

24.3.04.92
2080/0002/B00

17 November 2006

S A and C A Thornton
C/- Harrison Grierson Consultants Limited
P O Box 1199
TAURANGA



Attention: Mark Thomas

Dear Mark

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

On 16 November 2006, the Manager Development and Compliance, under delegated authority, resolved as follows:

- "1. *THAT pursuant to Sections 34A, 104, 104B, 106, 108, 220 and 221 of the Resource Management Act 1991, the Whakatane District Council grants consent to subdivide the property situated at 2B Kowhai Street, Ohope and legally described as Lot 25 DPS 9167 and Lot 2 DP 327498, subject to the following conditions:*

General

(a) *The proposed activity shall be carried out in general accordance with:*

- *The application prepared by Harrison Grierson Consultants Ltd dated 28th June 2004.*
- *Additional information supplied by Harrison Grierson Consultants Ltd dated 31st August 2005.*
- *Additional information supplied by Harrison Grierson Consultants Ltd dated 6th October 2005.*
- *Additional information supplied by Harrison Grierson Consultants Ltd dated 24th February 2006.*
- *Additional information supplied by Harrison Grierson Consultants Ltd dated 26th April 2006.*
- *Additional information supplied by Harrison Grierson Consultants Ltd dated 20th June 2006.*
- *Additional information supplied by Harrison Grierson Consultants Ltd dated 25th July 2006.*
- *Plan number 011050-SC02 Revision A supplied By Harrison Grierson Consultants Ltd amendment date 13th October 2006.*

Except where modified by any other condition of this consent.

- (b) *That prior to any works commencing on site, the consent holder shall notify the Whakatane District Council in writing of their intention to do so and the date of works commencing.*
- (c) *In the event that any archaeological remains, features, or sites are uncovered during operations on site, all works on site shall cease immediately and the relevant Iwi groups shall be contacted along with the New Zealand Historic Places Trust. Works shall not commence again on site until such time as appropriate authorisation is given to the consent holder.*
- (d) *The proposed common driveway to serve proposed 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 except that a single coat chip seal surface will be accepted by Council for the purposes of acquiring Section 223 and Section 224 approval for the subdivision. All stormwater generated by the common driveway shall be collected and disposed of via a piped system onto Wainui Road to the satisfaction of the Director Works and Services.*
- (e) *That proposed Lots 1 and 2 shall be provided with independent Council reticulated sewer connections to their respective boundaries in accordance with Standard Drawing SS 01 of the Whakatane District Council's Engineering Code of Practice.*
- (f) *Proposed Lots 1 and 2 shall be provided with independent metered water connections in accordance with the Engineering Code of Practice.*
- (g) *"As built plans" of all new and extended services associated with the development of proposed Lots 1 and 2 shall be submitted to the Whakatane District Council for approval and record keeping purposes. These plans shall be certified by a Registered Professional Surveyor as an accurate record of the location of services as constructed on site.*
- (h) *The existing access and driveway currently serving 2 Kowhai Street (Lot 2 DPS 49257) shall if necessary, be upgraded to meet the requirements prescribed in Standard Drawings R 01A and R 13 contained within the Whakatane District Council's Engineering Code of Practice.*
- (i) *The existing access onto Wainui Road and serving proposed Lot 1 shall be permanently closed and the culvert removed to the satisfaction of the Director of Works and Services prior to Section 223 and Section 224 approval being issued for the subdivision.*

- (j) That reinstatement of the road reserve and road reserve drainage inclusive of seal widening works shall be undertaken across the former access to proposed Lot 1 to the satisfaction of the Director Works and Services.
- (k) The consent holder shall prepare a traffic management plan and submit this plan to Whakatane District Council for approval prior to any works on either the Wainui Road formation or Wainui road Reserve commencing.
- (l) The common driveway to serve proposed Lots 1 and 2 shall be designed by a Chartered Professional Engineer who is familiar with the geotechnical constraints and geotechnical reports relating to this subdivision consent. Plans for the driveway shall be submitted to the Director of Environment and Policy for approval and shall consider the collection and disposal of stormwater and groundwater in relation to the structures and the rest of the site and the construction methodology required to facilitate the driveway formation. Engineering plans associated with the proposed common driveway and associated structures will be peer reviewed at the expense of the consent holder and no work shall commence on site until such time as the plans have been approved by the Director of Environment and Policy.
- (m) Building Consent for retaining walls associated with the access formation to serve proposed Lots 1 and 2 shall be obtained prior to any works commencing on site.
- (n) As part of the formation of the new access to the site, the existing bulldozed track shall be reinstated as per the further information supplied by Harrison Grierson Consultants Limited dated 26th April 2006 and to a standard that does not decrease the stability of the slope above or below the existing bulldozed track. Materials to be used for backfilling shall be of a suitable moisture content and not of an organic nature and shall be layered uniformly and compacted concurrently. The stability of the reinstated track area shall be designed and constructed to meet building code stability requirements.
- (o) All stormwater generated by the existing dwelling, garage and concrete manoeuvring area located on proposed Lot 1 shall be collected and disposed of via a piped system onto Wainui Road to the satisfaction of Director of Works and Services.
- (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 26th April 2006 and 20th 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.

- (q) The consent holder shall prepare a landscape plan for the subject site that identifies any representative vegetation that may be affected by the proposal and measures employed to retain or replace this vegetation. This plan shall be submitted to the Manager of Community Facilities for approval prior to implementation and any works commencing on site.*
- (r) That a monitoring fee of \$200.00 (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.*
- (s) That a financial contribution of \$2405.25 (inclusive of GST) shall be paid to the Council for reserves purposes.*
- (t) That any Easements required to provide for service connections to proposed Lots 1 and 2 shall be duly reserved and granted.*
- (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.*
 - (ii) Prior to any works commencing on site to form the retaining and debris wall structures associated with 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 Director of Environment and Policy.*
 - (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.**

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.

(iv) 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.

(v) 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.

(vi) 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 (v) of this consent notice.

