



RCSDEC

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4770/0560/000

17 August 2004

J and N Cowper
C\ - Ross J Overington
P O Box 596
WHAKATANE

Dear Sir/Madam

**RESOURCE CONSENT (SUBDIVISION) – TWO LOT (ONE ADDITIONAL)
SUBDIVISION, J AND N COWPER, 560 STANLEY ROAD, WHAKATANE**

On 16 August 2004, the Senior Planner, under delegated authority, resolved as follows:

- "1. *THAT pursuant to Sections 34A, 104, 108 and 220 of the Resource Management Act 1991, the Whakatane District Council grants consent as a discretionary activity to subdivide into two lots land legally described as Lot 2 DP 310143 at 560 Stanley Road, subject to the following conditions:*
- (a) *The proposed activity shall be carried out in general accordance with Plan Number S2058/1 dated March 2004 and Plan Number S2058/2 dated June 2004 prepared by Ross J Overington and information submitted as part of this application, except where modified by any other condition of this consent.*
 - (b) *That the septic tank, effluent and stormwater disposal systems serving the dwelling on Lot 2 shall be contained a minimum of 1.5 metres inside the lot boundaries.*
 - (c) *That all Lots shall be provided with independent potable water supply to the satisfaction of the Director Strategy and Development.*
 - (d) *That the services for the buildings on each lot are to be contained within each lot's proposed boundaries or appropriate easements shall be duly granted or reserved.*
 - (e) *That a new vehicle entrance-way to serve Lot 1 shall be formed and constructed to comply with Standard Drawings R28 and R25 of the Council's Engineering Code of Practice. The consent holder shall contact Council to arrange for inspection to be carried out prior to sealing of the vehicle entrance. The Council will require 48 hours notice to perform inspections. A traffic management plan shall be submitted to Whakatane District Council's Roading Engineer at least 10 working days prior to any work being carried out on the Road. The plan shall be in accordance with Whakatane District Council Traffic Management Handbook 2002.*
 - (f) *That if a gate is placed on the access way to Lot 1, then the gate shall be recessed back sufficient distance from the public road carriageway to allow any vehicle using the access to stop clear of the road carriageway while the*

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gate is being opened or closed, to the satisfaction of the Director of Works and Services.

- (g) That all easements required to protect rights-of-way or services shall be duly granted and reserved.
- (h) That the area shown as "A" on the scheme plan (proposed protected area) shall be defined by survey and shown on the Survey Plan.
- (i) That the area "A" defined under condition (f) above shall be fenced with a seven-wire post-and-batten fence to the satisfaction of the Manager of Parks and Recreation.
- (j) That appropriate vegetation is to be planted and maintained on the slopes below the house site to aid with stabilisation as per the conclusions in the "Building Site Feasibility Report" prepared by Manktelow Consulting Engineers. A planting and maintenance plan shall be submitted to the Manager of Parks and Recreation for approval prior to it's implementation. Consultation with an arborist and engineer may be required.
- (k) That a consent notice, or other form of legal covenant, shall be issued and registered against the title of Lot 1 to record that the owner shall on a continuing basis:
 - (i) preserve in perpetuity the indigenous forest, vegetation and habitats on the part of the land marked "A" on scheme plan S2058/1 and as defined on the Survey Plan, without modification, subject to (ii);
 - (ii) control any pest plants and animal pests as identified in the most recent version of the BOP Regional Plant and Animal Pest Management Strategies and any other environmental plant pests as Whakatane District Council Officers may advise;
 - (iii) maintain a seven-wire post-and-batten fence around the area, marked "A" (the protected area) to the satisfaction of the Manager of Parks and Recreation.
 - (iv) not cause, permit or suffer any stock to graze within the protected area;
 - (v) ensure any planting in the protected area only uses indigenous plants grown from seed or cuttings collected from natural populations within the Bay of Plenty;
 - (vi) be permitted to enter into a management agreement with Council Officers for the purpose of planning and carrying out maintenance, enhancement or restoration works in the protected area consistent with the covenants purpose in clause (i);

- (vii) *not cause or permit or suffer any fire to be lit within the protected area or on any part of the land from which the fire may spread to the protected area;*
- (viii) *ensure that all site development works are undertaken in accordance with the information and conclusions contained in the "Building Site Feasibility Report" prepared by Manktelow Consulting Engineers. This includes ensuring:*
 - *that the minimum building setback distances from the top edge of slopes are maintained*
 - *that no stormwater is discharged onto adjacent slopes*
 - *that the vegetation plantings area below the building site is maintained in accordance with the approved plan.*
 - *that the foundations for any building works are specially designed by a suitably qualified engineer*
 - *that no filling shall take place on sloping ground around the building site and no filling in excess of 0.6m shall be undertaken within the building area unless endorsed by a Professional Engineer experienced in geomechanics who is familiar with the "Building Site Feasibility Report" prepared by Manktelow Consulting Engineers.*
 - *that the sewerage treatment system is designed by a suitably qualified person who is familiar with the "Building Site Feasibility Report" prepared by Manktelow Consulting Engineers.*
- (ix) *ensure that no habitable buildings are constructed, placed or erected within 30 meters of the southern property boundary with Lot 1 DPS 16785.*
- (x) *permit the Council's officers or contractors entry upon the land at reasonable times so as to ascertain compliance with these conditions.*
- (xi) *pay the Council's legal costs and disbursements directly or indirectly attributable to the preparation, execution, registration and enforcement of the consent notice and the Council's conditions set out in the notice.*

Note: The exact wording of the consent Notice shall be finalised by the Council in consultation with the applicant.

