

CV 10 13.

RESOURCE CONSENT SUMMARY FORM	Resource Consent No 24. <u>3.04.92</u>	Due Date: <u>28.07.2004</u>
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Type	Activity Status	Planner
☐ Land use	☐ Controlled	☐ Laura
☒ Subdivision	☐ Limited discretionary	☒ Tony
☐ Outline Plan	☒ Discretionary	☐ David
☐ COC	☐ Non-complying	☒ Consultant (Name) <u>Mtec - Colin</u>

Application

Name: SA and CA Thornton

Address for service: 41- PP Box 336 Whakatane

Location: 2B Kowhai Street Ohope

Legal Description: Lot 25 DP 9167

Valuation Ref: 07241/435.00 GIS ID: 2080/0002/Box

Zone: RES1 Fujitsu ID: _____

Description of activity: 2 Lot Residential 1 Subdivision -
1 additional lot



Processing

Date received: 30/06/2004 Ack Date: 30/06/2004

Further information requested: 28/7/04, 29/9/06 Date received: _____

Further information requested (2): 2/2/06 24/5/06 Date received: 16/10/06 Revised scheme plan

Site visit: ☒

Notified/Not notified (delete one) Ltd Date: 15/11/05 Ltd only

S37 date: _____

Circulate—Internal				
Section	Circulate	Date sent	Date received	Comments
Engineers	☒	<u>5/7</u>	<u>13/9/05</u>	
Inspectors	☒	<u>5/7</u>	<u>27/9/05</u>	
Parks				
Property Officer				
<u>Mtec</u>	☒			

Circulate—External				
Organisation	Circulate	Date sent	Date received	Comments
Quotable Value NZ	☒	<u>5/7</u>	<u>30/7/04</u>	<u>Lot 2 E 52580</u>
Environment Bay of Plenty				
DLR				
Transit New Zealand				
Iwi				
Dept of Conservation				
Eastern Fish & Game Council				
Network Utility Operator				
Historic Places Trust				
Community Board	☒	<u>5/7</u>	<u>19/7</u>	<u>wait 500 sub/duty, reports, traffic report & neighbourhood consultation</u>

S127

Variation



24.3.04.92
2080/0002/B00

13 July 2007

S.A. and C.A. Thornton
C/-Harrison Grierson Consultants Limited
PO Box 1199
TAURANGA

Attention: Andrew Collins

Dear Sir

RESOURCE CONSENT (SUBDIVISION) – S.A AND C.A. THORNTON, 2B KOWHAI STREET, OHOPE.

On 13 July 2007, the Manager Development and Compliance, under delegated authority, resolved as follows:

- "1. *THAT pursuant to Section 127 of the Resource Management Act 1991, the Whakatane District Council grants consent to change conditions (p) and (u) of subdivision consent 24.3.04.92 being the property situated at 2B Kowhai Street, Ohope and legally described as Lot 25 DPS 9167 and Lot 2 DP 327498. The amended conditions are to read:*

Condition (p)

A preliminary design (which may incorporate a retaining wall, or propped wall or pole house solutions) shall be submitted to the Council, along with supporting calculations, to demonstrate to the satisfaction of the Council that a dwelling can be constructed on Lot 2. In the event that the preliminary design relates to a pole house solution, the focus shall be on the design of the pole foundations up to floor level and it shall be demonstrated how structural loads will be taken, including pole layouts and key pole loading calculations.

This design shall take into account the requirements for inspection and maintenance of these structures inclusive of anchoring systems, where required by the design. A peer review of the design of these structures shall be undertaken to the satisfaction of Manager Development and Compliance prior to Section 224 Certificate approval being issued for the subdivision and at the expense of the consent holder.

Condition (u)

In accordance with Section 221 of the Resource Management Act 1991 a Consent Notice shall be registered against the Title of Lot 2 requiring that:

- (i) The owners of Lot 2 shall be aware that:*
 - There are geotechnical constraints affecting the design of a house on Lot 2.*
 - As part of the subdivision consent process that created this allotment, the consent holder is to provide a preliminary design for one particular building solution prior to the approval of the Section 224 Certificate to the satisfaction of Council (as required by condition (p) of the subdivision consent). This shall be considered as the "default option".*
 - For any building option selected (including the default option referred to above) specific design will be required, with expert geotechnical input, prior to the issue of a building consent.*
 - Where the building option selected involves the creation of a building platform prior to subsequent dwelling construction, a building consent shall be obtained for the associated debris and retaining walls required prior to any works being undertaken.*
 - It may not be practical to provide turning circles on the site which meet the Council's dimension requirements, in which case alternative solutions such as a carousel (turntable) may be required.*
- (ii) Prior to any works commencing on site to form any retaining and debris wall structures associated with any building the proposed building platform on Lot 2, horizontal drains shall be installed as prescribed in the additional information supplied by Harrison Grierson Consultants Limited dated 26th April 2006 and to the satisfaction of Manager Development and Compliance.*
- (iii) That the horizontal drains referenced in consent notice condition (ii) above shall be constructed in a manner that provides for regular and ongoing maintenance to be undertaken.*
- (iv) The Geotechnical engineer undertaking the design of the horizontal drains shall submit a formal programme for ongoing periodic inspections and maintenance beyond the end of construction to Whakatane District Council, prior to the drains being installed. The programme shall include the frequencies for inspections and monitoring, maintenance schedules, alert and alarm levels, and contingency measures to be initiated if alarm levels are exceeded.*

- (v) No works to construct the Building Platform on site shall be undertaken until such time as the Whakatane District Council is satisfied the Debris and Retaining Wall structures and the horizontal drains have been installed in accordance with the approved plans.
- (vi) Prior to any dwelling being constructed on the identified building platform, a Geotechnical Completion Report shall be undertaken. This report shall:
- Confirm that the works undertaken on site including horizontal drain installation, debris and retaining wall installation, formation of new access and building platform and reinstatement of bulldozed track, have resulted in the site being geotechnically stable and suitable for the construction and occupation of a dwelling on the building platform.
 - Identify recommendations for foundation design methodology, disposal of stormwater from impervious areas and roofing, the best practicable options for connection to reticulated services located at the property boundary and any other matters considered relevant following the completion of physical works on site.
 - Identify post construction inspection/maintenance requirements and programmes for structures located on site including, but not limited to horizontal drains, retaining walls and retaining wall anchors.

This Geotechnical Completion Report may be peer reviewed at the discretion of Whakatane District Council and at the expense of the consent holder.

- (vii) Any building to be constructed on site shall be subject to specific design and constructed in accordance with the Geotechnical Completion Report contained under clause (vi) of this consent notice.
- (viii) Any horizontal drains required by this consent notice shall be maintained in accordance with the Geotechnical engineer's requirements stipulated under consent notice condition (iv) to ensure they continue to function. Confirmation of inspection by a Chartered Professional Engineer shall be provided to Whakatane District Council at the inspection frequency identified in the Geotechnical Completion Report.
- (ix) Council's officers or contractors shall be permitted entry upon the land at reasonable times so as to ascertain compliance with these conditions.

- (x) *The Council's legal costs and disbursements directly or indirectly attributable to the enforcement of the consent notice and the Council's conditions set out in the notice shall be paid by the consent holder.*
- (xi) *Following the completion of construction of a dwelling on Lot 2 the common driveway which serves Lots 1 and 2 shall be formed and constructed in accordance with Standard Drawings R 01A and R13 contained within the Whakatane District Council's Engineering Code of Practice. In particular this will require that the surface of the common driveway is upgraded to meet surfacing option A, B or C prescribed in Table 2 of Standard Drawing R13 within three months of the occupation of the dwelling.*
- (xii) *The common driveway which serves Lots 1 and 2 inclusive of associated retaining and stormwater structures, shall be maintained at all times to the satisfaction of Whakatane District Council.*

NOTE:

Requirements (ii) to (viii) above shall apply only where the building option selected involves the creation of a building platform prior to subsequent house construction, with corresponding debris and retaining wall requirements.

- 2. *THAT pursuant to Section 36 of the Resource Management Act 1991, an additional administrative charge (to be invoiced separately), shall be paid to the Council in relation to the receiving, processing and granting of this variation to the resource consent.*

Amended Advice Notes

- 3. *Detailed design of the proposed subdivision should include specific assessment of the following aspects of the ground anchor design (where applicable) :*
 - *The lengths required to achieve the required anchor capabilities;*
 - *The length of the anchors and whether they will extend over the property boundary;*
 - *Anchor durability. Given the importance to the overall stability and the coastal environment, triple protection may be required;*
 - *Requirements for construction;*
 - *Load testing.*
- 6. *Where applicable, Retaining and Debris Wall Structure anchors will require strength testing. A condition of Building Consent for these structures shall require that this testing is undertaken.*

Reasons

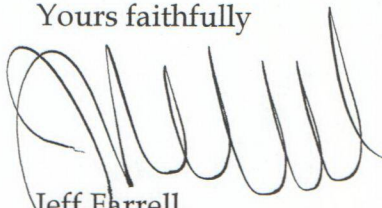
- 1. *The application to change conditions of consent has been assessed as a discretionary activity.*