- (vii) *The horizontal drains required by this consent notice shall be maintained in accordance with the Geotechnical engineer's requirements stipulated under consent notice condition (iii) 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.*
- (viii) *Council's officers or contractors shall be permitted entry upon the land at reasonable times so as to ascertain compliance with these conditions.*
- (ix) *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.*
- (x) *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.*
- (xi) *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.*
- (v) *In accordance with Section 221 of the Resource Management Act 1991 a Consent Notice* shall be registered against the title of Proposed Lot 1 requiring that:*
 - (i) *Any new or additional buildings to be constructed on site shall be subject to specific designs which include geotechnical considerations.*
 - (ii) *Council's officers or contractors shall be permitted entry upon the land at reasonable times so as to ascertain compliance with these conditions.*
 - (iii) *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.*

- (iv) 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.
- (w) That the consent holder shall pay the Council's legal costs and disbursements directly or indirectly attributable to the preparation, execution and registration of the consent notice(s).
- (x) Whakatane District Council may, following receipt of advice from its Geotechnical Peer Reviewer involved throughout engineering design and approval for the access and for structures to be located on Lots 1 and 2, serve notice on the consent holder of it's intention to review the conditions of this Resource Consent under Section 128 of the Resource Management Act 1991, at any time prior to the release of Section 224 certification. The purpose of this review is to address any particular matters that may arise from the engineering design and approval process and/or deal with any adverse effects on the environment that may result from exercising this consent and may need to be dealt with at a later stage to ensure the conditions of subdivision consent remain relevant.

Advice Notes

1. Whakatane District Council will require that the geotechnical aspects of this subdivision are subject to specific design and certification by a Chartered Professional Engineer with competence and experience in geotechnical engineering.
2. Detailed design of the subdivision should include, but not be limited to the following matters:
 - Ground retention or any other measure(s) needed to protect the building platform against slope stability;
 - Interaction between adjacent retaining walls;
 - Slope stability analysis considering both global and local stability and including accurate modelling of the ground anchors;
 - Site specific seismic hazards;
 - Foundation design;
 - Setback distances;
 - Earthworks, particularly the disposal of spoil generated by formation of the accessway and new building platform;
 - Temporary stability of cut slopes;
 - Stormwater control;
 - Requirements for post-construction inspections, testing and maintenance.
3. Detailed design of the proposed subdivision should include specific assessment of the following aspects of the ground anchor design:

- 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.
4. The practicalities of the proposed subsoil drainage system should be demonstrated at the time of detailed design, including (1) how any perched seepage zones remote from the level of the drains will be managed, and (2) how the drains will be maintained in the long term.
 5. It is recommended that the consent holder considers design of the overall development in a timely fashion. Engineering approval of the design of the debris and retaining wall structures associated with the building platform on proposed Lot 2 is critical in acquiring Section 223 and Section 224 approval for the subdivision, and may be relevant for the design/construction of the access.
 6. Retaining and Debris Wall Structure anchors will require strength testing, a condition of Building Consent for these structures shall require this testing is undertaken.
 7. The consent holder is advised that the reinstatement of the existing Bulldozed track on Proposed Lot 1 and 2 has been provided for as part of this granted consent for Subdivision. Should the Subdivision process be delayed and/or no development occurs on site within 6 months of the date of this consent being granted, Whakatane District Council will require that the track is reinstated to Council's satisfaction.
 8. Archaeological sites are historic places as defined by the Historic Places Act 1993, and all archaeological sites are protected under the provisions of that Act. Any activity, which impacts on an archaeological site, requires the prior permission of the Historic Places Trust. If any archaeological site is uncovered during operations on site, then work must stop until the site can be assessed by a qualified archaeologist and an authority to modify, damage or destroy the site is applied for under Section 11 or 12 of the Act.
 9. Full compliance with the conditions of this consent is necessary at all times. Failure to meet the conditions of the consent may result in Whakatane District Council taking enforcement actions against the consent holder.

Laura Swan

From: Andrew Collins [a.collins@harrisingrierson.com]
Sent: Thursday, 7 June 2007 4:26 p.m.
To: Laura Swan
Subject: RE: Thornton update - are we on track for this Friday?

Hi Laura

What you say is reasonable. Your understanding is/was the same as mine. We had hoped to have submitted the pole design and report before now. It is unfortunate that Gavin's workload has prevented him from providing this input before now. I am chasing at this end I can assure you!

Regards
Andrew

From: Laura Swan [mailto:lauras@whakatane.govt.nz]
Sent: Thursday, 7 June 2007 16:11
To: Andrew Collins
Subject: RE: Thornton update - are we on track for this Friday?

Hi Andrew

I understand that the design drawings for the pole house haven't been submitted to Tony yet. We are very reluctant to give final approval to the s127 until Tony has seen and checked those drawings. The reason being there could be additional conditions or advice notes that need to be added based on those designs and any assumptions etc. If something comes up as a result of that design, we'd have to do another s127. Also, Council's approval (in terms of S106) is very much dependant on Tony being comfortable and confirming that the stability of the slope won't be affect by that 'default' design. My understanding of the arrangement was that they would be submitted and checked while we were doing the s127 so hopefully it would all come together nicely. As the design is still needed prior to title, I can't see how following this process will hold things up much.

Are you ok with that?

Regards

Laura

Laura Swan
Senior Planner

WHAKATANE DISTRICT COUNCIL
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From: Andrew Collins [mailto:a.collins@harrisingrierson.com]
Sent: Wednesday, 6 June 2007 4:44 p.m.
To: Laura Swan
Subject: Thornton update - are we on track for this Friday?

Hi Laura

I am just seeking a quick update as to whether WDC is likely to be issuing the Thornton consent variation by this Friday 8/6 as per the timetable agreed at our recent meeting? (see minutes). I realise the timeframe was tight!!

As I haven't heard anything back since lodging the s127 application on 25 May, I am trusting that what was submitted is OK and all self-explanatory?

Regards

Andrew Collins

Director

Harrison Grierson Consultants Limited

Level 1 141 Cameron Road Tauranga

P O Box 1199 Tauranga New Zealand

Ph: +64 7 578 0023 Fax: +64 7 577 9557 Mob 021 972631

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7/06/2007

Carolyn Campbell

From: Jeff Farrell
Sent: Thursday, 12 July 2007 2:43 p.m.
To: Andrew Collins; Paul Howells
Cc: David Bewley; Tony Cowbourne; Carolyn Campbell
Subject: RE: Thornton, Wainui Rd

Hi Andrew

Have just got off the phone to Tony. I agree with your comments and will get the 127 and 223 certificates signed off tomorrow.

Kind regards

Jeff

From: Andrew Collins [mailto:a.collins@harrisingrierson.com]
Sent: Thursday, July 12, 2007 2:39 PM
To: Paul Howells; Jeff Farrell
Cc: David Bewley; Tony Cowbourne; Carolyn Campbell
Subject: RE: Thornton, Wainui Rd

Paul and Jeff

There are three separate approvals needed and, with respect, only the last one (the s224) need wait until next week in my opinion.

