure that the amenity is not compromised over time.

(b) ***Financial contribution***

The subdivision creates five additional residential sections. It is therefore appropriate to require a cash reserve contribution. The applicant proposes to protect by way of consent notice, five large trees situated within the site. The trees contribute significantly to the amenity values of the locality. it is recommended that the value of protecting the trees be recognised by reducing the cash reserve contribution by $500 per tree protected"

(report to the Hearings Committee by Stuart Bracey Senior Planner, 31 July 1996).

Council required the protection of the trees to mitigate the effects of the subdivision on the amenity of the area. The applicant was agreeable to this, and received a $500 reduction in reserve contribution for each tree protected. The subdivision has been completed, and the lots have subsequently been sold.

Council uses the Standard Tree Evaluation Method (STEM) for determining the value of a tree for protection. At time of development, any significant tree is subjected to a STEM report, trees scoring over 108 points are considered to be significant.

Council undertook a STEM analysis of the palm in 1999 scoring a total of 108 points. As part of the processing of this application Council's parks staff have re-evaluated the palm using the STEM assessment criteria. The palm not only retained a high STEM score (114) but exceeded the score gained when assessed in 1999 by an additional six points.

This would also suggest that the palm is not only in good health but is thriving in its present location.

Upon receipt of this application to remove the protection afforded to the palm by the consent notice on the title, Parks staff submitted comments regarding the palm, they note:

"With reference to the STEM evaluation criteria, the form of the tree is good and shows good vigour and vitality with a full canopy of palm fronds

The form of the palm dominates the skyline at the end of Beach Street/Barry Avenue intersection and together with the protected Pohutukawa and English Oak (which has suddenly died) helping to soften the effect of the dwelling (double storey brick) located on Lot 2 and the surrounding predominate single storey streetscape.

The 14 metre height of the palm makes it easily visible from the surrounding neighbourhood and has become more prominent since the death of the English Oak presently located beside the palm.

The palm displays a positive role by contributing to the amenity of the setting. It has an association with the area (40 years old) as it was part of the streetscape prior to the subdivision on the original homestead."

The applicant has stated three reasons why the palm needs to be removed.

These are:

(a) The palm is constantly dropping fruit which creates a mess on the ground and blocks the spouting and down pipes of her dwelling.

(b) The fruit provides food for birds which in turn then defecate onto the dwelling, outdoor furniture and vehicles parked on the site.

(c) Fronds from the palm over time die and fall which may injure the owners or visitors to the site and pets or cause damage to the dwelling.

Council's Park Staff have reviewed these reasons and indicated that appropriate management of the palm including the removal of the seed heads in the spring prior to the fruit ripening should reduce problems associated with the fruit being eaten by birds and the fruit falling and blocking the drain pipes and spouting.

In addition, old or dying fronds could be pruned to reduce the potential for damage or injury caused by these fronds falling. This maintenance work could be carried out at the same time as the removal of the seed heads.

In summary, staff do not believe that the protection of the palm should be removed, the palm significantly contributes to the amenity of the area, the tree is in good health as noted by the STEM assessment score. Some on-going maintenance including the removal of the seed heads and dead or dying fronds by an appropriately qualified person should reduce any on site effects the owner is currently experiencing.

As such it is considered that the palm still provides substantial amenity to the surrounding area, the purpose for which it was originally protected. This is especially so now that the Oak tree located adjacent to and on the same site, has died and needs to be removed. There appears to be no reason why the protection of the tree should be removed.

Staff do not support the amendment to the consent notice applied for, being the removal of the protection of the Phoenix palm at 2 Barry Avenue, Whakatane and the subsequent approval to remove the palm.

However, an amendment to the consent notice is required because two of the protected trees noted in the notice (the Phoenix palm previously relocated from Lot 3 to a position adjacent to the Barry Avenue boundary of the site and the English Oak located adjacent to the McGarvey Road boundary of the site) have now died.

SUGGESTED RECOMMENDATION:

1. **THAT** pursuant to Section 221(3) Resource Management Act 1991, the Whakatane District Council declines to vary condition No 1(a) of the consent notice on Lot 2 DPS 74877 as it relates to the protection of the Phoenix palm located adjacent to the McGarvey Road boundary of the site.

2. **THAT** pursuant to Section 221(3) Resource Management Act 1991, the Whakatane District Council grants approval to vary condition 1.(a) of the consent notice on Lot 2 DPS 74877 as two of the trees noted in the notice have died (the Phoenix palm previously relocated from Lot 3 to a position adjacent to the Barry Avenue boundary of the site and the English Oak located adjacent to the McGarvey Road boundary of the site).

3. **THAT** the additional administrative charge of $_____ (inclusive of GST), be paid to the Council in relation to the receiving, processing and granting of this resource consent.

Alistair Sharp
PLANNER

David Bewley
DISTRICT PLANNER

9 November 2001

Property ID ____ / ____ / ____

APPLICATION FOR RESOURCE CONSENT
Removal of Tree(s)

To: The General Manager, Whakatane District Council, Private Bag 1002, WHAKATANE 3080 - (Attention: District Planner)

APPLICATION DETAILS

I, *(full name of applicant)* NEELAM SHARMA hereby apply for a land use consent.

No additional resource consents are required.

Description of activity - To remove the following trees: THE PHOENIX PALM.

SITE DESCRIPTION

Street address/location of site: 02 BARRY AVENUE WHAKATANE

Legal description: _____ Zoning: _____

OWNERSHIP/OCCUPANCY

I am the OWNER of the property. *(Owner, Occupier, Lessee, Prospective Purchaser, etc.)*

Name of owner: NEELAM SHARMA

Address: 02 BARRY AVE WHAKATANE

POTENTIALLY AFFECTED PARTIES

Have you obtained the written approval of any potentially affected neighbours? Yes (consent attached)/No *(circle one)*

The Council may ask you to seek the written approval of any neighbour who may be adversely affected by the tree removal.

ADDRESS FOR SERVICE/CORRESPONDENCE

Name of agent *(if any)*: _____

Phone: *(Business)* _____ *(Fax)* _____ *(Home)* _____

ADDRESS FOR SERVICE: _____

I acknowledge hereunder that no work will be carried out on the tree without written consent.

Signature of applicant/agent: N. Sharma

Dated at 31/10/02 this _____ day of _____ ____

#33676

Received
Whakatane District Council
26 OCT 2001
By

Neelam Shamus
02 Bally Avenue
Whakatane
3071064

24 October 2001

Alistal Sharp
planner
Whakatane District Council

Dear Sir.

Application to Amend Consel Notice
02 Bally Avenue Whakatane

In reply to your letter on October 2001 Concerning the above

(1) I will engage an arbolist to remove the dead English oak tree located in the yard adjoining my McGurvey Road boundary.

(2) I wish to remove the large phoenix palm located in my yard for the following reasons:

(a) The palm is constantly dropping an abundance of fruit which blocks the guttering and the off load down pipes and also creates a mess on the ground which is then brought inside.

(b) Birds Contantly feed off the fruit and nest on the top of the palm resulting in a massive amount of birds dropping Shit etc On the front patio.
The roof the windows the out door furniture clothes on the line and on vehicles parked on the front entrance

(C) As the fonds age they fall on the roof and could fall on to persons or pets which would case damage to property and <u>in jury</u>

I trust you will deal with this matter as quickly as possible. I enclose a cheque for $135.00 as the fee deposit as required in your letter in order to lodge my application to the (Hearing Committe of Council

If you need any feuther information please contact me on the above address or phone on the above telephone number.

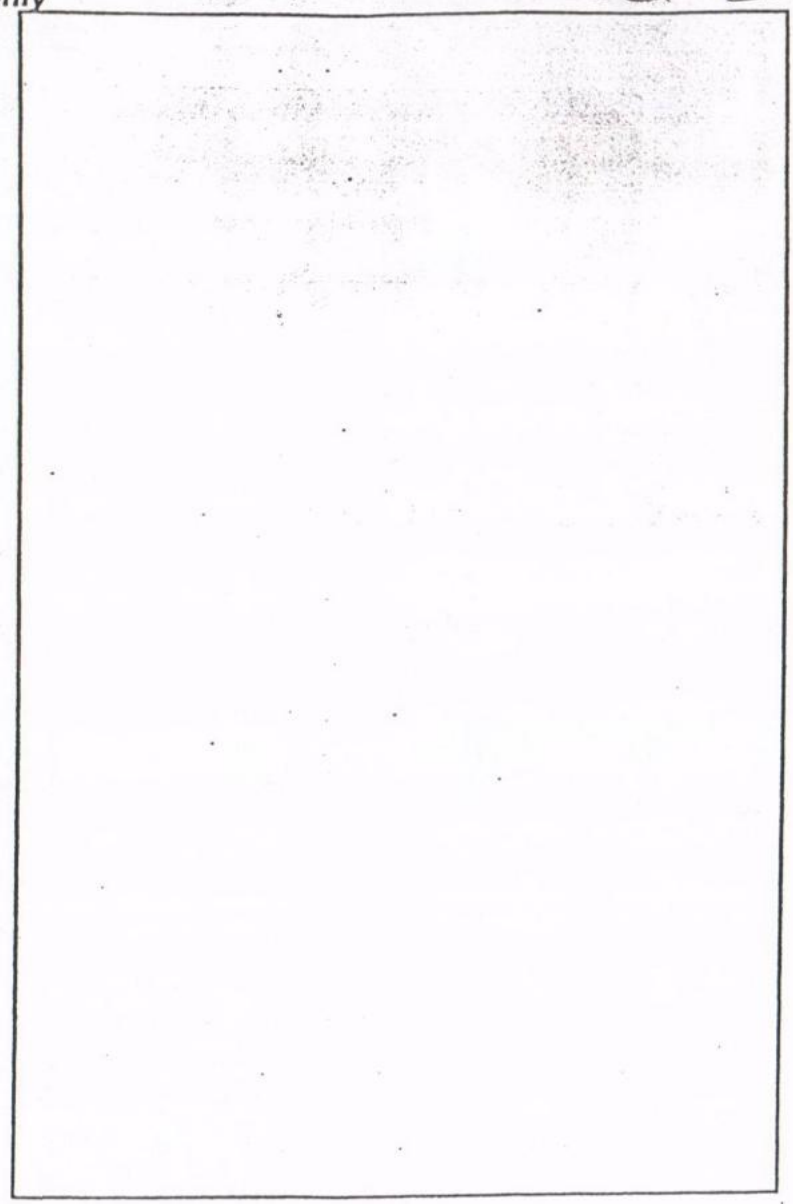
Yours faithfully

Neelam Sharma.

STEM Assessment

OCT 2001

For Office Use Only



Location/Address: 2 Barry Avenue

Botanical Name: Phoenix canariensis

Common Name: Canary Island Palm

Height (ht) m: 14m

Volume (m^3) = 1 x formula:

Canopy Diameter (d) m: 6m

Circumference = πd: 1500mm

Stem Diameter @ 1.4m: 500 mm

Protected Status: Covenanted

Comments: It is recommended that the seed heads be maintained annually during Spring. The fronds can be pruned at the same time which will remove all cause for concern. Removal of the palm is not supported.

For Office Use Only

FULL TREE EVALUATION SCORE SHEET

Condition Evaluation

Points	3		9		15		21		27		Score
Form	Poor		Moderate		Good	✓	Very Good		Specimen		15
Occurrence	Predominant		Common	✓	Infrequent		Rare		Very Rare		9
Vigour & Vitality	Poor		Some		Good	✓	Very Good		Excellent		15
Function	Minor		Useful	✓	Important		Significant		Major		9
Age (yr)	10yrs +		20yrs +	✓	40yrs +		80yrs +		100yrs +		9
Subtotal Points											57

Amenity Evaluation

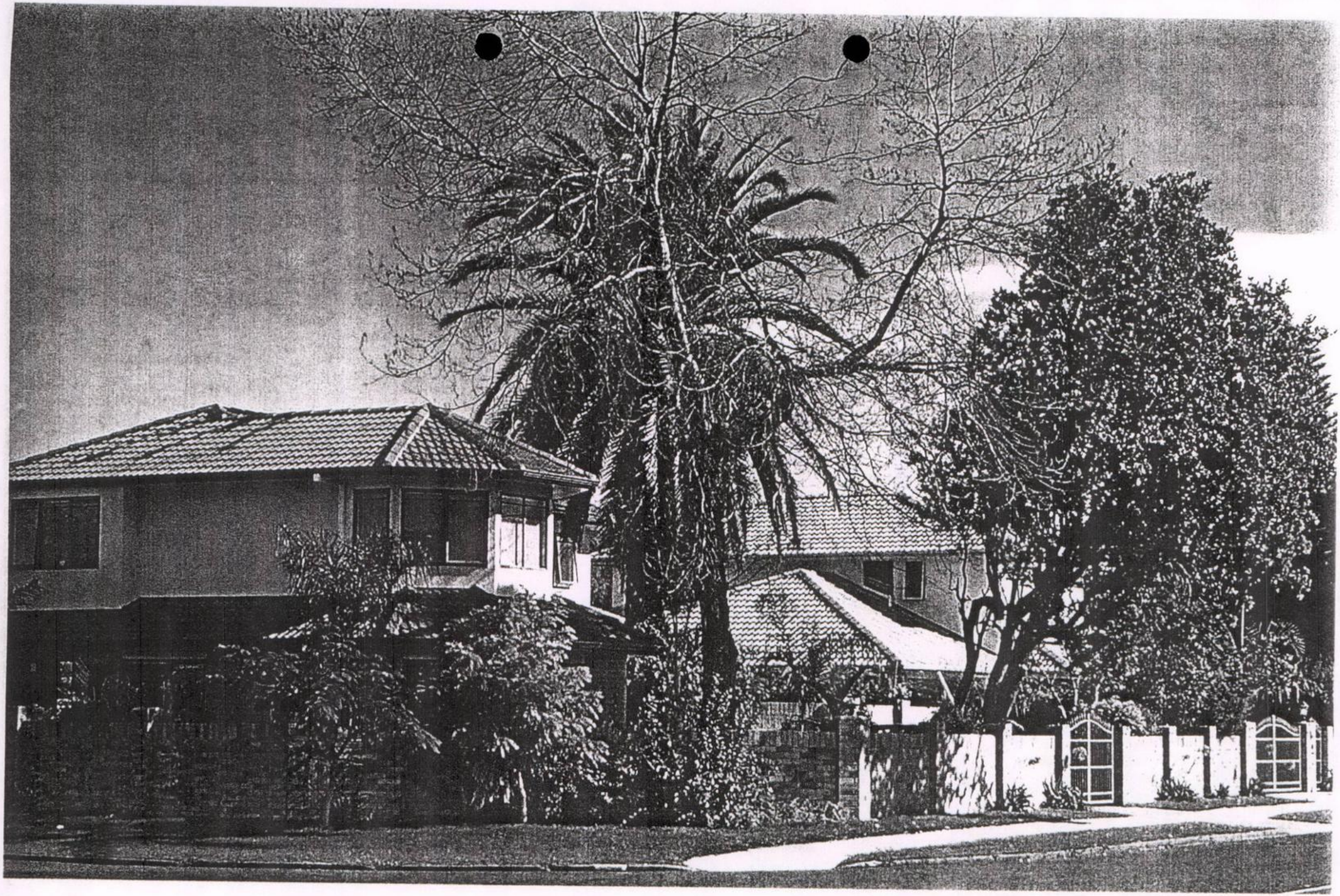
Points	3		9		15		21		27		Score
Stature (m)	3 to 8		9 to 14	✓	15 to 20		21 to 26		27+		9
Visibility (km)	0.5		1.0	✓	2.0		4.0		8.0		9
Proximity	Forest		Parkland		Group 10+		Group 3+	✓	Solitary		21
Role	Minor		Moderate	✓	Important		Significant		Major		9
Climate	Minor		Moderate	✓	Important		Significant		Major		9
Subtotal Points											57

Notable Evaluation

Recognition Points	*Local* 3		*District* 9		*Regional* 15		*National* 21		*International* 27		Score
Stature											
• Feature											
• Form											
Historic											
• Age 100+											
• Association											
• Commemoration											
• Remnant											
• Relict											
Scientific											
• Source											
• Rarity											
• Endangered											
Subtotal Points											
Total Points											114

Formula for Volume:

Hemisphere - $2/3\pi r^3$
Cylinder - $\pi r^2 ht$
Cone - $\frac{1}{3}\pi r^2 ht$



CONSENT NOTICE

(Pursuant to Section 221 of the Resource Management Act 1991)

GIVEN by: M D CHOUDHAREY

IN FAVOUR of: THE WHAKATANE DISTRICT COUNCIL

DATED 3rd day of February 1998

PROPERTY: Deposited Plan No S.74877

SUBJECT: Consent Conditions

COUNCIL REFERENCE: 24.3.96.100

HAMERTONS
SOLICITORS
(B N Carter)
Telephone NO. 07 307 0680
Fax NO. 07 307 0225
PO Box 601
DX JA31519
WHAKATANE

IN THE MATTER of the Resource Management Act 1991 ("the Act")

AND

IN THE MATTER of a subdivision of land in the South Auckland Land Registration District

CONSENT NOTICE

(Pursuant to Section 221 of the Act)

THE WHAKATANE DISTRICT COUNCIL ("the Council") being the territorial authority for the district within which the Land described in the First Schedule of this Notice is situated has, pursuant to Part X of the Act, granted its consent to the subdivision shown on Land Transfer Plan S.74877 subject to certain conditions, including the requirement in respect of the Land that the Owner (as defined in the Act) complied on a continuing basis with the conditions set out in the Second Schedule of this Notice.

FIRST SCHEDULE

("the Land")

First: 484 square metres more or less being Lot 2 on Land Transfer Plan No S.74877 and being all of the land in Certificate of Title 60B/236 (South Auckland Registry).

Secondly: 441 square metres more or less being Lot 4 on Land Transfer Plan No S.74877 and being all of the land in Certificate of Title 60B/238 (South Auckland Registry).

SECOND SCHEDULE

("the Conditions")

The Owner of the Land shall, on a continuing basis:

1. (a) Ensure that the following trees, (identified on sketch Plan entitled "Location of Trees Subject to Protection covenants on Lots 2 and 4 DPS.74877" (a copy which is annexed hereto), and their natural root-systems be protected from damage that would be likely to kill or irreparably damage the tree(s) or otherwise adversely affect the shape or form of the tree for the natural life-span of the tree(s):

Lot 2 - Phoenix Palm (2)
- Pohutukawa (2)
- Oak (3)

Lot 4 - European Beech (5)
- Phoenix Palm (1)

(b) Ensure that the tree(s) are maintained in accordance with good arboricultural practice. All maintenance work shall be carried out by a suitably qualified person at the owner's expense.

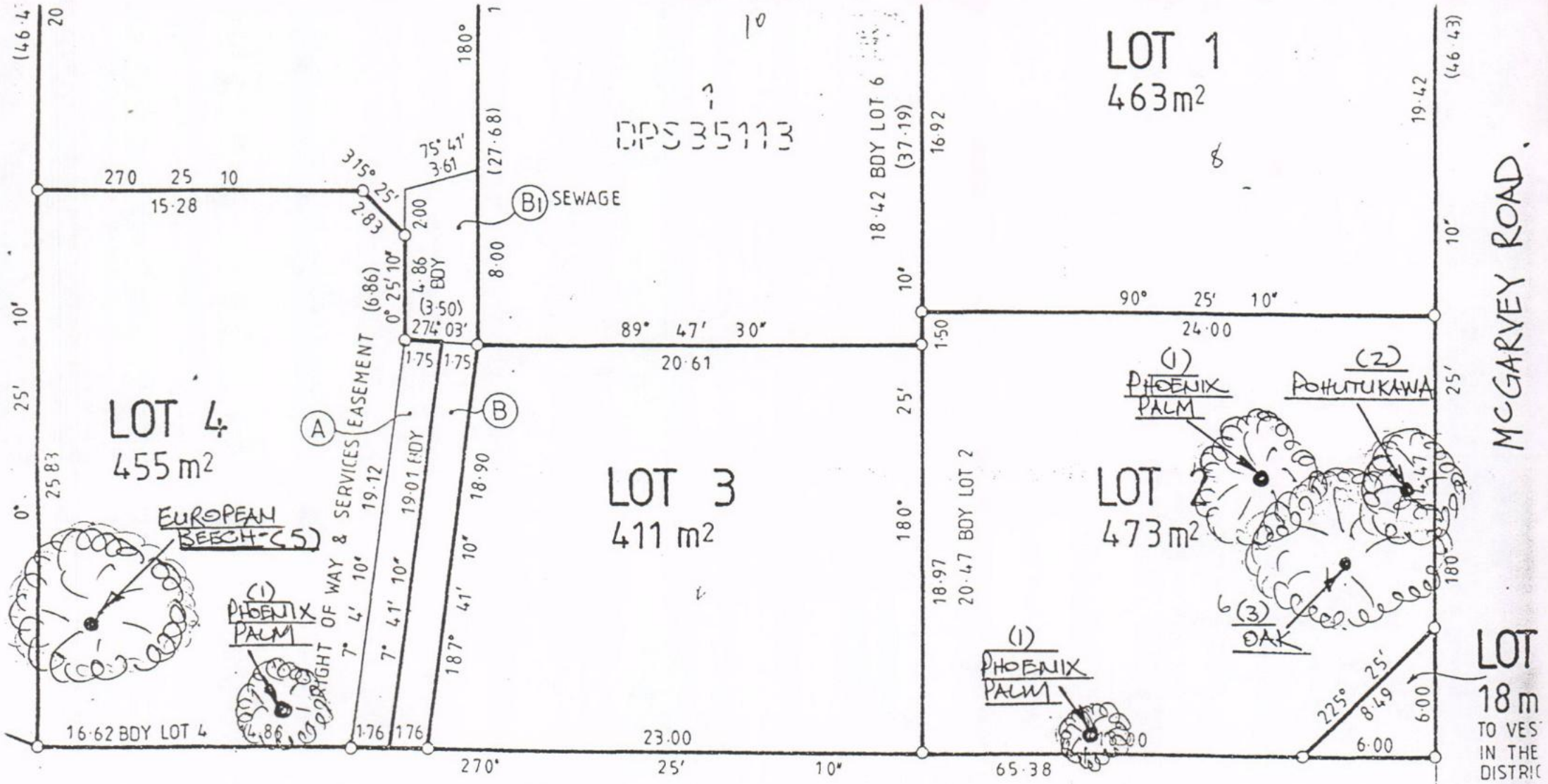
(c) Permit Council officers or contractors entry upon the land at reasonable times so as to ascertain compliance with these conditions.

2. Pay the Council's legal costs and disbursements directly or indirectly attributable to the preparation execution registration and enforcement of this Notice and the Council's conditions set out in this Notice and any variation or cancellation of such conditions.

DATED at Whakatane this 3rd day of February 1998

AUTHENTICATED by the Council by)
the Principal Administration Officer of)
the Council pursuant to Section 252 of)
the Local Government Act 1974)

.....
(General Manager)



PLAN SHOWING LOCATION OF TREES SUBJECT TO PROTECTION COVENANTS ON LOTS 2 & 4 DPS 74877.

ROSS J. OVERINGTON
Registered Surveyor
P.O. Box 596

SCALE: 1:250 (FROM DPS74877)

STEM Assessment

FULL TREE EVALUATION SCORE SHEET

August 99

Condition Evaluation

Points	3		9		15		21		27		Score
Form	Poor		Moderate	✓	Good		Very Good		Specimen		9
Occurrence	Predominant		Common	✓	Infrequent		Rare		Very Rare		9
Vigour & Vitality	Poor		Some		Good	✓	Very Good		Excellent		15
Function	Minor		Useful	✓	Important		Significant		Major		9
Age (yr)	10yrs +		20yrs +	✓	40yrs +		80yrs +		100yrs +		9
Subtotal Points											51

Amenity Evaluation

Points	3		9		15		21		27		Score
Stature (m)	3 to 8		9 to 14	✓	15 to 20		21 to 26		27+		9
Visibility (km)	0.5		1.0	✓	2.0		4.0		8.0		9
[redacted]ximity	Forest		Parkland		Group 10+		Group 3+	✓	Solitary		21
[redacted]le	Minor		Moderate	✓	Important		Significant		Major		9
Climate	Minor		Moderate	✓	Important		Significant		Major		9
Subtotal Points											54

Notable Evaluation

Recognition Points	Local 3		District 9		Regional 15		National 21		International 27		Score
Stature											
• Feature											
• Form											
Historic											
• Age 100+											
• Association											
• Commemoration											
• Remnant											
• [redacted]elict											
Scientific											
• Source											
• Rarity											
• Endangered											
Subtotal Points											
Total Points											108

ST 64



Location/Address: 2 Barry Avenue

Botanical Name: Phoenix canariensis

Common Name: Canary Island Palm

Height (ht) m: 14 m

Volume (m^3) = ht x $\pi d^2/2$:

Canopy Diameter (d) m: 6m

Circumference = πd:

Stem Diameter @ 1.4m: 500mm

Protected Status: Covenanted

Comments: Pruned up in August 1999. An arborist was not contracted.

11.1.19

MEMORANDUM

TO: Alistair Sharp, Planner

SUBJECT: **RESOURCE CONSENT TREE REMOVAL, 2 BARRY AVENUE, PHOENIX CANARLENSIS, CANARY ISLAND DATE PALM**

DATE: 13 November 2001

The application to uplift the consent notice on the above palm is not supported for the following reasons:

1. The consent notice was on the property title documents when the applicant transacted the purchase. The applicant was therefore fully aware of the consent notice on the palm and the conditions for the land owner as far as health and maintenance of the tree.

2. The same potential problems relating to leaf frond and seeds dropping would have been apparent when the applicant went to look at the property prior to purchase.

3. The close proximity of the palm to the house structure is obvious and apparent.

4. The form of the palm dominates the skyline at the end of Beach Street and together with the Pohutukawa and English oak (which has suddenly died), softens the effect of the double-storey house on the single-storey streetscape.

5. The palm is in good condition and health at present with a full canopy of palm fronds and fruit.

6. The function and usefulness of the tree in terms of its physical and conservation characteristics is conventional within the urban ecosystem by the recycling of nutrients in the soil, providing refuge and shelter for birds and acting as a pollution filter for fumes, dust and noise.

7. The age of the tree is estimated to be up to 40 years old.

8. The 14 m high tree makes it easily visible from the surrounding neighbourhood.

9. This used to be part of a group of three trees but since the sudden death of the English oak, it has now become more prominent in its location.

10. The palm displays a positive role by contributing to the amenity of the setting. It has an association with the area as it was part of the streetscape prior to the subdivision on the original homestead. It enhances the appearance of the property by lending to the serenity of the area.

11. Its broad spreading canopy ameliorates the climate through the provision of shade which cools the air.

In view of the aforegoing the application is not supported.

Rod Fraser
PARKS OFFICER

KA WHAKATANE AU I AHAU

24.3.96.100

6 August 1996

Mr Ross J Overington
P O Box 596
WHAKATANE

Dear Sir

RESOURCE CONSENT (SUBDIVISION) -
MR M D CHOUDHAREY

On 31 July 1996, the Hearings Committee considered the above subdivision and resolved as follows:

"1. ***THAT*** *pursuant to Sections 34(4) and 105 and after consideration of Part II Matters and Sections 104 and 108 of the Resource Management Act 1991, the Whakatane District Council grants consent to the land use consent application by M D Choudharey, being a discretionary activity to reduce the front yard requirement along the Barry Avenue frontage of Lot 1 DP 35113 from 6 m to 4 m. Consent is subject to the following conditions:*

(i) *That the development of Lot 1 DP 35113 be undertaken in accordance with plans submitted with this application (reference S 1372/1A, dated 18 July 1996) and the conditions of any subsequent subdivision consent.*

(ii) *That a continuous screen fence, or landscaping, to a height of 1.8 m be erected or established along the Barry Avenue frontage of proposed Lots 2, 3 and 4 (excluding accessways) within twelve months of the date of this consent.*

(iii) *That accessways to the site be located in accordance with Plan S 1372/1A, dated 18 July 1996.*

Reasons

1. *It is not considered that any consents are required because of the layout of the proposed dwellings and their relationship to the adjoining sites.*

2. *The reduction in the yard is to facilitate the retention of the mature trees on the site which will help to maintain the amenity of the area and mitigate the effects of the increase in density resulting from the development of the site.*

3. *A screen fence or landscaping along the Barry Avenue frontage is required to mitigate the effects of the proposed buildings encroaching on the front yard.*

2. *THAT pursuant to Sections 34(4) and 105 and after consideration of Part II Matters and Sections 104, 108 and 220 of the Resource Management Act 1991, the Whakatane District Council grants consent to the subdivision consent application by M D Choudharey, being a non-complying activity, for the proposed subdivision of Lot 1 DP 35113 as shown on Plans S 1372/1 dated May 1996 and S 1372/1A dated 18 July 1996. Consent is subject to the following conditions:*

(i) *That a reserves contribution of $9 000 (inclusive of GST) or an amount determined at 4.5% (plus GST) of the land value of the five new allotments created, as assessed by a registered land valuer, be paid to Council. This amount to be reduced by $500 (inclusive of GST) for each of the trees protected by a consent notice registered against the Certificate of Title for the lot on which the tree is located, in accordance with the conditions of this consent.*

(ii) *That the right-of-way serving Lots 4 and 5 shall be formed and constructed in accordance with Council's Code of Subdivisional Standards to the satisfaction of the Executive Officer - Works and Services.*

(iii) *That Lot 7, shown as road, shall vest in the Whakatane District Council.*

(iv) *That engineering plans, specifications and calculations providing for the disposal and control of stormwater from the site shall be submitted for approval prior to any works being carried out on the site.*

The design shall take into consideration the provision of both primary and secondary disposal and control systems.

***Primary** - The primary system shall be required to provide an on-site containment or disposal system designed to cater for rainfall of a 10 % probability of occurring annually.*

***Secondary** - The secondary system shall be required to provide the disposal of rainfall of less than a 10 % of probability of*

occurring annually in a manner that does not cause nuisance to property or buildings both on and off the site.

(v) *That finished building platform levels on all lots shall be not less than 102.035 above Moturiki Datum. Any fill placed on the site to meet this condition shall be placed under the supervision of a suitably qualified person and certified as being suitable for any subsequent building development provided for as a permitted activity in the District Plan by a Registered Engineer.*

(vi) *That all lots shall be provided with independent underground sewer and metered water and electricity supply in accordance with Council's Code of Subdivisional Standards.*

(vii) *That a consent notice be registered against the Certificate of Title for Lots 2, 3 and 4 requiring that:*

(a) *The following trees and their natural root systems be protected from damage that would be likely to kill or irreparably damage the tree(s) or otherwise adversely affect the shape or form of the tree for the natural lifespan of the tree(s).*

Lot 2	*Phoenix Palm (1)*
	Pohutukawa(2)
	Oak (3)
Lot 3	*Liquid Amber (4)*
Lot 4	*European Beech (5)*

(b) *The owner of the property shall ensure that the tree(s) are maintained in accordance with good arboricultural practice. All maintenance work shall be carried out by a suitably qualified person at the owner's expense.*

(c) *The consent notice shall be prepared by Council's solicitors at the cost of the applicant.*

(viii) *That engineering plans for all engineering works required to satisfy these conditions shall be submitted to Council for approval prior to any work being carried out on site. The plans shall be in the form specified in Council's Code of Subdivisional Standards.*

(ix) *That as-built plans of all new and extended services shall be provided to Council for approval. The plans shall be in the form specified in Council's Code of Subdivisional Standards and shall be certified as being an accurate record of the location of the services, as constructed, by a registered surveyor or a registered engineer.*

(x) *That an engineering fee of 1 % of the cost of engineering works required to satisfy these conditions or $50 (inclusive of GST) whichever is the greater, shall be paid to Council for receiving, processing and approving engineering plans required by these conditions.*

(xi) *That all easements required to protect right-of-ways or services within the subdivision shall be duly granted or reserved.*

(xii) *That a footpath contribution be paid to Council to form a footpath along the entire McGarvey Road frontage of the site. The applicant is to pay 50% of an agreed value to complete the footpath.*

(xiii) *That all legal documents required to satisfy the conditions of this consent shall be prepared by the Council's solicitor at the applicant's expense.*

(xiv) *That an additional administrative charge of $1 020.83 (inclusive of GST) be paid to Council in relation to the receiving, processing and granting of this Resource Consent.*

3. *THAT pursuant to Section 223 of the Resource Management Act 1991, the Executive Officer - Environmental Services be authorised to approve the Survey Plan in respect of the above subdivision once the Survey Plan is submitted and is in accordance with the approved subdivision consent.*

4. *THAT pursuant to Section 224 of the Resource Management Act 1991, the General Manager be authorised to sign a certificate in respect of the above subdivision, stating that all conditions of subdivision consent have been complied with to his satisfaction.*

Reasons

1. *The proposed subdivision is a non-complying activity in the Residential zone of the Whakatane Transitional District Plan. Council is satisfied that any adverse environmental effects that may actually or could potentially occur as a result of this subdivision are likely to be minor or are avoided, remedied or mitigated by the conditions of this resource consent.*

2. *Council is satisfied that the proposal is in accordance with Part II of the Resource Management Act 1991, particularly as it relates to the sustainable management of the land and maintaining and enhancing the amenity value of the surrounding area.*

3. *Council is satisfied that the objectives, policies and rules of the District Plan as they relate to multi-unit developments on a single site are not compromised by the proposed subdivision of the site into separate freehold titles.*

4. *Council considers that the increase in intensity of development resulting from this subdivision is likely to increase the demand for reserves and community facilities in the District and the requirement to contribute to these services is justified. The reserves contribution was assessed as follows:*

Land value of additional lots (as advised by applicant including GST) $40,000 x 5	*$200 000*
Reserves Contribution at 4.5% of land value (GST included)	*9 000*
Total	*$9 000*

Consideration is given to the ongoing protection of the trees identified in condition 7.