2. *The changes to the conditions enable greater flexibility in the final design and construction of a dwelling on the new lot. There are three options considered viable for building on this site as outlined in the s127 application. The original option submitted as part of the subdivision application is the most costly and involves substantial earthworks. A pole house option is the simplest as this involves the least amount of earthworks and engineering design. The applicant has submitted a preliminary pole house design to demonstrate that this a feasible option and can be achieved on the site. This design has been reviewed by Terrane Consultants on behalf of the Council. This pole house design will effectively be the default position if other designs are not considered appropriate or cost effective when the specific design work is done for a dwelling. The Council is therefore satisfied that there is a suitable building site available on the lot subject to specific design. Future owners will be made aware the constraints and requirements for building by the registration of a consent notice on the title of the new lot. The Council is satisfied that any effects can be mitigated by the new conditions.*
3. *The Council has considered which parties could be potentially adversely affected by the changes, in particular the interests of the original submitter. The Council is satisfied that the default pole house option reduces the volume of earthworks and cut into the slope and will mean that the slope is as stable, if not more stable than it would be if the earlier design option and consent conditions were followed. There is less risk of failure during construction and earthworks. A landscape plan is still required by conditions of consent and there will be no additional removal of vegetation as a result of these changes. The Council is therefore satisfied no parties are adversely affected by the changes.*

In accordance with Sections 357A and 357B of the Resource Management Act 1991, you have the right to submit to the Council an objection to any of the above changes of conditions or the additional administrative charges. 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.

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

Yours faithfully



Jeff Farrell
MANAGER

DEVELOPMENT AND COMPLIANCE

24.3.04.92

CV#13

S127 (CHANGE TO CONDITION) SUMMARY FORM		Resource Consent No 24. <u>3.04.92</u>		Due Date: <u>26.06.07</u>	
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Type	Activity Status	Planner
☐ Land use ☒ Subdivision	☐ Controlled ☐ Limited discretionary ☒ Discretionary ☐ Non-complying	☐ Laura ☐ Tony ☐ Carolyn ☐ Emma ☐ Consultant (Name) _____

S127 Application
 Name: S-A and C-A Thornton Agent: _____
 Address for service: PO Box 1199 Tauranga
 Location: 28 Kowhai Street Ohope
 Description of Change to Condition: (P)

Processing
 Date received: 29.05.07 Site visit: _____
 Further information requested: _____ Date received: _____
 Notified/Non-notified (delete one) Date: _____ S37 date: _____

Circulate—Internal				
Section	Circulate	Date sent	Date received	Comments

S127 Fees/Charges

Deposit: \$ <u>250</u>	Add Fees: \$ _____	Refund: \$ _____
Receipt No: <u>140162</u>	Inv No: _____	Cheque No: _____
Date: <u>29/5/07</u>	Date: _____	Date: _____

Notification/Hearing
 Advertisement date: Beacon: _____ East Bay News: _____ Rotorua Daily Post: _____
 Closing date for submissions: _____
 Copy of submissions sent to applicant: _____
 Notice of hearing sent to applicant/submitters on: _____
 Planner's report served on applicant/submitters on: _____

S127 Decision
 Consent granted/refused (delete one). Decision date: 13/7/07
 Decision served on applicant/submitters on: 13/7/07

S127 Objection
 Date received: _____
 Decision date: _____

THORNTON SUBDIVISION, 2B KOWHAI STREET, OHOPE

Existing condition (p)

A retaining and debris wall system shall be designed for the proposed building platform on proposed Lot 2 in general accordance with those shown on the Harrison Grierson Consultants Limited drawing 011050-200 and in accordance with the proposed construction sequence identified in further information supplied by Harrison Grierson Consultants Limited dated 26 April 2006 and 20 June 2006

This design shall take into account the requirements for inspection and maintenance of these structures inclusive of anchoring systems. A peer review of the design of these structures shall be undertaken to the satisfaction of Director of Environment and Policy prior to Section 223 and Section 224 approval being issued for the subdivision and at the expense of the consent holder.

Proposed condition (p)

~~A retaining and debris wall system shall be designed for the proposed building platform on proposed Lot 2 in general accordance with those shown on the Harrison Grierson Consultants Limited drawing 011050-200 and in accordance with the proposed construction sequence identified in further information supplied by Harrison Grierson Consultants Limited dated 26 April 2006 and 20 June 2006~~

A house concept design (which may incorporate either retaining wall, propped wall or pole house solutions) shall be submitted to Council, along with supporting calculations, to demonstrate to the satisfaction of Council that a dwelling can be constructed on Lot 2.