Surely, with Tony's advice that he is "happy with the pole house concept" (refer his email of 9 July) the s127 and s223 can be signed off. At subdivision *consent* stage, Council just needs to be satisfied that a house *can be* achieved. I believe that Tony has reached this point (Tony - please confirm).

I agree that the s224 approval (subdivision *completion*) should wait until next week until the "final report" has been submitted and Council can be satisfied that all the conditions have been fully met.

Regards
Andrew

From: Paul Howells [mailto:paulh@whakatane.govt.nz]
Sent: Thursday, 12 July 2007 14:03
To: Andrew Collins
Cc: David Bewley; Jeff Farrell; Tony Cowbourne; Carolyn Campbell
Subject: Thornton, Wainui Rd

Good afternoon Andrew.

I've looked at your email to Carolyn of yesterday together with all the latest emails from Tony (Terrane) and H&G. After talking to Tony a copy of moments ago, I confirm we are not currently in the position to sign off on the resource consent certificates as requested by you. Tony has advised additional information is still to come from H&G to satisfy outstanding matters and this, he has been told, is not expected until next week at the earliest. Could you perhaps discuss this further with Gavin with whom I gather Tony has recently communicated. Once these outstanding issues have been tidied up and Tony's agreement to the final report is received, I will be only too happy to expedite sign off.

I don't have a current email address for Gavin, would you mind passing a copy of this email on to him.

12/07/2007

Regards

Paul

Paul Howells
Team Leader Building

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Carolyn Campbell

From: Paul Howells
Sent: Thursday, 12 July 2007 2:03 p.m.
To: a.collins@harrisingrierson.com
Cc: David Bewley; Jeff Farrell; Tony Cowbourne; Carolyn Campbell
Subject: Thornton, Wainui Rd

Good afternoon Andrew.

I've looked at your email to Carolyn of yesterday together with all the latest emails from Tony (Terrane) and H&G. After talking to Tony a copy of moments ago, I confirm we are not currently in the position to sign off on the resource consent certificates as requested by you. Tony has advised additional information is still to come from H&G to satisfy outstanding matters and this, he has been told, is not expected until next week at the earliest. Could you perhaps discuss this further with Gavin with whom I gather Tony has recently communicated. Once these outstanding issues have been tidied up and Tony's agreement to the final report is received, I will be only too happy to expedite sign off.

I don't have a current email address for Gavin, would you mind passing a copy of this email on to him.

Regards

Paul

Paul Howells
 Team Leader Building

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*Tony confirms ok to issue 127-223
 but not 224 as geotech report
 incomplete & anticipates this
 will be finalised next week but
 dependant on H&G.
 Jeff 12/7/07*

Carolyn Campbell

From: David Bewley
Sent: Thursday, 12 July 2007 12:24 p.m.
To: Carolyn Campbell
Subject: FW: Thornton subdivision - request for s127, 223 and 224 approvals

Sorry Carolyn! Should have got the name right the first time - apologises.

David

From: David Bewley
Sent: Thursday, 12 July 2007 12:22 p.m.
To: carolinec@whakatane.govt.nz
Cc: Paul Howells; Jim Finlay; Gavin Moore; 'Andrew Collins'
Subject: RE: Thornton subdivision - request for s127, 223 and 224 approvals

Caroline,

Yes, I agree we need to give this urgency if the engineering peer review has been completed. Laura has drafted the s127 change. Thank you.

David

From: Andrew Collins [mailto:a.collins@harrisingrierson.com]
Sent: Thursday, 12 July 2007 12:14 p.m.
To: carolinec@whakatane.govt.nz
Cc: David Bewley; Paul Howells; Jim Finlay; Gavin Moore
Subject: Thornton subdivision - request for s127, 223 and 224 approvals
Importance: High

Caroline

Thanks for meeting with me in the WDC offices yesterday. As discussed, the following is the situation regarding the Thornton subdivision

Section 127 application. - Paul Howell has had e-mail from Council's engineering peer reviewer (Tony Cowbourne) dated 9 July confirming that he is satisfied that a house is practical. This is all that was holding up issue of the s127 consent variation. Laura has previously advised that this is drafted and "ready to issue". Can that be issued this week please?

Section 223 application - we understand that this is ready to issue as soon as the s127 is issued. Therefore, can this also be issued this week please?

Section 224 application - this was lodged on 28 June. Processing should be fairly quick on this as Council had a "head start" with processing in that Opus have previously confirmed that most of the engineering conditions have been completed satisfactorily. Now that Tony Cowbourne has completed his review as well (see above), we look forward to issue of this s224 in the near future. Can this be issued by next week please?

Thanks for your help. I know that all applicants seek prompt processing of their applications but it is very rare that I make such a request! David Bewley knows the extensive background to this (and was at a meeting with the Thorntons on 15 May) and so I am sure he will support this

request for urgency.

Kind regards

Andrew Collins

Director

Harrison Grierson Consultants Limited

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Carolyn Campbell

From: Paul Howells
Sent: Thursday, 12 July 2007 12:43 p.m.
To: Carolyn Campbell
Cc: David Bewley; Jeff Farrell
Subject: FW: Thornton subdivision, Wainui Road, Ohope
Attachments: Thornton Wainui Road -Report 4.doc.htm

All is not as straight forward as Andrew indicates. The only thing which our peer reviews agree, by way of the email referenced of 9 July, can currently be signed off is the CCC for the driveway retaining wall building consent. A copy of this email is attached for your information and reference. I will arrange for the CCC to be signed off this pm.

Based on the report received from our consultants I do not believe we are in a position to further any of applications referenced by Andrew, ie Sec 127, Sec 223 and Sec 224 application

Paul

From: Tony Cowbourne [mailto:tonyc@terrane.co.nz]
Sent: Monday, 9 July 2007 3:09 p.m.
To: Paul Howells
Cc: 'Gavin Moore'
Subject: Thornton subdivision, Wainui Road, Ohope

Paul,

I had a further meeting with Gavin Moore of H&G earlier today to discuss the design of the groundworks for the pole house option.

I am pretty happy with the concept and it should be OK to progress the 224 application while the geotech report gets finalised.