5. *Council is satisfied that the right-of-way serving Lots 4 and 5 is of sufficient width to provide vehicle and pedestrian access to the lots.*

6. *The proposed subdivision is in an area that is subject to inundation during extreme storm events and it is considered that appropriate measures should be taken to avoid any increased adverse effect of flooding as a result of the development of the site. Subject to compliance with conditions 4 and 5, Council is satisfied that the proposed subdivision will not contribute to a nuisance or a significant adverse effect outside the new lots created.*

7. *The existing site level is less than that permitted for a minimum building platform in the district. It is appropriate that the buildingplatform be raised to avoid inundation during extreme storm events."*

In accordance with Section 357 of the Resource Management Act 1991, you have the right to submit to Council an objection to any of the above conditions of approval. If you are in any way not satisfied with the decision of Council on this application you have the right to appeal to the Planning Tribunal. Any appeal is required to be lodged with the Planning Tribunal within fifteen working days of receiving this decision.

If you have any further enquiries, please contact Stuart Bracey (Senior Planner) at this office.

Yours faithfully

Diane Turner
EXECUTIVE OFFICER -
ENVIRONMENTAL SERVICES
96\2\L\EES0108A

#33676

Received
Whakatane District Council
24 OCT 2001
By

Neelam Shaens
02 Bally Avenue
Whakatane
3071064

24 October 2001

Alistar Sharp
planner
Whakatane District Council

Dear Sir.

Application to Amend Conset Notice
02 Bally Avenue Whakatane

In reply to your letter on October 2001 Concerning the above.

① I will engage an arborist to remove the dead English oak tree located in the yard adjoining my Mcguirey Road boundary

② I wish to remove the large phoenix palm located in my yard for the following reasons:

(a) The palm is constantly dropping an abundance of fruit which blocks the guttering and the off load down pipes and also creates a mess on the ground which is then brought inside.

(b) Birds Contantly feed off the fruit and nest on the top of the palm resulting in a massive amount of birds dropping Shit etc On the front patio.
The roof, the windows, the out door furniture clothes on the line and on vehicles parked on the front entrance

(C) As the fonds age they fall on the roof and could fall on to persons or pets which would cause damage to property and injury

I trust you will deal with this matter as quickly as possible. I enclose a cheque for $135.00 as the fee deposit as required in your letter in order to lodge my application to the (Hearing Committe of Council)

If you need any feuther information please contact me on the above address or phone on the above telephone number.

Yours faithfully

Neelam Sharma.

Whakatane District Council

Your ref: Our ref: 24.3.96.100

7 November 2001

N Sharma
2 Barry Avenue
WHAKATANE

Dear Sir/Madam

RESOURCE CONSENT : AMENDMENT TO CONSENT NOTICE
N SHARMA, 2 BARRY AVENUE, WHAKATANE

Notice is hereby given that the hearing of the above application has been set down for Wednesday 21 November 2001 at 9.00am in the Council Chambers, Civic Centre, Whakatane District Council, Commerce Street, Whakatane.

A copy of the Planner's report will be forwarded to you as soon as it is available.

If you intend to present any further written evidence or submission, it would be appreciated if you could arrange for at least ten copies of this to be made available for use at the hearing.

Yours faithfully

Rozanna Lillas
PLANNING ASSISTANT

\\WDC_FS\DATA\DATA\WORDPROC\01\9\L\rml0711d

Address all letters to: The Chief Executive Whakatane District Council Private Bag 1002 Whakatane 3080 New Zealand
Telephone +64 7 307 9800 Facsimile +64 7 307 0718

Property ID ____ / ____ / ____

APPLICATION FOR RESOURCE CONSENT:
Removal of Tree(s) 242

To: The General Manager, Whakatane District Council, Private Bag 1002, WHAKATANE 3080 - (Attention: District Planner)

APPLICATION DETAILS

I, *(full name of applicant)* NEELAM SHARMA hereby apply for a land use consent.

No additional resource consents are required.

Description of activity - To remove the following trees: THE PHOENIX PALM.

SITE DESCRIPTION

Street address/location of site: 02 BARRY AVENAU WHAKATANE

Legal description: _____ Zoning: _____

OWNERSHIP/OCCUPANCY

I am the OWNER of the property. *(Owner, Occupier, Lessee, Prospective Purchaser, etc.)*

Name of owner: NEELAM SHARMA

Address: 02 BARRY AVE WHACATANE

POTENTIALLY AFFECTED PARTIES

Have you obtained the written approval of any potentially affected neighbours? Yes (consent attached)/No *(circle one)*

The Council may ask you to seek the written approval of any neighbour who may be adversely affected by the tree removal.

ADDRESS FOR SERVICE/CORRESPONDENCE

Name of agent *(if any)*: _____

Phone: *(Business)* _____ *(Fax)* _____ *(Home)* _____

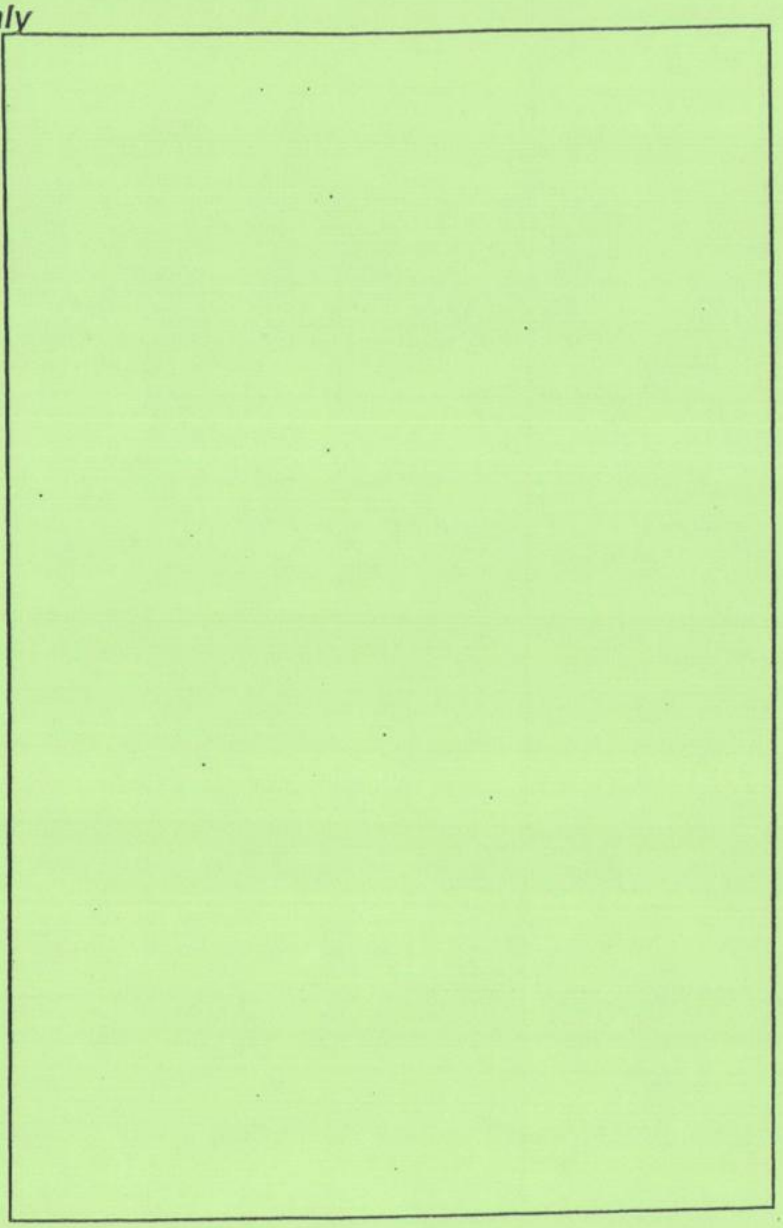
ADDRESS FOR SERVICE: _____

I acknowledge hereunder that no work will be carried out on the tree without written consent.

Signature of applicant/agent: N Sharma

Dated at 31/10/0012 this _____ day of _____ ___

For Office Use Only



Location/Address: 2 Barry Avenue

Botanical Name: Phoenix canariensis

Common Name: Canary Island Palm

Height (ht) m: 14m

Volume (m^3) = 1 x formula:

Canopy Diameter (d) m: 6m

Circumference = πd: 1500mm

Stem Diameter @ 1.4m: 500 mm

Protected Status: Covenanted

Comments: It is recommended that the seed heads be maintained annually during Spring. The fronds can be pruned at the same time which will remove all cause for concern. Removal of the palm is not supported.

For Office Use Only

FULL TREE EVALUATION SCORE SHEET

Condition Evaluation

Points	*3*		*9*		*15*		*21*		*27*		*Score*
Form	Poor		Moderate		Good	✓	Very Good		Specimen		15
Occurrence	Predominant		Common	✓	Infrequent		Rare		Very Rare		9
Vigour & Vitality	Poor		Some		Good	✓	Very Good		Excellent		15
Function	Minor		Useful	✓	Important		Significant		Major		9
Age (yr)	10yrs +		20yrs +	✓	40yrs +		80yrs +		100yrs +		9
Subtotal Points											57

Amenity Evaluation

Points	*3*		*9*		*15*		*21*		*27*		*Score*
Stature (m)	3 to 8		9 to 14	✓	15 to 20		21 to 26		27+		9
Visibility (km)	0.5		1.0	✓	2.0		4.0		8.0		9
Proximity	Forest		Parkland		Group 10+		Group 3+	✓	Solitary		21
Role	Minor		Moderate	✓	Important		Significant		Major		9
Climate	Minor		Moderate	✓	Important		Significant		Major		9
Subtotal Points											57

Notable Evaluation

Recognition Points	*Local 3*		*District 9*		*Regional 15*		*National 21*		*International 27*		*Score*
Stature											
• Feature											
• Form											
Historic											
• Age 100+											
• Association											
• Commemoration											
• Remnant											
• Relict											
Scientific											
• Source											
• Rarity											
• Endangered											
Subtotal Points											
Total Points											114

Formula for Volume:

Hemisphere - $2/3\pi r^3$
Cylinder - $\pi r^2 ht$
Cone - $\frac{1}{3}\pi r^2 ht$

For Office Use Only

RESOURCE CONSENT (LAND USE) - REMOVAL OF TREE(S)

On the *[date]* ____/____/____ the District Planner/Executive Officer - Environmental Services, under delegated authority resolved as follows:

"1. That pursuant to Section 94(2) of the Resource Management Act 1991, the Whakatane District Council is satisfied that:

(i) the adverse effect on the environment of removing the tree(s) will be minor; and
(ii) written approval has been obtained from every person whom the Council is satisfied may be adversely affected by the granting of the resource consent.

Therefore, the resource consent need not be publicly notified in accordance with Section 93 of the Resource Management Act 1991.

2. That pursuant to Sections 34(4) and 105, and after consideration of Section 104 Resource Management Act 1991 and Rule 9B.2.3(3)(b)(i) of the Transitional Whakatane District Plan, the Whakatane District Council grants resource consent to remove *[species of tree(s)]*:

_____

from a property legally described as *[legal description]*_____

at *[property address]* _____"

subject to the following conditions: _____

_____

_____

_____

_____

Advice Note: Please check the location of underground services to ensure that the removal of the tree(s) will not damage any such services.

Reason

The Whakatane District Council is satisfied that the removal of the tree(s) will have a minor adverse effect on the amenity values of the surrounding neighbourhood. The activity is not considered to be contrary to Part II of the Resource Management Act 1991.

In accordance with Section 357 of the Resource Management Act 1991, you have the right to submit to Council an objection to this approval. An objection must be lodged within fifteen working days of the decision being received. If you are not satisfied with the decision of Council on this application you have the right to appeal to the Environmental Court within fifteen working days of receiving this decision.

David Bewley
DISTRICT PLANNER

11.1.19

MEMORANDUM

TO: Alistair Sharp, Planner

SUBJECT: **RESOURCE CONSENT TREE REMOVAL, 2 BARRY AVENUE, PHOENIX CANARLENSIS, CANARY ISLAND DATE PALM**

DATE: 13 November 2001

The application to uplift the consent notice on the above palm is not supported for the following reasons:

1. The consent notice was on the property title documents when the applicant transacted the purchase. The applicant was therefore fully aware of the consent notice on the palm and the conditions for the land owner as far as health and maintenance of the tree.

2. The same potential problems relating to leaf frond and seeds dropping would have been apparent when the applicant went to look at the property prior to purchase.

3. The close proximity of the palm to the house structure is obvious and apparent.

4. The form of the palm dominates the skyline at the end of Beach Street and together with the Pohutukawa and English oak (which has suddenly died), softens the effect of the double-storey house on the single-storey streetscape.

5. The palm is in good condition and health at present with a full canopy of palm fronds and fruit.

6. The function and usefulness of the tree in terms of its physical and conservation characteristics is conventional within the urban ecosystem by the recycling of nutrients in the soil, providing refuge and shelter for birds and acting as a pollution filter for fumes, dust and noise.

7. The age of the tree is estimated to be up to 40 years old.

8. The 14 m high tree makes it easily visible from the surrounding neighbourhood.

9. This used to be part of a group of three trees but since the sudden death of the English oak, it has now become more prominent in its location.

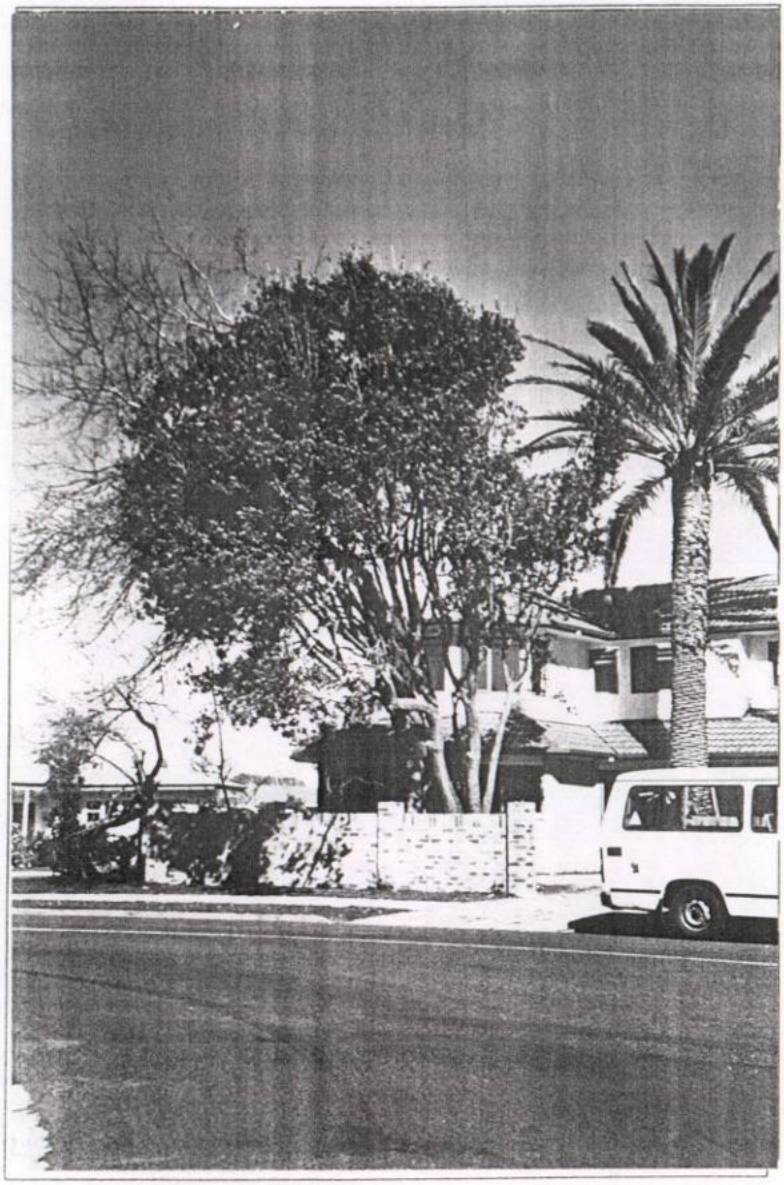
10. The palm displays a positive role by contributing to the amenity of the setting. It has an association with the area as it was part of the streetscape prior to the subdivision on the original homestead. It enhances the appearance of the property by lending to the serenity of the area.

11. Its broad spreading canopy ameliorates the climate through the provision of shade which cools the air.

In view of the aforegoing the application is not supported.



Rod Fraser
PARKS OFFICER



Location/Address	2 Barry Ave		
Botanical Name	Metrosideros excelsa		
Common Name	Pohutukawa		
Height (ht) m	10 m	Volume (m^3) = ht x $\pi d^2/2$	
Canopy Diameter (d) m	5 m	Circumference = πd	
Stem Diameter @ 1.4m	400 mm		
Protected Status	Covenanted		
Comments	In poor condition following poor pruning techniques.		

FULL TREE EVALUATION SCORE SHEET

Condition Evaluation

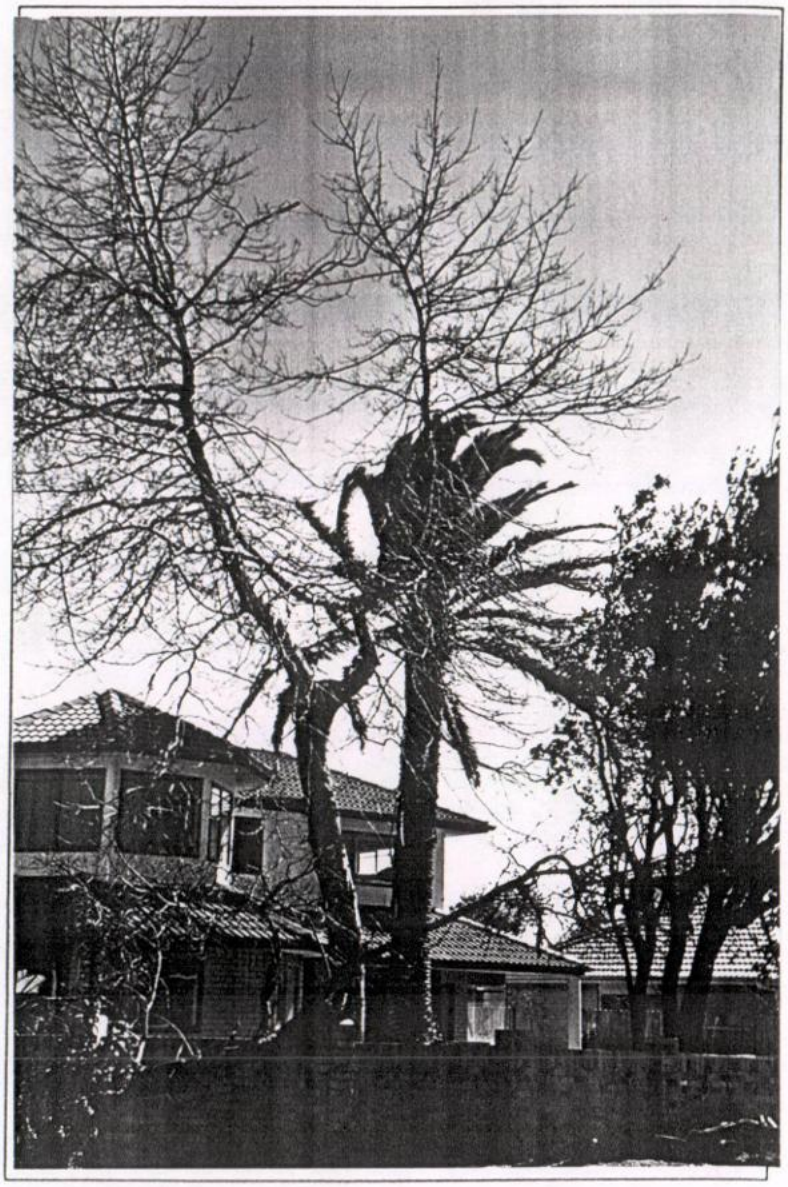
Points	*3*		*9*		*15*		*21*		*27*		*Score*
Form	Poor	✓	Moderate		Good		Very Good		Specimen		3
Occurrence	Predominant		Common	✓	Infrequent		Rare		Very Rare		9
Vigour & Vitality	Poor		Some		Good	✓	Very Good		Excellent		15
Function	Minor		Useful	✓	Important		Significant		Major		9
Age (yr)	10yrs +		20yrs +	✓	40yrs +		80yrs +		100yrs +		9
Subtotal Points											45

Amenity Evaluation

Points	*3*		*9*		*15*		*21*		*27*		*Score*
Stature (m)	3 to 8		9 to 14	✓	15 to 20		21 to 26		27+		9
Visibility (km)	0.5	✓	1.0		2.0		4.0		8.0		3
Proximity	Forest		Parkland		Group 10+		Group 3+	✓	Solitary		21
Role	Minor		Moderate	✓	Important		Significant		Major		9
Climate	Minor		Moderate	✓	Important		Significant		Major		9
Subtotal Points											51

Notable Evaluation

Recognition Points	*Local 3*		*District 9*		*Regional 15*		*National 21*		*International 27*		*Score*
Stature											
• Feature											
• Form											
Historic											
• Age 100+											
• Association											
• Commemoration											
• Remnant											
• Relict											
Scientific											
• Source											
• Rarity											
• Endangered											
Subtotal Points											
Total Points											96



Location/Address: 2 Barry Avenue

Botanical Name: Quercus robur

Common Name: English Oak

Height (ht) m: 14m

Volume (m^3) = ht x $\pi d^2/2$:

Canopy Diameter (d) m: 8m

Circumference = πd:

Stem Diameter @ 1.4m: 400m

Protected Status: Covenanted

Comments: Main central leader removed during August 1999 on instruction of owner.

FULL TREE EVALUATION SCORE SHEET

Condition Evaluation

Points	3		9		15		21		27		Score
Form	Poor	✓	Moderate		Good		Very Good		Specimen		3
Occurrence	Predominant		Common	✓	Infrequent		Rare		Very Rare		9
Vigour & Vitality	Poor		Some		Good	✓	Very Good		Excellent		15
Function	Minor		Useful		Important	✓	Significant		Major		15
Age (yr)	10yrs +		20yrs +	✓	40yrs +		80yrs +		100yrs +		9
Subtotal Points											51

Amenity Evaluation

Points	3		9		15		21		27		Score
Stature (m)	3 to 8		9 to 14	✓	15 to 20		21 to 26		27+		9
Visibility (km)	0.5	✓	1.0		2.0		4.0		8.0		3
Proximity	Forest		Parkland		Group 10+		Group 3+	✓	Solitary		21
Role	Minor		Moderate	✓	Important		Significant		Major		9
Climate	Minor		Moderate	✓	Important		Significant		Major		9
Subtotal Points											51

Notable Evaluation

Recognition Points	Local 3		District 9		Regional 15		National 21		International 27		Score
Stature											
• Feature											
• Form											
Historic											
• Age 100+											
• Association											
• Commemoration											
• Remnant											
• Relict											
Scientific											
• Source											
• Rarity											
• Endangered											
Subtotal Points											
Total Points											102

CONSENT NOTICE

(Pursuant to Section 221 of the Resource Management Act 1991)

GIVEN by: M D CHOUDHAREY

IN FAVOUR of: THE WHAKATANE DISTRICT COUNCIL

DATED 3rd day of February 1998

PROPERTY: Deposited Plan No S.74877

SUBJECT: Consent Conditions

COUNCIL REFERENCE: 24.3.96.100

HAMERTONS
SOLICITORS
(B N Carter)
Telephone NO. 07 307 0680
Fax NO. 07 307 0225
PO Box 601
DX JA31519
WHAKATANE

IN THE MATTER of the Resource Management Act 1991 ("the Act")

AND

IN THE MATTER of a subdivision of land in the South Auckland Land Registration District

CONSENT NOTICE

(Pursuant to Section 221 of the Act)

THE WHAKATANE DISTRICT COUNCIL ("the Council") being the territorial authority for the district within which the Land described in the First Schedule of this Notice is situated has, pursuant to Part X of the Act, granted its consent to the subdivision shown on Land Transfer Plan S.74877 subject to certain conditions, including the requirement in respect of the Land that the Owner (as defined in the Act) complied on a continuing basis with the conditions set out in the Second Schedule of this Notice.

FIRST SCHEDULE

("the Land")

First: 484 square metres more or less being Lot 2 on Land Transfer Plan No S.74877 and being all of the land in Certificate of Title 60B/236 (South Auckland Registry).

Secondly: 441 square metres more or less being Lot 4 on Land Transfer Plan No S.74877 and being all of the land in Certificate of Title 60B/238 (South Auckland Registry).

SECOND SCHEDULE

("the Conditions")

The Owner of the Land shall, on a continuing basis:

1. (a) Ensure that the following trees, (identified on sketch Plan entitled "Location of Trees Subject to Protection covenants on Lots 2 and 4 DPS.74877" (a copy which is annexed hereto), and their natural root-systems be protected from damage that would be likely to kill or irreparably damage the tree(s) or otherwise adversely affect the shape or form of the tree for the natural life-span of the tree(s):

Lot 2 - Phoenix Palm (2)
- Pohutukawa (2)
- Oak (3)

Lot 4 - European Beech (5)
- Phoenix Palm (1)

(b) Ensure that the tree(s) are maintained in accordance with good arboricultural practice. All maintenance work shall be carried out by a suitably qualified person at the owner's expense.

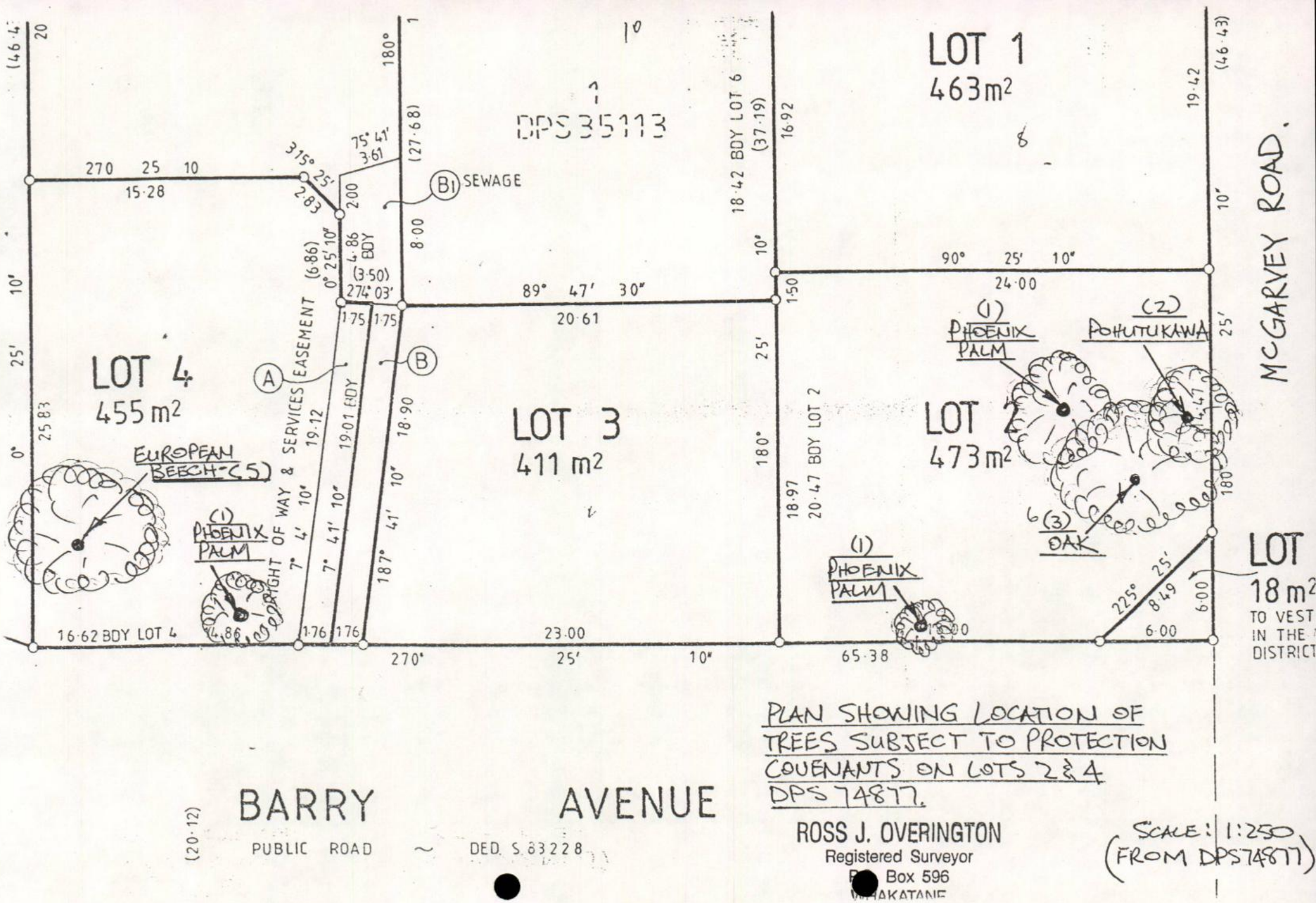
(c) Permit Council officers or contractors entry upon the land at reasonable times so as to ascertain compliance with these conditions.

2. Pay the Council's legal costs and disbursements directly or indirectly attributable to the preparation execution registration and enforcement of this Notice and the Council's conditions set out in this Notice and any variation or cancellation of such conditions.

DATED at Whakatane this 3rd day of February 1998

AUTHENTICATED by the Council by)
the Principal Administration Officer of)
the Council pursuant to Section 252 of)
the Local Government Act 1974)

.....
(General Manager)



PLAN SHOWING LOCATION OF TREES SUBJECT TO PROTECTION COVENANTS ON LOTS 2 & 4 DPS 74877.

ROSS J. OVERINGTON
Registered Surveyor
P.O. Box 596
WHAKATANE

SCALE: 1:250 (FROM DPS74877)

CONSENT NOTICE

(Pursuant to Section 221 of the
Resource Management Act 1991)

GIVEN by: M D CHOUDHAREY

IN FAVOUR of: THE WHAKATANE DISTRICT COUNCIL

DATED day of February 1998

PROPERTY: Deposited Plan No S.74877

SUBJECT: Consent Conditions

COUNCIL REFERENCE: 24.3.96.100

HAMERTONS
SOLICITORS
(B N Carter)
Telephone NO. 07 307 0680
Fax NO. 07 307 0225
PO Box 601
DX JA31519
WHAKATANE
04ttd013

24.3.96.100 Subdivision Consent

① Approval for subd. 31/7/96. 6 Lots.

Consent notice: lot 2.

~~Phoenix~~ Phoenix Palm (2 Palms)
1 Pohutukawa
1 Oak.

dated 3/2/98.

Changing Consent Conditions 15/10/97.
2 trees (Palms) from proposed lot 3 to new positions on lots 2+4.

Cash bond of $3000 held by Council

② 24.2.97.136C. 31/10/97 (12 months from date of transportation.

