

WHAKATANE

29 APR 2003

DISTRICT COUNCIL

FORM 5

(Section 88 Reg 8[1])

APPLICATION FOR RESOURCE CONSENT

To: The Chief Executive, Whakatane District Council, Private Bag 1002, WHAKATANE 3080 (Attention: District Planner)

APPLICATION DETAILS

I, (full name of applicant) Stephen Anthony & Cornelia Geertruda Thornton hereby apply for☐

Land Use Consent

☒

Subdivision Consent

Acting as Agent on behalf of: _____

Postal address: 8B Kowhai St., Ohope

Email: _____

Phone (day): 3125851

Cellphone: _____

Fax: _____

Address for service (if different from above): _____

DESCRIPTION OF ACTIVITY (See Note 1)

Describe clearly the proposal: To adjust a boundary between two residential titles.

LOCATION OF ACTIVITY/SITE ADDRESS (See Note 2)

The site to which this application relates is described as:

No: 22 & 24 Street: Wainui Road, Ohope Locality: OhopeLegal description: Lot 24 DRS 10076 & Lot 25 DRS 9167Certificate of Titles SA15C 1827 & SA 16A/202

ADDITIONAL RESOURCE CONSENT APPLICATIONS (See Note 3)

Are resource consent(s) required from Environment B-O-P for this proposal?

☐

Yes

☒

No

If yes, please detail which consents are required:

☐

Coastal Permit

☐

Water Permit

☐

Discharge Permit

☐

Land Use Consent

Has consent been granted?

☐

Yes

☐

Declined

☐

Not yet applied for

OWNER OF THE SITE THAT IS THE SUBJECT OF THIS APPLICATION

State the name(s) and address of the owner(s) of the site described above.

If these are the same as for the applicant, tick this box:

☒

Name: _____

Postal address of owner(s): _____

Phone (day): _____ Cellphone: _____ Fax: _____

INVOICES FOR EXTRA CHARGES (See Note 4)

If extra charges are incurred in processing this application, please send invoices to:

☐

Applicant

☐

Owner

☒

Other party as detailed below:

Name: c/- Harrison Grierson Consultants Ltd.Postal address: P.O. Box 336, Whakatane

CONSULTATION (See Note 5)

Have you talked to a Council Planner about your application (pre-application meeting)?

☐

Yes

☒

No

Have you consulted with any potentially affected or interested party?

☐

Yes

☒

No

If yes, who did you consult with?

Name

Address

Did they have any concerns?

☐

Yes

☐

No

(If yes, please provide details)

How have you addressed these concerns?

APPROVAL OF AFFECTED PARTIES (See Note 5)

I/We have obtained the written approval of the following affected persons:

Name	Address	Owner (tick if applicable)	Occupier (tick if applicable)

(Continue on a separate sheet where necessary)

Please note: Written approval forms (available from the Council) are to be completed by affected persons and are to be attached to this application form.

ASSESSMENT OF ENVIRONMENTAL EFFECTS (AEE) (See Note 6)

What are the effects of your proposal on the environment?

See attached report

(Continue on a separate sheet where necessary)

ANNEXURES

- I attach ☒ Deposit fee of \$ 405.00
- ☒ Written explanation of what is proposed and reasons for application.
- ☒ Details of consultation with affected parties/written consents of affected parties. (See Note 5.)
- ☒ Assessment of Environmental Effects (See Note 6)
- ☒ Plans (eg, site plan, elevation details)
- ☒ Other information (See Note 7)

Please note that all of the above information is required to be submitted with your application. Failure to include all of this information will mean the Council is unable to begin to process your application.

SIGNATURE

I hereby certify that, to the best of my knowledge and belief, the information given in this application is true and correct. I undertake to pay all actual and reasonable application costs incurred by the Whakatane District Council.