Regards,

Tony Cowbourne

Terrane Consultants Ltd
100 Spring Street
PO Box 13-607
TAURANGA
Ph 07-579 9708 Fax 07-579 9702
Tony mobile: 021-394 942

From: Tony Cowbourne [tonyc@terrane.co.nz]
Sent: Monday, 9 July 2007 11:00 a.m.
To: Paul Howells
Subject: Thornton, Wainui Road -Report 4

Attachments: Terrane Rep #4 - replacement page 2.pdf
Paul,

There was an error in page 2 of the fax sent earlier this morning. Can you please replace it with the attached.

A note regarding the status of the house platform design to follow.

Regards,

Tony Cowbourne

Terrane Consultants Ltd
100 Spring Street
PO Box 13-607
TAURANGA
Ph 07-579 9708 Fax 07-579 9702
Tony mobile: 021-394 942

Attachment ①



HARRISON
GRIERSON

15 December 2006

The Chief Executive
Whakatane District Council
Private Bag 1002
WHAKATANE

*Mr. S Thornton
2B Kowhai Street
Ohope.*

Attention: Building Team Leader, Mr P Howells

Dear Paul,

**Building Consent No:16323: 2B Kowhai Street
S Thornton: Retaining Wall**

I confirm that Harrison Grierson are consulting to Mr S Thornton for the works involved for this consent. Further to Mark Thomas's visit to your office yesterday and his advice that earthworks to enable machine access onto the property was about to commence, I advise that the contractor undertaking the works intends to commence drilling holes for the poles on Monday 18 December. This advice is provided in accordance with condition no.9 of the consent issued 14 December 2006.

I will be inspecting all pole holes to check the soil conditions and will carry out scala penetrometer tests. The field logs will be supplied to Mark to enable him to confirm final embedment details and results will be provided to Council.

In view of the natural land contours more than one stormwater outlet to the existing Wainui road table drain will probably be necessary. This matter will be assessed and a proposal provided to Council for approval.

Please contact the undersigned should you have any concerns on this work.

Yours sincerely

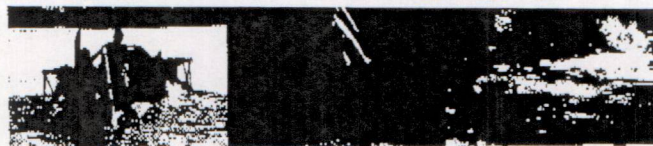
Harrison Grierson Consultants Limited

Jim Finlay
Chartered Engineer/Office Manager

Cc Mr S Thornton
Cc Mr Pera Te Amo- Contractor

N:\1510\11050\Admin\Bldg C 16323.doc

Harrison Grierson Consultants Limited
Ground Floor Concordia House
17 Pyne Street, Whakatane
PO Box 336, Whakatane, New Zealand
Ph 07 308 5478 Fax 07 308 4907
Email whakatane@harrisingrierson.com
www.harrisingrierson.com
ISO9001 Quality Assured



PROJECT INFORMATION MEMORANDUM No: 16323

Section 34, Building Act 2004

Issued by: Whakatane District Council

GIS ID NO: 2080/0002/B00

AGENT	APPLICANT
THORNTON, STEVE A 2B KOWHAI STREET OHOPE	THORNTON, STEVE A 2B KOWHAI STREET OHOPE

PROJECT LOCATION	PROJECT
2B KOWHAI STREET	RETAINING WALL
LEGAL DESCRIPTION	Intended Life: Not less than 50 years
REF NO: 2080/8 VAL NO: 07241 435 00 LEGAL DESCRIPTION: LOT 25 DPS9167	This is:
COUNCIL CHARGES	☒ Confirmation that the proposed work may be undertaken subject to the requirements of the Building Act 2004 and Building Consent.
Council charges payable for this Project Information Memorandum	☐ Notification that other authorizations must be obtained before a building consent will be issued
\$Nil All fees are GST inclusive	☐ Notification that the proposed work may not be undertaken because a necessary authorization has been refused.

This project information memorandum includes the following.
(cross each applicable box and attach documents)

- ☐ Information identifying relevant special features of the land concerned.
- ☐ Information about the land or buildings concerned notified to Council by any statutory organisation having the power to classify land or buildings.
- ☐ Details of relevant utility systems.
- ☐ Details of authorisations which have been granted.
- ☐ Details of authorisation which must be obtained before a building consent will be issued.
- ☐ Details of authorisation which have been refused.

SIGN OFF

Signed by or on behalf of the Whakatane District Council.

Rose Oliver

Name

Customer Services Officer

14 December 2006

Date

Laura Swan

From: Andrew Collins [a.collins@harrisingrierson.com]
Sent: Thursday, 17 May 2007 10:08 a.m.
To: Laura Swan; David Bewley; Paul Howells; tonyc@terrane.co.nz; steven thornton
Cc: Gavin Moore; Jim Finlay
Subject: Draft record of meeting 15 May re. Thornton subdivision
Follow Up Flag: Follow up
Flag Status: Completed
Attachments: Minutes 15 May 2007.doc

Hi everyone

Please find attached a draft record of our meeting on 15 May (strictly speaking, they are not minutes of the meeting as my note taking was not that precise, but I believe this is an accurate summary of the content and outcomes of the meeting all the same!)

If I receive no changes from any of you by the end of tomorrow (Friday) then the attached can be regarded as a final version. If I do receive any changes from you before then, I will circulate a revised final version.

Thanks again to you all for your assistance to resolve this issue in a pragmatic way.

Regards

Andrew Collins

Director

Harrison Grierson Consultants Limited

Level 1 141 Cameron Road Tauranga

P O Box 1199 Tauranga New Zealand

Ph: +64 7 578 0023 Fax: +64 7 577 9557 Mob 021 972631

Email: a.collins@harrisingrierson.com

Website: www.harrisingrierson.com

<<Minutes 15 May 2007.doc>>

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7/06/2007

THORNTON SUBDIVISION, 2B KOWHAI STREET, OHOPE

MEETING AT WHAKATANE DISTRICT COUNCIL OFFICES ON 15 MAY 2007

(Please note, these are not minutes of the meeting, as such. Rather, just a summary of content and outcomes. In section 4, the actual dates were not discussed at the meeting but have been added to reflect the agreed outcome of the discussions)

Present

David Bewley (WDC)
Laura Swan (WDC)
Paul Howell (WDC) - (part meeting)
Tony Cowbourne (Terrane - on behalf of WDC)
Steve Thornton
Corry Thornton
Andrew Collins (Harrison Grierson - on behalf of Thorntons)
Gavin Moore (Harrison Grierson - on behalf of Thorntons)