(9).iv Bond for 1 year. - to ensure the trees are relocated without damage + will remain in good health in their new location.

Whakatane District Council

Your ref: Our ref: 24.3.96.100

11 October 2001

N Sharma
2 Barry Avenue
WHAKATANE

Dear Madam

**APPLICATION TO AMEND CONSENT NOTICE,
2 BARRY AVENUE WHAKATANE**

Council is in receipt of your letter to amend the consent notice pertaining to one of the Phoenix Palms located (on the McGarvey Road side) of your property. Can you confirm why you wish to amend the consent notice protecting the above Phoenix Palm?

The consent notice is registered on your property title to ensure the ongoing protection and maintenance of the four trees (two Phoenix palms, one Pohutukawa tree and 1one Oak tree), located on your property. If you do wish to amend the consent notice to enable you to remove the Phoenix Palm you will need to seek an amendment to the Consent Notice.

An application in writing outlining why you wish to remove the tree and any mitigation offered is required. In addition an application fee deposit of $135.00 is required to be paid at the time of lodgement. As the subdivision application was decided by the Hearings Committee of Council, it is Council policy to have your request to amend the consent notice heard by the Hearings Committee of Council.

Council is also in receipt of a report titled "Visual Tree Inspection and Hazard Evaluation Report" prepared for the English Oak on your property which has been submitted to Council, to support your request to remove the English Oak tree.

The report confirms that the tree is dead and represents a significant potential hazard.

Council grants approval to remove the Oak tree as soon as possible. A suitably qualified arborist is required to carry out the removal of the tree.

To summarise, Council grants approval for you to engage a suitably qualified arborist to remove the dead English Oak tree located in the yard adjoining your McGarvey Road boundary.

01\2\L\ARS1110

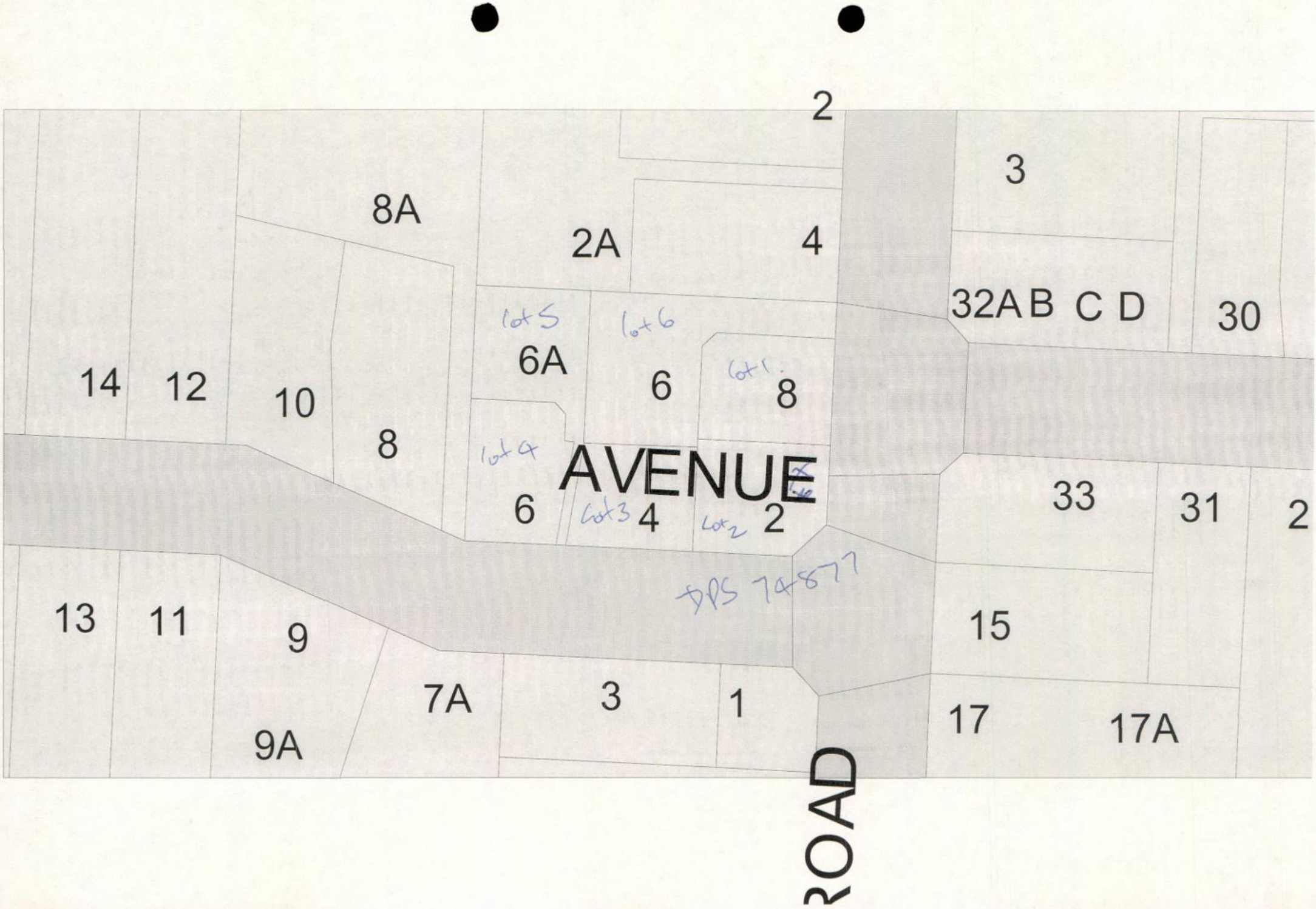
If you wish to amend the Consent Notice registered on your property title to remove the Phoenix Palm located in the yard between your house and the McGarvey Road boundary of your property, a application in writing outlining why you wish to remove the palm and any potential mitigation offered for the removal of the palm needs to be made to Council. A fee deposit of $135.00 is also required at the time of lodgement. The application will be heard by the Hearings Committee of Council.

If you wish to discuss this matter, please contact me at this office.

Yours faithfully

Alistair Sharp
PLANNER

01\2\L\ARS1110


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lot 5
lot 6
6A
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lot 1
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12
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lot 4
AVENUE
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31
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lot 2
2
DPS 74877
13
11
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15
7A
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17A
9A
ROAD

WHAKATANE DISTRICT COUNCIL
FILE:
REG. No: G9698
20 SEP 2001
ACTIONED DATE
1 David B 20/9
2 AT
3
4

David Bealey
District Planner
Whakatane District Council

Dear Mr Bearley,

As per with the attached letter (from the Parks officer Rod Fraser) I wish to apply to uplift the protection covenant on the phoenix canariensis on my property (2 Barry Avenue, Whakatane).

If you have any queries please do not hesitate to contact me.

Yours Sincerely

N Sharma

Neelam Sharma.

1/10/01 Spoke with Rod Fraser. He will provide me with a memo + I will reply - possibility of taking application to hearing.

① Confirm that applicant wishes to remove Palm (not supported by staff)

② vary / cancel consent notice

Whakatane District Council

Your ref: Our ref: 11.1.19

3 August 2001

Mrs Sharma
2 Barry Avenue
WHAKATANE

Dear Mrs Sharma

TREES

The site meeting held on 2 August 2001 at 2 Barry Avenue refers.

A summary of our discussion is as follows:

1. **The tall Phoenix canariansis:**

   (a) Engage a qualified arborist to submit a proposed pruning schedule, itemising the work to be completed to reduce the foliage and fruiting. This to be approved in advance by the Manager Parks and Recreation.

   (b) Apply to the District Planner, David Bewley, requesting the uplifting of the protection covenant on the Phoenix canariansis.

2. **The Quercus robur, English oak**

   During spring if no new growth is evident, engage a qualified arborist to carry out a health assessment report to confirm the tree is dead to permit removal.

3. **The Dead Phoenix canariansis (Barry Avenue side)**

   That this palm be removed and replaced with an identical specimen.

If you have any queries regarding this matter, please do not hesitate to contact me.

Yours faithfully

Rod Fraser
PARKS OFFICER

01\2\L\RF0308B

Address all letters to: The Chief Executive Whakatane District Council Private Bag 1002 Whakatane 3080 New Zealand
Telephone +64 7 307 9800 Facsimile +64 7 307 0718

11.1.19

MEMORANDUM

TO: Alistair Sharp, Planner

SUBJECT: **REQUEST TO REMOVE DEAD TREE WITH PROTECTION COVENANT**

DATE: 9 October 2001

A request has been received on behalf of Mrs Sharma of 2 Barry Avenue, Whakatane for the uplifting of the Tree Protection Covenant which will permit the removal of the dead Querus robur English Oak.

With reference to the arborists report, the sudden death of the tree was not natural and therefore I would like to establish whether or not the owner can be requested to plant a replacement.

I do agree with the report that the dead Oak be removed for safety purposes.

Could you please advise me of the replacement possibility.

Rod Fraser
PARKS OFFICER

01\2\I\RF0910

TREEWISE

Tree Surgery & Arboricultural Services

8B Merito Place, Ohope

(07) 3124579

Mobile: 025 286 8036 E-mail: treewise@xtra.co.nz

WHAKATANE DISTRICT COUNCIL
FILE:
REG. No.: G 1404
- 8 OCT 2001
ACTIONED: ROD F DATE
1
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Rod Fraser, Parks Officer
Whakatane District Council

1 October 2001

Dear Rod

At Mrs. Sharma's request we are pleased to send you a copy of the 'Visual Tree Inspection & Hazard Evaluation Report' prepared for the English Oak in the front garden of her property at 2 Barry Avenue, Whakatane. This report is presented in support of her Resource Consent Application to the Whakatane District Council to have the covenant lifted, thus allowing her to have the tree removed.

Please note that (as detailed in the report) we conclude that this tree is dead and that due to its failure potential, size and location it represents a very significant potential hazard. Evidence very strongly suggests that this tree has been deliberately and covertly poisoned with the intention of causing its death.

If you have any queries please do not hesitate to contact me.

Yours sincerely

P. De Silva

Paul De Silva
TreeWise

TREEWISE

Tree Surgery & Arboricultural Services

8B Merito Place, Ohope

(07) 3124579

Mobile: 025 286 8036 E-mail: treewise@xtra.co.nz

VISUAL TREE INSPECTION & HAZARD EVALUATION

Site/Address: 2 Barry Avenue, Whakatane. **Owner:** Mrs Sharma, same address.
Map/Location: House positioned on corner of McGarvey Road and Barry Avenue. Tree situated in front garden adjacent to McGarvey Road.
Date(s) inspected by TreeWise: 28/09/01 (by Paul De Silva)
Inspection criteria: Visual from ground level and from within the crown by climber.
Report prepared for: Mrs. Sharma, 2 Barry Avenue, Whakatane.
Date of report preparation: 30/09/01. **Report No:** 30-9-1#1.

TREE CHARACTERISTICS

Tree: English/Pedunculate Oak. **Species:** *Q. robur.* **Type:** Exotic, deciduous broadleaf.
Height: ~17.75m **Spread:** 0mN/0mW/8mS/9.5mE.
DBH: ~0.60m. **Diameter at buttress:** ~0.85m
No of trunks: 1, dividing into 2 main stems at 6m. Significant middle stem removed back to fork.
Form: Broadly spreading. Asymmetric due to severe pruning. 1 southerly partially leaning trunk dividing into 2 large east and south facing lateral stems at 6m. North lateral forming leader. Original significant leader removed back to fork. **Normal form:** Yes (prior to pruning).
Crown class: Dominant. **Live crown ratio:** 0%
Age class: Semi - mature. **Age:** >40 yrs.
Pruning history: 1 (possibly 2) significant pruning events, which included removal of numerous relatively large lateral limbs and reduction of main trunk down to large fork. Pruning techniques very poor - resulting in > 25 stub, tear and flush cuts.
Specimen quality: No. **Special value:** Tree has a Council Covenant.

TREE HEALTH

Foliage colour: Absent of foliage or bud. **Foliage/Bud density:** Zero.
Leaf/Bud size: Absent. **Annual shoot growth:** None.
Previous season: According to Mrs. Sharma leaf colour, size and density appeared normal in Summer 2000/01.
Twig/branch dieback: No. Indications of dieback during last seasons growth are also absent.
Epicormic growth: Common, mainly in proximity to old pruning wounds, but no growth this season.
Vigour class: Tree is dead. **Callus development:** Average prior to death.
Major pests/diseases: None evident **Fungal growth:** None evident.
Growth obstructions: None.
Evidence of lightning strike: None

SITE CONDITIONS

Site character: Residential, front garden of house. Tree positioned in very close proximity to house (i.e. butt to wall ~1.6m).
Landscape type: Narrow flat lawn.
Irrigation: Adequate.
Recent site disturbance: House construction (@1998/99).
Soil problems: Small volume. Possible partial compaction, due to relatively recent construction.
Dripline characteristics: 100% Paved/sealed.
Pavement lifted: No.
Obstructions: House obstructs branch/canopy and root growth to the west.
Exposure to wind: Yes. **Prevailing wind direction:** North-westerly.

TREEWISE
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Mobile: 025 286 8036 E-mail: treewise@xtra.co.nz

TARGET

Use under tree: Residents, pedestrians - footpath/pavement, property (i.e. house, garden and garden wall), roadway, traffic, parking.
Elimination/restriction/isolation of targets: No.
Occupancy: Constant use.
Target Rating: Very high = 4+.

OBSERVED TREE DEFECTS

A) ROOT AND ROOT CROWN DEFECTS

Suspected root rot: Possible, however none evident at root crown or on excavated lateral roots.
Fungal growth (mushroom/conk/bracket): None evident.
Root desiccation: Moderate to high on 5 lateral roots sampled near to butt.
Exposed roots: Very minor, not significant.
Undermined: Not evident.
Root pruned: Probably within original dripline on western and northern sides, during construction of house and laying of paved entranceway, respectively.
Restricted root area: Moderate - to the west and north, affecting ~35% of roots.
Girdling: No.
****Buttress wounds:** A smooth, uniform hole, diameter ~0.04m, depth 0.13m, set at ~45 degree angle, was discovered in the southern side of the buttress, ~ 0.05m below the soil line. This hole is undoubtedly man made, probably with a drill. A faint waxy small is emitted from the hole suggestive of the remnants of a petroleum based product. The nature of this hole in association with the rapid death of the tree is strongly indicative of deliberate and covert poisoning of the tree's cambial and xylem tissues, possibly with diesel (and other substances).

LEAN

Angle of lean: 0 degrees to 2.4m above ground and ~30 degrees to major fork (6m above ground).
Lean direction: Southerly.
Cause of lean: Normal growth, probably due to competition for light/space.
Stress due to lean: As the tree is dead, weight in direction of lean will compromise its stability.
Soil heaving: No. **Soil cracking:** No.
Roots broken: None evident.

B) CROWN DEFECTS

1) Old canker wound on west side of lower trunk. 0.44m long, 0.1m wide, 0.06m deep. Wound partially callused. Dry sapwood and heartwood exposed, no fungi or borer.
2) Cambium and sapwood on all examined stems and branches extremely desiccated.
3) Areas of moderate (occasionally significant) bark cracking on larger branches and major limbs.
4) Zones of longitudinal splitting, up to 0.15m in length, of cambium on large scaffold limbs, indicative of structural weakening of the heartwood. These are probably recent (i.e. post death) as there are no signs of reaction wood or callusing.

HAZARD RATING

Tree part(s) most likely to fail: Continued desiccation, probably followed by the onset of fungal rot and borer infestation will result in the failure of the tree's structural stability. Initially small and then larger branches (some of which already exhibit areas of weakness, see Crown Defects above) will fail. Root anchorage will fail causing the tree to fall, this will be compounded by the lean of the trunk and the asymmetric and unbalanced form of the crown.
Failure potential: Severe = 4 **Hazard rating:** Extremely high = 12/12

TREEWISE

Tree Surgery & Arboricultural Services

8B Merito Place, Ohope

(07) 3124579

Mobile: 025 286 8036 E-mail: treewise@xtra.co.nz

SUMMARY

This medium sized, semi-mature, poorly pruned and maintained, Pedunculate/English Oak (*Quercus robur*) is dead. The total absence of bud development and any spring growth, in association with the degree of desiccation of the cambium and sapwood, but absence of twig/branch dieback, fungal infection and insect/borer infestation, suggests that death was relatively recent following rapid decline. Anecdotal evidence of normal green foliage growth last summer indicates that death occurred between Summer 2000/20001 and the onset of Spring 20001.

The discovery of a large, angled drill hole in the buttress/root crown below the soil level, which emits a faint waxy smell is strongly indicative of deliberate and covert poisoning of the tree with a petroleum based product (see under Root Defects - page 2). In the absence of any evidence of lightning strike this type of poisoning would account for the speed of decline and death. Decline and eventual death due to disease or other non-infectious disorders is typically gradual and often partial (usually occurring over years) with specific symptoms.

It should be noted that there are no signs indicating that the tree was diseased or not in good health prior to its sudden death.

The structural stability of this dead tree will rapidly decrease, primarily due to continuing desiccation, but also due to inevitable onset of fungal rot and borer infestation. Anchorage via the root system and attachment of branches and large scaffold limbs will no longer be viable. The significant lean exhibited by the trunk and the asymmetric and unbalanced crown further reduces its stability.

Due to its very high failure potential, large size, location and the type of residential and traffic usage beneath and in vicinity to it, this tree is considered a significant hazard (see under Hazard Rating and Target Rating - page 2).

RECOMMENDATIONS

For the safety of the public and surrounding property this tree should be removed as soon as possible.

96.100
97.186c.

11.1.19

MEMORANDUM

TO: Alistair Sharp, Planner

SUBJECT: **2 BARRY AVENUE, PHOENIX CANARIENSIS**

DATE: 5 October 2001

Mrs Sharma's recent request to remove the tree is as a result of her recent frustration with the problems experienced with the fruit of the tree and the effect the leaf spines have on birds, (the birds that visit the tree often become impaled on the spines and fall to the ground and die).

Pruning of the seed heads as they emerge seasonally, will solve this problem.

The palm has been present as an attractive feature for some time in its current location and contributes to the amenity of the area.

The request to uplift the protective covenant for the purpose of the removal of the tree is not supported.

If you require further information, please do not hesitate to contact me.

Rod Fraser
PARKS OFFICER

48A.

Lot 2 DPS 74877

1 OA/C - [redacted] poisioned? - removed
1 Pohutukawa.
one of the Palms - larger nr Garvey -
one Palm (Barry ave) - not survived transplant.
Cause of action on this?

01\2\I\RF0510

DISTRICT OF WHAKATANE

KA WHAKATANE AU I AHAU

24.3.96.100

18 November 1999

Buddle Bentley Tweed
P O Box 43
WHAKATANE

Dear Sir

HEARING: SMITH, 6 BARRY AVENUE, WHAKATANE

Further to your letter dated 17 November 1999, I wish to advise that the hearing scheduled for 24 November 1999, has been postponed, as per your request.

We await your advice as to when your client wishes to proceed with the hearing of the application.

Yours faithfully

Gael Cooper
SENIOR PLANNER

G:\DATA\PLANNING\GAEL\OTHERLET\1999\6BARRY1

Gael → Reply confirming OK. Pl 9 → advise Coral.

BUDDLE BENTLEY TWEED

BARRISTERS & SOLICITORS

WHAKATANE DISTRICT
18 NOV 1999
COUNCIL

Our Ref: I D Bentley - 4537/1

Your Ref: The General Manager

17 November 1999

Whakatane District Council
Private Bag 1002
WHAKATANE

Dear Sir

Re: Resource Consent - J Smith - 6 Barry Avenue, Whakatane.

We refer to your facsimile of 11 November 1999 advising of the hearing in the above matter.

Regrettably Mrs Smith died last week. Although the family are of a mind to continue with the hearing, they have asked that in the interim we seek to have the matter adjourned until the estate matters can be finalised. Accordingly we would ask that the matter be adjourned for say three months and look forward to your advice that this request has been approved.

Yours faithfully
BUDDLE BENTLEY TWEED

Ian Bentley
Partner

IDB:tlb

First Floor
8 Richardson Street
Whakatane
Telephone
07 308 7179
Fax
07 307 0709

Postal Address:
P.O. Box 43
Whakatane

DX JA 31517

PARTNERS
Ian Bentley LLB, CORONER
Tony Tweed LLB

NOTARY PUBLIC
Joe Buddle

Whakatane District Council

ADDRESS ALL CORRESPONDENCE TO:
The General Manager
Whakatane District Council,
Private Bag 1002, WHAKATANE

TELEPHONE: (07) 307 9800
FAX: (07) 307 0718
ENV SVCS FAX: (07) 308-5804

DATE: 11 November 1999

TO: BUDDLE BENTLEY TWEED
30 70709
ATTENTION: MR BENTLEY

FROM: ROZANNA LILLAS

NUMBER OF PAGES *(including this one)* 2 *(if all pages not received, please advise)*

RE: RESOURCE CONSENT: LAND USE - MRS J SMITH, REMOVAL OF EUROPEAN BEECH TREE, 6 BARRY AVENUE, WHAKATANE

Please find enclosed copy of letter dated 8 November 1999 setting out time, date and venue of hearing.

If you have any queries in relation to the above please do not hesitate to contact Gael Cooper (Senior Planner).

Regards

ROZANNA LILLAS

TRANSMISSION REPORT

THIS DOCUMENT WAS CONFIRMED
(REDUCED SAMPLE ABOVE - SEE DETAILS BELOW)

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TOTAL 0:01'32" 2

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PD : POLLED BY REMOTE SF : STORE & FORWARD RI : RELAY INITIATE RS : RELAY STATION
MB : SEND TO MAILBOX PG : POLLING A REMOTE MP : MULTI-POLLING RM : RECEIVE TO MEMORY

Whakatane District Council

ADDRESS ALL CORRESPONDENCE TO:
The General Manager
Whakatane District Council,
Private Bag 1002, WHAKATANE

TELEPHONE: (07) 307 9800
FAX: (07) 307 0718
ENV SVCS FAX: (07) 308-5804

DATE: 11 November 1999

TO: BUDDLE BENTLEY TWEED
30 70709
ATTENTION: MR BENTLEY

FROM: ROZANNA LILLAS

NUMBER OF PAGES ***(including this one)*** 2 *(if all pages not received, please advise)*

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If you have any queries in relation to the above please do not hesitate to contact Gael Cooper (Senior Planner).

Regards

ROZANNA LILLAS

DISTRICT OF WHAKATANE

KA WHAKATANE AU I AHAU

24.2.99.129L

8 November 1999

Mrs J Smith
6 Barry Avenue
WHAKATANE

Dear Sir

RESOURCE CONSENT: LAND USE - REMOVAL OF EUROPEAN BEECH TREE, 6 BARRY AVENUE, WHAKATANE

Notice is hereby given that the hearing of the above application has been set down for 24 November 1999 at 9.15am in the Council Chambers, Civic Centre, Whakatane District Council, Commerce Street, Whakatane.

A copy of the Planner's report will be forwarded to you as soon as it is available.

If you intend to present any further written evidence or submission, it would be appreciated if you could arrange for at least ten copies of this to be made available for use at the hearing.

Yours faithfully

Rozanna Lillas
PLANNING ASSISTANT

G:\DATA\PLANNING\ROZANNA\WP\RML0711B

BUDDLE BENTLEY TWEED

BARRISTERS & SOLICITORS

Our Ref: I D Bentley

Your Ref:

WHAKATANE DISTRICT

13 OCT 1999

COUNCIL

12 October 1999

The General Manager
Whakatane District Council
Private Bag
WHAKATANE

Dear Sir

Re: Mrs J Smith, 6A Barry Avenue, Whakatane

We act for Mrs J Smith of 6A Barry Avenue, Whakatane. Mrs Smith has referred to us copies of correspondence relating to the protected beech tree on her property.

There is clearly some divergence of opinion as to whether this particular tree is in good health, the methods of rectifying the tree's current problems and whether it is such an outstanding specimen that it should be protected at all.

Our client has instructed us to make application to Council to have the protection afforded this beech tree removed and we ask that you treat this letter as such.

We understand that an application of this type will be put to a Council Committee at which Mrs Smith or her representative will be able to make submissions. We would be happy to supply the Council with a copy of those submissions and alternative suggestions prior to any hearing should that be required.

We look forward to hearing further from you.

Yours faithfully
BUDDLE BENTLEY TWEED

Ian Bentley
Partner

First Floor
8 Richardson Street
Whakatane
Telephone
07 308 7179
Fax
07 307 0709

Postal Address:
P.O. Box 43
Whakatane

DX JA 31517

PARTNERS
Ian Bentley LLB, CORONER
Tony Tweed LLB

NOTARY PUBLIC
Joe Buddle

HEARINGS COMMITTEE

WEDNESDAY, 24 NOVEMBER 1999

24.3.96.100

APPLICATION FOR CONSENT TO VARY A CONSENT NOTICE, 6 BARRY AVENUE, WHAKATANE

1.0 APPLICATION DETAIL

1.1	**Applicant's Name:**	The Trustees of J Smith Estate
1.2	**Address/Location:**	6 Barry Avenue, Whakatane
1.3	**Legal Description:**	Lot 4 DPS 74877
1.4	**Zoning:**	Residential A - Transitional Whakatane District Plan

2.0 PROPOSAL

The applicant has applied to Council to remove the protection of a European Beach tree on her property. The protection is required by a consent notice that is registered on the title of her property, pursuant to Section 221 of the Resource Management Act 1991.

3.0 BACKGROUND

On 31 July 1996, Council approved a subdivision application lodged by M D Choudharey for consent to subdivide a large piece of land on the corner of McGarvey Road and Barry Avenue into 6 lots for residential use.

At the time the application was lodged with Council, the applicant signalled his intent to protect a number of mature trees on the site. The protection of these trees was taken into account when assessing the effects of the subdivision (which was a non-complying activity) and the applicant was given a $500 reduction in reserve contribution for each tree protected.

It is noted that a land use consent was granted for the reduction of the front yard requirement for all lots fronting Barry Avenue from 6 metres to 4 metres was also granted. The main reason for approving this application was to facilitate the protection of trees on the site.

The consent notice on the title states:

> *"The owner of the land shall on a continuing basis:*
>
> *(a) Ensure that the following trees and their natural root systems be protected from damage that would be likely to kill or irreparably damage the tree(s) or otherwise adversely affect the shape or form of the tree for the natural lifespan of the tree(s).*
>
> | | |
> |---|---|
> | *Lot 4* | *European Beech* |
> | | *Phoenix Palm* |
>
> *(b) The owner of the property shall ensure that the tree(s) are maintained in accordance with good arboricultural practice. All maintenance work shall be carried out by a suitably qualified person at the owner's expense.*
>
> *(c) Permit Council officers or contractors entry upon the land at reasonable times so as to ascertain compliance with these conditions*
>
> *(d) That the owner shall pay the Council's legal costs and disbursements directly or indirectly attributable to the preparation, execution, registration and enforcement of the notice of consent and the Council's Conditions set out in the notice and any variation or cancellation of them."*

It is noted that in October 1997, the Hearings Committee heard a request under Section 127 of the Resource Management Act 1991 (change of consent condition) to remove the requirement to protect a liquid amber tree that had also been protected as part of the subdivision. The tree had been damaged by severe pruning. As a result of this, two additional Phoenix Palms were offered for protection.

4.0 STATUTORY CONSIDERATIONS

Under the provisions of Section 221(3) Resource Management Act 1991;

> *"any condition specified in a consent notice may be varied or cancelled by agreement between the owner for the time being, and the territorial authority".*

5.0 CONSIDERATION OF APPLICATION

In considering whether to agree to vary a condition of the consent notice, the reasons for requiring the consent notice, at the time of the subdivision, need to be understood.

At the time the consent was approved by the Council Hearings Committee, the Planner's report noted the two contributing factors towards protection of the trees:

(a) **Amenity**

It is considered that the comprehensive design of the development and the retention of a number of mature trees on the site will help to preserve the amenity of the area after it has been developed. Conditions of consent requiring the ongoing protection of the trees will ensure that the amenity is not compromised over time.

(b) **Financial contribution**

The subdivision creates five additional residential sections. It is therefore appropriate to require a cash reserve contribution. The applicant proposes to protect by way of consent notice, five large trees situated within the site. The trees contribute significantly to the amenity values of the locality. it is recommended that the value of protecting the trees be recognised by reducing the cash reserve contribution by $500 per tree protected

Council required the protection of the trees to mitigate the effects of the subdivision on the amenity of the area. The applicant was agreeable to this, and received a $500 reduction in reserve contribution for each tree protected. The subdivision has been completed, and the lots have subsequently been sold.

The applicant has stated that they believe there is some divergence of opinion as to whether the tree is in good health, and if it should be protected at all.

Council uses the Standard Tree Evaluation Method (STEM) for determining the value of a tree for protection. At time of development, any significant tree is subjected to a STEM report, trees scoring over 108 points are considered worthy of protection.

Council undertook a STEM analysis of the tree in August 1999, and the tree maintained a high STEM score (126 points) which would render it worthy of protection. Upon receipt of this application to remove the protection afforded to the tree by the consent notice on the title, Parks staff submitted comments regarding the tree, they note:

> *"With reference to the STEM evaluation criteria, the form of the tree is good, but requires maintenance to counteract and repair the destructive pruning which has recently been carried out to facilitate site development.*

Vigour and vitality is seen to be good. Natural attrition is present in the form of dead branches, but this is overcome through consistent arboricultural maintenance which if carried out regularly maintains the natural shape of the tree and intercepts die back in selected limbs.

It is therefore imperative that pruning and maintenance be carried out as soon as possible to improve the condition of the tree to a healthy state."

In summary, the Parks Department staff do not believe that the protection of the tree should be removed, the tree significantly contributes to the amenity of the area, the tree is in good health, although requires some pruning by and appropriately qualified person.

As such it is considered that the tree still provides substantial amenity to the surrounding area, the purpose for which it was originally protected. There appears to be no reason why the protection of the tree should be removed.

Therefore I am unable to support the amendment to the consent notice applied for, being the removal of the protection of the European Beech at 6 Barry Avenue, Whakatane.

SUGGESTED RECOMMENDATION:

1. **THAT** pursuant to Section 221(3) Resource Management Act 1991, the Whakatane District Council declines to vary condition No 1(a) of the consent notice on Lot 2 DPS 74877 as it relates to the protection of the European Beech Tree.

2. **THAT** the additional administrative charge of $_____ (inclusive of GST), be paid to the Council in relation to the receiving, processing and granting of this resource consent.

Gael Cooper
SENIOR PLANNER

16 November 1999

DESIGN
WORKS
CLEM
INNAIRD
RCHITECTURAL
DESIGNER
7-307-0967

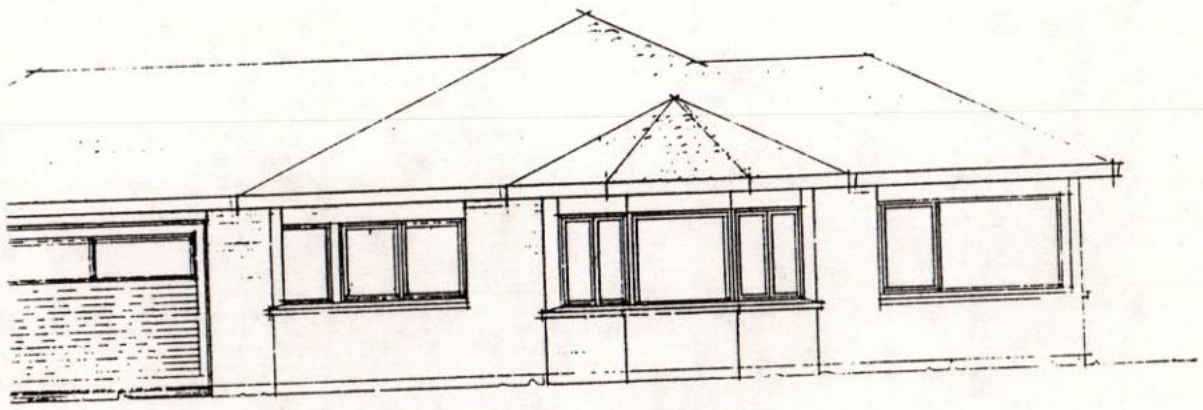
SPECS 5418

SPECIFICATION.

