

18 August 1998

Mr S Luscombe
21 Douglas Road
NELSON 7001

Dear Sir

**Notice of Decision - Resource Consent Application : 985336
Section 88 of the Resource Management Act 1991**

Applicant: S Luscombe
Owner: V Stewart
Property: 209 Annesbrook Drive
Discretionary Activity: Earthworks: Rule REr.60 of the Proposed Nelson Resource Management Plan

Your application for resource consent to excavate land within the Land Management Overlay to a depth in excess of 1.2 metres to form a building platform, was considered by the Resources Officer (Soil & Water) acting under delegated authority on 18 August 1998.

This application was not publicly notified pursuant to Section 94 of the Act because no other persons were considered to be adversely affected, and because the effect on the environment was considered to be minor.

Consent was granted pursuant to Sections 104 and 105 of the Act subject to the following conditions imposed pursuant to Section 108 of the Act:

- a) The activity shall be carried out strictly in accordance with the application and the plans submitted with the application, with the exception of any changes imposed as conditions of consent.
- b) All cut soil batters, requiring support to meet a factor of safety of 1.5, shall be retained immediately following completion of earthworks.
- c) At the completion of the retaining walls, a suitably experienced registered engineer shall certify in writing to Council that the retaining walls have been constructed in accordance with the plan submitted with the application, and that the walls meet the Building Code requirements of a factor of safety of 1.5.
- d) The consent holder shall utilise all reasonable measures to ensure any sediment eroded from bare soil surfaces is retained on site.
- e) Drainage water from behind the walls shall be piped directly to a reticulated stormwater system.
- f) The consent holder shall ensure that the recommended conditions attached to Tonkin & Taylor's certificate, dated 21 April, reference 81041, are met.

Reasons for Decision

Provided all conditions of consent are met adverse environmental effects should be negligible.

Your status as applicant for this resource consent provides you with certain rights with regard to the Council's decision.

For your general guidance, Sections 120, 127 and 357 of the Resource Management Act 1991 provide rights with respect to:

1) Objection to certain decisions and requirements of consent authorities. (Section 357)

If your consent was not publicly notified, or was notified and no submissions were received or any submissions received were withdrawn, you have the right to object to all or part of this decision. An objection must be lodged with the Council within 15 working days of your receipt (or receipt by the person who filed the application on your behalf) of the Council's formal decision. Reconsideration of the decision will require further assessment of costs incurred in accordance with Council processing charges.

2) Application for change or cancellation of consent conditions. (Section 127)

An application to change or cancel a consent condition can be made to the Council at any time. Such an application is treated in a similar manner to a resource consent application incurring normal Council processing charges. If the consent condition(s) you wish to have deleted or changed resulted from a resource consent application that was publicly notified, you should first obtain written consent from all those persons who made a submission on this application.

3) Right of Appeal. (Section 120)

This requires that a "Notice of Appeal" be lodged with the Registrar of the Environment Court and with the Council within 15 working days of your receipt (or receipt by the person who filed the application on your behalf) of the Council's formal decision.

The address of the Environment Court is PO Box 5027, Lambton Quay, Wellington. An appeal must be lodged on Form 7 prescribed by the Resource Management Forms Regulations 1991 and must be accompanied by a filing fee of \$55 (GST inclusive) as specified in those Regulations under Part VI, Section 28(3).

If you are intending to exercise your legal rights regarding the Council's decision and you are in any doubt as to how to proceed, it is strongly recommended that you consult your Agent/Lawyer.

You should note that a resource consent lapses on the expiry of **two years** after the date of commencement of that consent, unless the consent is given effect to, or after the expiry of such a shorter/longer period as is expressly provided for in the consent. Section 125 of the Resource Management Act 1991 details matters relating to the extension of consent duration.

This letter deals with certain Resource Management aspects of this proposal only and in no way indicates that the application satisfies the requirements of the Building Act 1991 with respect to drainage, retaining walls or any other structure subject to a consent pursuant to the Building Act 1991. A separate application for a building consent may be required.

If a building consent is required and you have not already done so, you should now apply for a building consent and await confirmation or otherwise that your proposal meets building code requirements.

Please find enclosed an invoice of the costs incurred in processing this application. If your invoice shows a refund due to you, a cheque will be sent out under a separate cover.

Where conditions of consent which require monitoring have been imposed a monitoring charge has been included in your invoice. This charge covers one visit to monitor compliance with consent conditions. Where additional monitoring visits are required to determine that conditions have been met these will be charged at the rate of \$45 (exclusive of GST) for each additional visit.

If you have any enquiries please contact Don Ballagh on (03) 546 0275.

Yours faithfully

J S Pattison
Development Planner