		Action
1.	Introduction	
	Andrew thanked everyone for their attendance and outlined the main issue needing to be resolved (as summarised in Andrew's e-mail dated 9 May 2007).	
2.	Section 127 RMA - change of conditions	
	After a brief discussion about the background leading up to this meeting (and Tony's confirmation that the issue and options had been summarised accurately), Andrew then tabled draft wording changes which were proposed to form the basis of a "section 127" application to change two of the subdivision consent conditions. Andrew emphasised that the s127 application was intended to achieve an outcome whereby: ➤ Instead of focussing on just one design solution (as the consent does at present), the consent will recognise that there are at least three different design and construction options available for the construction of a house on the subject lot. These options are: • <i>Option 1 - Tied back retaining wall option</i> (to create building platform) • <i>Option 2 - Propped wall retaining wall option</i> (house to take some of loading from slope above, in combination with some lesser retaining walls) • <i>Option 3 - Pole house option</i> (minimal earthworks, no building platform as such) ➤ At subdivision stage (prior to issue of s224 certificate), the Council just needs to be satisfied that <u>one</u> 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). ➤ Flexibility is maintained for the owner of the lot (once title is obtained and detailed house designs are being undertaken) to consider each of the technical design/construction options and to select one to pursue having regard to the costs and benefits in the detailed design and construction process, and with regard to work already undertaken. Tony agreed with the above approach. He noted that the design and construction costs for both Options 1 and 2 would be substantially greater than the design and construction costs for Option 3. However, this is a decision for the owner to make. Laura explained the background to conditions (p) and (u) of the consent, and how they had been imposed to ensure that the neighbours would not be affected by slope instability. Following discussion, Tony advised that 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. It was agreed that HG will prepare a section 127 application and will address the matter of any affected parties. Non-notified processing of the application appears to be appropriate.	HG
3.	Keeping options open	
	Stephen made it clear that the Thorntons are very concerned at ongoing costs and that they have reached their limit. They did not want to be forced to revert to a pole house design when they have had concept plans done for a house where the rear walls would perform part of the retaining function (ie. based on Option 2, "propped wall option"). Andrew confirmed that this option would remain available to the Thorntons. This "s127" strategy is designed to minimise the timetable from here to the point of s224 issue (thereby providing certainty sooner, and minimising further costs and delays up to that point). Following the issue of a Certificate of Title, the Thornton's should then re-evaluate all their options having regard to costs and benefits (as noted above).	
4.	Tasks from here	
	It was agreed that all parties will perform their roles as promptly as practicable. The timetable is: ➤ HG to prepare s127 application and lodge with WDC ➤ HG to prepare preliminary design report for Option 3 (pole house option) foundations, up to floor level. This is to demonstrate how structural loads will be taken, and will providing pole layouts and key pole loading calculations (2wks)	HG (by 25/5) HG (by 29/5)

	➤ WDC to process and issue s127 consent variation (2 wks) ➤ HG to lodge s224 application (1 wk after s127 decision) ➤ WDC to process and issue s224 certificate (2 wks) The above timetable corresponds with the 5-6 weeks timetable mentioned at the meeting.	WDC (by 8/6) HG (by 15/6) WDC (by 29/6)
5.	Conclusion	
	Andrew thanked everyone for their participation in the meeting and their constructive approach to the meeting and resolution of issues.	

BUDDLE BENTLEY TWEED

BARRISTERS & SOLICITORS

Our Ref: Jake McCleary – 5091/4

Your Ref: Jim Finlay

26 February 2007

WHAKATANE DISTRICT COUNCIL

FILE:

REG. No.: C40696

28 FEB 2007

ACTIONED

DATE

1 Laura
2
3
4

WHAKATANE
29 FEB 2007
DISTRICT COUNCIL

The Manager
Whakatane District Council
WHAKATANE

FOR DELIVERY

Dear Sir

Re: **Subdivision of 2B Kowhai Street, Ohope : Stephen Anthony Thornton**

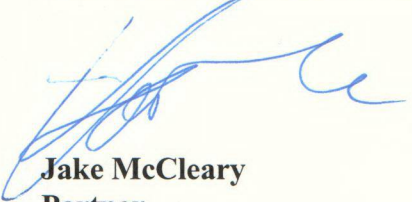
We act for Stephen Thornton. Our client is currently in a dispute with Pera Te Amo. Mr Te Amo was the contractor who undertook the earthworks with respect to the above subdivision.

Mr Te Amo has threatened to destroy works carried out by him as a result of the payment dispute.

A copy of Mr Te Amo's solicitor's letter to us is *attached*. It appears any damage that Mr Te Amo may threaten may in fact occur on Council property. Mr Thornton has trespassed Mr Te Amo to protect his own property interest. It will be a matter for Council to determine what steps (if any) it may wish to take to protect itself.

Yours faithfully

BUDDLE BENTLEY TWEED


Jake McCleary
Partner

Encl

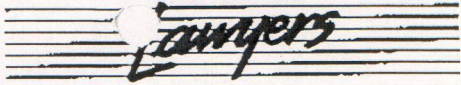
First Floor
8 Richardson Street
Whakatane
Telephone
07 308 7179
Fax
07 307 0709

Postal Address:
PO Box 43
Whakatane 3158
DX JA 31517

PARTNERS
Ian Bentley LLB
CORONER

Tony Tweed LLB
NOTARY PUBLIC

Jake McCleary
B.Ag.Sc, LLB

**MCKECHNIE, QUIRKE
& LEWIS**

1108 Pukaki Street
Rotorua
PO Box 242
DX JP30036
Phone: (07) 349 4400
Fax: (07) 347 8150
Email: admin@mql.co.nz

GST No. 50-066-215

Handley 9422-8002

Buddle Bentley Tweed
Solicitors
Fax 07 307 0709
WHAKATANE

Attention: Jake McCleary

RE: PERA TE AMO- YOUR CLIENT STEPHEN ANTHONY THORNTON

We act for Mr Pera Te Amo and attach a copy of a Trespass Notice that your client had seen fit to serve on him. This has evidently arisen out of a situation where your client owes our client money for contracting works carried out in respect of the subdivision known as 2B Kowhai Street Ohope (previously 24 Wainui Road Ohope). Our client carried out extensive works for your client and has been paid a total of \$65,000.00 and there is still a balance owing of \$78,860.00. Evidently the suggestion had been made that if your client was not going to pay then the material would be removed and that has probably given rise to the Trespass Notice.