CHOULHARLEY DEVELOPMENT
CNR McCARVEY RD & BARRY AVE

LOTS [redacted] 5

WHAKATANE DISTRICT COUNCIL
APPROVED FOR CONSTRUCTION
Building Control Officer
Date



ELEVATION EAST

CONSTRUCTION NOTES

1. Structural steel shall be Grade 250 (AS 1204) or equivalent. Fabrication and erection of structural steelwork shall meet the requirements of NZS 3404:1992 and shall be in accordance with best trade practice.

2. Prior to painting, structural steelwork shall be solvent cleaned to SSPC SP1 specification, and power tool cleaned to SSPC SP3. Protective coatings shall comprise zinc chromate shop primer (40 micron dft).

3. Structural timber shall be No.1 Framing Grade Pinus Radiata, or Standard Building Grade Douglas Fir, unless specified otherwise.

4. Light timber framed construction shall be in accordance with NZS 3604:1990 unless specified otherwise on the plans.

5. Check all dimensions on site.

6. Proprietary systems, and products, shall be installed strictly in accordance with the manufacturers' recommendations.

7. Foundation design assumes that the site requirements of NZS 3604:1990 are met, and that the foundation subsoils have a safe allowable bearing pressure of 100 kPa.

8. All construction shall meet the requirements of the New Zealand Building Code Approved Documents.

Wall Bracing Calculation Sheet A

Job Details LOTS 4 & 5

box 1

Name M.D. CHOUDHAREY

Street and Number BARRY AVE / MCCARVEY RD CNR.

Lot and DP Number SUBDIVISION OF LOT 1 DP 35113

City/Town/District WHAKATANE

Location of Storey: (single)/upper of two/lower of two

Building height to apex	5m m	Roof weight	light/(heavy)
Roof height above eaves	2m m	Cladding weight	light/(heavy)
Stud height	2.4 m	Room in roof space	y/(n)
Average roof pitch	25°		
Building length BL =	16.6 m	Gross ~~Building~~ ROOF, Plan Area,	GPA = 182 m2
Building width BW =	14.4 m		

Note: *When the average roof pitch is over 25 degrees, use the eaves length and width to determine BL and BW.*

Note: *For heavy roofs use the roof plan at eaves level to determine GPA.*

Wind Zone

box 2

Region:		Terrain:		Exposure:		Topography:	
R1	0 ✓	Inland	0 ✓	Sheltered	0 ✓	Gentle	0 ✓
R2	1	Coastal	1	Exposed	1	Moderate	1
						Extreme	3

Total points 0

Wind zone: ✓ Low (0) ___ Very high (3)

___ Medium (1) ___ Specific Design (4)

___ High (2)

Earthquake zone

box 3

From figure EQ1 select Earthquake Zone: (A) B C

BUs required Wind

box 4

From Table W1A/W1B

W along = 28 BUs/m

W across = 28 BUs/m

Total wind load,

W ALONG:

W along x BW = 403.2 BUs

W ACROSSL

W across x BL = 464.8 BUs

BUs required Earthquake

box 5

From Table EQ1

E = 4.9 BUs/m2

Note: For a room in the roof space use E+1

Total earthquake load,

EQ ALONG and EQ ACROSS:

E x GPA BUs = 892 BUs

Wall Bracing Calculation Sheet B

Along

Wall or Bracing Line		Bracing Elements Provided			Wind		Earthquake	
1	2	3	4	5	6 W	7 W	6 EQ	7 EQ
Line Label	Minimum BUs Required	Bracing Element No.	Bracing Type	Length Element (m) L	Rating BU/m W	BUs Achieved (BU/m x L) W	Rating BU/m EQ	BUs Achieved (BU/m x L) EQ
A	140	1	BR5	1.2			85	102
		2	BR5	1.2			85	102
		3	BR5	1.2			85	102
B	85	4	GIB2	2.4			70	168
C	163	5	Sp 2	0.6			85	51
		6	Sp 2	0.6			85	51
		7	BR6	2.4			110	264
D	102	8	BR5	1.2			85	102
		9	BR4	1.0			85	85
E								
Totals Achieved					W		EQ	1027
From Sheet A Totals Required					W	403.2	EQ	892
Wreq/EQreq = .4								

***If Wreq/EQreq is 1 or less complete EQ column only**
If Wreq/EQreq is 1.5 or more complete W column only
Otherwise complete both W and EQ

Across

Wall or Bracing Line		Bracing Elements Provided			Wind		Earthquake	
1	2	3	4	5	6 W	7 W	6 EQ	7 EQ
Line Label	Minimum BUs Required	Bracing Element No.	Bracing Type	Length Element (m) L	Rating BU/m W	BUs Achieved (BU/m x L) W	Rating BU/m EQ	BUs Achieved (BU/m x L) EQ
M	100	10	GIB1	1.9			50	95
		11	GIB1	1.9			50	95
N	120	12	GIB2	2.4			70	168
		13	GIB1	2.2			50	110
O	120	14	GIB2	2.4			70	168
		15	BR5	1.2			85	102
P	70	16	BR5	1.2			85	102
Q	52	17	GIB1	2.4			70	168
Totals Achieved					W		EQ	1008
From Sheet A Totals Required					W	464.8	EQ	892
Wreq/EQreq = .5								

PRELIMINARY AND GENERAL
(ALL TRADES)

BUILDING REGULATIONS

All work in this contract shall be carried out in strict accordance with the adopted Building Regulations of the Local Territoral Authority.

All work shall meet the provisions of the "New Zealand Building Code" (N.Z.B.C.) to comply with "The Building Act 1991".

Unless otherwise stated the "Acceptable Solutions" contained in the Building Industry Authority "Approved Documents" have been adopted to meet the provisions of the N.Z.B.C.

Any "Alternative Solutions" to meet N.Z.B.C. will be detailed in these Specifications.

FORM OF CONTRACT (Delete not applicable)

FULL CONTRACT: The builder or building company shall be the "Main Contractor".
LABOUR ONLY: The Owner shall be the "Main Contractor".

PROTECTION OF WORK

The Main Contractor shall ensure all parts of the work liable to damage, and all adjoining property, trees, fences and footpaths (driveway crossing) are to be protected until completion of the contract.

INSURANCE

The Main Contractor shall insure the works under a "Builders All Risk" or similar policy ensuring full cover for fire, public liability etc. The period of the policy shall run from the commencement of the work to the date of completion.
NOTE: In Labour-only contracts the Owner is the Main Contractor.

SCOPE

The Main Contractor shall supply all materials, labour, tools and plant necessary for the construction and completion of all work detailed in the plans in these Specifications.

BUILDING CONSENT

The Main Contractor shall obtain the Building Consent from the Local Territorial Authority, pay all Building Consent fees and be responsible for notifying the Local Authority for all inspections.

STANDARDS

New Zealand Standard Specification referred to in this Specification shall be thier respective latest revision. All Trades shall be familiar with their respective Trade Standards.

MATERIALS AND WORKMANSHIP

Materials and components shall be new, unless specifiifed otherwise. Materials shall be handled, stored and fixed in accordance with the manufacturers latest recommendations.

TEMPORARY SERVICES

The Main Contractor shall maintain the property for a period of 30 days after completion and any damage done during that time through faulty workmanship or materials shall be made good at the Contractor's expense.

COMPLETION

All Contractors on completion of work shall remove their Trade debris from the site. The Main Contractor shall ensure that the building and site are left clean and tidy ready for occupancy, with all services and mechanical parts in good working order.

EXCAVATOR

GENERAL

Remove all turf or other vegetation, including trees, stumps, etc., from the area to be built on.

Excavate as required for all wall footings as shown on drawings.

Footing excavations are to be taken down to a solid bearing and to be not less than 300mm deep, 450mm in expansive clay.

Backfill and ram the earth around the foundations after concrete work has firmly set.

CONCRETE WORK

GENERAL

This section deals with the framework, reinforcing, mixes and the placement of concrete in the foundations and floor slabs of the building.

WORKMANSHIP

Workmanship and construction to comply with NZS 3109 and NZS 3604.

MATERIALS

FORMWORK: No 2 Framing radiata pine.
REINFORCEMENT: Grade 300 deformed bars, to NZS 3402.
668 welded reinforcing mesh, to NZS 3422.
VAPOUR BARRIER: Moistop 748 underlay.
CONCRETE: Floor and footings - Ready-mix high grade 17.5 MPa.

FORMWORK

To be securely fixed and braced, have sufficient strength to support all loads with joints and linings tight enough to prevent loss of water. Hose out to clean thoroughly and keep wet before and after concrete is placed.

VAPOUR BARRIER

Lay polythene underlay with 150mm laps, tape sealed to laps and penetrations.

REINFORCEMENT

To Comply with NZS 3109. Bends to be made cold, without fracture. All reinforcing to be accurately placed and will secured against displacement.

INSPECTION

Place no concrete until all excavations, boxing and reinforcing have been inspected and passed by the Territorial Authority Inspector.

FLOOR SLABS

Construct in accordance with NZS 3604 Appendix E. Lay to true and straight surfaces, screeded, floated and steel (manual or power) trowelled to a class U3 NZS 3114 finish. Tolerance on flatness to be a maximum 3mm gradual deviation over a 3 metre straight-edge.

CAST IN

Allow to build in all hold down bolts, pipes, sleeves itc., as required by the various trades and as shown on the drawings, prior to pouring the concrete.

CURING

Protect fresh concrete from premature drying and extremes of temperature. Use suitable methods to limit evaporative drying and keep damp for not less than seven days. Ensure curing of slabs commences as soon as posible after final finishing.

SAW CUTS (if required)

Cutting to be carried out as soon as possible, without causing tear-out of aggregate and before shrinkage cracking has occurred. This will generally be within 72 hours of pouring.

STRIKEOUT

Formwork is to be removed without damaging structure after a period of 4 days.

CARPENTER

MATERIALS AND WORKMANSHIP

All materials shall be according to their grades as described in the timber schedule. Timber not up to grade shall be removed from the site at the expense of the supplier.

All timber work shall be assembled to the best trade practice in compliance with NZS 3604:1990.

Proprioritary systems and products shall be installed in accordance with the manufacturers current recommendations.

All timber attached to concrete work shall be seperated by a bitumous fabric (D.P.C.).

WALL FRAMING

Plates are to be in long straight lengths. Bottom plates and wall plates to be butt jointed over continuous supports, top plates to be butt jointed and fastened with nail plates.

Studs are to be of continuous lengths from floor to ceiling. Size and space at centres as indicated on drawings.

Nogging (Dwangs) shall be 100 x 50mm minimum spaced in rows at 800mm centres.

Lintels to sizes as indicated on drawings.

Wall bracing shall be "Gib-board Wall Bracing Systems", or "Construction plywood bracing systems"

PARTICLE BOARD FLOORING -

3600 x 1800 x 20mm high density particle board flooring sheets.

ROOF FRAMING

Pre-fabricated nail plate trusses fixed plumb, fastened to top plate with one pair of Z nails each side, stiffened with runners and braced each end of the building. The trusses are to be positioned directly over studs or supporting nogging is to be fixed between studs directly under the top plate.

The truss manufacturer shall supply truss layout and design certificate references.

Eaves - (75 x 40mm) Eaves runner to be nailed to the outside of the wall frames. Eaves bearers to be nailed securely to each rafter overhang.

CEILING FRAMING

Fix 75 x 40 mm battens at 450mm centres to underside of rafters or joists with two 75 x 3.15mm nails at each crossing.

BUILDING PAPERS

Roofing underlay - Bitumac 860
Ex. Cladding underlay - Bitumac 850

EXTERIOR CLADDING

Marley 'Palliside' P.V.C. Weatherboards

INSULATION

Exterior Walls: R 1.8 Pink Batts
Ceilings: R 2.4 Pink Batts

WALL & CEILING LININGS

9.5mm Gib. board: Fixing as per "Gib. board Fixing & Jointing Instructions 1992"

Stopping as per "Gib.board stopping & finishing systems 1992".
Wall Ceiling Junctions to be taped and boxed (ie. NO Cornice).
Levels of finish: Walls - Level 4
Ceilings - Level 4

SOFFIT LININGS

4.74mm Hardiflex sheets fixed to soffit bearers butt jointed with PVC jointers.

FINISHING

All internal finishing timbers shall be sanded to remove machine marks and on completion, shall be free from all hammer marks, splits or other defects.

All nails in exposed work (interior and exterior), are to be punched.

ALUMINIUM JOINERY

SCOPE

This section deals with the manufacture, supply, glazing and installation of aluminum windows and doors detailed on the drawings.

STANDARDS

NZS 3504	Specifications for Aluminium Windows.
NZS 4211	Performance of windows.
NZS 4223	Glazing for buildings.

MATERIALS

Alloy:	Powder coated (Colour: to be selected by owner).
Glazing:	Clear float and selected obscure.
Jamb liners:	Ex 25mm Dress grade RAD.

Construct aluminium doors and windows to sizes shown on drawings. Deliver to site and store on edge protected from damage.

Rigidly fix in place frames without distortion, plumb, true to line and face, weathertight and with all openings operating freely.

GUARANTEE

Provide written guarantee covering the work in this section for a period of two years from date of Practical Completion.

TIMBER JOINERY

GENERAL

This section covers the supply to the site of all interior joinery and exterior timber door and side light.

DOORS AND FRAMES

Entrance:	860 Plyco 'Lifestyle II' and 410 side light
Interior:	Plyco 'Lifestyle' panel doors.
Jambs:	Ex 25mm RAD H1 grooved for lining sheets with 20 x 12 planted stops.

FITTINGS

Construct various kitchen, bathroom and laundry fittings as shown on drawings. Discuss with owner as to the style, type and finish required.

Brickwork Specification

1. **Relevant Specifications:**
All work shall be in accordance with the requirements of NZS4210/P Masonry, and NZ3604 Appendix 7, Code of Practice for Timber Frame Construction.

2. **Materials**
(i) **Bricks** shall be: 70 SERIES
BRICKWORKS CLAY BRICKS

(ii) **Cement** shall be ordinary portland cement which at the time of use shall comply with NZS3122:1974 Portland cement (ordinary, rapid hardening and modified).

(iii) **Plasticizer** shall be hydrated lime used at the rate of one part hydrated lime to one part cement.

(iv) **Water** shall be of drinking quality and shall at the time of use be free from acids, alkalis and organic impurities.

(v) **Sand** shall be Mercer No. 1 sand and/or shall comply with the relevant clauses of NZS3103:1976 Sands for mortars and internal and external plasters.

(vi) **Mineral Oxide** pigment shall comply with NZS693:1962 and shall not exceed 3% by weight of oxide to weight of cement.

(vii) **Brick Ties** shall be Duo-Tie Fasteners manufactured by the Royal New Zealand Foundation for the Blind, approved to NZS3604:1981 by SANZ Licence No. 2426, and placed in conformity with NZS4210P Code of Practice for Materials and Workmanship.

(viii) **Horizontal Joint Reinforcement** (where specified for additional strength) shall be lattice configuration Bricklok, consisting of two 4mm diameter rods held by a welded wire lattice, hot-dip galvanized after welding.
Reinforcement may be laid directly on the brick preferably with the lattice upwards.

3. **Preparation of Mortar**
Measure materials by volume and prepare mortar by mixing in a batch mixer complying with NZS3105:1975. The sequence of mixing is to:

(i) Place most of the mixing water in the mixer
(ii) With the drum rotating add lime
(iii) Add mineral oxide pigment
(iv) Add half the sand
(v) Add all the cement
(vi) Add the remaining sand
(vii) Add water until required consistency is attained.

Thoroughly mix all materials for not less than 5 minutes, and until a homogeneous mass is obtained.
Use all mortar, whether on the boards or left in the mixer, within 90 minutes.
Mortar remaining and not used within this period shall be discarded.

4. **Laying of Veneer to Timber Frame**
Lay bricks in metric bond, true to line, level and plumb, and in accordance with good trade practice. Lay all work from the lowest corner. No corner shall be raised more than one metre above wall line. Corners shall be racked back. Toothing is prohibited. Completely fill both perpends and bed joints with mortar. Butter head-joints on three edges. Bricks shall be shoved into place at least 10mm and shall be disturbed as little as possible after initial positioning. Deeply furrowed bed joints will not be permitted and mortar shall be spread on the bed joint not more than three bricks ahead of laying the next course. Joints shall not exceed 10mm in thickness. Tool joints to a hard concave finish.

5. **Brick Ties**
Fix Duo-Tie Fasteners to timber frame at centres not greater than 600mm horizontally and four courses vertically. Maintain a minimum clear air space of 50mm between building paper and veneer. Maintain the airspace, by keeping ties and upstand free of mortar droppings through cleanouts at the bottom of the wall. Reinstate cleanouts on completion of the work.

6. **Reinforcement** (where specificied for additional strength). Set out vertical steel and place Bricklok lattice type reinforcement in conformity with the spacings given in NZS4230P:1985. Place Bricklok in courses which do not contain brick ties. Where the lattice cannot be placed over vertical steel, a cut may be made at the back of the lattice, away from the weather face of the veneer. Reinforcement may similarly be cut and taken around corners. Lapping shall be 100mm.

7. **Weepholes**
Leave weepholes at perpends not exceeding every third joint in spacing. Ventilation at the top of the veneer cavity shall be provided by open perpends at spacings not less than those for weepholes, or by equivalent venting at the top of the brickwork.

8. **Reference Panel and Finished Brickwork**
A sample reference panel, either as part of the project or on the site, shall be erected by the bricklaying contractor, working from several pallets of bricks.
All facing work shall be kept clean as the work proceeds. On completion, all work shall be left in a clean state.

PLUMBER AND DRAINLAYER

GENERAL

This section covers the construction of collection and disposal systems, for foulwater, stormwater, together with the construction of hot and cold water reticulation systems.

MATERIALS AND WORKMANSHIP

All work and materials used shall be in compliance with the following approved standards.

Water supply - G12/AS1 Water Supplies.

Sanitary Plumbing and Drainage - AS 3500.2

Surface water - E1/AS1
3.0 Drainage system materials and construction.
4.0 Downpipes.

WATER SUPPLY

Lay 20mm diameter Alkathene (or equivalent) supply line from site supply point to the house.

Cold Water Supply

Run 12 mm copper pipe branches to various fittings shown on drawings and one outside hose tap. Run 12mm copper pipe branch to hot water cylinder.

Hot Water supply

Provide and install one mains pressure (180Lt) hot water cylinder with element and thermostat. Fit pressure reducing valve and non-return valve at supply point. Fit vent and drain to outlets. Lay 18mm copper pipe to bath and 12mm copper pipes to all other hot water fittings.

Seismic Restraint

Secure hot water cylinder to prevent damage to system (see figure 16 G12 ASI).

Equipotential Bonding

Metallic hot and cold water supply pipes shall be bonded to an earth electrode with and quipotential bonding conductor.

SANITARY PLUMBING

Fittings and Fixtures

Supply and install fittings and fixtures shown on the drawings to the manufacturers specifications.

Fixture Discharge

Provide a water trap to all discharge points of the plumbing system. Waste pipes shall be 50 diameter from sinks and 40mm dia. from washing machines, laundry tubs, showers, baths and basins.
Discharge to drainage system through either floor waste gully's, gully traps or direct to drainage system.

FOUL WATER DRAINAGE

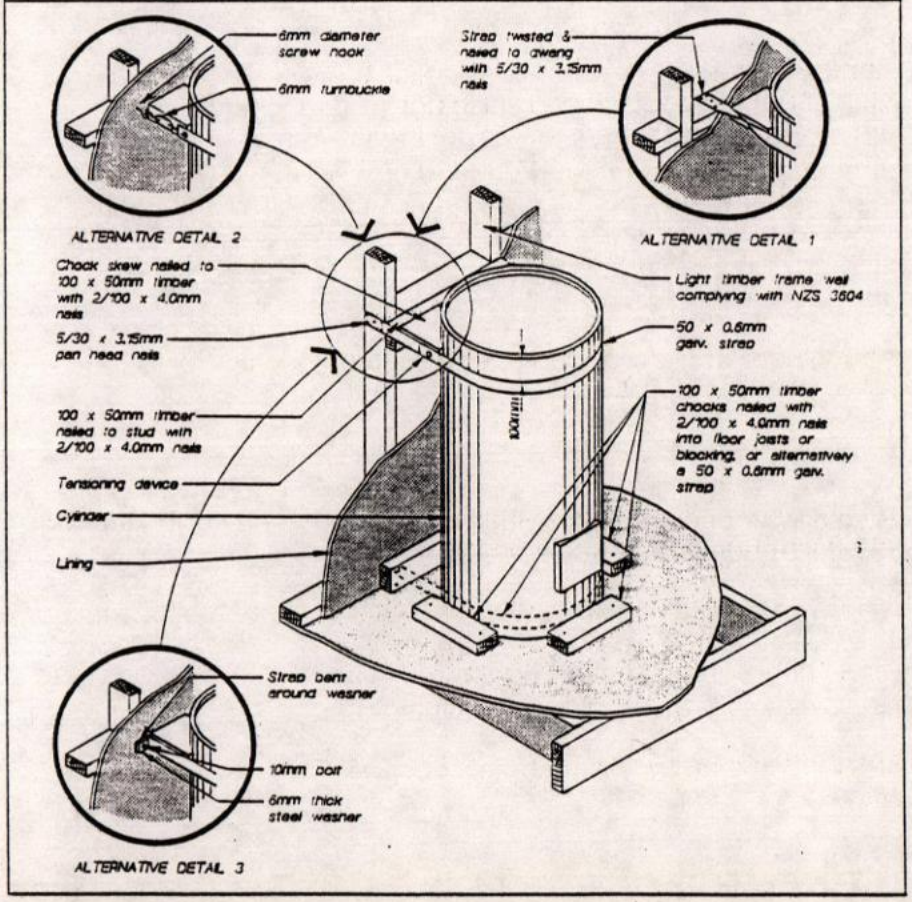
The plans show the layout of the foul water and drainage systems. Standard additional fittings that are required in order to satisfy the above specifications, such as vents, inspection points etc. shall be allowed for and included in the work.

STORM WATER DRAINAGE

Run stormwater from downpipes through 100 dia PVC (or Novaflow) drains to council stormwater system .

Test drainage systems at completion.

Figure 16: **Seismic restraint of storage water heaters - less than 350 litres**
Paragraph 4.10.3(b)



ROOFER

GENERAL

This section covers the supply and fixing of concrete roofing tiles, external roof gutters together with necessary flashings and brackets to ensure a completely weatherproof building.

Roofing: MONIER Roofing Tiles (Profile and colour selected by owner).

Battens: 50 x 50 No2 RAD R/S

Underlay: Standard weight roofing underlay (self supporting).

Gutters: "Klass" External gutter system (G2 Colorsteel)

Downpipes: 63 dia PVC

Workmanship shall be of the best trade practice in accordance with the manufacturers specifications.

PAINTING

GENERAL

This section of the specification covers the painting of interior and exterior surfaces, that are not prefinished.

STANDARDS

The following standards and their related documents, form part of this specification: NZS 7703 "The Painting of Buildings".

MATERIALS

All materials shall be of first class quality and shall be delivered to site in new containers, unopened and currently unable.

WORKMANSHIP

All workmanship shall be in accordance with best trade practice.

PAINTING

Woodwork shall be prepared, primed, stopped and undercoated, prior to the application of two finish coats of high gloss enamel.

Hardiflex soffits shall be prepared and coated with two coats of acrylic semigloss.

Gib-board wall and ceiling linings shall be stopped, sealed, undercoated and finished with two coats of semi-gloss acrylic paint.

Owner to be consulted for the selection of finish coat colours and selections of wallpapers if referred.

CUTFIELD CONSULTING

CIVIL AND STRUCTURAL CONSULTING ENGINEERS

50 STRAND EAST P O BOX 37 WHAKATANE
TEL. 07 307 1444 FAX. 07 308 0239

Our file : 1106

Date : September 1996

STRUCTURAL DESIGN CALCULATIONS

for :

Proposed Residence - Chaudhary
& Mc Garvey - Barry Ave - Lot 5
& Lot 4 Whakatane

CONTENTS page

1.0 Lintel over Garage Door 1
2.0 Cantilevered Lintel over Kitchen 2
3.0 Roof Beam over Entry 3
4.0 Lintel over Bedroom 3

Annex Computer Printouts.

B.E. Cutfield.

Project: Proposed Residence, Chaudhary, Lot 5 #4, McGarvey Road, Ohakatane | File: 11096 | Date: September 96 | By: C.D.M. | Page: 1

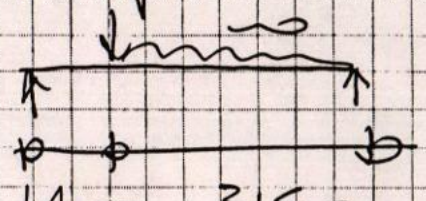
1.0 Garage Door Lintel

- Loadings

Roof: G = 800 Pa, Q = 250 Pa = 1.0 kN/m, no access

- Lintel design

span = 4.55 m. Refer computer printouts for results



$(G+Q)$ $R = \frac{6.30^2}{2\times5.70} \times (0.80+0.25)$ roof

$= 2.79(G) + 0.87(Q)$

$= 3.66$ kN ↓

$P = \frac{6.30^2}{2\times5.70} \times 0.95 \times (0.80+0.25)$

$= 2.65(G) + 0.83(Q)$

$= 3.48$ kN ↓

- deflection $k_2(G + \psi_2 Q)$ $k_2 = 1.0$ steel, $\psi_2 = 0$ roof

150 uB 18.0

$\Delta = 9.09$ mm $=$ span/500

- bending $(1.2G + 1.6Q)$

$M^* = 1.20\times7.72 + 1.6\times2.41 = 13.12$ kNm

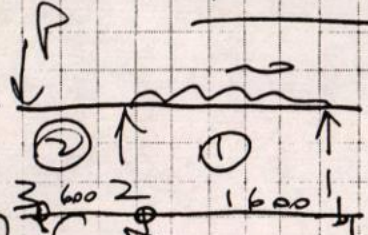
$\phi M_s = 0.90 \times 250 \times 135 = 30.38$ kNm

ϕ fy Sx

Provide 150 uB 18.0 lintel

Cutfield Consulting
CONSULTING CIVIL AND STRUCTURAL ENGINEERS
Telephone 07 307 1444
P.O. Box 37, Whakatane.

2.0 Cantilevered Lintel over Kitchen



(6+a)

$= \frac{1.60^2}{2\times1.0} \times (0.80+0.25)$ Roof

$= 1.02(6) + 0.32(a)$

$= 1.34kN/m$

$P = 1.80\times1.88(0.80+0.25)$ Roof

$= 2.59(6) + 0.81(a) = 3.40kN/m$

or $P = 1.0kN$

- deflection (k26) $k_2 = 2.0$

Check 2/200x50mm

$\Delta = 3mm = \frac{Span}{400}$ ∴ ok

- bending (1.4.6)

$M^* = 2.18kNm$

$\phi M_n = 0.80 \times 0.60 \times 1.14 \times 17.70 \times 540$

$\phi \quad k_1 \quad k_4 \quad f_b \quad Z$

$= 5.23kNm$

Provide 2/200x50 mm cantilevered lintel build back into framing over window, fix against uplift with 1/25x1.2mm galv strap nailed with 6/30x3.15 RH nails per strap end

3.0 Roof Beam over Entry

span = 3.0m

(G+Q) $w = \frac{8.60^2}{2 \times 8.0} \times (0.80 + 0.25)$ roof

$= 3.70(G) + 1.16(Q)$

$= 4.86 kN/m$

(1.4G) $w_u = 5.18 kN/m$ ✓

- deflection (1.2G)

$I_{req} = \frac{5}{384} \times \frac{2 \times 3.70 \times 10^3 \times 3.0^4}{8 \times 10^9 \times 30/400}$

$= 130.08 \times 10^{-6} m^4$ ✓

2/300x50 $I = 182 \times 10^{-6} m^4$ ✓

- bending (1.4G)

$M^* = \frac{5.18 \times 3.0^2}{8} = 5.83 kNm$ ✓

OK for 2/300x50 beam

Provide 2/300x50 ✓

4.0 Lintel over Bed 3 Window

span = 1.25m

(G+Q) $P = 1.50 \times (3.70 + 1.16)$ above

$+ 0.90 \times 2.85 \times (0.80 + 0.25)$ roof

$= 7.60(G) + 2.38(Q) = 9.98 kN$

(1.4G) $P_u = 10.64 kN$

- deflection check 2/200x50

$D = \frac{2 \times 7.60 \times 10^3 \times 1.25^3}{8 \times 10^9 \times 98 \times 182 \times 10^{-6}} = 1.49mm = \frac{span}{84}$

-bending (1.4G)

$M^* = 10.62 \times 1.25 = 3.33 kNm$

$\phi M_n = 0.80 \times 0.60 \times 1.14 \times 17.70 \times 51.0$

$= 5.23 kNm$

Provide 2/200x50

CONSTRUCTION NOTES

1. Structural steel shall be Grade 250 (AS 1204) or equivalent. Fabrication and erection of structural steelwork shall meet the requirements of NZS 3404:1992 and shall be in accordance with best trade practice.

2. Prior to painting, structural steelwork shall be solvent cleaned to SSPC SP1 specification, and power tool cleaned to SSPC SP3. Protective coatings shall comprise zinc chromate shop primer (40 micron dft).

3. Structural timber shall be No.1 Framing Grade Pinus Radiata, or Standard Building Grade Douglas Fir, unless specified otherwise.

4. Light timber framed construction shall be in accordance with NZS 3604:1990 unless specified otherwise on the plans.

5. Check all dimensions on site.

6. Proprietary systems, and products, shall be installed strictly in accordance with the manufacturers' recommendations.

7. Foundation design assumes that the site requirements of NZS 3604:1990 are met, and that the foundation subsoils have a safe allowable bearing pressure of 100 kPa.