This design shall take into account the requirements for inspection and maintenance of these structures inclusive of anchoring systems, **where required by the design**. A peer review of the design of these structures shall be undertaken to the satisfaction of Director of Environment and Policy prior to Section 223 and Section 224 approval being issued for the subdivision and at the expense of the consent holder.

Existing condition (u)

In accordance with Section 221 of the Resource Management Act 1991 a Consent Notice shall be registered against the Title of Lot 2 requiring that:

- (i) A building consent shall be lodged for the Debris and Retaining walls structures referenced in condition (p) of the subdivision consent and any other retaining walls required on site.

Proposed condition (u)

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- (i) The owners of Lot 2 shall be aware that there are geotechnical constraints affecting the design of a house on Lot 2. As a result, specific design will be required, with expert geotech input, prior to the issue of any building permit for the building option selected. The owners are further advised that as an alternative to providing turning circles on the site which meet Council's dimension requirements, alternative solutions such as a carousel (turntable) may be required.

preliminary design, not "concept".

ple

THORNTON SUBDIVISION, 2B KOWHAI STREET, OHOPE

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→ Reference plan.

Laura Swan

From: Jeff Farrell
Sent: Thursday, 26 April 2007 5:12 p.m.
To: David Bewley; Paul Howells; Laura Swan
Subject: FW: [SPAM] RE: Bldg consent applcn on 16323/8519: Steve Thornton access retaining walls

FYI
Jeff

From: Jeff Farrell
Sent: Thursday, April 26, 2007 5:12 PM
To: 'Jim Finlay'
Subject: RE: [SPAM] RE: Bldg consent applcn on 16323/8519: Steve Thornton access retaining walls

OK Jim. In terms of the request in your last para, no, it is not worth following up.
Jeff

From: Jim Finlay [mailto:j.finlay@harrisingrierson.com]
Sent: Thursday, April 26, 2007 12:53 PM
To: Jeff Farrell
Subject: [SPAM] RE: Bldg consent applcn on 16323/8519: Steve Thornton access retaining walls

Thanks Jeff. Yes this is okay with me. Steve Thornton has asked us to get John Moore of Whakatane Bobcat Services to do tidy up works so I will get him to price up for client approval. John is also pricing putting a clay/bidum cloth seal over the gravel backfill (above approx last 12 m length of upper wall where we had a slip during excavation works before walls were constructed) as requested by Tony. My understanding is that the accessway walls will then be ready for C of C check.

The design of the proposed new blding platform walls (ie above the accessway walls) is still under discussion between Tony and Gavin and consideration of this may delay C of C check (on accessway walls). S Thornton advised H G that "another Engineer doing work for WDC" told him that H G should have applied to bond the proposed blding platform wall design so that he could get on and apply for the 224 certificate. Is this worth following up - would Council consider this?
cheers
Jim

From: Jeff Farrell [mailto:jefff@whakatane.govt.nz]
Sent: Thursday, 26 April 2007 12:07
To: Jim Finlay
Subject: RE: Bldg consent applcn on 16323/8519: Steve Thornton access retaining walls

Hi Jim
Further to a site visit I confirm that I am happy with what is proposed if you would add an intermediate 150 x50 rail at mid-height. Can you please confirm that is OK with you.
Kind regards
Jeff

From: Jim Finlay [mailto:j.finlay@harrisingrierson.com]
Sent: Tuesday, April 24, 2007 3:49 PM
To: Jeff Farrell
Subject: RE: Bldg consent applcn on 16323/8519: Steve Thornton access retaining walls

Thanks Jeff,

27/04/2007

i will see you there

Jim

From: Jeff Farrell [mailto:jefff@whakatane.govt.nz]

Sent: Tuesday, 24 April 2007 13:41

To: Jim Finlay

Subject: FW: Bldg consent applcn on 16323/8519: Steve Thornton access retaining walls

Hi Jim

I will look at this on Thursday around 7.35am if you are interested in meeting on site.

Jeff

From: Paul Howells

Sent: Tuesday, April 24, 2007 1:38 PM

To: Jeff Farrell

Subject: FW: Bldg consent applcn on 16323/8519: Steve Thornton access retaining walls

Cheers Jeff

From: Jim Finlay [mailto:j.finlay@harrisongrierson.com]

Sent: Monday, 23 April 2007 5:17 p.m.