We advise as follows:

- (a) 99% of the work carried out was not carried out on your clients property but is on the Council Road Reserve where it was directed to be carried out as a result of the requirements of the Whakatane District Council to allow your client to subdivide.
- (b) All works carried out have been cleared by the certifying engineer Mr Jim Findlay and the account as forwarded is in order for payment.
- (c) Our client will not and has no wish to enter onto your clients property but certainly has full rights at law and under contract to enter onto the road reserve to recover materials that he has installed there in accordance with the Council requirements if your client is not going to pay the account.

It could well be that this is a "Unfortunate Misunderstanding" between all parties and one that you should be able to assist in getting clarified.

We understand that your client has in fact sold the property at 2B Kowhai Street and the purchaser (or a tenancy basis) is going to be moving in this weekend. It may well be also that as a result of the situation your client may well have to raise temporary finance to make payment of our clients account. We would also feel that in view of the circumstances that from 20 February being the date

**McKECHNIE, QUIRKE
& LEWIS***Lawyers*

1108 Pukaki Street
Rotorua
PO Box 242
DX JP30036
Phone: (07) 349 4400
Fax: (07) 347 8150
Email: admin@mql.co.nz

GST No. 50-066-215

when the payment was due until date of payment that interest must run at bank overdraft rates in favour of our client.

We await your response to the above before advising our client further but again point out that all works (with the exception of a small amount of concrete) are not situated on your clients property but are on the Council road reserve.

Finally until such time as the account is paid or there are arrangements satisfactory to our client for payment a producer statement will not be given to the engineer so he will not be able to supply his statement to the Council for any certificates necessary to advance the deposit of the plan under The Resource Management Act.

Yours faithfully
McKECHNIE, QUIRKE & LEWIS

per

JC Handley
22 February, 2007

Laura Swan

From: Mark Thomas [m.thomas@harrisingrierson.com]
Sent: Thursday, 26 October 2006 9:09 a.m.
To: Laura Swan; Jeff Farrell; David Bewley
Cc: reuben.hansen@mtec.co.nz; steven thornton (E-mail)
Subject: FW: Subdivision

Can someone please explain to me what is happening here.

Designs had been prepared for the walls, which were reviewed by T&T. In consultation with T&T during their review we made some changes to the design, and they were satisfied with the proposal. The length of the anchors was an issue discussed, and the lengths extend beyond the active wedge behind the walls, and are actually longer than theoretically required.

I appreciate that we need to amend our original drawings and provide the revised calculations for the building consent application to take into account the changes identified in the peer review, however T&T were satisfied that the overall design would work.

If there is some further information required, or areas of further concern, please let me know. However, I find it strange to have these comments come up after the original draft conditions were prepared, when the only change being sought to the conditions relates to the timing of activities.

Regards,

Mark Thomas**Principal****Harrison Grierson Consultants Limited**

Level 1 141 Cameron Road Tauranga

P O Box 1199 Tauranga New Zealand

Ph: +64 7 578 0023 Fax: +64 7 577 9557

Email: m.thomas@harrisingrierson.com

Website: <http://www.harrisingrierson.com>

-----Original Message-----

From: steven thornton [mailto:thorntonsteven@hotmail.com]

Sent: Wednesday, 25 October 2006 11:14 p.m.

To: m.thomas@harrisingrierson.com

Subject: FW: Subdivision

Dear Mark

Was under the impression the retaining wall designs had been done and peer reviewed. Can you give an answer to David Bewley regarding this?

Regards

Steve Thornton

From: "David Bewley" <David.Bewley@whakatane.govt.nz>
 To: <thorntonsteven@hotmail.com>
 Subject: Subdivision

26/10/2006

Date: Wed, 25 Oct 2006 17:41:05 +1300

Thank you for taking the time to see me this afternoon.

I have spoken with Jeff Farrell and Laura Swan about the progress of this application, and where it stands. A meeting was held this afternoon between Jeff Farrell and Colin Kemeys (the planner from MTEC Consultants Ltd who has been processing the application on the Councils behalf). The reason for the meeting was to try and finalise the consent for you. I understand that part of the discussion was to talk through how the consent would be redrafted to take account of the staging that you have agreed to.

I also understand that you were to come back with a timeframe for completing each stage of the development, and that this has not happened to date. Are you able to provide this information?

In finalising the consent, the planner has noted that the "conditions" for further investigations associated with the retaining walls for the house leave a degree of uncertainty about the suitability of the building site. An example given to me relates to the length of the anchors for the retaining wall, which have been identified as being in the "slip circle". While they may be able to be extended (if the final design requires it), any extension of more than one metre would mean they cross the boundary, which is not permitted. This provides a degree of uncertainty that the Council is unlikely to be happy with. A solution is for an extra condition to be added that would require a building consent for the walls to be obtained before the s224 certificate is issued. This would require you investing in the design of the walls, which is an additional cost prior to the s224 certificate, but it would enable the consent to be issued as soon as the consultant can redraft the conditions. Would you be prepared to accept this additional condition? While I appreciate this is yet another change/ delay that should have been identified earlier (and I do apologise for that), I am satisfied that the planner and the Manager Development and Compliance have genuine reasons for raising this aspect of the design and that a greater degree of certainty about the stability of the slope is justified before the section 224 certificate is issued. I await your response to this point.

The process from here is as follows:

1. In the event you are willing to accept this extra condition(s), the consent will be finalised as soon as possible. The urgency of the matter has been emphasised to the consultant planner, and I am happy to monitor progress over the next few days. If you would prefer it, a redraft of the consent can be made available before it is finally issued. This may delay the issue of the consent by the time it takes for you to respond and for us to consider that response.
2. In the event that you are unhappy with the additional condition, I see that the resolution of the matter is by taking the consent to the Environmental and Regulator Committee for their consideration, or alternatively to let us issue the consent with the condition, and for you to then object to that specific condition or conditions.

While I hope you accept my apologies for any unnecessary delays caused at our end in processing this consent, I also note that Council staff have attempted to negotiate a way through the submission raised by your neighbour, and to meet your wish of not having to go to a hearing. Unfortunately, this can have the result of adding potential delays to the process.

I will speak directly to the staff concerned about commitments to timeframes that are given and for their general responsibilities in terms of customer relations.

I wait to hear from you in regard to the timeframes for the staging of the consent, and the acceptance or otherwise in regard to the additional condition I have mentioned.