8. All construction shall meet the requirements of the New Zealand Building Code Approved Documents.

3		l (m)=	4.55	ws=	0.70			
4		E (MPa E3)=	200.00	w1=	0.40			
5		I (mm4 E6)=	9.05					
6		x (m)=	2.35	K2=	1.00			
7			(G)	(Q)	a			
8	U.D.L. for	(kN.m)	2.79	0.87	3.15			
9	a/l	-	0.00	0.00	0.00			
10		-	0.00	0.00	0.00		Ra+Rb	
11			(G)	(Q)	a		11.44	(G)
12	Point Load	(kN.m)	2.65	0.93	3.15		3.57	(Q)
13	@ a	-	0.00	0.00	0.00		15.01	(G+Q)
14		-	0.00	0.00	0.00			
15		-	0.00	0.00	0.00			
16			(G)	(Q)	K2(G)	(wsQ)	K2(w1Q)	Ra(G+
17		Ra=	6.56	2.05				8.
18		Rb=	4.88	1.52				
19		Mx=	7.72	2.41				
20		defl(1/2)=	9.09	2.84	9.09	1.99	1.13	
21	defl. limits							
22		sp/500 =	9.10		sp/300 =	15.17		
23		sp/400 =	11.37		sp/250 =	18.20		

beamsedd * cs

S T R U C T U R E I N P U T D A T A

File: CANT-1 .DAT

STRUCTURE DATA

NODAL DATA

Node	Xcoord	Ycoord	Xrestr	Yrestr	Zrestr
1	0.000	0.000	1	1	0
2	1.600	0.000	0	1	0
3	2.200	0.000	0	0	0

MEMBER DATA

Member	LHNode	RHNode	PropRef	EndFixity	Length
1	1	2	1	1	1.600
2	2	3	1	1	0.600

PROPERTY DATA

Ref	Elasticity	XArea	Inertia	Sect-Mod	Description
1	2.000E+06	1.729E-02	5.200E-05	5.400E-04	2/200X50
2	2.000E+06	2.604E-01	1.820E-04	1.260E-03	2/300x50
3	2.000E+06	1.250E-02	2.058E-05	2.940E-04	2/150X50
4	2.000E+06	3.393E-02	4.019E-04	2.172E-03	2/400 x 50 GANGLAM
5	2.000E+06	1.729E-01	5.200E-05	5.500E-04	200 X 100

S T R U C T U R E I N P U T D A T A

File: CANT-1 .DAT

LOAD Case: 1 Title: DEAD

NODAL LOADS

Num	Node	XLoad	YLoad	ZMoment
1	3	0.000	-2.590	0.000

MEMBER UDLs

Num	Member	St-UDL	Fin-UDL	Direction
1	1	-1.020	-1.020	0

File: CANT-1 .DAT

LOAD Case: 2 Title: LIVE

NODAL LOADS

Num	Node	XLoad	YLoad	ZMoment
1	3	0.000	1.000	0.000

S T R U C T U R E O U T P U T D A T A

ile: CANT-1 .DAT

OAD COMBINATION

umber: 1
Title: DEAD
actor: 2.00

NODAL DEFLECTIONS & SUPPORT REACTIONS

Node	X-Defln	Y-Defln	Z-Rotn	X-React	Y-React	Z-React
1	0.000	0.000	0.001	0.000	-0.310	0.000
2	0.000	0.000	-0.003	0.000	8.754	0.000
3	0.000	-0.003	-0.005	0.000	0.000	0.000

MEMBER AXIAL LOADS. SHEARS. & MOMENTS

Memb	Node	Axial	Shear	Moment	Node	Axial	Shear	Moment
1	1	0.000	-0.310	0.000	2	0.000	3.574	-3.108
2	2	0.000	5.180	3.108	3	0.000	-5.180	0.000

MEMBER STRESS AXIAL. SHEAR. & BENDING

Memb	Node	AxialStr	ShearStr	BendStr	Node	AxialStr	ShearStr	BendStr
1	1	0.000	-0.018	0.000	2	0.000	-0.206	5.756
2	2	0.000	0.298	5.756	3	0.000	0.298	0.000

EQUILIBRIUM SUMMARY

	Horizontal	Vertical
Applied Loads	0.000	-8.444
Support Reactions	0.000	8.444

urboFRAME+ v3.0 #0 Evaluation Version

S T R U C T U R E O U T P U T D A T A

File: CANT-1 .DAT

LOAD COMBINATION

Number: 1
Title: DEAD
Factor: 1.40

NODAL DEFLECTIONS & SUPPORT REACTIONS

Node	X-Defln	Y-Defln	Z-Rotn	X-React	Y-React	Z-React
1	0.000	0.000	0.001	0.000	-0.217	0.000
2	0.000	0.000	-0.002	0.000	6.128	0.000
3	0.000	-0.002	-0.004	0.000	0.000	0.000

MEMBER AXIAL LOADS. SHEARS. & MOMENTS

Memb	Node	Axial	Shear	Moment	Node	Axial	Shear	Moment
1	1	0.000	-0.217	0.000	2	0.000	2.502	-2.176
2	2	0.000	3.626	2.176	3	0.000	-3.626	0.000

MEMBER STRESS AXIAL. SHEAR. & BENDING

Memb	Node	AxialStr	ShearStr	BendStr	Node	AxialStr	ShearStr	BendStr
1	1	0.000	-0.012	0.000	2	0.000	-0.144	4.029
2	2	0.000	0.209	4.029	3	0.000	0.209	0.000

EQUILIBRIUM SUMMARY

	Horizontal	Vertical
Applied Loads	0.000	-5.911
Support Reactions	0.000	5.911

24.3.96.100
24.2.04.177
0290/0006/000

18 October 2004

John W Haldane
P O Box 132
WHAKATANE

RCLGEN

Dear Sir

WITHDRAWAL OF VARIATION TO CONSENT NOTICE (SUBDIVISION): TREE REMOVAL, J W HALDANE, 6 BARRY AVENUE, WHAKATANE

This letter acknowledges the withdrawal your resource consent application to vary the consent notice registered against the title of the above property. The Council considers that it is not necessary to vary the consent notice registered against your property title for the protection of the Beech tree. This is because the removal of the diseased tree is not contrary to condition 1 (a) the consent notice. The Council keeps a record of all tree removal consents and a notice will be placed on the appropriate subdivision and property files to show that the Beech tree has been consented for removal due to disease.

Please find enclosed with this letter a cheque for $250.00 for your refund.

If you have any further enquiries, please contact me at this office.

Yours faithfully

Emma Hilderink
PLANNER

04\2\L\ENH1810

Whakatane District Council

Commerce Street, Whakatane
Private Bag 1002
Telephone 07 306 0500 Facsimile 07 307 0718

WHAKATANE DISTRICT
LIVING WITH THE SUN

ACCOUNT No.

DATE PAGE

DATE	REFERENCE	AMOUNT
[redacted]		
Annabel		

BAYS PRINT MANAGEMENT LTD

AMOUNT PAID

[redacted]

Bank of New Zealand
Whakatane Branch
181 The Strand, Whakatane

Whakatane District Council

084363

DATE 5/10/2024

PAY TO THE ORDER OF

J Haldane

PAY THE SUM OF: Two hundred & fifty dollars only

NOT TRANSFERABLE

$ 250 00

for WHAKATANE DISTRICT COUNCIL

CHEQUE DUTY PAID LIC No. 9

⑈084363 ⑈020488⑆ 00556291⑈00 ⑈

24.2.04.177
0290/0006/000

11 August 2004

John W Haldane
PO Box 132
WHAKATANE

Dear Mr Haldane

TREE REMOVAL, VARIATION TO CONSENT NOTICE

Thank you for your letter of 6 August 2004 requesting that the consent notice relating to your property be varied.

The Council has approved the removal of the beech tree based upon the recommendations of the arborists report. However, because a consent notice is registered against your property title you must apply to vary the consent notice before the protected tree can be removed.

A $250.00 deposit is payable for the processing of a consent notice variation.

Background to the Resource Consent

In August 1996 approval was given by the Council for the subdivision that subsequently created your property. Conditions of this resource consent included:

> *"(i) That a reserves contribution of $9 000 (inclusive of GST) or an amount determined at 4.5% (plus GST) of the land value of the five new allotments created, as assessed by a registered land valuer, be paid to Council. This amount to be reduced by $500 (inclusive of GST) for each of the trees protected by a consent notice registered against the Certificate of Title for the lot on which the tree is located, in accordance with the conditions of this consent."*
>
> *"(vii) That a consent notice be registered against the Certificate of Title for Lots 2, 3 and 4 requiring that:*
>
> *(a) The following trees and their natural root systems be protected from damage that would be likely to kill or irreparably damage the tree(s) or otherwise adversely affect the shape or form of the tree for the natural lifespan of the tree(s).*
>
> *Lot 2 Phoenix Palm (1)*

	Pohutukawa(2)
	Oak (3)
Lot 3	*Liquid Amber (4)*
Lot 4	*European Beech (5)*

(b) *The owner of the property shall ensure that the tree(s) are maintained in accordance with good arboricultural practice. All maintenance work shall be carried out by a suitably qualified person at the owner's expense.*

(c) *The consent notice shall be prepared by Council's solicitors at the cost of the applicant."*

Therefore in order to vary the consent notice the reserves contribution that was waived in favour of the protected tree must be paid to the Council. This value is yet to be determined, however, it is likely that it will be the original $500.00 adjusted for inflation.

It is important that the tree is not removed until the consent notice has been varied. Once the deposit has been paid the variation to consent notice can be processed and the tree can be removed.

Please contact me if you require any further information.

Yours faithfully

Emma Hilderink
PLANNER

Whakatane District Council

Private Bag 1002, Whakatane 3400
GST Reg No. 16-940-356

Telephone (07) 307 980(
Fax No. (07) 307 0718

*RC ID/Ref: 24.3.96.100

PLANNING - PAYMENT DETAILS

Amount $ 250.00. Date cheque received: 13.8.04.

*Paid by: _____ (name of payee)

Applicant's Name: _____

Details of payment:

Tick	***Details**	***Code**	**Amount**
☐	Subdivision – deposit (GST incl)	68800	
☐	Land Use – deposit (GST incl)	68800	
☐	Sec ~~223/224~~ (GST incl) Sec 127	68800	250.00
☐	Reserves Contribution (GST incl) Area:	51820	
☐	Additional admin charges (GST incl) *Debtor No: *Invoice No.	....	
☐	Monitoring (GST incl)	68820	
☐	Bond (GST excl)	988400 742	
☐	Parking Contribution (GST incl)	68850	
☐	Roading Upgrade (GST incl)	988400 747	
☐	Development Contribution (GST incl) *Area:	051820	
☐	Other: (GST incl/excl)	.....	
☐			

Receipt Number: 507320 Date: 13/8/04.

* Denotes a field that must be entered into Corporate Vision

Environmental Services Department

J. W. Haldane

P.O. Box 132 (6 Barry Avenue), WHAKATANE 3080, New Zealand
Phone: +64-7-308 0215 ♦ **Fax:** +64-7-308 0217
Email: warnerh@wave.co.nz

WHAKATANE DISTRICT COUNCIL
FILE:
REG. No.: G 20822
- 9 AUG 2004
ACTIONED DATE
1 David B
2
3
4

6 August 2004

The Chief Executive
Whakatane District Council
Private Bag 1002
WHAKATANE

Your ref:
24.2.04.177
0290/0006/000

Dear Sir,

REMOVAL OF COVENANTED TREE FROM PROPERTY TITLE

With reference to the letter from Tony Bullard (Senior Planner) giving consent to the removal of the Common Beech tree from my property at 6 Barry Avenue, Whakatane (Lot 4 DPS 74877) [copy enclosed], I wish to have the covenant on this tree removed from my property title.

I understand that Council will undertake this.

Yours faithfully,

Warner Haldane

24.2.04.177
0290/0006/000

2 August 2004

John W Haldane
P O Box 132
WHAKATANE

Dear Sir

RESOURCE CONSENT (LAND USE) – REMOVAL OF TREE

On 2 August 2004, the Senior Planner, under delegated authority, resolved as follows:

"1. ***THAT*** *pursuant to Section 94(2) of the Resource Management Act 1991, the Whakatane District Council is satisfied that the adverse effects on the environment of removing the tree will be minor. Therefore, the resource consent need not be publicly notified in accordance with Section 93 of the Resource Management Act 1991.*

2. ***THAT*** *pursuant to Section 34A and after consideration of Section 104 Resource Management Act 1991 and Rule 9B.2.3(3)(b)(i) of the Transitional Whakatane District Plan, the Whakatane District Council grants resource consent to remove the Fagus sylvatica (Common Beech tree) from a property legally described as Lot 4 DPS 74877, 6 Barry Avenue, Whakatane.*

3. ***THAT*** *pursuant to Section 37 of the Resource Management Act 1991, the Council advises that the 20 working day time limit for issuing a resource consent is being extended by 5 working days. This will bring the new date for the resource consent to 4 August 2004.*

Reason

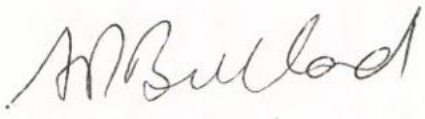
The Whakatane District Council is satisfied that the removal of the tree will have a minor adverse effect on the amenity values of the surrounding neighbourhood. The tree is infected by fungal heartwood decay disease, with the potential for trunk and branch failure in high winds. The activity is not considered to be contrary to Part II of the Resource Management Act 1991."

In accordance with Section 357 of the Resource Management Act 1991, you have the right to submit to Council an objection to any of the above conditions of approval. An objection must be lodged with the Whakatane District Council within 15 working days of receipt of the Council's decision. If you are in any way not satisfied with the decision of Council on this application, you have the right to appeal to the Environment Court. Any appeal is required to be lodged with the Environment Court within fifteen working days of receiving this decision on the objection.

Address all correspondence to: The Chief Executive **Whakatane District Council** Private Bag 1002 Whakatane 3080 New Zealand
Telephone +64 7 306 0500 Facsimile +64 7 307 0718 Email information@whakatane-dc.govt.nz

If you have any further enquiries, please contact Emma Hilderink, (Planner), at this office.

Yours faithfully



Tony Bullard
SENIOR PLANNER

GEN

RESOURCE CONSENT

1.0 **APPLICANT:** M.D. Choudhary.

2.0 **REFERENCE NO:** 24.2.97.136L

3.0 **PLANNER:** GC ☐ DS ☐ LH ☐ OTHER ☑ DH.

4.0 **INFORMATION COMPLETE?**
(eg: deposit, description of activity, AEE, written consents)

Yes ☑ Go to 6
No ☐ Go to 5

5.0 **FURTHER INFORMATION REQUESTED** _____ (Date) **Received** _____ (Date)

FURTHER INFORMATION REQUESTED _____ (Date) **Received** _____ (Date)

6.0 **OTHER RESOURCE CONSENTS?**

Land Use ☐ **Subdivision** ☐

Discharge Permit ☐ **Water Permit** ☐ **Coastal Permit** ☐

7.0 **SECTION 91 APPLICABLE?** **Yes** ☐ **No** ☑

8.0 **ZONING:** Res. A.

9.0 **ACTIVITY STATUS:**

Controlled ☐ **Discretionary** ☑ **Discretionary (Limited)** ☐
Non Complying ☐

10.0 **NOTIFICATION**

10.1 **Persons Adversely Affected:**

Comments: None – after considering other applications and Hale of building works.

10.2 **Environmental Effects Minor:**

Comments: With appropriate conditions.

10.3 **Special Circumstances (S 94(5))**

Do special circumstances exist? **Yes** ☐ **No** ☑

10.4 **Conclusion**

(i) Taking into account the effects considered above, the adverse effect on the environment of the activity for which consent is sought will be:

Minor ☑
More than Minor ☐

(ii) Written approval **has** ☑ **has not** ☐ been obtained from every person who may be adversely affected by the granting of this resource consent.

(iii) It is considered unreasonable in the circumstances to require the obtaining of the approval of _____ because _____.

(iv) Special circumstances exist in relation to the application, therefore, it needs to be notified. **Yes** ☐ **No** ☑

10.5 **Recommendation**

(a) That for the reasons concluded above, this application be processed without notice, pursuant to Section 93 of the Act. ☑

(b) That for the reasons concluded above, this application be processed with notice, pursuant to Section 93 of the Act. ☐

Edward Rutherford _____ 23/10/97
(Planner) *(Date)*

10.6 **Authorised by**

_____ _____
(District Planner/EOES) *(Date)*

10.7 **Report Presentation**

Letter ☑ Memo ☐ Full Report ☐

10.8 **Decision**

District Planner/EOES ☑ Hearings Committee ☐

10.0 **CIRCULATION**

10.1 **Internal**

Department	Circulate *or* No Comment	Time (Minute)	Cost	Code	Initial	Date
Engineers	☑ / ☐					
Inspectors	☑ / ☐					
Parks	☑ / ☐					
Property Officer	☐ / ☐					
	☐ / ☐					
	☐ / ☐					

10.2 **External**

Environment BOP ☐
DLR ☐
Transit New Zealand ☐
Iwi ☐
Department of Conservation ☐
Network Utility Operator ☐
_____ ☐
_____ ☐
_____ ☐
_____ ☐

COST RECOVERY (Planning)

Processing

Date	Time (Min)	Comment	Initials

Planner

Date	Time (Min)	Comment	Initials
20/10	120.	Assess / write ~~no~~ letter of consent.	DB..

Additional Charges (inclusive of GST)

Purpose	Cost	Code	Initials

135 Cplc.
270 land
= 405

Whakatane District Council

Private Bag 1002, Whakatane 3400

GST Reg No: 16-940-35

Telephone (07) 307 9800
Fax No. (07) 307 0718

24 October 1997

No Surveyor (Attention: No Surveyor)

RESOURCE CONSENT INVOICE : 97 136L LAND USE
APPLICANT : M CHOUDHAREY

DESCRIPTION	CODE	FEE $
Consent Processing	68800	100.00
Planning	68800	140.00
Building	73800	.00
Environmental Health	77800	.00
Engineering	68800	.00
Parks & Recreation	68800	.00
Consultant's Fee	-	.00
Cost of Advertisement	68890	.00
Additional Charges	-	.00
Monitoring Fee	68820	36.00
Total (includes GST)		**276.00**
Less Deposit Paid		270.00
TOTAL to pay/refund (includes GST)		**$6.00**

David Bewley
DISTRICT PLANNER

Environmental Services Department

Whakatane District Council

Private Bag 1002, Whakatane 3400

GST Reg No: 16-940-35

Telephone (07) 307 9800
Fax No. (07) 307 0718

24 October 1997

No Surveyor (Attention: No Surveyor)

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Less Deposit Paid		270.00
TOTAL to pay/refund (includes GST)		**$6.00**

David Bewley
DISTRICT PLANNER

Environmental Services Department

Whakatan
Private Bag 1002, W
GST Reg No. 16-9

Telephone (07) 307 9800
Fax No. (07) 307 0718

Whakatane District Council
COMMERCE STREET, PRIVATE BAG 1002, WHAKATANE. PHONE (07) 307-9800, FAX (07) 307-0718

RECEIPT

MD CHOUDHARY LIMITED
6 MCGARVEY RD
WHAKATANE

Date :05Nov97
Drawer No :1
Receipt No :16503

98400/742 MD CHOUDHARY LIMITED ---- General Ledger Receipts ---- $3000.00

Total: $3000.00

WHAKATANE DISTRICT

all together better

M.D. Ch
6 McGa
Bond
$3000.a

:742.

Environmental Services Department

693\B:\INVFORM

Whakatane District Council

Your ref: Our ref: 24.2.97.136L

31 October 1997

R J Overington
P O Box 596
WHAKATANE

Dear Sir

RESOURCE CONSENT—
M D CHOUDHAREY, 6 McGARVEY ROAD, WHAKATANE

On the 31 October 1997, the Executive Officer—Environmental Services resolved as follows:

*"**THAT** pursuant to Sections 34(4) and 105 and after consideration of Section 104 of the Resource Management Act 1991, the Whakatane District Council grants a resource consent, as a discretionary activity, to M D Choudharey to construct a maximum of six dwellings on a property legally described as Lot 1 DP 35113, and subject to the following conditions:*

(a) *That the development proceed generally in accordance with Plan No S1372/1A as prepared by Ross Overington, dated 18 July 1996, and in compliance with conditions of resource consent (land use) 24.3.96.100.*

(b) *That a development contribution of $7 200.00 (inclusive of GST) be paid to Council, being a monetary contribution equivalent to the value of 20 m² for each additional dwelling (after the second dwelling).*

This amount is to be reduced by $500.00 (inclusive of GST) for each tree protected by covenant under condition (h)(i), with the exception of the 2 x Phoenix Palms (labelled No 4 under condition (h)(i)).

(c) *That the accessway be formed and constructed to a minimum two coat sealed standard, to a width of 3.0 metres to the satisfaction of the Executive Officer - Works and Services.*

(d) *That a 6.0 x 6.0 m corner splay on the Barry Avenue/McGarvey Road intersection be vested in the Whakatane District Council.*

(e) *That engineering plans, specifications and calculations providing for the disposal and control of stormwater from the site shall be submitted for approval prior to any works being carried out on the site.*

Address all letters to:
THE GENERAL MANAGER, WHAKATANE DISTRICT COUNCIL, PRIVATE BAG 1002, WHAKATANE 3080.
TELEPHONE: (07) 307-9800
FAX NO.: (07) 307-0718

The design shall take into consideration the provision of both primary and secondary disposal and control systems.

***Primary** - The primary system shall be required to provide an on-site containment or disposal system designed to cater for rainfall of a 10 % probability of occurring annually.*

***Secondary** - The secondary system shall be required to provide the disposal of rainfall of less than a 10 % of probability of occurring annually in a manner that does not cause nuisance to property or buildings both on and off the site.*

(f) That each dwelling shall be provided with an independent underground sewer and metered water supply to the satisfaction of the Executive Officer - Works and Services.

(g) That a covenant be registered against the Certificate of Title requiring that:

(i) The following trees and their natural root systems be protected from damage that would be likely to kill or irreparably damage the tree(s) or otherwise adversely affect the shape or form of the tree for the natural lifespan of the tree(s).

Phoenix Palm (1)
Pohutukawa(2)
Oak (3)
2 x Phoenix Palms (4)
European Beech (5)

(ii) The owner of the property shall ensure that the tree(s) are maintained in accordance with good arboricultural practice. All maintenance work shall be carried out by a suitably qualified person at the owner's expense.

(iii) The covenant and any bond agreement shall be prepared by Council's solicitors at the cost of the applicant.

(iv) The Phoenix Palms may be relocated to the positions shown on Plan S1372/1A entitled "Relocation of Trees (Phoenix Palms).

A bond of $3 000 shall be entered into between the developer and Council to ensure the trees are relocated without damage and will remain in good health in their new location. The period of the bond will be twelve months from the date of the transportation of the Phoenix Palms. The final wording of the bond agreement will be agreed upon by the developer and Council.

For clarity - the covenant requiring protection of trees will include the Phoenix Palms in their current or new relocated positions;

(h) *That engineering plans for all engineering works required to satisfy these conditions shall be submitted to Council for approval prior to any work being carried out on site.*

(i) *That as-built plans of all new and extended services shall be provided to Council for approval and shall be certified as being an accurate record of the location of the services, as constructed, by a registered surveyor or a registered engineer.*

(j) *That an engineering fee of 1 % of the cost of engineering works required to satisfy these conditions or $50 (inclusive of GST) whichever is the greater, shall be paid to Council for receiving, processing and approving engineering plans required by these conditions.*

(k) *That a footpath contribution be paid to Council to form a footpath around the entire McGarvey Road frontage of the site. The applicant is to pay 50% of an agreed value to complete the footpath.*

(l) *That all legal documents required to satisfy the conditions of this consent shall be prepared by the Council's solicitor at the applicant's expense.*

(m) *That an additional administrative charge of $6.00 (inclusive of GST) be paid to Council in relation to the receiving, processing and granting of this resource consent.*

Advice Notes

1. *This resource consent (24 February 1997) shall run concurrently with, not substituting for, resource consent 24.3.97.100 (land use).*

2. *The applicant is advised that a minimum building height of 2.0 35 m (Moturiki Datum) applies to this land.*

Reasons

1. *The development is a discretionary activity in the Residential A zone of the Whakatane Transitional District Plan. Council is satisfied that any adverse environmental effects that may actually or could potentially occur as a result of this development are likely to be minor or are avoided, remedied or mitigated by the conditions of this resource consent.*

2. *Council is satisfied that the proposal is in accordance with Part II of the Resource Management Act 1991, particularly as it relates to the sustainable management of the land and maintaining and enhancing the amenity value of the surrounding area.*

3. *Council is satisfied that the objectives, policies and rules of the District Plan are not compromised by the proposed multi-unit development.*

4. *Council considers that the increase in intensity of development resulting from this subdivision is likely to increase the demand for reserves and community facilities in the District and the requirement to contribute to these services is justified. The development contribution was assessed as follows:*

Land value of 20 m² of land	*$1 600.00*
$1 600.00 x 4 additional dwellings	*$6 400.00*
Development contribution (GST included)	*$7 200.00* "

In accordance with Section 357 of the Resource Management Act 1991, you have the right to submit to Council an objection to any of the above conditions of approval. If you are in any way not satisfied with the decision of Council on this application you have the right to appeal to the Environment Court. Any appeal is required to be lodged with the Environment Court within fifteen working days of receiving this decision.

If you have any further enquiries, please contact David Bewley (District Planner) at this office.

Yours faithfully

Diane Turner
EXECUTIVE OFFICER -
ENVIRONMENTAL SERVICES

97\2\L-2\DCB2010

GIS NO.:

VAL NO.: 7107:566:00 Pt Lot 5

WHAKATANE DISTRICT COUNCIL

DUE DATE 29/10/96

DATE LODGED 15/10/96

BUILDING INFORMATION FOLDER

OWNER: M D CHOUDHAREY

AREA Whk

ADDRESS OF PROPOSED WORK: 6A BARRY AVENUE

NATURE OF BUILDING WORK: HOME UNIT

Lot 5

COV

FILE

REGISTRATION NO. 5418

APPLICATION	PIM	BC
	JOINT PIM/BC	

APPROVED FOR ISSUE

BJL DATE: 29/10/96

APPROVED FOR INSPECTION

DATE: 3/B/97

CCC APPROVED DATE: 14-4-97

PROCESSING SUMMARY

	Comments	Date Approved	Signature
Planning:	No site Plan (Resource consent enclosed) complies	23/10/96	SSBracey
Building:	Western Mokau Datum.	23-10-96	ST
Health:	FILE App Needed	29/10/96	BJL
Engineering:	L. G.	14:10:96	
Other:			

	PROCESSING APPROVALS		INSPECTION APPROVALS	
NZ Building Code Categories	Signature	Date Approved	Signature	Date Approved
STABILITY				
B1 Structure	JT	23/10	JT	5-8-98
B2 Durability	JT		JT	
FIRE SAFETY				
C1 Outbreak of fire				
C2 Means of escape				
C3 Spread of fire				
C4 Structural stability during fire				
ACCESS				
D1 Access routes				
D2 Mechanical installations for access				
MOISTURE				
E1 Surface water	BD	29/10/96	JT	14-4-99
E2 External moisture	JT	23/10	JT	5-8-98
E3 Internal moisture	JT		JT	
SAFETY OF USERS				
F1 Hazardous agents on site				
F2 Hazardous building materials	JT		JT	
F3 Hazardous substances and processes				
F4 Safety from falling				
F5 Construction and demolition hazards				
F6 Lighting for emergency				
F7 Warning systems				
F8 Signs				
SERVICES AND FACILITIES				
G1 Personal hygiene	JT		JT	
G2 Laundering	JT		JT	
G3 Food preparation and prevention of contamination	JT	23/10	JT	5-8-98
G4 Ventilation	JT		JT	
G5 Interior environment				
G6 Airborne and impact sound				
G7 Natural light				
G8 Artificial light				
G9 Electricity				
G10Piped Services				
G11Gas as an energy source				
G12Water supplies	BD	29/10/96	JT	5-8-98
G13Foul water				
G14Industrial liquid waste				
G15Solid waste				
ENERGY EFFICIENCY				
H1 Energy efficiency				

RECORD OF EVENTS AND TIME SPENT ON APPLICATION AFTER CONSENT ISSUE

(Continued)

Date	Event	Inspector	Time (mins)

RECORD OF EVENTS AND TIME SPENT ON APPLICATION AFTER CONSENT ISSUE

(Each officer inspecting the site shall briefly record the event here and give reference to any communication with the builder, owner or other officer in that regard and **record the actual time spent on site.**)

Date	Event	Inspector	Time (mins)
16/8/97	siting and footing all ok to pour. as per engineers design.	BAL	15
5-6-97	Floor & blk. approved mush-roomstone	JT	15
26-8	Pre line approved, Hazen frame used, Z nail in place, bracing in place or sheets marked;	JT	15
22/10	Query re kPa/H_2O. Reverse fall - no specific kPa/H_2O design calcs provided. John following up	JT	20
		JT	30
5-8-98	Road approved, but both Road & Stormwater drain plans to come.		15
14-1-99	Drainage plan received	JT	15

Mann Printing

CONSENT PROCESSING - TIME SHEET

NAME: Choudhary

ADDRESS: 6A Barry Ave

NATURE OF WORK: Dwelling.

Date	23-10	29/10/				Total
Building	90					
Plumbing/Drainage		45				
Health						
District Inspector						
					Total Time	

Date	53/10					Total
Planning	30					
					Total Time	

Date						Total
Structural Engineer						
					Total Time	

Estimated No. of Inspections: 5

Fencl
Sheer
P+D
Donaldson
Fencl

CONDITIONS OF CONSENT:



BUILDING CONSENT 5418

Section 35, Building Act 1991

Project Information Memorandum **No: 5418**

APPLICANT

M D Choudharey
6 McGarvey Road
Whakatane
Contact: owner
Phone: as above Fax:

PROJECT

New Building-Exclude Garage&Outbuilding
Intended Use: NEW DWELLING
Greater than 50 years

Being stage 1 of an intended 1 stages
Estimated value *(inclusive of GST)*$ 140,000.00

HISTORY OF COUNCIL CHARGES

Total fees paid in relation to this consent approval as detailed in Invoice No 5488 are:

Council Charges:	1,167.92
Building Research Levy:	140.00
Building Industry Authority Levy:	91.00
Total:	1,398.92

PROJECT LOCATION

Site Address: 6A Barry Avenue
Whakatane
Legal Description: LOT 5
Survey Plan:
Additional Description:
Valuation Number: 7107/566/00/

This building consent is a consent under the Building Act 1991 to undertake building work in accordance with the attached plans and specifications so as to comply with the provisions of the building code. It does not affect any duty or responsibility under any other Act nor permit any breach of any other Act.

Name: .....

Position ..... DATE: Sat Mar 1 1997

PROJECT INFORMATION MEMORANDUM 5418

Section 31, Building Act 1991

APPLICANT

M D Choudharey
35 Ratima Place
Whakatane

PROJECT

New Building-Exclude Garage&Outbuilding
Intended Use: NEW DWELLING
Greater than 50 years

FOR COUNCIL USE

Application Received:	15/10/1996
Fee:	$ 135.00
Receipt No:	39362
Date Paid:	28/2/97

PROJECT LOCATION

Site Address: 6A Barry Avenue
Whakatane

Legal Description: LOT 5
Survey Plan:
Additional Description:
Valuation Number: 7107/566/00/

This project information memorandum is :

* Confirmation that the proposed building work may be undertaken subject to the provisions to the Building Act 1991 and any requirements to the building consent No 5418.

Signed for and on behalf of the Council:

Name: .....

Position ..... DATE: Thu Oct 31 1996

WHAKATANE DISTRICT COUNCIL
OFFICIAL RECEIPT

Receipt No.: 82503-39355 Date: 28/02/97
Account No.: 73820.100 NEWJANET
Total Amount: $146.25 CHQ

WHAKATANE DISTRICT COUNCIL
OFFICIAL RECEIPT

Receipt No.: 82503-39356 Date: 28/02/97
Account No.: 73840.100 NEWJANET
Total Amount: $140.00 CHQ

WHAKATANE DISTRICT COUNCIL
OFFICIAL RECEIPT

Receipt No.: 82503-39357 Date: 28/02/97
Account No.: 820.930.15 NEWJANET
Total Amount: $91.00 CHQ

WHAKATANE DISTRICT COUNCIL
OFFICIAL RECEIPT

Receipt No.: 82503-39358 Date: 28/02/97
Account No.: 68800.100 NEWJANET
Total Amount: $9.17 CHQ

WHAKATANE DISTRICT COUNCIL
OFFICIAL RECEIPT

Receipt No.: 82503-39359 Date: 28/02/97
Account No.: 21822.100 NEWJANET
Total Amount: $370.00 CHQ

WHAKATANE DISTRICT COUNCIL
OFFICIAL RECEIPT

Receipt No.: 82503-39360 Date: 28/02/97
Account No.: 820.930.2 NEWJANET
Total Amount: $400.00 CHQ

WHAKATANE DISTRICT COUNCIL
OFFICIAL RECEIPT

Receipt No.: 82503-39361 Date: 28/02/97
Account No.: 73820.100 NEWJANET
Total Amount: $162.50 CHQ

WHAKATANE DISTRICT COUNCIL
OFFICIAL RECEIPT

Receipt No.: 82503-39362 Date: 28/02/97
Account No.: 73810.100 NEWJANET
Total Amount: $135.00 CHQ

WHAKATANE DISTRICT COUNCIL
OFFICIAL RECEIPT

Receipt No.: 82503-39363 Date: 28/02/97
Account No.: 73820.100 NEWJANET
Total Amount: $80.00 CHQ

Whakatane District Council

Private Bag 1002, Whakatane 3400
GST Reg No. 16-940-356

Telephone (07) 307 9800
Fax No. (07)308 5804

BUILDING CONSENT INVOICE NO: 5488

BC NO 5418

DATE 31 OCT 1996

M D Choudharey
6 McGarvey Road
Whakatane

Dear M D Choudharey Intended Use: NEW DWELLING

Your Building Consent application for work to be carried out at 6A Barry Avenue Whakatane has now been approved and may be uplifted from the Council Offices on payment of the following fees:

Consent Processing		$ 146.25
B.R.Levy	(Govt Levy)	$ 140.00
B.I.A.Levy	(Govt Levy)	$ 91.00
Planning Fee		$ 9.17
Water Connection Fee		$ 370.00
Footpath Deposit	(Refundable)	$ 400.00
Specific Design Check Fee		$ .00
Inspection Fee [5 inspections allowed for further inspections will incur an additional fee]		$ 162.50
Other [eg. Consultants Fees where specialist systems involved]		$ .00
TOTAL TO PAY (Includes GST)		$ 1,318.92
(Deposit Not Paid) Plus +		215.00
		$ 1,533.92
GST Content of Total		$ 146.55

THE ABOVE FEES ARE ADDITIONAL TO THE DEPOSIT OF $ Not Paid

Should you have any queries regarding this invoice please contact Building Assistant Ms Kathleen Belshaw, in the first instance.

FIRST REMINDER

15-1-97 DATE

PLEASE PAY ON RECEIPT OF THIS INVOICE.