Signature of the Applicant: [Signature] Date: 24-4-03

NOTES:

1. Give a full description of the activity you are proposing to undertake. Continue on a separate paper if necessary.
3. 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.
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. The initial lodgement deposit paid on application may not cover the total cost of processing this application. The Council charges for receiving, processing and granting of consents on an actual cost basis. You may receive a refund or an account for additional costs.
5. Some types of applications require you to have consulted with, and if possible obtain the written consent of, any party who may be adversely affected by the proposal. This may include individuals such as your neighbours, or organisations such as the Department of Conservation, Transit New Zealand or iwi.
6. Consultation should occur prior to an application being received. The written consent of affected parties will be required for some applications for resource consent to avoid the Council publicly notifying the application for submissions.
6. Assessment of Environmental Effects (AEE) – An AEE is an essential part of the application. If no AEE is provided, Council will not start processing the application. The AEE should discuss all the actual and potential effects (both positive and negative) on the environment arising from this proposal. The amount of detail provided must reflect the nature and scale of the development and its likely effects. For example, if there are major effects arising from the proposal, a detailed analysis and discussion of these effects should be included in the AEE. Information from specific experts such as a geotechnical engineer, acoustic consultant or traffic engineer may be required. If the effects of the proposal are very minor, then a less detailed AEE can be submitted.
7. 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 Section will be happy to assist you in completing your application.



29 April 2003

The Chief Executive
Whakatane District Council
Private Bag 1002
WHAKATANE

Attention: Kathy Belshaw

Dear Sir

**RESOURCE CONSENT (SUBDIVISION) APPLICATION:
S A & C G THORNTON; WAINUI ROAD, OHOPE**

We enclose for approval by your Council and application on behalf of the above for a proposed boundary adjustment. For the purposes of this application we enclose the following:

- 5 copies of the scheme plan (4658-SC01).
- An A4 reduction of the scheme plan.
- Resource Consent (Subdivision) Application on Form 5 RMA 1991.
- Our clients' cheque in the sum of \$405.00 being the required perusal fee deposit.

GENERAL PROPOSAL

This application is to adjust the boundary between two developed residential properties at Ohope. The adjusted allotments will both significantly be larger than the minimum requirement under both District Plan documents.

LOCATION & ZONING

Transitional District Plan - Residential A (Map No. 29)

Variation 2 To The Proposed District Plan - Residential 1 (Map No. 50)

LEGAL DESCRIPTION

The subject properties are held in C.T. SA15C/827 & SA16A/202. These titles are held by the applicants, S A & C G Thornton. A large two storey residence owned and occupied by the applicants is sited on Lot 24 DPS 10076 having access by means of a right of way from the end of Kowhai Street. Its' residential address is 8B Kowhai Street. The land below this dwelling slopes down to Wainui Road and is partly covered in scrub and young native tree growth. The other property (Lot 25 DPS 9167) contains a dwelling near the southern portion with access directly onto Wainui Road.

BOUNDARY ADJUSTMENT PROPOSAL

The current boundaries of Lot 24 DPS 10078 gives a frontage onto Wainui Road of approximately 22m but as stated above the vehicular access is via a right of way from Kowhai Street. This proposal is to sever the area fronting Wainui Road together with a sliver of land between the two properties as shown on the scheme plan. The nett effect is to reduce Lot 24 DPS 10076 by 640m² leaving a residue area of 2216m². Conversely, Lot 25 DPS 9167 will increase in area to approximately 1854m².

A result of the proposal will be that a Sec 321(3)(c) LGA consent will be required in terms of Lot 1 (residue Lot 24 DPS 10076) no longer having a legal road frontage. The frontage presently enjoyed by this title is not practical in terms of providing physical access to the building area anyway. In the future a potential additional lot could be derived from proposed Lot 2 but having access off the road entry onto Kowhai Street.

TRANSITIONAL DISTRICT PLAN RULES (Pg. 417 – 420)

The subdivision rules for the residential zone relevant to the application are:

- | | |
|-------------------|---|
| Minimum Area | – 400m ² |
| Minimum Frontage | – 4.0m (with provision to reduce to 0.1m when part of a right of way) |
| Shape Factor | – 18m diam. circle but with provision to reduce to 14m for existing allotments. |
| Building Platform | – 7m x 10m clear of existing legal and physical impediments. |

All of the above requirements are met by this proposal with the exception that no frontage will apply to Lot 1 which has a registered right of way access anyway.