David Bewley
DIRECTOR ENVIRONMENT AND POLICY

Check out the latest video at [Xtra Broadband](#)

Laura Swan

From: Jim Finlay [j.finlay@harrisingrierson.com]
Sent: Tuesday, 27 February 2007 4:12 p.m.
To: Laura Swan
Cc: Mark Thomas; John Tailby (E-mail 2)
Subject: RE: Thornton Consent Conditions

Thanks Laura,

Am meeting with John wednesday morning after 9.00 a.m. We need a meeting on site before S224 has been submitted because a number of consent conditions are to "Dir of Wrks & Servces satisfaction". It will be efficient to get these sorted now so next inspection will hopefully be final.

Police issue resulted thru contractor threatening to dismantle/ remove part of walls if further payment not received. As work is on public land Police appear to have managed a truce: They witnessed Mr Thornton agreeing to meet payment before Thursday and the contractor agreed to stay off the site till then.

Today Mr Thornton asked me to have involvement with contractor. Previously he had dealt direct. I met with contractor at midday and got his agreement, once paid, to come back to job site and do minor tasks to achieve completion. This work will commence on Saturday.

Mark Thomas submitted additional information to Tony by fax on 19 February and copied Paul. He awaits Tony's response and in light of my meeting today with the Thorntons, tried again this morning. Unfortunately he could not make contact. I explained to the Thorntons that the additional info was required because of the slips that occurred during excavation work for the driveway after the building consent was applied for the proposed upperwalls. Tony needs to be satisfied that the amended design and completed work has not adversely impacted on the proposed works. I am unaware of any further information required on this matter. I have spoken with Paul who said same and he is currently checking with Tony.

Cheers
Jim

-----Original Message-----

From: Laura Swan [mailto:lauras@whakatane.govt.nz]
Sent: Tuesday, 27 February 2007 14:35
To: Jim Finlay
Subject: FW: Thornton Consent Conditions

Hi Jim

Since my email yesterday the Thornton's have been in touch with David B and as you have probably heard the police were involved etc etc etc. I've also spoken to Paul Howels about the building work. I think Paul is waiting on some more documentation for BC and confirmation that Terrane is happy with the design etc. It would pay to check and see if you (H&G) have provided everything to Tony Cowbourne and us and maybe discuss with Paul. See also my email below. I understand you have also already spoken to John.

Thanks

Laura

-----Original Message-----

From: Laura Swan
Sent: Tuesday, 27 February 2007 12:32 p.m.
To: John Tailby
Cc: David Bewley
Subject: Thornton Consent Conditions

Hi John

Thanks for agreeing to look at the Thornton site tomorrow morning with Jim F. The main issue is surrounding approval of condition (d) but also (h), (i) and (j) may have some bearing depending what has been done on site and what this contractor was supposed to do. (see attached)

Basically Mr Thornton has not paid the last installment of fees to the contractor who is now threatening to destroy the work. Mr Thornton wants us to inspect the work and make sure it is up to the standard where we would sign off a S224, before he pays his contractor the final amount.

I don't know exactly what work the contractor was supposed to do ie just driveway or all roading works. Hopefully Jim can clarify that. There still may be some things that wasn't contracted to do that need work prior to S224. While we need to let Mr Thornton know about that stuff, the main issue is are we satisfied with what has been done so far.

If you could let us know the 'results' of the inspection as soon as possible tomorrow that would be great. As mentioned the Police are involved and have a 48 hour deadline apparently and we need to report back to the Thornton's etc.

Thanks again

Laura

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

DRIVEWAY LANDSCAPE PLAN.