JR Farrell
DISTRICT INSPECTOR

Environmental Services Department

693\B:\INVFORM

Whakatane District Council

Address all letters to:
THE GENERAL MANAGER, WHAKATANE DISTRICT COUNCIL, PRIVATE BAG 1002, WHAKATANE 3080.

TELEPHONE (07) 307-9800
FAX No. (07) 308-5804

18/1/99
(date)

MD Choudharvey
6A Barry Ave
Whakatane

Dear Sir/Madam

BUILDING CONSENT NO: 5418 ~~and~~ ; 5383 ADDRESS OF WORK: 6A Barry Ave Wtk.

PROJECT: Home Unit. (lots 4 & 5)

Council records indicate that a Building Consent was issued for the above work on 3/3/97 and that to date, a final inspection has not been requested nor carried out for this project.

The Building Act requires building owners to notify Council when the building work is complete in order that a Code Compliance Certificate may be issued.

You should note that until a Code Compliance Certificate has been approved, Insurance companies have the right to withhold settlement in the event of any insurance claim.

If there are circumstances that temporarily prevent you from completing this project, please contact Mr Jeff Farrell, District Inspector, in the first instance.

To arrange a convenient date and time for a final inspection, please contact Miss Kataraina Belshaw, Building Assistant, on direct dial phone (07) 3079-827 between 8.00 am - 4.30 pm weekdays.

Yours faithfully

Jeff Farrell
DISTRICT INSPECTOR
g:\dojo\kathyb\f\bcwork

- 5/8/98 (lot 4)
last inspection - 22/10/97. (4 yrs) Please contact this office ASAP.

Environmental Services Department

John —
Can you please follow up 4, 5, 6.
JH

Whakatane District Council

Your ref:

Our ref: BC 5418

13 December 1997

Mrs E Lonergan
2A McGarvey Road
WHAKATANE

Dear Mrs Lonergan

CHOUDHAREY DEVELOPMENT

Further to my visit on December 5 in relation to your concerns over stormwater runoff from the adjacent development being undertaken by Mr Choudharey, I confirm the following:

1. Mr Choudharey's development has been the subject of resource and building consent procedures. As part of those processes, a design from a registered engineer showing how stormwater from the development was to be controlled and discharged in a manner that satisfied the objectives of the New Zealand Building Code Clause E1 - Surface Water, was requested. For your information these objectives are:

   "*(a) Safeguard people from injury or illness, and other property from damage, caused by surface water, and*

   (b) Protect the outfalls of drainage systems."

2. Mr Choudharey commissioned a local engineering firm, Cutfield Consultants, to undertake a stormwater investigation and produce an appropriate design. This was subsequently submitted to Council and approved.

3. During a meeting on the property with Mr Choudharey to discuss your concerns, Mr Choudharey advised me that he had installed the on-site stormwater disposal system to the Cutfield design and indicated where the soakholes had been installed. I requested Mr Choudharey provide a plan to Council with the positions of the soakholes accurately plotted. At this stage I have not received the plan but I do expect it to be forthcoming in the near future.

Address all letters to:
THE GENERAL MANAGER, WHAKATANE DISTRICT COUNCIL, PRIVATE BAG 1002, WHAKATANE 3080, NEW ZEALAND
TELEPHONE: +64-7-307-980
FAX: +64-7-307-071

4. One of the soakholes is positioned adjacent to your common boundary. If it has been installed at a depth below your ground level it should not adversely impact upon your property. As agreed, I have asked Mr Tolley, one of Council's Building Control Officer's to visually sight this soakhole, and when doing so to request your company as an observer. Mr Tolley will contact you prior to Christmas.

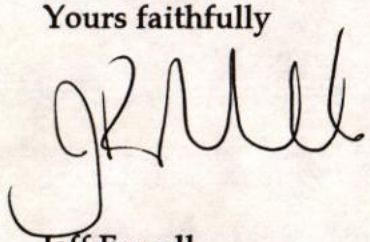
5. Other soakholes are positioned close to Mr and Mrs Rua's boundary. The depth and location of these will also be verified by Mr Tolley.

6. Mr Choudharey has raised the ground level within his property. In order to avoid shedding surface water on to your property he has graded the ground to contain the water on his own property. Your suggestion that surface water ponds adjacent to the boundary will be monitored and observed prior to the issue of a code compliance certificate.

7. The stormwater disposal system on the dwelling erected on Lot 5 (closest to you) has not been completed. The dwelling itself has not been completed. Notwithstanding that the building is incomplete, and that the site is a construction site, Mr Choudharey does have an obligation to ensure that the effects of his development do not adversely impact upon adjoining neighbours.

I trust that this information is of assistance in reassuring you that Council staff have taken some care in processing the resource and building consent applications for Mr Choudharey's development. Thankyou for making the time available to meet with me.

Yours faithfully



Jeff Farrell
DISTRICT INSPECTOR
G:\USER\JEFFF\WP\BC5418

Whakatane District Council

Your ref: Our ref: 24.3.96.100

6 August 1996

Mr Ross J Overington
P O Box 596
WHAKATANE

Dear Sir

RESOURCE CONSENT (SUBDIVISION) -
MR M D CHOUDHAREY

On 31 July 1996, the Hearings Committee considered the above subdivision and resolved as follows:

"1. ***THAT*** *pursuant to Sections 34(4) and 105 and after consideration of Part II Matters and Sections 104 and 108 of the Resource Management Act 1991, the Whakatane District Council grants consent to the land use consent application by M D Choudharey, being a discretionary activity to reduce the front yard requirement along the Barry Avenue frontage of Lot 1 DP 35113 from 6 m to 4 m. Consent is subject to the following conditions:*

(i) *That the development of Lot 1 DP 35113 be undertaken in accordance with plans submitted with this application (reference S 1372/1A, dated 18 July 1996) and the conditions of any subsequent subdivision consent.*

(ii) *That a continuous screen fence, or landscaping, to a height of 1.8 m be erected or established along the Barry Avenue frontage of proposed Lots 2, 3 and 4 (excluding accessways) within twelve months of the date of this consent.*

(iii) *That accessways to the site be located in accordance with Plan S 1372/1A, dated 18 July 1996.*

Reasons

1. *It is not considered that any consents are required because of the layout of the proposed dwellings and their relationship to the adjoining sites.*

2. *The reduction in the yard is to facilitate the retention of the mature trees on the site which will help to maintain the amenity of the area and mitigate the effects of the increase in density resulting from the development of the site.*

3. *A screen fence or landscaping along the Barry Avenue frontage is required to mitigate the effects of the proposed buildings encroaching on the front yard.*

2. *THAT pursuant to Sections 34(4) and 105 and after consideration of Part II Matters and Sections 104, 108 and 220 of the Resource Management Act 1991, the Whakatane District Council grants consent to the subdivision consent application by M D Choudharey, being a non-complying activity, for the proposed subdivision of Lot 1 DP 35113 as shown on Plans S 1372/1 dated May 1996 and S 1372/1A dated 18 July 1996. Consent is subject to the following conditions:*

(i) *That a reserves contribution of $9 000 (inclusive of GST) or an amount determined at 4.5% (plus GST) of the land value of the five new allotments created, as assessed by a registered land valuer, be paid to Council. This amount to be reduced by $500 (inclusive of GST) for each of the trees protected by a consent notice registered against the Certificate of Title for the lot on which the tree is located, in accordance with the conditions of this consent.*

(ii) *That the right-of-way serving Lots 4 and 5 shall be formed and constructed in accordance with Council's Code of Subdivisional Standards to the satisfaction of the Executive Officer - Works and Services.*

(iii) *That Lot 7, shown as road, shall vest in the Whakatane District Council.*

(iv) *That engineering plans, specifications and calculations providing for the disposal and control of stormwater from the site shall be submitted for approval prior to any works being carried out on the site.*

The design shall take into consideration the provision of both primary and secondary disposal and control systems.

***Primary** - The primary system shall be required to provide an on-site containment or disposal system designed to cater for rainfall of a 10 % probability of occurring annually.*

***Secondary** - The secondary system shall be required to provide the disposal of rainfall of less than a 10 % of probability of*

occurring annually in a manner that does not cause nuisance to property or buildings both on and off the site.

(v) *That finished building platform levels on all lots shall be not less than 102.035 above Moturiki Datum. Any fill placed on the site to meet this condition shall be placed under the supervision of a suitably qualified person and certified as being suitable for any subsequent building development provided for as a permitted activity in the District Plan by a Registered Engineer.*

(vi) *That all lots shall be provided with independent underground sewer and metered water and electricity supply in accordance with Council's Code of Subdivisional Standards.*

(vii) *That a consent notice be registered against the Certificate of Title for Lots 2, 3 and 4 requiring that:*

(a) *The following trees and their natural root systems be protected from damage that would be likely to kill or irreparably damage the tree(s) or otherwise adversely affect the shape or form of the tree for the natural lifespan of the tree(s).*

Lot 2	*Phoenix Palm (1)*
	Pohutukawa(2)
	Oak (3)
Lot 3	*Liquid Amber (4)*
Lot 4	*European Beech (5)*

(b) *The owner of the property shall ensure that the tree(s) are maintained in accordance with good arboricultural practice. All maintenance work shall be carried out by a suitably qualified person at the owner's expense.*

(c) *The consent notice shall be prepared by Council's solicitors at the cost of the applicant.*

(viii) *That engineering plans for all engineering works required to satisfy these conditions shall be submitted to Council for approval prior to any work being carried out on site. The plans shall be in the form specified in Council's Code of Subdivisional Standards.*

(ix) *That as-built plans of all new and extended services shall be provided to Council for approval. The plans shall be in the form specified in Council's Code of Subdivisional Standards and shall be certified as being an accurate record of the location of the services, as constructed, by a registered surveyor or a registered engineer.*

(x) *That an engineering fee of 1 % of the cost of engineering works required to satisfy these conditions or $50 (inclusive of GST) whichever is the greater, shall be paid to Council for receiving, processing and approving engineering plans required by these conditions.*

(xi) *That all easements required to protect right-of-ways or services within the subdivision shall be duly granted or reserved.*

(xii) *That a footpath contribution be paid to Council to form a footpath along the entire McGarvey Road frontage of the site. The applicant is to pay 50% of an agreed value to complete the footpath.*

(xiii) *That all legal documents required to satisfy the conditions of this consent shall be prepared by the Council's solicitor at the applicant's expense.*

(xiv) *That an additional administrative charge of $1 020.83 (inclusive of GST) be paid to Council in relation to the receiving, processing and granting of this Resource Consent.*

3. *THAT pursuant to Section 223 of the Resource Management Act 1991, the Executive Officer - Environmental Services be authorised to approve the Survey Plan in respect of the above subdivision once the Survey Plan is submitted and is in accordance with the approved subdivision consent.*

4. *THAT pursuant to Section 224 of the Resource Management Act 1991, the General Manager be authorised to sign a certificate in respect of the above subdivision, stating that all conditions of subdivision consent have been complied with to his satisfaction.*

Reasons

1. *The proposed subdivision is a non-complying activity in the Residential zone of the Whakatane Transitional District Plan. Council is satisfied that any adverse environmental effects that may actually or could potentially occur as a result of this subdivision are likely to be minor or are avoided, remedied or mitigated by the conditions of this resource consent.*

2. *Council is satisfied that the proposal is in accordance with Part II of the Resource Management Act 1991, particularly as it relates to the sustainable management of the land and maintaining and enhancing the amenity value of the surrounding area.*

3. *Council is satisfied that the objectives, policies and rules of the District Plan as they relate to multi-unit developments on a single site are not compromised by the proposed subdivision of the site into separate freehold titles.*

4. *Council considers that the increase in intensity of development resulting from this subdivision is likely to increase the demand for reserves and community facilities in the District and the requirement to contribute to these services is justified. The reserves contribution was assessed as follows:*

Land value of additional lots (as advised by applicant including GST) $40,000 x 5	*$200 000*
Reserves Contribution at 4.5% of land value (GST included)	*9 000*
Total	*$9 000*

Consideration is given to the ongoing protection of the trees identified in condition 7.

5. *Council is satisfied that the right-of-way serving Lots 4 and 5 is of sufficient width to provide vehicle and pedestrian access to the lots.*

6. *The proposed subdivision is in an area that is subject to inundation during extreme storm events and it is considered that appropriate measures should be taken to avoid any increased adverse effect of flooding as a result of the development of the site. Subject to compliance with conditions 4 and 5, Council is satisfied that the proposed subdivision will not contribute to a nuisance or a significant adverse effect outside the new lots created.*

7. *The existing site level is less than that permitted for a minimum building platform in the district. It is appropriate that the buildingplatform be raised to avoid inundation during extreme storm events."*

In accordance with Section 357 of the Resource Management Act 1991, you have the right to submit to Council an objection to any of the above conditions of approval. If you are in any way not satisfied with the decision of Council on this application you have the right to appeal to the Planning Tribunal. Any appeal is required to be lodged with the Planning Tribunal within fifteen working days of receiving this decision.

If you have any further enquiries, please contact Stuart Bracey (Senior Planner) at this office.

Yours faithfully

Diane Turner
EXECUTIVE OFFICER -
ENVIRONMENTAL SERVICES
96\2\L\EES0108A

Whakatane District Council

Your ref: Our ref: 24.2.97.136L

31 October 1997

R J Overington
P O Box 596
WHAKATANE

Dear Sir

RESOURCE CONSENT—
M D CHOUDHAREY, 6 McGARVEY ROAD, WHAKATANE

On the 31 October 1997, the Executive Officer—Environmental Services resolved as follows:

*"**THAT** pursuant to Sections 34(4) and 105 and after consideration of Section 104 of the Resource Management Act 1991, the Whakatane District Council grants a resource consent, as a discretionary activity, to M D Choudharey to construct a maximum of six dwellings on a property legally described as Lot 1 DP 35113, and subject to the following conditions:*

(a) *That the development proceed generally in accordance with Plan No S1372/1A as prepared by Ross Overington, dated 18 July 1996, and in compliance with conditions of resource consent (land use) 24.3.96.100.*

(b) *That a development contribution of $7 200.00 (inclusive of GST) be paid to Council, being a monetary contribution equivalent to the value of 20 m² for each additional dwelling (after the second dwelling).*

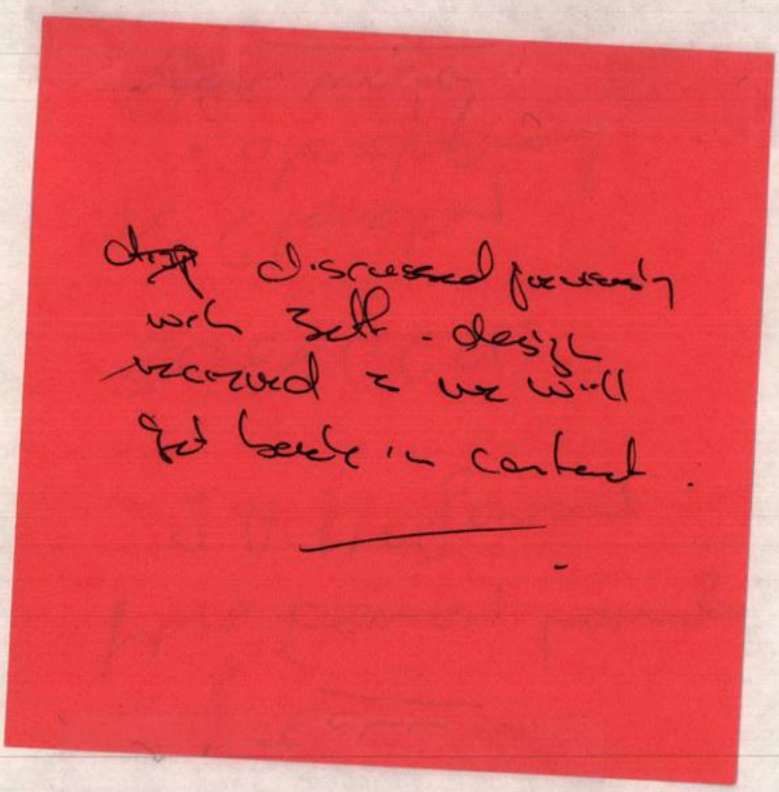
This amount is to be reduced by $500.00 (inclusive of GST) for each tree protected by covenant under condition (h)(i), with the exception of the 2 x Phoenix Palms (labelled No 4 under condition (h)(i)).

(c) *That the accessway be formed and constructed to a minimum two coat sealed standard, to a width of 3.0 metres to the satisfaction of the Executive Officer - Works and Services.*

(d) *That a 6.0 x 6.0 m corner splay on the Barry Avenue/McGarvey Road intersection be vested in the Whakatane District Council.*

(e) *That engineering plans, specifications and calculations providing for the disposal and control of stormwater from the site shall be submitted for approval prior to any works being carried out on the site.*

Address all letters to:
THE GENERAL MANAGER, WHAKATANE DISTRICT COUNCIL PRIVATE BAG 1002 WHAKATANE 3080.
TELEPHONE: (07) 307-9800
FAX NO.: (07) 307-0718


discussed previously
with Seth - design
received + we will
get back in contact.

The design shall take into consideration the provision of both primary and secondary disposal and control systems.

***Primary** - The primary system shall be required to provide an on-site containment or disposal system designed to cater for rainfall of a 10 % probability of occurring annually.*

***Secondary** - The secondary system shall be required to provide the disposal of rainfall of less than a 10 % of probability of occurring annually in a manner that does not cause nuisance to property or buildings both on and off the site.*

(f) *That each dwelling shall be provided with an independent underground sewer and metered water supply to the satisfaction of the Executive Officer - Works and Services.*

(g) *That a covenant be registered against the Certificate of Title requiring that:*

(i) *The following trees and their natural root systems be protected from damage that would be likely to kill or irreparably damage the tree(s) or otherwise adversely affect the shape or form of the tree for the natural lifespan of the tree(s).*

Phoenix Palm (1)
Pohutukawa(2)
Oak (3)
2 x Phoenix Palms (4)
European Beech (5)

(ii) *The owner of the property shall ensure that the tree(s) are maintained in accordance with good arboricultural practice. All maintenance work shall be carried out by a suitably qualified person at the owner's expense.*

(iii) *The covenant and any bond agreement shall be prepared by Council's solicitors at the cost of the applicant.*

(iv) *The Phoenix Palms may be relocated to the positions shown on Plan S1372/1A entitled "Relocation of Trees (Phoenix Palms).*

A bond of $3 000 shall be entered into between the developer and Council to ensure the trees are relocated without damage and will remain in good health in their new location. The period of the bond will be twelve months from the date of the transportation of the Phoenix Palms. The final wording of the bond agreement will be agreed upon by the developer and Council.

For clarity - the covenant requiring protection of trees will include the Phoenix Palms in their current or new relocated positions;

(h) *That engineering plans for all engineering works required to satisfy these conditions shall be submitted to Council for approval prior to any work being carried out on site.*

(i) *That as-built plans of all new and extended services shall be provided to Council for approval and shall be certified as being an accurate record of the location of the services, as constructed, by a registered surveyor or a registered engineer.*

(j) *That an engineering fee of 1 % of the cost of engineering works required to satisfy these conditions or $50 (inclusive of GST) whichever is the greater, shall be paid to Council for receiving, processing and approving engineering plans required by these conditions.*

(k) *That a footpath contribution be paid to Council to form a footpath around the entire McGarvey Road frontage of the site. The applicant is to pay 50% of an agreed value to complete the footpath.*

(l) *That all legal documents required to satisfy the conditions of this consent shall be prepared by the Council's solicitor at the applicant's expense.*

(m) *That an additional administrative charge of $6.00 (inclusive of GST) be paid to Council in relation to the receiving, processing and granting of this resource consent.*

Advice Notes

1. *This resource consent (24 February 1997) shall run concurrently with, not substituting for, resource consent 24.3.97.100 (land use).*

2. *The applicant is advised that a minimum building height of 2.0 35 m (Moturiki Datum) applies to this land.*

Reasons

1. *The development is a discretionary activity in the Residential A zone of the Whakatane Transitional District Plan. Council is satisfied that any adverse environmental effects that may actually or could potentially occur as a result of this development are likely to be minor or are avoided, remedied or mitigated by the conditions of this resource consent.*

2. *Council is satisfied that the proposal is in accordance with Part II of the Resource Management Act 1991, particularly as it relates to the sustainable management of the land and maintaining and enhancing the amenity value of the surrounding area.*

3. *Council is satisfied that the objectives, policies and rules of the District Plan are not compromised by the proposed multi-unit development.*

4. *Council considers that the increase in intensity of development resulting from this subdivision is likely to increase the demand for reserves and community facilities in the District and the requirement to contribute to these services is justified. The development contribution was assessed as follows:*

Land value of 20 m² of land	*$1 600.00*
$1 600.00 x 4 additional dwellings	*$6 400.00*
Development contribution (GST included)	*$7 200.00* "

In accordance with Section 357 of the Resource Management Act 1991, you have the right to submit to Council an objection to any of the above conditions of approval. If you are in any way not satisfied with the decision of Council on this application you have the right to appeal to the Environment Court. Any appeal is required to be lodged with the Environment Court within fifteen working days of receiving this decision.

If you have any further enquiries, please contact David Bewley (District Planner) at this office.

Yours faithfully

Diane Turner
EXECUTIVE OFFICER -
ENVIRONMENTAL SERVICES

97\2\L-2\DCB2010

KA WHAKATANE AU I AHAU

Whakatane District Council

Your ref: Our ref: 24.3.96.100

6 August 1996

Mr Ross J Overington
P O Box 596
WHAKATANE

Dear Sir

RESOURCE CONSENT (SUBDIVISION) -
MR M D CHOUDHAREY

On 31 July 1996, the Hearings Committee considered the above subdivision and resolved as follows:

"1. *THAT pursuant to Sections 34(4) and 105 and after consideration of Part II Matters and Sections 104 and 108 of the Resource Management Act 1991, the Whakatane District Council grants consent to the land use consent application by M D Choudharey, being a discretionary activity to reduce the front yard requirement along the Barry Avenue frontage of Lot 1 DP 35113 from 6 m to 4 m. Consent is subject to the following conditions:*

(i) *That the development of Lot 1 DP 35113 be undertaken in accordance with plans submitted with this application (reference S 1372/1A, dated 18 July 1996) and the conditions of any subsequent subdivision consent.*

(ii) *That a continuous screen fence, or landscaping, to a height of 1.8 m be erected or established along the Barry Avenue frontage of proposed Lots 2, 3 and 4 (excluding accessways) within twelve months of the date of this consent.*

(iii) *That accessways to the site be located in accordance with Plan S 1372/1A, dated 18 July 1996.*

Reasons

1. *It is not considered that any consents are required because of the layout of the proposed dwellings and their relationship to the adjoining sites.*

2. *The reduction in the yard is to facilitate the retention of the mature trees on the site which will help to maintain the amenity of the area and mitigate the effects of the increase in density resulting from the development of the site.*

3. *A screen fence or landscaping along the Barry Avenue frontage is required to mitigate the effects of the proposed buildings encroaching on the front yard.*

2. *THAT pursuant to Sections 34(4) and 105 and after consideration of Part II Matters and Sections 104, 108 and 220 of the Resource Management Act 1991, the Whakatane District Council grants consent to the subdivision consent application by M D Choudharey, being a non-complying activity, for the proposed subdivision of Lot 1 DP 35113 as shown on Plans S 1372/1 dated May 1996 and S 1372/1A dated 18 July 1996. Consent is subject to the following conditions:*

(i) *That a reserves contribution of $9 000 (inclusive of GST) or an amount determined at 4.5% (plus GST) of the land value of the five new allotments created, as assessed by a registered land valuer, be paid to Council. This amount to be reduced by $500 (inclusive of GST) for each of the trees protected by a consent notice registered against the Certificate of Title for the lot on which the tree is located, in accordance with the conditions of this consent.*

(ii) *That the right-of-way serving Lots 4 and 5 shall be formed and constructed in accordance with Council's Code of Subdivisional Standards to the satisfaction of the Executive Officer - Works and Services.*

(iii) *That Lot 7, shown as road, shall vest in the Whakatane District Council.*

(iv) *That engineering plans, specifications and calculations providing for the disposal and control of stormwater from the site shall be submitted for approval prior to any works being carried out on the site.*

The design shall take into consideration the provision of both primary and secondary disposal and control systems.

***Primary** - The primary system shall be required to provide an on-site containment or disposal system designed to cater for rainfall of a 10 % probability of occurring annually.*

***Secondary** - The secondary system shall be required to provide the disposal of rainfall of less than a 10 % of probability of*

occurring annually in a manner that does not cause nuisance to property or buildings both on and off the site.

(v) *That finished building platform levels on all lots shall be not less than 102.035 above Moturiki Datum. Any fill placed on the site to meet this condition shall be placed under the supervision of a suitably qualified person and certified as being suitable for any subsequent building development provided for as a permitted activity in the District Plan by a Registered Engineer.*

(vi) *That all lots shall be provided with independent underground sewer and metered water and electricity supply in accordance with Council's Code of Subdivisional Standards.*

(vii) *That a consent notice be registered against the Certificate of Title for Lots 2, 3 and 4 requiring that:*

(a) *The following trees and their natural root systems be protected from damage that would be likely to kill or irreparably damage the tree(s) or otherwise adversely affect the shape or form of the tree for the natural lifespan of the tree(s).*

Lot 2	*Phoenix Palm (1)*
	Pohutukawa (2)
	Oak (3)
Lot 3	*Liquid Amber (4)*
Lot 4	*European Beech (5)*

(b) *The owner of the property shall ensure that the tree(s) are maintained in accordance with good arboricultural practice. All maintenance work shall be carried out by a suitably qualified person at the owner's expense.*

(c) *The consent notice shall be prepared by Council's solicitors at the cost of the applicant.*

(viii) *That engineering plans for all engineering works required to satisfy these conditions shall be submitted to Council for approval prior to any work being carried out on site. The plans shall be in the form specified in Council's Code of Subdivisional Standards.*

(ix) *That as-built plans of all new and extended services shall be provided to Council for approval. The plans shall be in the form specified in Council's Code of Subdivisional Standards and shall be certified as being an accurate record of the location of the services, as constructed, by a registered surveyor or a registered engineer.*

(x) *That an engineering fee of 1 % of the cost of engineering works required to satisfy these conditions or $50 (inclusive of GST) whichever is the greater, shall be paid to Council for receiving, processing and approving engineering plans required by these conditions.*

(xi) *That all easements required to protect right-of-ways or services within the subdivision shall be duly granted or reserved.*

(xii) *That a footpath contribution be paid to Council to form a footpath along the entire McGarvey Road frontage of the site. The applicant is to pay 50% of an agreed value to complete the footpath.*

(xiii) *That all legal documents required to satisfy the conditions of this consent shall be prepared by the Council's solicitor at the applicant's expense.*

(xiv) *That an additional administrative charge of $1 020.83 (inclusive of GST) be paid to Council in relation to the receiving, processing and granting of this Resource Consent.*

3. *THAT pursuant to Section 223 of the Resource Management Act 1991, the Executive Officer - Environmental Services be authorised to approve the Survey Plan in respect of the above subdivision once the Survey Plan is submitted and is in accordance with the approved subdivision consent.*

4. *THAT pursuant to Section 224 of the Resource Management Act 1991, the General Manager be authorised to sign a certificate in respect of the above subdivision, stating that all conditions of subdivision consent have been complied with to his satisfaction.*

Reasons

1. *The proposed subdivision is a non-complying activity in the Residential zone of the Whakatane Transitional District Plan. Council is satisfied that any adverse environmental effects that may actually or could potentially occur as a result of this subdivision are likely to be minor or are avoided, remedied or mitigated by the conditions of this resource consent.*

2. *Council is satisfied that the proposal is in accordance with Part II of the Resource Management Act 1991, particularly as it relates to the sustainable management of the land and maintaining and enhancing the amenity value of the surrounding area.*

3. *Council is satisfied that the objectives, policies and rules of the District Plan as they relate to multi-unit developments on a single site are not compromised by the proposed subdivision of the site into separate freehold titles.*

4. *Council considers that the increase in intensity of development resulting from this subdivision is likely to increase the demand for reserves and community facilities in the District and the requirement to contribute to these services is justified. The reserves contribution was assessed as follows:*

Land value of additional lots (as advised by applicant including GST) $40,000 x 5	*$200 000*
Reserves Contribution at 4.5% of land value (GST included)	*9 000*
Total	*$9 000*

Consideration is given to the ongoing protection of the trees identified in condition 7.

5. *Council is satisfied that the right-of-way serving Lots 4 and 5 is of sufficient width to provide vehicle and pedestrian access to the lots.*

6. *The proposed subdivision is in an area that is subject to inundation during extreme storm events and it is considered that appropriate measures should be taken to avoid any increased adverse effect of flooding as a result of the development of the site. Subject to compliance with conditions 4 and 5, Council is satisfied that the proposed subdivision will not contribute to a nuisance or a significant adverse effect outside the new lots created.*

7. *The existing site level is less than that permitted for a minimum building platform in the district. It is appropriate that the buildingplatform be raised to avoid inundation during extreme storm events."*

In accordance with Section 357 of the Resource Management Act 1991, you have the right to submit to Council an objection to any of the above conditions of approval. If you are in any way not satisfied with the decision of Council on this application you have the right to appeal to the Planning Tribunal. Any appeal is required to be lodged with the Planning Tribunal within fifteen working days of receiving this decision.

If you have any further enquiries, please contact Stuart Bracey (Senior Planner) at this office.

Yours faithfully

Diane Turner
EXECUTIVE OFFICER -
ENVIRONMENTAL SERVICES
96\2\L\EES0108A

STRUCTURAL ENGINEERING CONTENT

PROCESSING TIME

Date Received and Sent to Engineer : 03/10/96

Due Date: 17/10/96

Registration No: 5383

NAME: Choudharey

ADDRESS: 6 & 6A Barry Ave

NATURE OF WORK: Home Units.

Dates	8/10				
CHD	1.0 @	$60/hr			$60-00
Total				Sub Total	$60-00
				Plus GST	$7-50
				TOTAL	$67-50

ENGINEERS COMMENTS

Ok

HARRISON GRIERSON CONSULTANTS LTD.

Received 4/10 File

	SEEN	ACTION		SEEN	ACTION
PWS			MGT		
JSC					
TPD			MGT		

A:\GENERAL\FORMS\TIME-ENG.DOC

Whakatane District Council

Your ref: FILE Our ref: 2A McGarvey Rd WK.

7 January 1998

Mrs Esmay Longergan
2A McGarvey Road
WHAKATANE

Dear Mrs Longergan

REGARDING: STORMWATER SOAKRING

This letter is to confirm that the top of the soakring at 6A Barry Avenue, Whakatane Lot 5 of Mr M Choudharey's subdivision is 75mm below the level of your lawn. This soakring is located in the north-west corner of 6A Barry Avenue, Whakatane.

Please do not hesitate in contacting the undersigned if you have any further queries.

Yours faithfully

JH Tolley
BUILDING CONTROL OFFICER

98\6\L\JHT0701

Address all letters to:
THE GENERAL MANAGER, WHAKATANE DISTRICT COUNCIL, PRIVATE BAG 1002, WHAKATANE 3080, NEW ZEALAND.
TELEPHONE: +64-7-307-9800
FAX: +64-7-307-0718

24 December 1997

Mr M Choudharey
6 McGarvey Road
WHAKATANE

Dear Sir

This letter is to confirm the discussion we had on site yesterday regarding the soak ring that is located adjacent to Mrs Esmay Lonergan's boundary. This soak ring is to be lowered so that it's top is below the ground level of Mrs Lonergan's property. The same applies if this ring is abandoned and another is installed.

It is necessary that I sight this soak ring before it is backfilled. Please contact this office for an inspection time.

Yours sincerely

J H Tolley
BUILDING CONTROL OFFICER

Copy To:
Mrs Esmay Longergan
2A McGarvey Road
WHAKATANE

97\6\L\JHT2412

Esmo Lonergan 2A McCarvey Rd. 3088469

Clondaree - McCarvey Rd

- fence - posts not concreted in; just moving strip

- stormH2O concern
  - raised section
  - told by John have to be piped to front of section
  - new sumps installed on property & close to boundary fence, advised by John ok to dispose on site
  - also garage on property draining to sump contributing to stormH2O on property.

To keep advised once stormH2O design approved. JB. 22/10

23-10-07

Jeff

Mrs Lonergan called again (3088469) and has spent a sleepless night can you please call her back.