To: Paul Howells

Subject: Bldg consent applcn on 16323/8519: Steve Thornton access retaining walls

Hi Paul,

In reviewing the as built walls constructed on the site, Tony C of Terrane Consultants and Gavin M of our office looked into the issue of the risk of falling over the edge of a portion of the wall. A section of the lower portion of the down hill batter at the corner in the wall approx 20 m from the northern end is steep and it was desired that, although marginal, a safety barrier should be placed here. They propose a 5-6 metre long length of 150 x 50 mm hand rail fixed to 100x100x 1000mm high posts, with these posts bolted to the retaining wall poles (which are at 1200 crs over this length of wall). This hand rail with posts could then be removed/replaced when a large vehicle needed room to swing out on the corner.

I am aware that this spec is not recognised as an apprvd safety barrier in terms of the Building Code, however in this instance it is more of a safety guide, (given that the access is 4.5 m wide here and the drop over the lower wall is not vertical). Also, the code specific safety barrier would look a bit odd on the corner of the otherwise unrailed remaining 70 metres.

Pls would you advise if WDC will accept the above spec for the barrier. Gavin has asked me to arrange for outstanding items and I need to instruct the contractor.

Thank you Paul

Jim

Jim Finlay

Senior Engineer/Office Manager

Harrison Grierson Consultants Limited

Concordia House 17 Pyne Street Whakatane

P O Box 336 Whakatane New Zealand

27/04/2007

Ph: +64 7 308 5478 Fax: +64 7 308 4907

Email j.finlay@harrisingrierson.com

Website: www.harrisingrierson.com

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25 May 2007

Whakatane District Council
Private Bag 1002
WHAKATANE

Attention: Laura Swan

Dear Laura

SECTION 127 RMA APPLICATION TO CHANGE CONDITIONS OF RESOURCE CONSENT - S.A. AND C.A. THORNTON, 2B KOWHAI STREET, OHOPE

As agreed at our meeting on 15 May 2007, this application is made under section 127 of the Resource Management Act 1991 and seeks to change several conditions of the subdivision consent granted on 16 November 2006 to our clients, Steve and Corry Thornton.

Enclosed is a cheque for \$250.00, being the Council processing fee for a variation to conditions.

BACKGROUND

At present, the subdivision consent requires that a "retaining and debris wall system" be designed for the proposed building platform (prior to s224 approval) and that a building consent application be lodged in respect of that structure (after title has issued, prior to building). As we understand it, the intent of the conditions is to ensure that:

- the subject site and future house will not be subject to material damage by erosion, falling debris, subsidence or slippage (thereby satisfying the requirements of s106 of the RMA); and
- land disturbance activities on the subject site will not adversely affect the neighbouring (upslope) property.

The problem is that the current wording of the consent conditions requires *extensive* design input into a solution (ie. a "retaining and debris wall system") that is just one of several potential solutions and also the one that is the least likely to ever be implemented (as it will be so expensive). In short, the existing consent requires considerable time and cost that will most likely be wasted.

Alternative wording is presented by way of this application which achieves the same intent of the existing conditions but in a more flexible manner.

CHANGES SOUGHT

Changes are sought as follows (strikeout text like ~~this~~ is to be deleted and bold text like **this** is to be added):

1. CONDITION (P)

(A) PROPOSED WORDING

~~A retaining and debris wall system shall be designed for the proposed building platform on proposed Lot 2 in general accordance with those shown on the Harrison Grierson Consultants Limited drawing 011050-200 and in accordance with the proposed construction sequence identified in further information supplied by Harrison Grierson Consultants Limited dated 26 April 2006 and 20 June 2006~~

A preliminary design (which may incorporate either retaining wall, propped wall or pole house solutions) shall be submitted to Council, along with supporting calculations, to demonstrate to the satisfaction of Council that a dwelling can be constructed on Lot 2. In the event that the preliminary design relates to a pole house solution, the focus shall be on the design of the pole foundations up to floor level and it shall be demonstrated how structural loads will be taken, including pole layouts and key pole loading calculations.

*This design shall take into account the requirements for inspection and maintenance of these structures inclusive of anchoring systems, **where required by the design**. A peer review of the design of these structures shall be undertaken to the satisfaction of Director of Environment and Policy prior to Section 223 and Section 224 approval being issued for the subdivision and at the expense of the consent holder.*

(B) REASON

As noted above, there are at least three different design and construction options available for the construction of a house on the subject lot. These options are:

- Option 1 - Tied back retaining wall option (to create building platform)
- Option 2 - Propped wall retaining wall option (house to take some of loading from slope above, in combination with some lesser retaining walls)
- Option 3 - Pole house option (minimal earthworks, no building platform)

At subdivision stage (prior to issue of s224 certificate), the Council just needs to be satisfied that one of the options has been proven to be practical (whether or not this is the option that is subsequently progressed to building stage). Any option selected at the later house building stage will need to be subject to specific design and be "proven" prior to building permit issue).

