



RCSDEC

24.3.03.43

5720/0024/000

13 June 2003

S A and C G Thornton
C/- Harrison and Grierson
PO Box 336
WHAKATANE

Dear Sir/Madam

RESOURCE CONSENT (SUBDIVISION) – 2 LOT SUBDIVISION ON WAINUI ROAD OHOPE FOR S A & C G THORNTON

On 13 June 2003, the District Planner, under delegated authority, resolved as follows:

- "1. *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 10 working days 13 June 2003.*
2. *THAT pursuant to Sections 34(4), 104, 105, 108 and 220 of the Resource Management Act 1991, the Whakatane District Council grants consent as a discretionary activity to subdivide a residential property into two lots (redefine lot & amalgamation) on land legally described as Lot 25 DPS 9167 at 24 Wainui Road, Ohope, subject to the following conditions:*
 - (a) *The proposed activity shall be carried out in general accordance with Plan Number 4658-SC01 dated April 2003 prepared by Harrison & Grierson and information submitted as part of this application, except where modified by any other condition of this consent.*
 - (c) *That Lot 2 and Lot 25 DPS 9167 (CT SA16A/202) be held in the same Certificate of Title (see request 205884).*
 - (d) *That a monitoring fee of \$56.25 (inclusive of GST) be paid to 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 Council in terms of Section 36 of the Resource Management Act 1991.*
3. *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.*

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4. *THAT pursuant to Section 223 of the Resource Management Act 1991, the Authorised Officer shall 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.*
5. *THAT pursuant to Section 224 of the Resource Management Act 1991, the Authorised Officer shall sign a certificate in respect of the above subdivision, stating that all conditions of subdivision consent have been complied with to his satisfaction.*
6. *THAT pursuant to Section 321(3) of the Local Government Act 1974, the Whakatane District Council, in granting consent to the subdivision on Lot 24 DPS 10076 and Lot 25 DPS 9167, is satisfied that adequate access to Lot 1 is provided by a right of way easement over Lots 18, 19 and 21 DPS 10076, Council therefore resolved that Section 321(1) shall not apply.*

Reasons

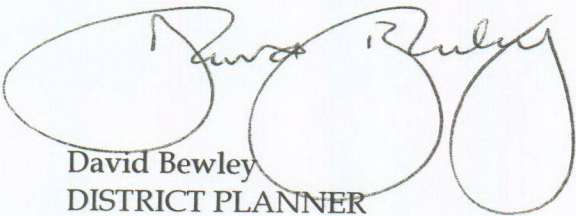
1. *The proposed activity is a discretionary activity in the Residential A Zone of the Transitional Whakatane District Plan and a controlled activity in the Residential 1 Zone in Variation 2 to the Proposed Whakatane District Plan. The applicant proposes to reduce the area of Lot 24 DPS 10076 by 640m² and increase the area of Lot 25 DPS 10076 to 1854m² (redefine & amalgamate). Under rule 9B.9(2)(3) of the Transitional Whakatane District Plan this proposal becomes discretionary as there is no legal road frontage for Lot 24 DPS 10076. Council is satisfied, however, that the proposed subdivision which contains existing dwellings and associated buildings is generally in accordance with the intent of the District Plan Rules contained in Rule 9B of the Transitional Whakatane District Plan.*
2. *Council is satisfied that the proposal is not contrary to the policies and objectives contained in the dominant planning document, the Transitional Whakatane District Plan. It is considered that this subdivision is an appropriate use of the subject land and that all services required for this subdivision are adequately provided to the new lots. The lots are already developed with established buildings onsite. The proposal aims to reduce Lot 24 DPS 10076 and increase Lot 25 DPS 10076 and therefore there are no major changes to the subdivision apart from a redefined lot and an amalgamation. The new lots comply fully with the minimum lots sizes in both plans. In regards to the road frontage, Lot 24 DPS 10076 has access via a right-of-way off Kowhai Street.*
3. *Council is satisfied that any adverse environmental effects that may actually, or potentially, result from the land use are likely to be minor or are avoided, remedied or mitigated by the conditions of this resource consent.*

4. *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(5) of the Resource Management Act 1991 which warranted the public notification of this proposal.*
5. *Council is satisfied that this proposal is in accordance with Part II matters of the Resource Management Act 1991. Council 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.*

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 15 working days of receiving this decision on the objection. Please note that the days between 20 December and 15 January do not count as working days.

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

Yours faithfully



David Bewley
DISTRICT PLANNER