PROPOSED WHAKATANE DISTRICT PLAN (VARIATION 2) (Pg 156 – 160)

- | | |
|------------------|---|
| Minimum Area | – 400m ² |
| Minimum Frontage | – 4.0m or alternatively have legal access to a formed road over a right of way (or equivalent). |
| Shape Factor | – 15m diam. circle |

Rule 4.1.8.1 provides for a boundary adjustment between existing land titles “which will leave each of the allotments involved with substantially the same land area and unchanged road frontages”.

In general the above requirements have been met with the exception of the boundary adjustment requirement that both lots be left with similar road frontages. In this instance one title will lose its legal road frontage but has a registered right of way in compliance with the provision referred to above.

TRANSITIONAL DISTRICT PLAN YARD REQUIREMENTS (Pg. 231 – 232)

The relevant rule for this application is:

- Rear Lots: All yards – 3.0m (but with provision to reduce to 1.5m on one yard)

The nearest part of the building on Lot 1 to the proposed new boundary is approximately 7.0m to the elevated deck area of the eastern end of the dwelling.

EXISTING SERVICES

All services are contained within the respective lots' boundaries. As a result, there will be no requirement to create easements etc nor will existing services require to be relaid.

RESERVES CONTRIBUTION

As no additional residential title is being created by this proposal, reserves contributions will not be payable.

ENVIRONMENTAL ASSESSMENT

The Fourth Schedule of the Resource Management Act 1991 requires the following matters to be considered for a subdivision:

(a) Effect on Neighbourhood

There should be no effect on the immediate or wider community given the nature of the proposal which will not create additional buildings and therefore there will be no additional inhabitants on the land.

(b) Physical Effects

The only physical effect as a result of this proposal will be new fencing along the proposal boundary. We therefore consider that the effect will be minor.

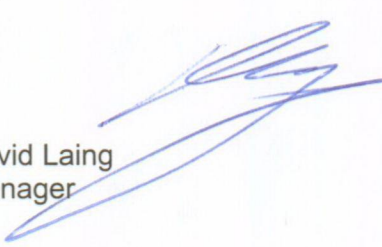
SUMMARY

In general, we believe that the subdivision rules for both the Transitional District Plan and the Proposed Whakatane District Plan (Variation 2) are generally in compliance. Both titles will remain relatively large for residential allotments and there are no issues arising such as relocation of services etc nor any obvious effects on the environment. The removal of the present road frontage to one of the titles is not significant as the title already has a registered right of way for vehicular access and the legal frontage is impractical for other than foot access.

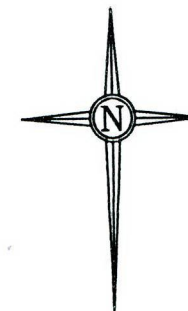
We consider also that the proposal is in accordance with Part II of the RMA 1991 as it relates to sustainable management of the land resource and efficient use of physical resource.

Please advise if any other information is required for this application to be processed.