The proposed changes maintain flexibility for the owner of the lot (once title is obtained) to consider each of the technical design/construction options and to select the most appropriate one to pursue having regard to the costs and benefits involved in the detailed design and construction process for each option.

At the time of this application, work is underway to satisfy this proposed condition by demonstrating that Option 3 above is practical and will have no adverse effects on the neighbouring property. At this stage, it is intended that this will become the "default option" referred to below.

2. CONDITION (U)

(A) *PROPOSED WORDING*

In accordance with Section 221 of the Resource Management Act 1991 a Consent Notice shall be registered against the Title of Lot 2 requiring that:

~~(i) A building consent shall be lodged for the Debris and Retaining walls structures referenced in condition (p) of the subdivision consent and any other retaining walls required on site.~~

(i) The owners of Lot 2 shall be aware that:

- ***There are geotechnical constraints affecting the design of a house on Lot 2.***
- ***As part of the subdivision consent process that created this allotment, the subdivider provided a preliminary design for one particular building solution [SITE SUITABILITY REPORT FOR THORNTON SUBDIVISION, WAINUI ROAD, WHAKATANE] to the satisfaction of Council (as required by condition (p) of the subdivision consent). This shall be considered as the "default option".***
- ***For any building option selected (including the default option referred to above) specific design will be required, with expert geotech input, prior to the issue of a building permit.***
- ***Where the building option selected involves the creation of a building platform prior to subsequent house construction, a building consent shall be obtained for the associated debris and retaining walls required prior to any works being undertaken.***
- ***It may not be practical to provide turning circles on the site which meet Council's dimension requirements, in which case alternative solutions such as a carousel (turntable) may be required.***

NOTE:

Requirements (ii) to (vii) below shall apply only where the building option selected involves the creation of a building platform prior to subsequent house construction, with corresponding debris and retaining wall requirements.

(ii) to (xi) Same as existing consent.

(B) *REASON*

The reasons stated above (regarding changes to condition (p)) apply here too. The changes are required to provide flexibility while still avoiding risk for Council and neighbours. The fifth bullet point is required to advise future owners that, depending on final house designs, it may be difficult to provide adequate vehicle turning circles on the site and, therefore, alternative solutions may be required to ensure that the required manoeuvring outcomes are still met.

Requirements (ii) to (vii) all apply to debris/retaining wall options and the creation of a building platform. As such, their applicability will be confined to where that is the building option selected and approved by Council. Except to the extent that may be addressed in the preliminary design report, they will not be applicable to other options such as the pole house option (intended to be the "default option" proven at subdivision stage) *if* that option is subsequently developed further at detailed design stage.

3. ADVICE NOTE (3)

(A) *PROPOSED WORDING*

*Detailed design of the proposed subdivision should include specific assessment of the following aspects of the ground anchor design (**where applicable**):*

... (remainder same as existing consent)

(B) *REASON*

To reflect that the subdivision consent is being amended to provide flexibility for several design and construction options to be considered and proven.

4. ADVICE NOTE (6)

(A) *PROPOSED WORDING*

Where applicable, *Retaining and Debris Wall Structure anchors will require strength testing, a condition of Building Consent for these structures shall require this testing is undertaken.*

(B) *REASON*

To reflect that the subdivision consent is being amended to provide flexibility for several design and construction options to be considered and proven.

ASSESSMENT OF ENVIRONMENTAL EFFECTS

In accordance with section 127(3) of the Resource Management Act 1991, our assessment of environmental effects need only address any effects of the requested *change* in conditions, and not the effects of the proposal per se.

In this case, the proposed changes have been carefully worded to ensure that there are no adverse environmental effects as a result of these changes. The changes provide flexibility for design/construction options *other than* just earthworks to create a building platform which is formed and protected by means of an elaborate debris/retaining wall.

Should this be the building solution selected, all the same safeguards are retained within the subdivision consent, so there is no adverse effect.

Should other building solutions be selected (ie. *Option 3 - Pole house option*), the proposed changes require specific design input (and peer review) to ensure that the preliminary design (at subdivision consent stage) and detailed design (prior to house building stage) is robust.

The pole house concept minimises earthworks on the subject site. It will not adversely affect the stability of the current slope and, conversely, pole foundations may assist to anchor the slope and *improve* the current situation.