Barry L. has given us a copy of his design. which relies on the drives to take excess water to the Street, his appears adequate to me, but ob our concern is a problem for his design construction

Barry's design attached.

E.T.

11-11-97

Jeff

Mrs Rees 8th Barry Ave Phone 3087727 has now got concerns re stormwater from Mr. Chaudhary

From the phone call it would appear Mrs Rees has just come home and Mrs Donnegan has been in touch

T.T.

GIS No: 0290/0006/000

PIM	Charge
Cost: $	

MINIMUM FLOOR LEVEL

Requested by:	Date: 23-10-96

Applicant

Name:	M D Choudary
Mailing Address:	35 Bathima Road
Phone: *(Bus)*	3084625 Fax No:

Survey Data

Minimum Floor Level Required:	102.035
Surveyed by:	Gr. K. BRYCE Date: 24/10/96
From B M Number:	~~2750/01~~ 0290/01/1 ~~RL 101.340~~ RL 101.645
Peg or Mark Level:	101.840
Pegged on Site *(describe)*	Bdy peg on joint bdy between 6 and 6A
	Barry Avenue and on western side-bdy of both properties.
Minimum floor level is	0.195 above peg or mark level.

Site Data

No: 6	Street: Barry Ave	Area:
Legal Description:	Lot 14	

Issued by: ..... *Date:* 25/10/96

MISC\FORMS\PIMINFO

Whakatane District Council

Your ref: Our ref:

24 December 1997

Mr M Choudharey
6 McGarvey Road
WHAKATANE

Dear Sir

This letter is to confirm the discussion we had on site yesterday regarding the soak ring that is located adjacent to Mrs Esmay Lonergan's boundary. This soak ring is to be lowered so that it's top is below the ground level of Mrs Lonergan's property. The same applies if this ring is abandoned and another is installed.

It is necessary that I sight this soak ring before it is backfilled. Please contact this office for an inspection time.

Yours sincerely

J H Tolley
BUILDING CONTROL OFFICER

Copy To:
Mrs Esmay Longergan
2A McGarvey Road
WHAKATANE

97\6\L\JHT2412

Address all letters to:
THE GENERAL MANAGER, WHAKATANE DISTRICT COUNCIL, PRIVATE BAG 1002, WHAKATANE 3080, NEW ZEALAND.
TELEPHONE: +64-7-307-9800
FAX: +64-7-307-0718

Mr M. Choudhary.
6 Mc Garvey Rd.
W Nth.

Copy to
Mrs L. Lonergan.
2 A Mc Garvey Rd.

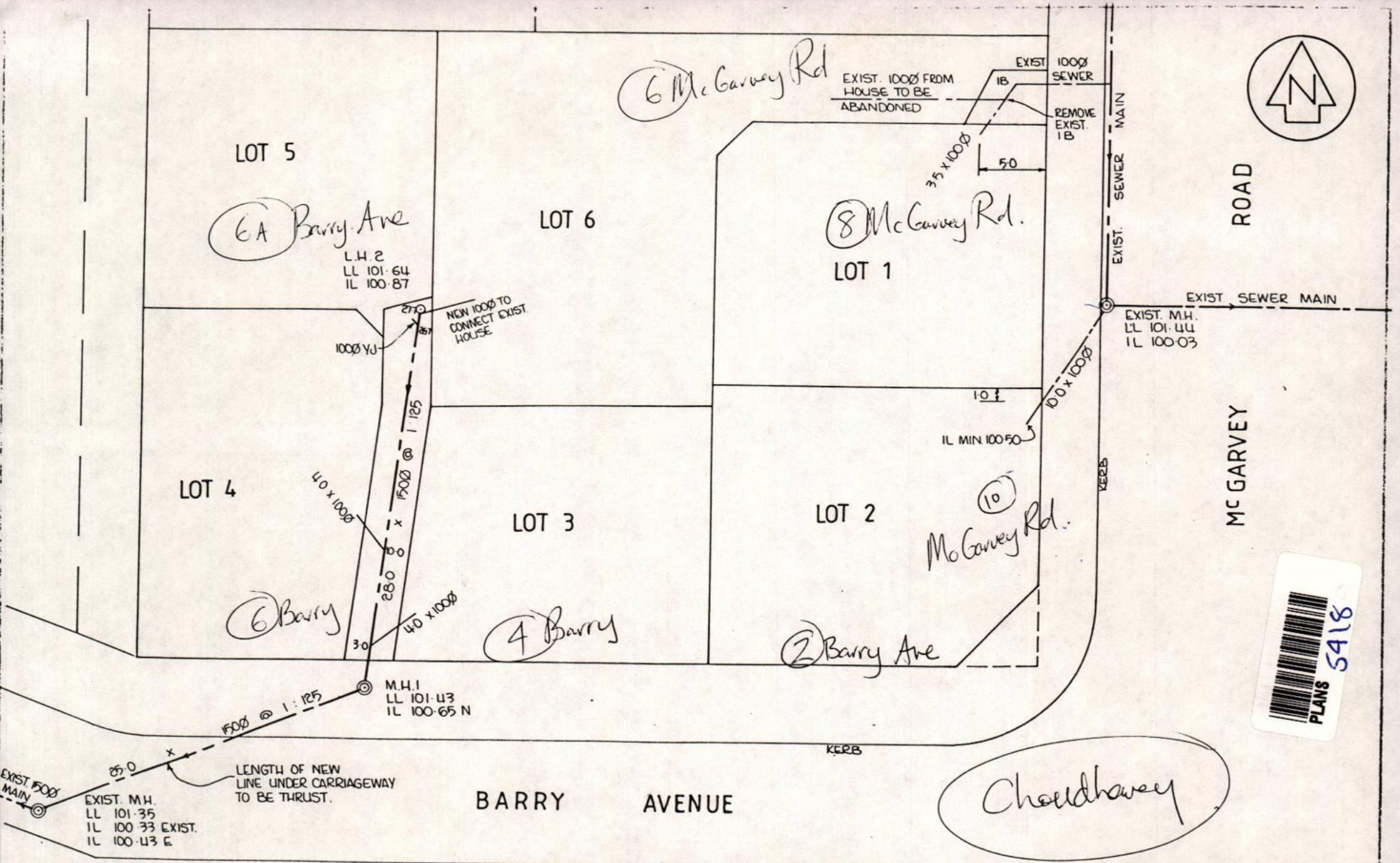
Dear Sir,

This letter is to confirm the discussion we had on site yesterday regarding the soak way that is located adjacent to Mrs Lonergans boundary. This soak way is to be lowered so that its top is below the ground level of Mrs Lonergans property. The same applies to this way is abandoned and an other is installed.

It is necessary that I right
note this soak way before the it is backfilled.

Yours sincerely

T.H.



PREPARED FOR:
M. D. CHOUDHAREY
BUILDING CONTRACTOR

SUBDIVISION AT NO. 6 McGARVEY ROAD

SEWER RETICULATION

ROSS J. OVERINGTON
REGISTERED SURVEYOR
PO BOX 596 * WHAKATANE * PHONE 3086384

RJO			
SAW	OCT 1996	1:250	E.1372/1

LOT 5

LOT 6

LOT 1

LOT 4

LOT 3

LOT 2

EXIST. 100Ø SEWER

EXIST. 100Ø FROM HOUSE TO BE ABANDONED

1B

REMOVE EXIST. 1B

3·5 x 100Ø

5·0

EXIST. SEWER MAIN

ROAD

L.H.2
LL 101·64
IL 100·87

NEW 100Ø TO CONNECT EXIST. HOUSE

100Ø YJ

EXIST. SEWER MAIN

EXIST. M.H.
LL 101·44
IL 100·03

1·0

10·0 x 100Ø

IL MIN. 100·50

1500Ø @ 1:125

40 x 100Ø

10·0

28·0

3·0

40 x 100Ø

Mc GARVEY

KERB

M.H.1
LL 101·43
IL 100·65 N

1500Ø @ 1:125

25·0

LENGTH OF NEW LINE UNDER CARRIAGEWAY TO BE THRUST.

EXIST. 1500Ø MAIN

EXIST. M.H.
LL 101·35
IL 100·33 EXIST.
IL 100·43 E

KERB

BARRY AVENUE

PREPARED FOR:
M. D. CHOUDHAREY
BUILDING CONTRACTOR

SUBDIVISION AT NO. 6 McGARVEY ROAD

SEWER RETICULATION

ROSS J. OVERINGTON
REGISTERED SURVEYOR
PO BOX 596 * WHAKATANE * PHONE 3086384

SHEET E.1372/1

DRAWN RJO			
CHKD SAW	OCT. 1996	1:250	

20.77

101.7

101.56

100 ϕ

3.00

LIVING COURT

DP

1.2 ϕ SOAKWELL

LOT 5.

DP

LOUNGE

DINING

MIN F.F.L. 102.035

20.60

SOAKWELL

ENTRY

KITCHEN

6.52

101.70

101.75

100 ϕ DRAINS

SURFACE WATER FLOW

6A Barry

CLOSE

SEALED DRIVEWAY

1200 ϕ SOAKWELL

SOAK HOLE

KERB

DP

1.00

100 ϕ

1.2

101.60

SERVICE YARD

100 ϕ CONNECTION

101.79

Peg level 101-840

1.2 ϕ SOAK WELL

100 ϕ NOVAFLOW

3.60

LIVING COURT

KERB

1.50

LOUNGE

101.65

1.76

101.70

101.65

DINING

MIN F.F.L. 102.035

9

ENTRY

KITCHEN

GT.

KERB

3.50

25.83

BATHROOM

GT.

DP

101.62

BATH

100 ϕ DRAINS

100 ϕ CONNECTION

GENERAL

20.77

101.7

101.56

100ϕ

3.00

LIVING COURT

DP

1.2ϕ SOAKPIT

LOT 5.

DP

LOUNGE

DINING

WHAKATANE DISTRICT COUNCIL
APPROVED FOR CONSTRUCTION
Building Control Officer
Date

MIN F.F.L 102.035

25.02

SKILLION

DP

1.5

KITCHEN

GT

6.52

101.70

101.75

100ϕ DRAINS

SURFACE WATER FLOW

6A Barry

CARAGE

SEALED DRIVEWAY

1200ϕ SOAKRING.

3.15

SOAK HOLE

KERB

1.2

DP

1.00

100ϕ

101.60

SERVICE YARD

PROPOSED MH (RL 100.85)

100ϕ CONNECTION

101.79

CESSPIT

100ϕ CONNECTION

1.2ϕ SOAK RING.

100ϕ NOVAFLOW

3.60

LIVING COURT

KERB

1.50

LOUNGE

DINING

101.65

1.76

101.70

101.65

ENTRY

KITCHEN

GT

3.50

1.80

101.62

BATHROOM

FAMILY

ENTRY

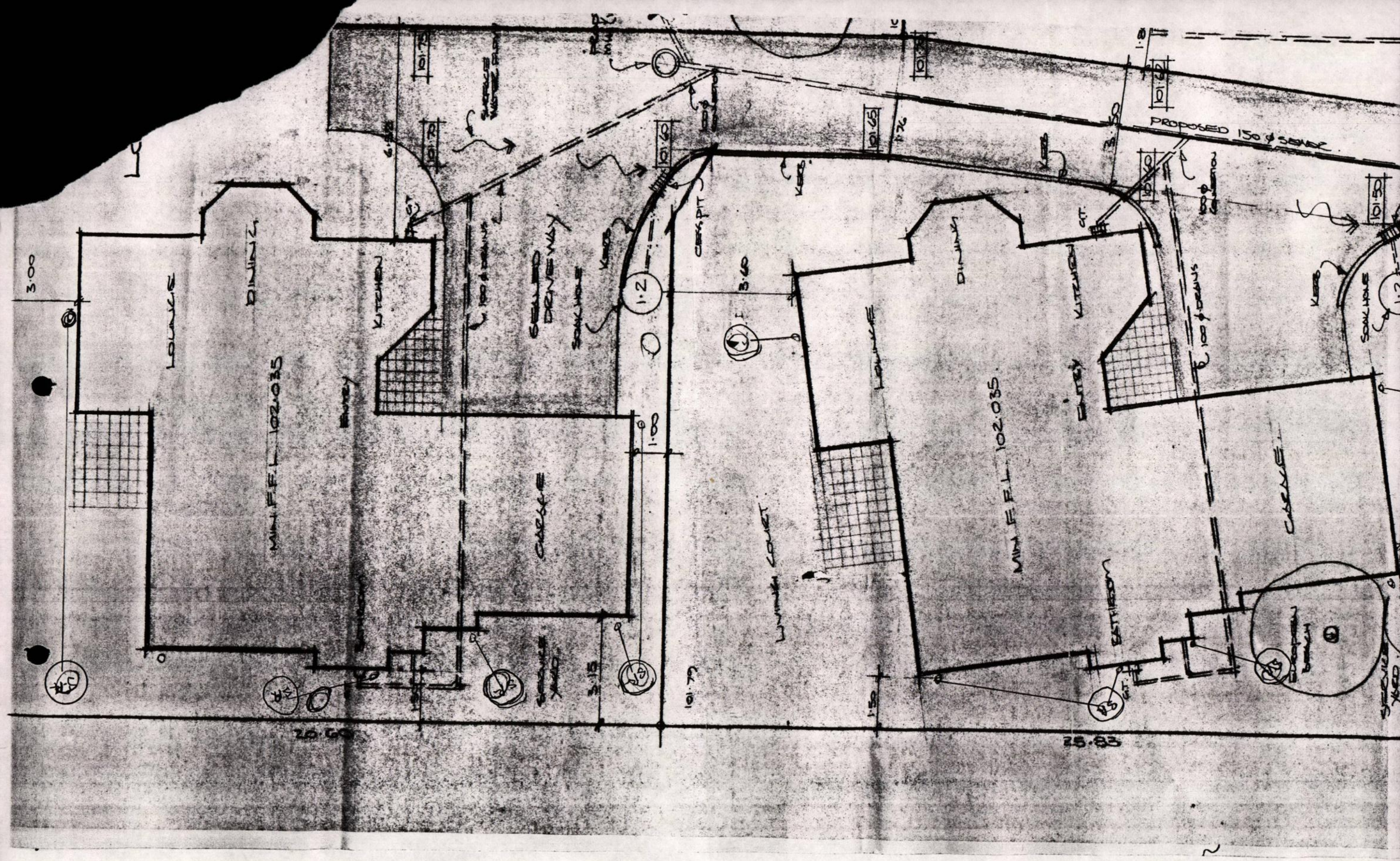
GT

DP

100ϕ DRAINS

100ϕ CONNECTION

PROPOSED ISO


PROPOSED 150ø SEWER
101.50
101.65
101.70
101.76
101.80
3.50
3.60
3.00
1:2
1:8
1:50
KERB
CONC. PIT
SEALED DRIVE WAY
SOAKHOLE
LOUNGE
DINING
KITCHEN
ENTRY
LIVING COURT
BATHROOM
CARPORT
F.F.L. 102.035
20.69
25.83

GARAGE
GARAGE
SEALED DRIVEWAY
SOAK HOLE
KERB
3.15
1.00
1.2
101.60
101.79
CESS PIT
3.60
LIVING COURT
KERB
1.50
LOUNGE
101.65
1.76
DINING
MIN F.F.L. 102.035.
KERB
25.83
CUTEY
KITCHEN
C.T.
BATHROOM
C.T.
3.50
101.60
101.62
100 ϕ DRAINS
100 ϕ CONNECTION
PROPOSED 150 ϕ SEWER
GARAGE
SOAK HOLE
1.2
101.50
LOT 4.
CESS PIT
101.67
16.62
1.76
101.60
PROPOSED SS MH (I.L. 100.60)
PROPOSED 150 ϕ SEWER
101.50
TOP OF KERB DATUM 101.31

DESIGN WORKS
C.E.M. KINMAIRD
ARCHITECTURAL DESIGNER
07-307-0887

Safety notes:
- ventilate deep manholes before entering
- don't work alone in deep manholes or trenches
- wash your hands before eating
- beware of electrical cables, gas pipes and overhead power hazards

Check for cables before you dig

Accurate drainage plans save time and money

- for property owners and occupants
- for tradespersons
- for council staff

Please take care to write or print legibly

Always show
- the direction of North
- the name of the main street frontage
- the outline of all the buildings
- the location of all inspection access fittings
- the boundaries of the property
- the **exact** location of connection between drains and sewer
- the scale of your plan

If you forget to hand this plan to the council inspector, please post it to:

The Chief Inspector
Whakatane District Council
Private Bag
Whakatane

WHAKATANE DISTRICT COUNCIL

The Strand East, Private Bag, Whakatane. Telephone (076) 86 149

Plan of Sewage and Stormwater Drains BC 5418

Tradesperson to complete all details, draw plan and hand completed document to Council Inspector at time of inspection.

Location of work

STREET ..... 6A (number) Barry Ave (name of street) ..... (urban area)

Legal description of property: Lot No. 5. DP No. .....

Allotment/Section .....

Owner of property

M. Chowdhary.
(owners name and initials)

Tradesperson

Drains laid by: D. Hart
(name of tradesperson responsible for work)

Drainlayer registration No. 11298.

Company or business name and address:
WHAKATANE TRADERS
P.O. Box 2125, Whakatane
Telephone (07) 307-0669
Mobile 025-742-180

Telephone No. ..... (exchange) (number)

Tick features

new work	(✓)
additions to existing drain	( )
alterations to existing drain	( )
connection to sewer	( )
work under contract for council	( )
residential	(✓)
commercial/industrial	( )
land subject to cross-lease	( )

Other .....

Signature of tradesperson

..... date work completed .....

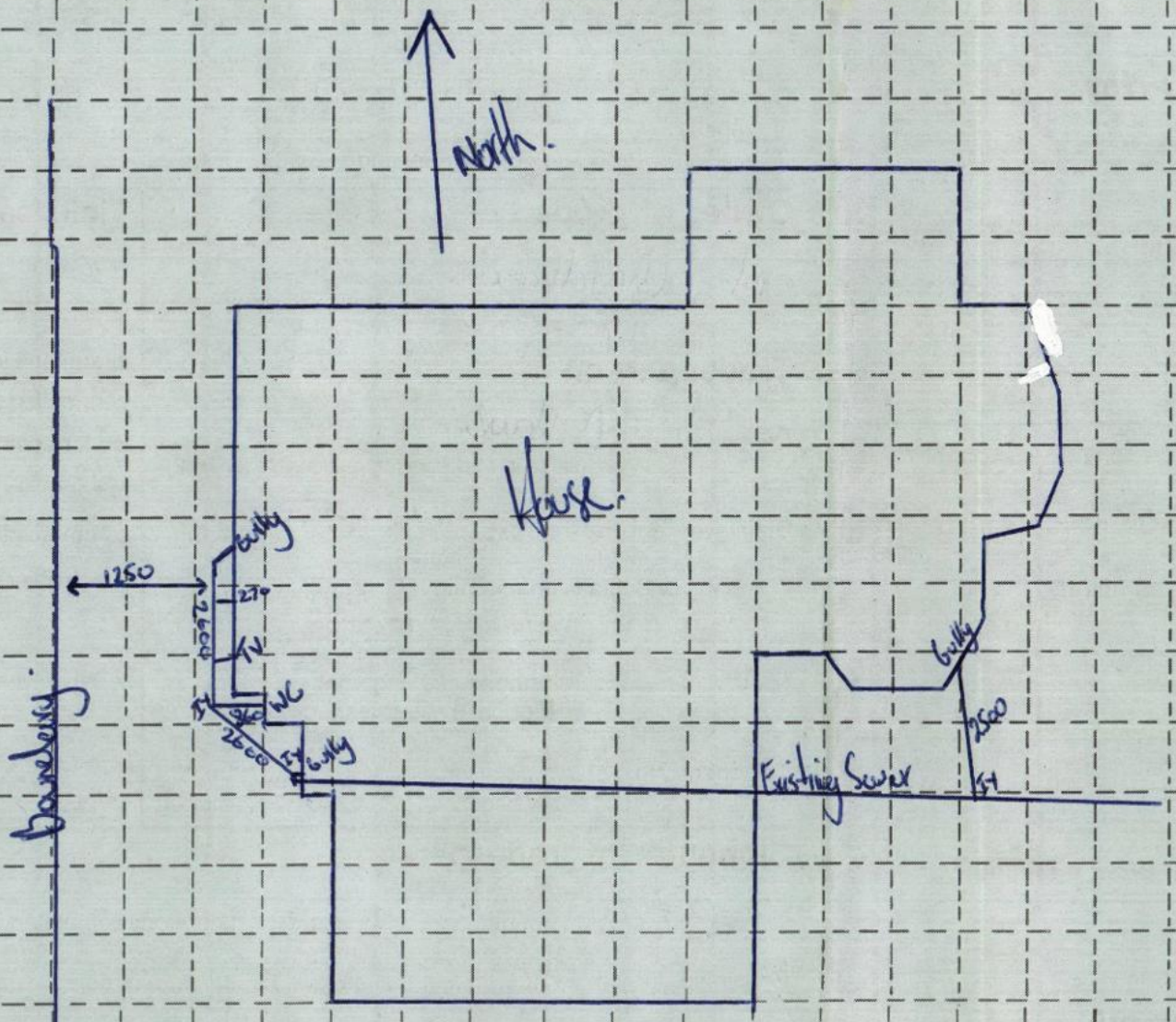
Permit No. for job ..... dated 19/8/98

Inspectors notes:

.....
Inspector's signature

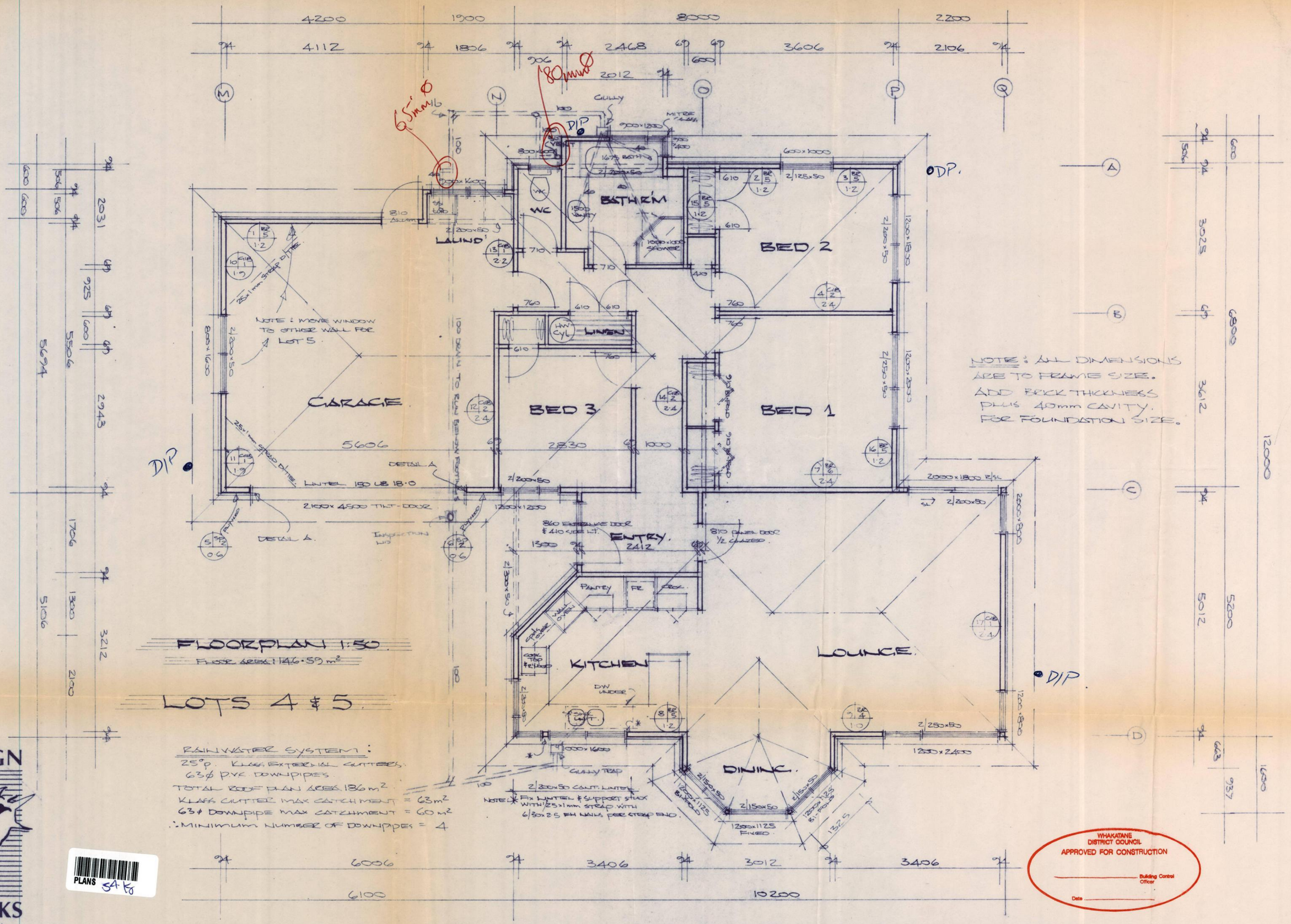
Plans to include

- North point —
- Street name —
- Legal Boundaries —
- Whole buildings —
- Depth at connection —
- Location of all inspection access —
- Stormwater drains —
- Protection of shallow drains —
- Scale —



0 1 2 3 4 5 6 7 8 9 10

Scale: 100mm e.g. 1:200 10mm=2m



NOTE: ALL DIMENSIONS ARE TO FRAME SIZE. ADD BRICK THICKNESS PLUS 40mm CAVITY. FOR FOUNDATION SIZE.

FLOORPLAN 1:50.

Floor Area: 146.59 m²

LOTS 4 & 5.

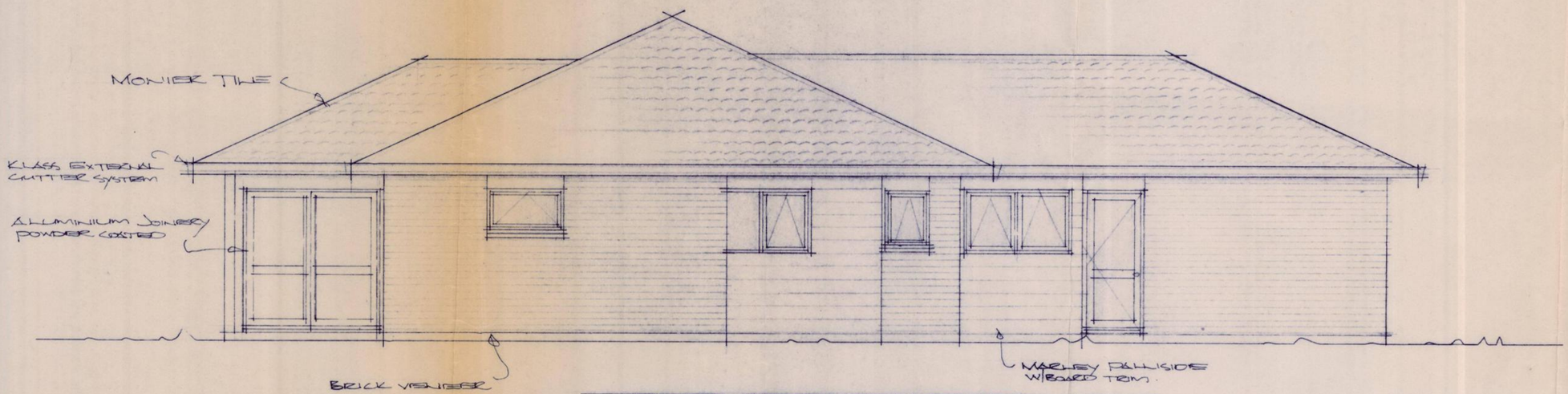
RAINWATER SYSTEM:
25° p. KLASS EXTERNAL GUTTERS.
63ø PVC DOWNPIPES.
TOTAL ROOF PLAN AREA 186 m².
KLASS GUTTER MAX CATCHMENT = 63m²
63ø DOWNPIPE MAX CATCHMENT = 60 m²
∴ MINIMUM NUMBER OF DOWNPIPES = 4

WHAKATANE DISTRICT COUNCIL
APPROVED FOR CONSTRUCTION
Building Control Officer
Date

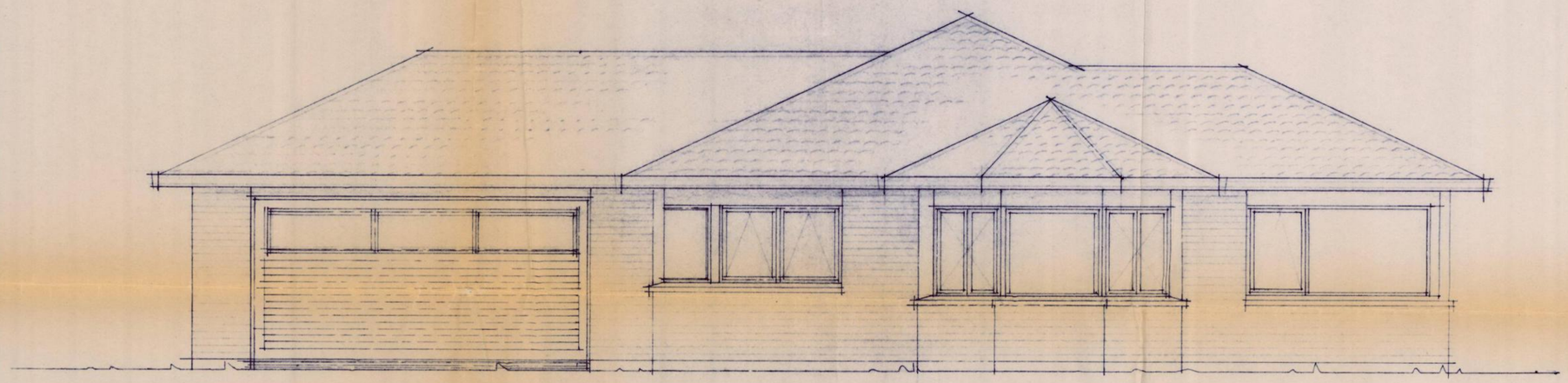
PLANS 54 Kg

DESIGN WORKS
CLEM KINNAIRD
ARCHITECTURAL DESIGNER
07-307-0967

CHOUDHAREY DEVELOPMENT ~ OAC McCARVEY ROAD & BARRY AVE.



ELEVATION WEST. 1:50.

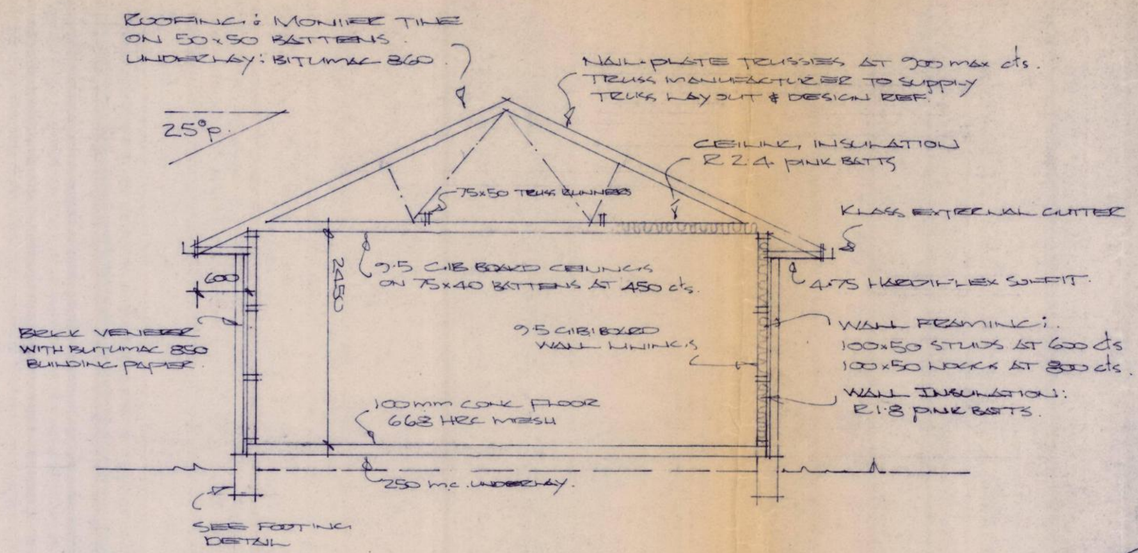


ELEVATION EAST 1:50

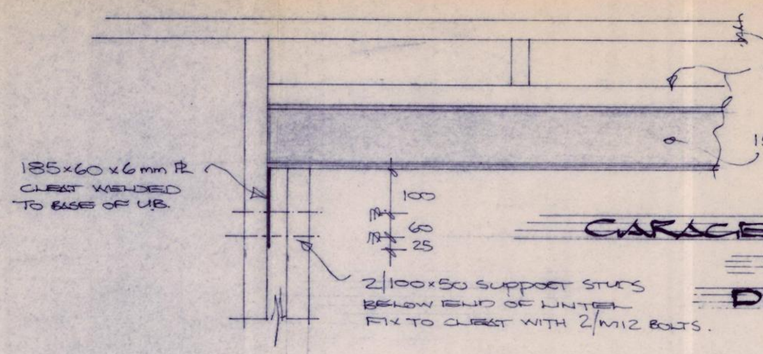
DISTRICT COUNCIL
APPROVED FOR CONSTRUCTION
Building Control Officer
Date

CHOUDHAREY DEVELOPMENT — CNR McCARVEY RD & BARRY AVE.
LOTS 4 & 5.