Yours faithfully
Harrison Grierson Consultants Limited


David Laing
Manager

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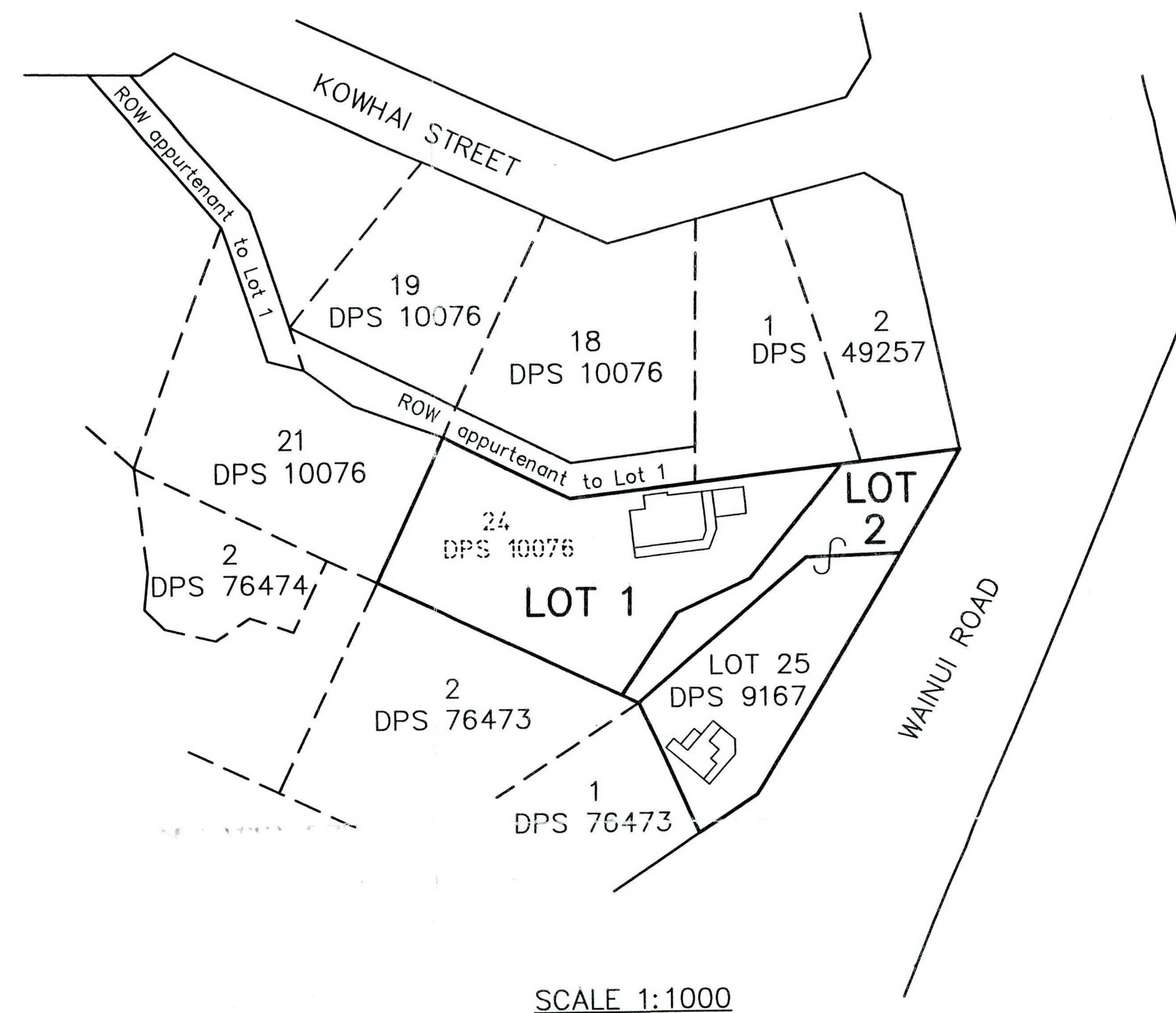
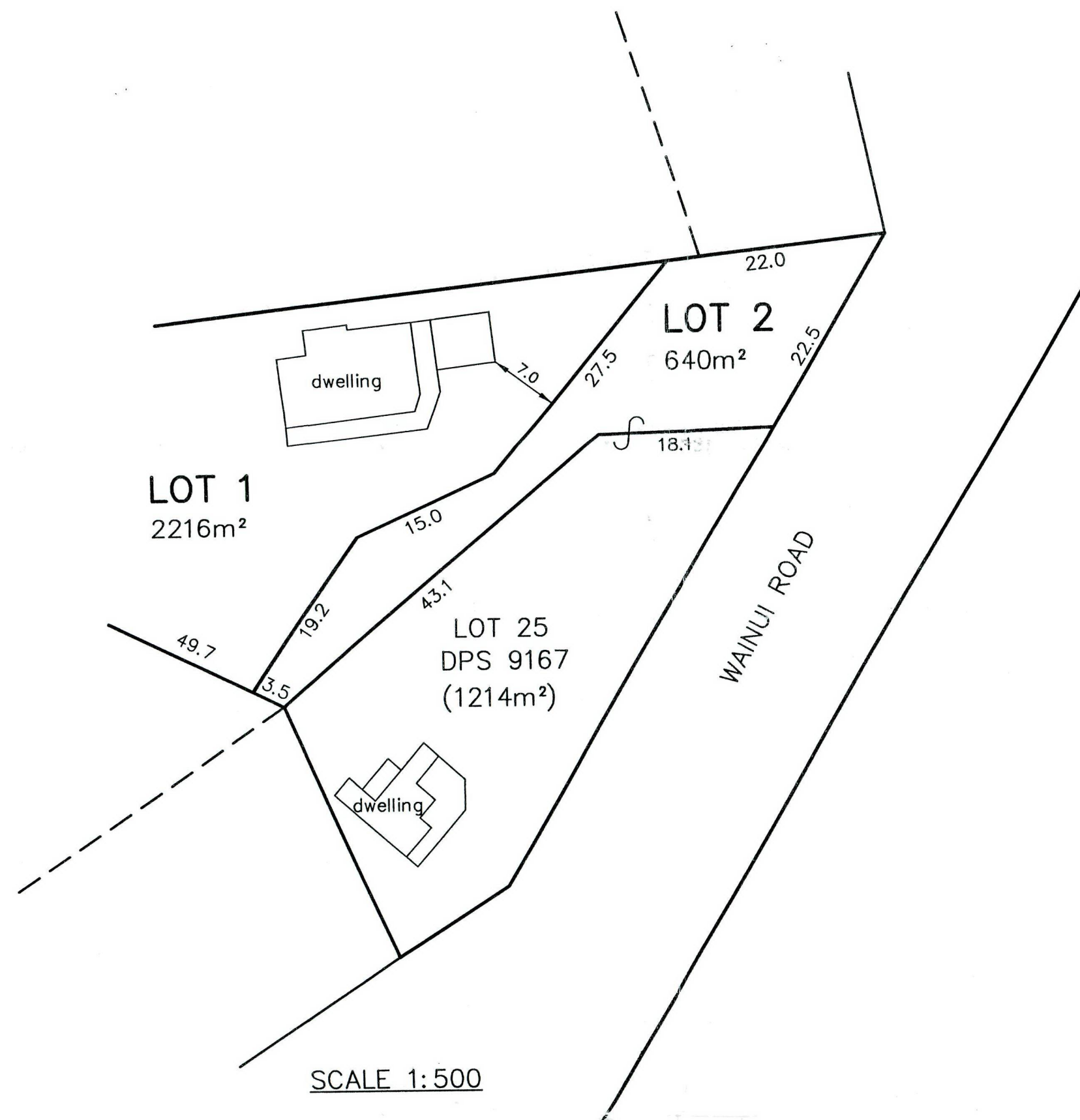
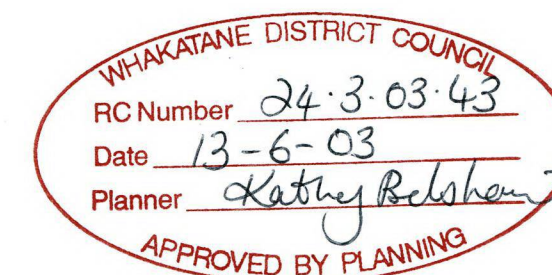


NOTES:

1. Areas & measurements are approximate only and subject to survey.
2. Total Area = 4070m²
3. Comprised in Cs'T = SA15C/827
SA16A/202

AMALGAMATION NOTE:

That Lot 2 hereon and Lot 25 DPS 9167 be held in the same certificate of title.



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SURVEYED BY:	DRAWN BY:	DJC
DATE SURVEYED:	DATE PLOTTED:	APRIL 2003
SDRMAP REF:	CAD REFERENCE:	
	CAD XREF'S:	
DESIGNED:	APPROVED:	
CHECKED:		
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HARRISON GRIERSON

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CONSULTING ENGINEERS SURVEYORS PLANNERS

PROJECT:

PROPOSED BOUNDARY ADJUSTMENT
LOT 24 DPS 10076 & LOT 25 DPS 9167

TITLE:

S A & C G THORNTON
KOWHAI STREET - OHOPE

PROJECT No:	8304658.1	REV
DRAWING No:	4658-SC01	
ORIGINAL SCALE:	1:500	A2
REDUCED SCALE:		
REF AMENDMENTS	BY	DATE