We do not consider that the proposed changes will have any adverse effect on the environment in terms of traffic, noise, visual aspects, ecology, slope stability or natural hazards.

POTENTIALLY AFFECTED PARTIES

In accordance with section 127(4) of the Resource Management Act 1991, in determining who is adversely affected by the requested change in conditions, the Council must consider, in particular, every person who:

- (a) made a submission on the original application; *and*
- (b) may be affected by the change (of conditions)

In this case while the owners of the neighbouring (upslope) property were submitters in respect of the original subdivision consent application, they will not be affected by the *changes* to the conditions because the changes are designed to provide reasonable design flexibility while retaining existing *safeguards* to their property in terms of geotech input, peer reviews and slope stability measures.

As noted above, a pole house solution would not adversely affect the stability of the current slope. Conversely, pole foundations may assist to anchor the slope and improve the current situation.

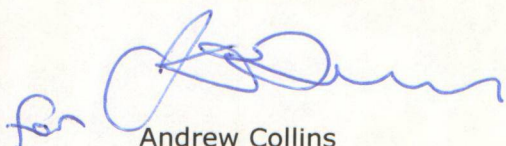
Therefore, it is considered that no parties are potentially affected by this variation to the original consent.

CONCLUSION

We trust that this provides enough information for the determination of this request. However, should you have any queries regarding this matter, please contact the undersigned.

Yours faithfully

Harrison Grierson Consultants Limited



for
Andrew Collins
Director

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HARRISON
GRIERSON

WHAKATANE DISTRICT COUNCIL	
FILE:	
REG. No.:	
29 MAY 2007	
ACTIONED	DATE
1 Carol G	
2 Laura S	
3	
4	

25 May 2007

Whakatane District Council
Private Bag 1002
WHAKATANE

Attention: Laura Swan

Dear Laura

SECTION 127 RMA APPLICATION TO CHANGE CONDITIONS OF RESOURCE CONSENT - S.A. AND C.A. THORNTON, 2B KOWHAI STREET, OHOPE

As agreed at our meeting on 15 May 2007, this application is made under section 127 of the Resource Management Act 1991 and seeks to change several conditions of the subdivision consent granted on 16 November 2006 to our clients, Steve and Corry Thornton.

Enclosed is a cheque for \$250.00, being the Council processing fee for a variation to conditions.

BACKGROUND

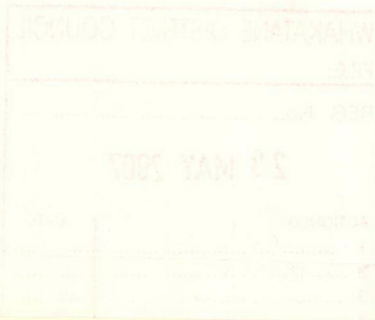
At present, the subdivision consent requires that a "retaining and debris wall system" be designed for the proposed building platform (prior to s224 approval) and that a building consent application be lodged in respect of that structure (after title has issued, prior to building). As we understand it, the intent of the conditions is to ensure that:

- the subject site and future house will not be subject to material damage by erosion, falling debris, subsidence or slippage (thereby satisfying the requirements of s106 of the RMA); and
- land disturbance activities on the subject site will not adversely affect the neighbouring (upslope) property.

The problem is that the current wording of the consent conditions requires *extensive* design input into a solution (ie. a "retaining and debris wall system") that is just one of several potential solutions and also the one that is the least likely to ever be implemented (as it will be so expensive). In short, the existing consent requires considerable time and cost that will most likely be wasted.

Alternative wording is presented by way of this application which achieves the same intent of the existing conditions but in a more flexible manner.

Harrison Grierson Consultants Limited
Level 1, 141 Cameron Road, Tauranga
PO Box 1199, Tauranga
New Zealand
Ph 07 578 0023 Fax 07 577 9557
Email tauranga@harrisingrierson.com
www.harrisingrierson.com
ISO9001 Quality Assured



Whakatane
District Council

TAX INVOICE No: 2007/140162
GST Reg No : 16-940-356

Received From
HARRISON GRIERSON CONSULTANTS LIMITED
HARRISON GRIERSON CONSULTANTS LIMITED
P.O BOX 1199
TAURANGA

Date : 29 May 2007, Time: 01:35pm
Till : CSC1A
Received : \$ 250.00

Sundry \$ 250.00 25 10 10 1250
Planning - Monitoring Fees etc
25 KOWHAI STREET OHOE