DESIGN WORKS
CLEM KINNAIRD
ARCHITECTURAL DESIGNER
07-307-0967



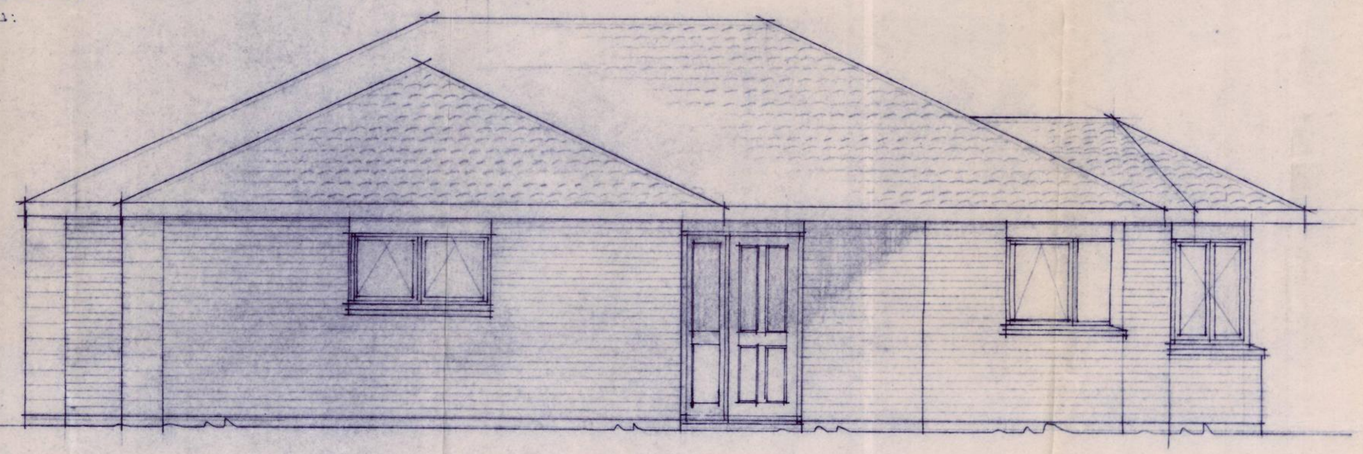
TYPICAL SECTION 1:50.



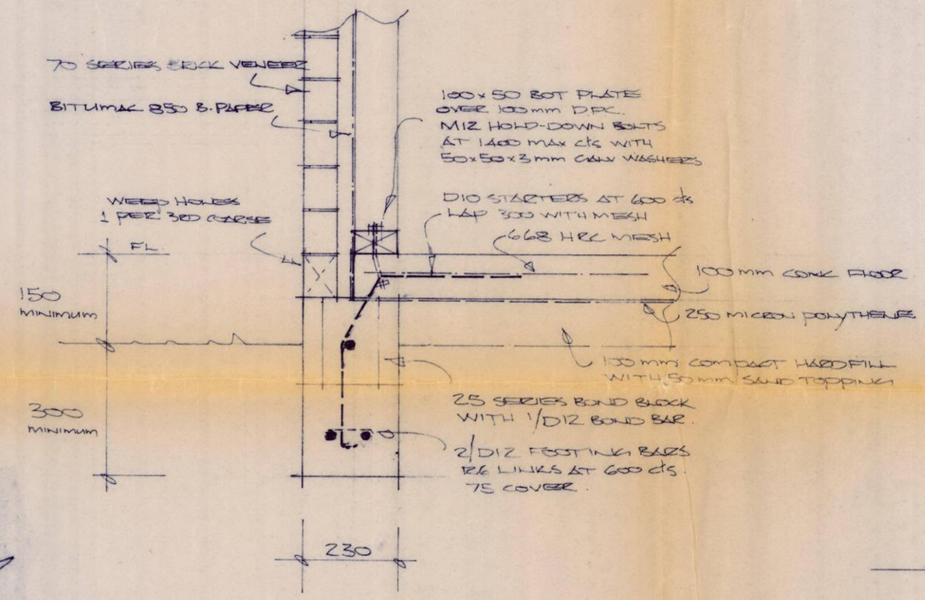
GARAGE DOOR LINTEL

1:10

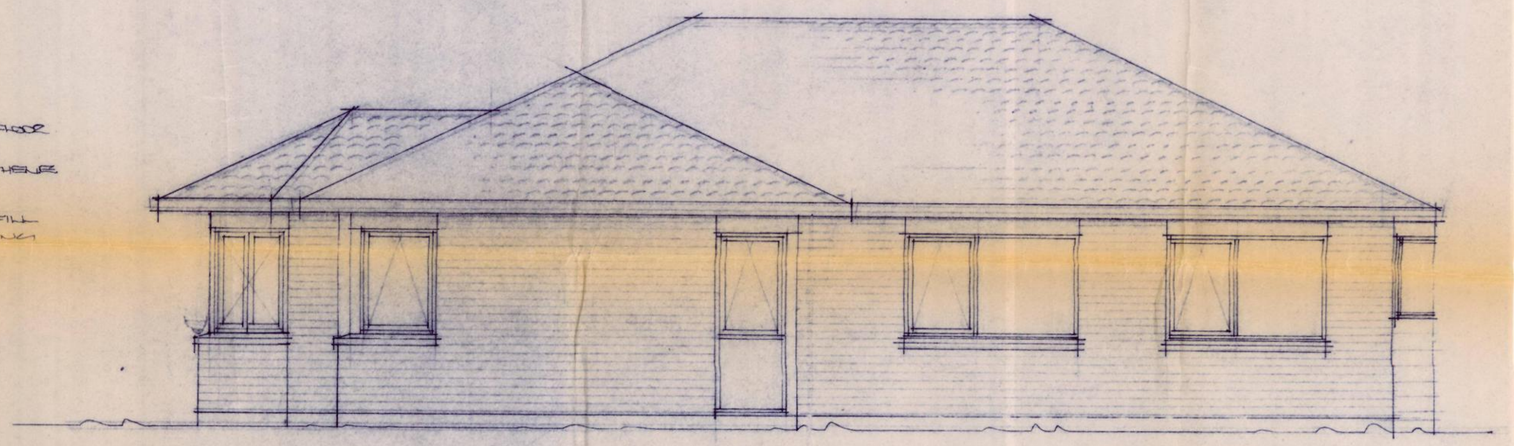
DETAIL "A"



ELEVATION SOUTH 1:50.



FOOTING DETAIL 1:10



ELEVATION NORTH 1:50

WHAKATANE DISTRICT COUNCIL
APPROVED FOR CONSTRUCTION
Building Control Officer
Date

DESIGN WORKS
CLEM KINNAIRD
ARCHITECTURAL DESIGNER
07-307-0967

CHOUDHAREY DEVELOPMENT — CNR McGARVEY RD & BARRY AVE.

LOT'S 4 & 5.

LOT 5.

LOT 6.

LOT 1.

LOT 4.

LOT 3

LOT 2.

EXISTING HOUSE.

LIVING COURT

SERVICE YARD.

GARAGE.

LOUNGE

DINING

KITCHEN

ENTRY

BATHROOM

FAMILY ROOM.

WC.

proposed CARAGE.

min FFL 101.81

terrace FFL 102.21

min FFL 102.035

existing concrete strip driveway.

ESTABLISHED TREES & SHRUBS.

European BEECH

PHOENIX PALM

POHUTUKAWA

OAK

20.77

44.61

22.43

24.00

19.42

14.47

14.68

BARRY AVE.

MCGARVEY RD.

LEGEND

(1.2) 1200mm dia. x 1200mm deep precast concrete soakrings. Precast concrete base, and lid to 200mm below f.g.l., with standard 510 opening. 500 cast iron manhole frame and cover, haunched to f.g.l.

standard precast cesspit, cast iron grate and frame, 100 uPVC outlet to soakhole laid at 1:120 fall, 300mm min. cover. Standard concrete kerb, minimum adjacent length shown.

Proposed Falls

101.36 Proposed Finished Level of sealed surface

101.36 Existing ground level

SHORT SPECIFICATION

Kerbing, Drainage Construction shall be in accordance with Whakatane District Subdivisional Standard Requirements.

Locate and protect existing services in construction areas

Refer to attatched report 95296 for maintenance requirements.

All levels to Moturiki Datum + 100.00 m.

CHOUDHAREY DEVELOPMENT
BARRY AVE/MCGARVEY RD
WHAKATANE
STORMWATER MANAGEMENT

30866.64

Cutfield Consulting
50 Strand East, P.O. Box 37, Whakatane.
Telephone 07 307 1444.

A	Issue for Resource Consent		26.07.96
DRAWN		SCALES 1:100	SHEET 1 OF 1 SHEETS REF 95296

CHOUDHAREY DEVELOPMENT for McGARVEY RD & BARRY AVE

NORTH.

McGARVEY ROAD.

SITE PLAN
1:100 @ A1

LOT 1.
LOT 2.
LOT 3
LOT 4.
LOT 5.
LOT 6.

EXISTING HOUSE

PROPOSED 150 ϕ SEWER

PROPOSED SWMH (1.100 ϕ)

TOP OF KERB DATUM (101.35)

BARRY AVE.

DESIGN WORKS
CLEM KINNAIRD
ARCHITECTURAL DESIGNER
07-307-0967

Council Copy

SUBDIVISION DEVELOPMENT : 6 & 8 McCARVEY RD & BARRY AVE

CHOUDHAREY DEVELOPMENT

McCARVEY ROAD.

NORTH

LOT 5. 6A Barry Ave

LOT 6. 6 McCarvey Street

LOT 1. 8 McCarvey Rd.

LOT 4. 6 Barry Ave

LOT 3. 4 Barry Ave

LOT 2. 2 Barry Ave

10 McCarvey

EXISTING TREES & SHRUBS.

PROPOSED CARAGE.

EXISTING HOUSE.

FAMILY ROOM.

LOUNGE

KITCHEN

BATHROOM.

LIVING COURT

DINING

ENTRY

WC

CARAGE

SERVICE YARD

SEALED DRIVEWAY.

SOAK HOLE

KERB

CESS PIT

100ϕ CONNECTION

100ϕ EXISTING SEWER?

NEW 100ϕ CONNECTION

100ϕ DRAINS

SURFACE WATER FLOW

PROPOSED 150ϕ SEWER

PROPOSED 1500ϕ SEWER

PROPOSED 5S MH (IL. 100.60)

TOP OF KERB DATUM 101.31

MIN F.F.L. 102.035

LAUND.

EUROPEAN BIRCH

PHOENIX PALM

OAK

POULTRY KANE

BARRY AVE.

SITE PLAN
1:100

DESIGN WORKS
CLEM KINNAIRD
ARCHITECTURAL DESIGNER
07-307-0967

GIS ___/___/___

BCAPP 5418

Whakatane District Council

Address all letters:
THE GENERAL MANAGER, WHAKATANE DISTRICT COUNCIL, PRIVATE BAG 1002, WHAKATANE 3400

TEL: (07) 307-9800
FAX: (07) 308-5804

APPLICATION FOR A BUILDING CONSENT

Section 33, Building Act 1991

OWNER'S DETAILS

Name: M.D. Choudharey

Mailing Address: 35 Ratima Place
Whakatane

Phone Bus: 3084425 A/H: 3084425

Fax No:

Contact Person: M.D Choudharey

Phone/Fax No: 3084425

Invoice to be posted/faxed to: as above

1. PLEASE NOTE

Under Section 33 of the Building Act 1991, the applicant must be the owner of the land on which building work is contemplated or a person who or which has agreed in writing, whether conditionally or unconditionally, to purchase the land or any leasehold estate or interest in the land, or to take a lease of the land, while the agreement remains in force.

PROJECT

- [x] New Building
- [ ] Relocated/Resited Building
- [ ] Alterations, Repairs, Extensions, Conversions
- [ ] Construction other than Buildings
- [ ] Domestic Garages/Out Buildings

Description of Project & Intended Use:

Dwelling

Intended Life:

- [x] Indefinite but not less than 50 years
- [ ] Specified as ___ years

This is stage 1 of 1 stages

Estimated total value of work including material *(inclusive of GST)*

$ ~~71000~~ 140-000

2. PLEASE NOTE

The information provided in support of this application is public and as such is freely available on request. However under Section 27(3) of the Building Act 1991 you may for security and/or copyright reasons request the plans and specifications pertaining to this application be marked as confidential by completing the following section.

3. CONFIDENTIALITY

1 I/We require that my/our:
2 Plans/Specifications be treated as confidential in order to protect:
   a) The security of the building
   b) Copyright

Signed:.....

Environmental Services Department

PROJECT LOCATION

Address of Proposed work: .....
6A Barry Avenue
Whakatane

Valuation No: 7107/566/00
Lot No: 5 DP(s): .....
Sec: ..... Block: .....
Directions to property (Rural Only) .....
.....
.....

FOR COUNCIL USE ONLY

Date Lodged: 0

Application fee: PIM $135.00
BC $80.00

Deposit Only Total $215.00

PAID BY: .....

*ADDITIONAL FEES WILL BE CHARGED ONCE THE BUILDING CONSENT HAS BEEN APPROVED. AN INVOICE WILL BE SENT OUT. THESE FEES ARE TO BE PAID BEFORE ANY WORK IS CARRIED OUT.

This application is for:

- ☐ Building Consent only, in accordance with Project Information Memorandum No:.....
- ☑ Both Building Consent and a Project Information Memorandum

PART B: PROJECT DETAILS

The project involves the following matters:-

- ☑ Location, in relation to legal boundaries, and external dimensions of new, relocated, or altered buildings
- ☑ New provisions to be made for vehicular access, including parking
- ☐ Provisions to be made in building over or adjacent to any road or public place
- ☑ New provisions to be made for disposing of stormwater and wastewater
- ☐ Precautions to be taken where building work is to take place over existing drains or sewers or in close proximity to wells or water-mains
- ☑ New connections to public utilities
- ☐ Provisions to be made in any demolition work for the protection of the public, suppression of dust, disposal of debris, disconnection from public utilities, and suppression of noise
- ☐ Any cultural heritage significance of the building or building site, including whether it is on a marae

PART C: BUILDING DETAILS

C1: GENERAL BUILDING DETAILS

☑ The drawings, specifications, and other documents according to which the building is proposed to be constructed to comply with the provisions of the building code, with supporting documents, if any, including-

- ☐ Building certificates
- ☐ Producer statements
- ☐ References to accreditation certificates issued by the Building Industry Authority
- ☐ References to determinations issued by the Building Industry Authority

LIST INSPECTIONS REQUIRED:

_____

_____

_____

_____

C2: BUILDING SCHEDULE

Number of dwelling units.....

Floor Area of Each Unit: .....146.59..... m^2

Number of storeys .....

Size of building:

- Basement..... m^2
- Ground Floor..... m^2
- First Floor ..... m^2
- Second Floor ..... m^2
- Outbuildings..... m^2
- Other ..... m^2

Total Area.....146.59..... m^2

Answer the following questions if they apply.

1. What materials will be used for the:

Floor

1 ☐ Timber
2 ☑ Concrete
3 ☐ Wood Products
4 ☐ Other

Specify.....
.....
....
.....
.....

Roof

1 ☐ Steel Sheeting
2 ☐ Steel Tiles
3 ☐ Concrete Tiles
4 ☐ Shingles
5 ☐ Aluminium
6 ☐ Other

Specify.....
.....
.....

External Cladding

1 ☑ Brick
2 ☐ Concrete
3 ☐ Concrete Block
4 ☐ Cement Board
5 ☐ Plaster
6 ☐ Timber
7 ☐ Steel
8 ☐ Aluminium
9 ☐ Other

Specify.....
.....
.....

Framing

1 ☑ Timber
2 ☐ Concrete
3 ☐ Steel
4 ☐ Aluminium
5 ☐ Other

Specify.....
.....
.....

Internal

1 ☑ Plaster Board
2 ☐ Fibrous Plaster
3 ☐ Wood Products
4 ☐ Other

Specify.....
.....
.....
.....

2. Will any of the following sanitary fittings be installed

☑ Bath	☑ Sink	☐ Urinal
☑ Basin	☑ Tub	☑ Hot Water Cylinder
☑ Shower	☑ W.C (*if more than one please specify actual number*)	☐ Dual Hot Water System

3. Will drainage work involve the construction of:

☐ Septic Tank	☑ Foulwater Drainage
☐ Effluent Disposal System	☑ Stormwater Drainage

4. Does the project involve connection to or disconnection from:

☑ Council Water Supply	☑ Council Sewerage

5. If plumbing and/or drainage work is included in project but is not covered by questions 2, 3, or 4, please specify actual work.....
.....

PART D: KEY PERSONNEL

[Complete Part D as far as possible in all cases. Give names, addresses, and telephone numbers. Give relevant registration numbers if known]

Builder(s): Name: M.D. Choudharey
Address: .....
Phone/Fax No: .....

Design Engineer: Name: Cutfields
Address: .....
Phone/Fax No: .....

Designer: Name: Glen Kinnaird
Address: .....
Phone/Fax No: .....

Craftsman Plumber:	Name:.....
	Address: .....
	Phone/Fax No: ..... Reg. No:.....
Registered Drainlayer:	Name:.....
	Address: .....
	Phone/Fax No: ..... Reg. No:.....
Registered Electrician:	Name:.....
	Address: .....
	Phone/Fax No: ..... Reg. No:.....
Registered Gas Fitter:	Name:.....
	Address: .....
	Phone/Fax No: ..... Reg. No:.....
Building Certifier:	Name:.....
	Address: .....
	Phone/Fax No: ..... Reg. No:.....
Other:	.....
	.....
	.....

PART E: COMPLIANCE SCHEDULE DETAILS

E1: SYSTEMS NECESSITATING A COMPLIANCE SCHEDULE

[Complete Part E1 for all new buildings and alterations, except single residential dwellings]

The building will contain the following *[Tick each applicable box and attach proposed inspection, maintenance, and reporting procedures]:*

- ☐ Automatic sprinkler systems or other systems of automatic fire protection
- ☐ Automatic doors which form part of any fire wall and which are designed to close shut and remain shut on an alarm of fire
- ☐ Emergency warning systems for fire or other dangers
- ☐ Emergency lighting systems
- ☐ Escape route pressurisation systems
- ☐ Riser mains for fire service use
- ☐ Any automatic back-flow preventer connected to a potable water supply

- ☐ Lifts, escalators, or travelators or other similar systems
- ☐ Mechanical ventilation or air conditioning system serving all or a major part of the building
- ☐ Any other mechanical, electrical, hydraulic, or electronic system whose property operation is necessary or compliance with the building code
- ☐ Building maintenance units for providing access to the exterior and interior walls of buildings
- ☐ Such signs as are required by the building code in respect of the above-mentioned systems
- ☐ None of the above

E2: OTHER SYSTEMS AND FEATURES TO BE INCLUDED IN THE COMPLIANCE SCHEDULE

[Complete Part E2 only if the building contains one or more of the systems listed in Part E1]

- ☐ Means of escape from fire
- ☐ Safety barriers
- ☐ Means of access and facilities for use by persons with disabilities which meet the requirements of section 25 of the Disabled Persons Community Welfare Act 1975
- ☐ Hand-held hoses for fire fighting
- ☐ Such signs as are required by the building code or section 25 of the Disabled Persons Community Welfare Act 1975

Signed by *or* for and on behalf of the applicant:

Name:.....

Position:..... Date: / /

Whakatane District Council

Address all letters to:
THE GENERAL MANAGER, WHAKATANE DISTRICT COUNCIL, PRIVATE BAG 1002, WHAKATANE 3080.

TELEPHONE (07) 307-9800
FAX No. (07) 308-5804

INSP

CODE COMPLIANCE CERTIFICATE 5418

Section 43, Building Act 1991

BUILDING CONSENT NO: 5418 **PIM NO: 5418**

APPLICANT

M D Choudharey
6 McGarvey Road
Whakatane

PROJECT LOCATION

Site Address: 6A Barry Avenue
Whakatane
Legal Description: LOT 5
Valuation Number: 7107/566/00/

PROJECT

New Building

Intended Use: NEW DWELLING
Greater than 50 years

Being stage 1 of and intended 1 stage(s)

This is a final code compliance certificate issued in respect of all the building work under the building consent.

Rcpt 96185
26/4/99

Name: .....

Position: Building Assistant ..... DATE: Mon Apr 26 1999

Environmental Services Department

Whakatane District Council

Private Bag 1002, Whakatane 3400
GST Reg No. 16-940-356

Phone: (07) 307 9800
Fax No. (07) 308 5804

CODE COMPLIANCE CERTIFICATE INVOICE NO: 1005418

BC NO 5418 DATE 20 Apr 1999

M D Choudharey
6 McGarvey Road
Whakatane

Intended Use: NEW DWELLING

Dear M D Choudharey

A Final Inspection for building related work carried out at 6A Barry Avenue Whakatane has revealed that a Code Compliance Certificate may now be issued. The following fees are now due:

Inspection Fee [Actual Inspection Time has exceeded Estimated Inspection Time on this project. Therefore you have a debit of] 5 inspections paid for but 6 required plus exceeded ~~twice~~	$	48.75
Code Compliance Certificate Fee	$	32.50
Other [eg Consultants Fees where specialist systems involved]	$	.00
TOTAL TO PAY (Includes GST)	$	**81.25**
GST Content	$	9.03

UPON PAYMENT OF THIS INVOICE, PLEASE PRESENT YOUR RECEIPT TO OUR BUILDING CONTROL STAFF, SO YOUR CODE COMPLIANCE CERTIFICATE CAN BE ISSUED.

Should you have any queries regarding this invoice please contact Building Assistant Ms Kathleen Belshaw, in the first instance.

JR Farrell
~~DISTRICT INSPECTOR~~

ENVIRONMENTAL SERVICES DEPARTMENT

J:\WORDPROC\MISC\FORMS\ES\INVFORM

BUILDING CONSENT INSPECTION RECORDS Tue Apr 20 1999

NAME: M D Choudharey REGISTRATION NO: 5418

SITE ADDRESS: 6A Barry Avenue
Whakatane

DATE	TASK	TOTAL TIME MINUTES	TOTAL COST
16/05/1997	SITE AND FOOTING ALL OKAY	15	32.50
05/06/1997	FLOOR SLAB APPROVED	15	32.50
26/08/1997	PRELINE APPROVED	15	32.50
05/08/1998	FINAL APPROVED, DRAIN PLAN TO COME	15	32.50
22/10/1998	SOAK HOLE	30	48.75
22/10/1998	STORM WATER, REVIEW FILE	15	32.50
19[redacted]4/1999	DRAINAGE PLAN RECEIVED AND PROCESSED		.00
		===	========
Total Time Spent and Cost For All Inspections		105	211.25

BC NO: 5418

Whakatane District Council
Private Bag 1002
WHAKATANE

FILE

APPLICATION AGAINST DAMAGE TO ANY COUNCIL PROPERTY DURING BUILDING CONSTRUCTION, RELOCATION OR REMOVAL

Location of Job: 6A Barry Avenue

Owner: Choudhary, M.D.

Deposit Paid By: "

Name & Postal Address for Refund:

Condition of Footpath at Present: **[Please take photos of any existing damage]**

I enclose $400 as a deposit against damaging of the footpath, road verges and kerb and channelling during construction, and I am aware that this amount will be refunded in the event of there being no damage to the footpath, road verges or kerb and channelling by any person acting for or on behalf of the owner or the undersigned up to and including the date of when the owner has taken occupancy of the building. If Council staff are required to carry out repairs, any cost in excess of $400 will be charged accordingly.

Signature (Owner/Builder) Date:

OFFICE USE ONLY

Payment: $400 Receipt Number & Date Paid: 39360/28.2.97

Inspector's Signature & Date:

Signature of Authorising Officer & Date: Awldggp (OK)

Date Final Inspection Carried Out:

J:\FORMS\FOOTPATH

PAID
CHEQUE. No. 6718
DATE 13.10.97

GIS No: 0290/0006/A00

PIM	Charge
Cost: $	

MINIMUM FLOOR LEVEL

Requested by: J. H. TOLLEY	Date: 23-10-96

Applicant

Name:	M D Choudhary
Mailing Address:	35 Batemans Place
Phone: (Bus)	3086426 Fax No:

Survey Data

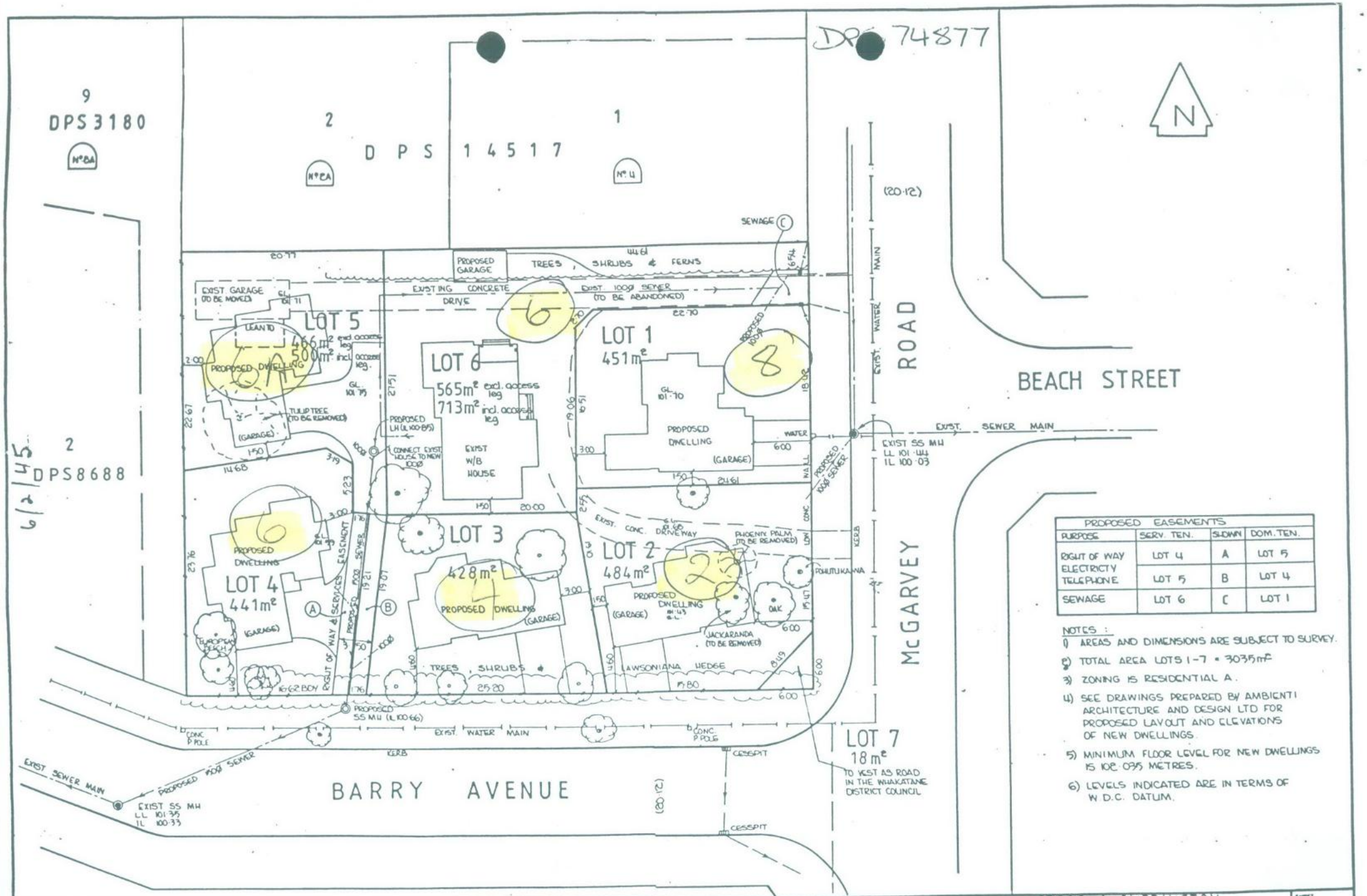
Minimum Floor Level Required:	102.035
Surveyed by: G.K. BATCH	Date: 24/10/96
From B M Number: 2750/0111 0290/01/1	RL 101.645 ~~RL 101.340~~
Peg or Mark Level:	101.840
Pegged on Site (describe)	Bdy peg on joint bdy between 6 and 6A
Barry Ave and on western side bdy of both properties.	
Minimum floor level is 0.195 M above peg or mark level.	

Site Data

No: 6A	Street: Barry Ave.	Area:
Legal Description:	Lot 14 * 5	

Issued by: ..... *Date:* 28/10/96

MISC\FORMS\PIMINFO



PROPOSED EASEMENTS			
PURPOSE	SERV. TEN.	SHOWN	DOM. TEN.
RIGHT OF WAY ELECTRICTY TELEPHONE	LOT 4	A	LOT 5
	LOT 5	B	LOT 4
SEWAGE	LOT 6	C	LOT 1

NOTES :

1) AREAS AND DIMENSIONS ARE SUBJECT TO SURVEY.
2) TOTAL AREA LOTS 1-7 = 3035m²
3) ZONING IS RESIDENTIAL A.
4) SEE DRAWINGS PREPARED BY AMBIENTI ARCHITECTURE AND DESIGN LTD FOR PROPOSED LAYOUT AND ELEVATIONS OF NEW DWELLINGS.
5) MINIMUM FLOOR LEVEL FOR NEW DWELLINGS IS 101.095 METRES.
6) LEVELS INDICATED ARE IN TERMS OF W.D.C. DATUM.

PREPARED FOR : M. D. CHOUDHAREY
BUILDING CONTRACTOR
PROPERTY AT : NO. 6 McGARVEY ROAD
WHAKATANE

PROPOSED LOTS 1-7 BEING SUBDIVISION OF LOT 1 DP 35113.

COMPRISED IN CT 902/239 All

WHAKATANE DIS. CT

ROSS J. OVERINGTON
REGISTERED SURVEYOR
P.O. BOX 596 * WHAKATANE * PHONE 30 863BH

DRAWN	RJO	CHECKED		SCALES	1:250	SHEET	S1372/1
TRACED	SAW	DATE	MAY 1996			REVISIONS OF	
						REF	

Whakatane District Council

Your ref: Our ref:

PROPERTY ADDRESS REPORT

GIS ID: 0290/0006/A00

STREET/ROAD NAME: Barry Avenue

STREET NUMBER ALLOCATED: 6A

PREVIOUS STREET NUMBER:

LEGAL DESCRIPTION: OLD Lot 1 DP 35113

NEW Lot 5 DPS 74877

VALUATION NUMBER: 07107/566.00

ALLOCATED BY: Tanya Burns DATE: 04/02/98

APPROVED: DATE: 12/2/98

GIS UPDATED BY: Tanya Burns DATE: 04/02/98

LINZ ADVISED BY: DATE: 13/02/98

NZP ADVISED BY: DATE: 13/02/98

VNZ ADVISED BY: DATE:

If you have any queries in regard to this advice form, please contact the Drawing Office Supervisor (R Bird) at the Whakatane District Council.

Address all letters to:
THE GENERAL MANAGER, WHAKATANE DISTRICT COUNCIL, PRIVATE BAG 1002, WHAKATANE 3080, NEW ZEALAND
TELEPHONE: +64-7-307-9800
FAX: +64-7-307-0718