- (l) *That a monitoring fee of \$150.00 (inclusive of GST) shall be paid to the Council as a single charge for the administration, monitoring and supervision of this resource consent. Notwithstanding the above, where there is good and reasonable cause for unprogrammed monitoring and*

additional site inspections, then the costs of that will be a charge on the consent holder. Such costs are recovered on an actual and reasonable basis as defined in the General Conditions and Notes of the Fees and Charges Schedule as approved by the Council in terms of Section 36 of the Resource Management Act 1991.

2. **THAT** pursuant to Section 36 of the Resource Management Act 1991, an additional administrative charge (to be invoiced separately) shall be paid to Council in relation to the receiving, processing and granting of this resource consent.
3. **THAT** pursuant to Section 37 of the Resource Management Act 1991, Council advises that the 20 working day time limit for issuing a resource consent is being extended by a total of 20 working days. This will bring the new date for the resource consent to 4 August 2004.

Reasons

1. The proposed subdivision is a controlled activity in the Rural 2 Zone of the Proposed Whakatane District Plan. Under Rule 4.1.7.2 of the Proposed Whakatane District Plan the average lot size for properties in the Rural 2 Zone shall be 2.0 hectares or greater, with a minimum lot size of 5000m². The applicant wishes to subdivide a 54.82 hectare block of land into two lots. Lot 1 will be 1.5 hectares while Lot 2 is to be 53.3 hectares. Therefore both lots are above the minimum and average size required. The Proposed Whakatane District Plan is the dominant planning document.
2. Under the Transitional Whakatane District Plan and in accordance with Section 77C of the Resource Management Act 1991 the subdivision is discretionary activity. Lot 1 does not meet any of the size requirements set out by Rule 9A.2.3.
3. The Council is satisfied that the proposal is not contrary to the policies and objectives (Objective LRS1, Policy 1 & 2, Objective LRS3, Policy 1, Objective LRS4, Policy 1 & 2, Objective BE1) contained in the Proposed Whakatane District Plan. Nor is it contrary to Objective 9A.1, and Policy 9A.2.1 in the Transitional Whakatane District Plan. The subdivision aims to maximise residential opportunity on poorer quality soil. Rural amenity will not be compromised from the addition of one additional lot. All services can be provided including access and electricity.
4. The Council is satisfied that any adverse environmental effects that may actually, or potentially, result from the subdivision are likely to be minor or are avoided, remedied or mitigated by the conditions of this resource consent. The bulk of the land will continue to be used for primary production purposes. The new Lot 1 contains a small area of open land at the south of the existing property. Access to this site for stock is only obtained via Stanley Road which makes it unpractical for farming purposes. Site investigations by an engineer have been undertaken and a suitable building site and effluent disposal site identified. A consent notice is required to ensure these recommendations are followed. The regenerating bush on Lot 1 will also be protected.

5. *The Council is satisfied that all parties potentially affected by the proposal have provided written consent to the proposed activity. There were no special circumstances in terms of Section 94(C) of the Resource Management Act 1991 which warranted the public notification of this proposal.*
6. *The Council is satisfied that this proposal is in accordance with Part II matters of the Resource Management Act 1991, as it does not involve a substantial change in land use so will not adversely affect the ability of this land to meet the needs of future generations. The Council therefore believes that this subdivision is an efficient use of land and the amenity values and environmental quality of this area will not be adversely affected.*

Advice Notes

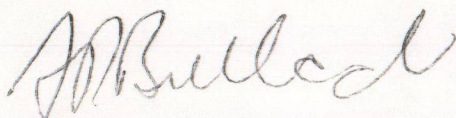
1. *The development must comply with the requirements of the Environment Bay of Plenty's Regional On-site Effluent Treatment Plan. Plans for the effluent disposal system must be submitted as part of the building consent.*
2. *Prior to a habitable building being constructed the application will have to establish that a potable supply of water exists. All costs related to establishing potability are to be borne by the applicant."*

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 your objection, you have the right to appeal to the Environment Court. Any appeal is required to be lodged with the Environment Court within 15 working days of receiving the decision on your objection.

Please note that this consent will expire if not given effect to within five years from the date of this letter. Under some circumstances this five year period may be extended if an application for an extension is made within three months after the consent expiry date.

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

Yours faithfully



Tony Bullard
SENIOR PLANNER