Total \$ 250.00

less GST \$ 27.78

S127

CHANGES SOUGHT

Changes are sought as follows (strikeout text like ~~this~~ is to be deleted and bold text like **this** is to be added):

1. CONDITION (P)

(A) PROPOSED WORDING

~~A retaining and debris wall system shall be designed for the proposed building platform on proposed Lot 2 in general accordance with those shown on the Harrison Grierson Consultants Limited drawing 011050-200 and in accordance with the proposed construction sequence identified in further information supplied by Harrison Grierson Consultants Limited dated 26 April 2006 and 20 June 2006~~

A preliminary design (which may incorporate either retaining wall, propped wall or pole house solutions) shall be submitted to Council, along with supporting calculations, to demonstrate to the satisfaction of Council that a dwelling can be constructed on Lot 2. In the event that the preliminary design relates to a pole house solution, the focus shall be on the design of the pole foundations up to floor level and it shall be demonstrated how structural loads will be taken, including pole layouts and key pole loading calculations.

*This design shall take into account the requirements for inspection and maintenance of these structures inclusive of anchoring systems, **where required by the design**. A peer review of the design of these structures shall be undertaken to the satisfaction of Director of Environment and Policy prior to Section 223 and Section 224 approval being issued for the subdivision and at the expense of the consent holder.*

(B) REASON

As noted above, there are at least three different design and construction options available for the construction of a house on the subject lot. These options are:

- Option 1 - Tied back retaining wall option (to create building platform)
- Option 2 - Propped wall retaining wall option (house to take some of loading from slope above, in combination with some lesser retaining walls)
- Option 3 - Pole house option (minimal earthworks, no building platform)

At subdivision stage (prior to issue of s224 certificate), the Council just needs to be satisfied that one of the options has been proven to be practical (whether or not this is the option that is subsequently progressed to building stage). Any option selected at the later house building stage will need to be subject to specific design and be "proven" prior to building permit issue).

The proposed changes maintain flexibility for the owner of the lot (once title is obtained) to consider each of the technical design/construction options and to select the most appropriate one to pursue having regard to the costs and benefits involved in the detailed design and construction process for each option.

At the time of this application, work is underway to satisfy this proposed condition by demonstrating that Option 3 above is practical and will have no adverse effects on the neighbouring property. At this stage, it is intended that this will become the "default option" referred to below.

2. CONDITION (U)

(A) *PROPOSED WORDING*

In accordance with Section 221 of the Resource Management Act 1991 a Consent Notice shall be registered against the Title of Lot 2 requiring that:

~~(i) A building consent shall be lodged for the Debris and Retaining walls structures referenced in condition (p) of the subdivision consent and any other retaining walls required on site.~~

(i) The owners of Lot 2 shall be aware that:

- ***There are geotechnical constraints affecting the design of a house on Lot 2.***
- ***As part of the subdivision consent process that created this allotment, the subdivider provided a preliminary design for one particular building solution [PLAN AND REPORT REFERENCE TO BE ADDED] to the satisfaction of Council (as required by condition (p) of the subdivision consent). This shall be considered as the "default option".***
- ***For any building option selected (including the default option referred to above) specific design will be required, with expert geotech input, prior to the issue of a building permit.***
- ***Where the building option selected involves the creation of a building platform prior to subsequent house construction, a building consent shall be obtained for the associated debris and retaining walls required prior to any works being undertaken.***
- ***It may not be practical to provide turning circles on the site which meet Council's dimension requirements, in which case alternative solutions such as a carousel (turntable) may be required.***

NOTE:

Requirements (ii) to (vii) below shall apply only where the building option selected involves the creation of a building platform prior to subsequent house construction, with corresponding debris and retaining wall requirements.

(ii) to (xi) Same as existing consent.

(B) *REASON*

The reasons stated above (regarding changes to condition (p)) apply here too. The changes are required to provide flexibility while still avoiding risk for Council and neighbours. The fifth bullet point is required to advise future owners that, depending on final house designs, it may be difficult to provide adequate vehicle turning circles on the site and, therefore, alternative solutions may be required to ensure that the required manoeuvring outcomes are still met.

Requirements (ii) to (vii) all apply to debris/retaining wall options and the creation of a building platform. As such, their applicability will be confined to where that is the building option selected and approved by Council. Except to the extent that may be addressed in the preliminary design report, they will not be applicable to other options such as the pole house option (intended to be the "default option" proven at subdivision stage) *if* that option is subsequently developed further at detailed design stage.

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Therefore, it is considered that no parties are potentially affected by this variation to the original consent.

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Andrew Collins
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