PLAN APPROVED

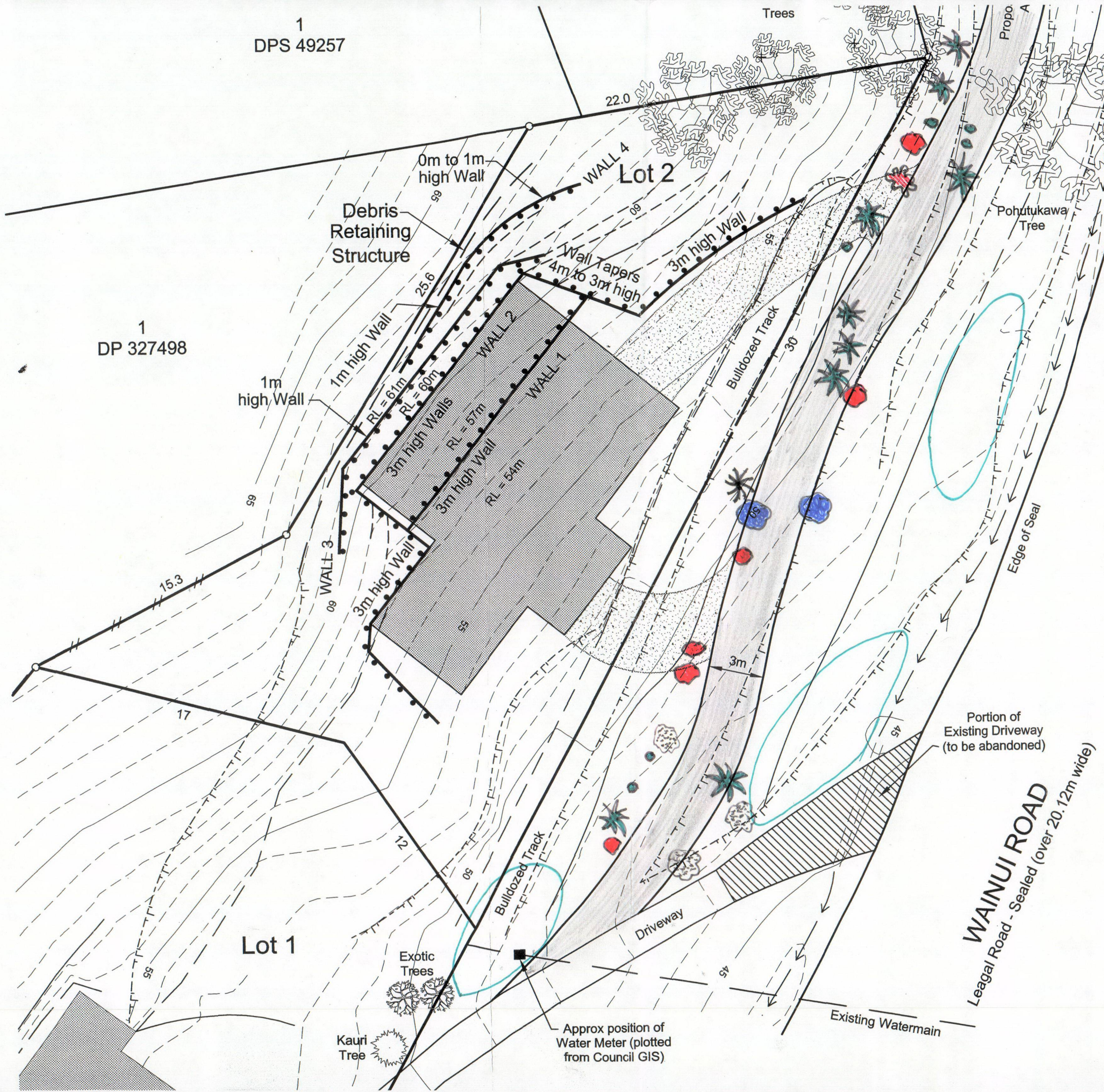
P. Jones
15.12.07

MANAGER - PARKS AND RECREATION
DATED

21st NOV 06 *[Signature]*

1
DPS 49257

1
DP 327498



KEY

- POHUTUKAWA (Small)
- FLAX
- ORNAMENTAL CHERRY
- MANUKA
- PUNGA
- DEAD PUNGA
- ?

POSSIBLE AREAS FOR RELOCATION

STEVE CORRY TIBENTON
28 KOWHAI STREET
OHAE.
(07) 3125851



PROPOSED NEW DRIVE.



PATH OF PROPOSED DRIVE.

Laura Swan

From: Jeff Farrell
Sent: Thursday, 23 November 2006 8:35 a.m.
To: Laura Swan; Rod Fraser; Paul Howells
Subject: FW: re-driveway construction

Hi everyone
Laura, I haven't seen the landscape plan - have you?

Rod, when it gets to you would you mind giving Steve Thornton a call to make an appointment to discuss on site. Steve can be contacted during the day at Trident High School, 3088159.

Paul, would you mind checking on progress of the building consent please.

Thanks
Jeff

From: steven thornton [mailto:thorntonsteven@hotmail.com]
Sent: Wednesday, 22 November 2006 10:12 p.m.
To: Jeff Farrell
Subject: re-driveway construction

Hi Jeff,

Trust you received our landscape plan and hope this is sufficient for you to arrange a visit from the manager of Community Facilities this week?

Received information from Mark Thomas that the only easement required are those required for service connects to the Lots. However, as all these services will be located within the road reserve, there will be no need for easements.

Barrie (from Harrison Grierson Whakatane office) and Pera (our contractor) have today pegged out the roadway, ready to commence.

We hope the information you received is complete, please inform us if any further information is required.

We look forward to receiving the Building Consent and the s223 within the high priority timeframe you anticipated.

Regards

Steve

Find the coolest online games at [XtraMSN Games](#)

23/11/2006



Working copy decision BC checking.

24.3.04.92
2080/0002/B00

17 November 2006

BC's 16323 (drive)
16416 (walls)

S A and C A Thornton
C/- Harrison Grierson Consultants Limited
P O Box 1199
TAURANGA

Attention: Mark Thomas

Dear Mark

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

On 16 November 2006, the Manager Development and Compliance, under delegated authority, resolved as follows:

- "1. THAT pursuant to Sections 34A, 104, 104B, 106, 108, 220 and 221 of the Resource Management Act 1991, the Whakatane District Council grants consent to subdivide the property situated at 2B Kowhai Street, Ohope and legally described as Lot 25 DPS 9167 and Lot 2 DP 327498, subject to the following conditions:

General

(a) The proposed activity shall be carried out in general accordance with:

- The application prepared by Harrison Grierson Consultants Ltd dated 28th June 2004.
- Additional information supplied by Harrison Grierson Consultants Ltd dated 31st August 2005.
- Additional information supplied by Harrison Grierson Consultants Ltd dated 6th October 2005.
- Additional information supplied by Harrison Grierson Consultants Ltd dated 24th February 2006.
- Additional information supplied by Harrison Grierson Consultants Ltd dated 26th April 2006.
- Additional information supplied by Harrison Grierson Consultants Ltd dated 20th June 2006.
- Additional information supplied by Harrison Grierson Consultants Ltd dated 25th July 2006.
- Plan number 011050-SC02 Revision A supplied By Harrison Grierson Consultants Ltd amendment date 13th October 2006.

Except where modified by any other condition of this consent.

BC 16323 ✓
conditions.
see letter 15/12/06
on BC 16416

noted BC 16323
conditions.

✓
BC 16323
conditions
opus to confirm
once completed.

- (b) That prior to any works commencing on site, the consent holder shall notify the Whakatane District Council in writing of their intention to do so and the date of works commencing. 18/12/06 commenced.
- (c) In the event that any archaeological remains, features, or sites are uncovered during operations on site, all works on site shall cease immediately and the relevant Iwi groups shall be contacted along with the New Zealand Historic Places Trust. Works shall not commence again on site until such time as appropriate authorisation is given to the consent holder.
- (d) The proposed common driveway to serve proposed 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 except that a single coat chip seal surface will be accepted by Council for the purposes of acquiring Section 223 and Section 224 approval for the subdivision. All stormwater generated by the common driveway shall be collected and disposed of via a piped system onto Wainui Road to the satisfaction of the Director Works and Services.
- (e) That proposed Lots 1 and 2 shall be provided with independent Council reticulated sewer connections to their respective boundaries in accordance with Standard Drawing SS 01 of the Whakatane District Council's Engineering Code of Practice.
- (f) Proposed Lots 1 and 2 shall be provided with independent metered water connections in accordance with the Engineering Code of Practice.
- (g) "As built plans" of all new and extended services associated with the development of proposed Lots 1 and 2 shall be submitted to the Whakatane District Council for approval and record keeping purposes. These plans shall be certified by a Registered Professional Surveyor as an accurate record of the location of services as constructed on site.
- (h) The existing access and driveway currently serving 2 Kowhai Street (Lot 2 DPS 49257) shall if necessary, be upgraded to meet the requirements prescribed in Standard Drawings R 01A and R 13 contained within the Whakatane District Council's Engineering Code of Practice.
- (i) The existing access onto Wainui Road and serving proposed Lot 1 shall be permanently closed and the culvert removed to the satisfaction of the Director of Works and Services prior to Section 223 and Section 224 approval being issued for the subdivision.

- (j) That reinstatement of the road reserve and road reserve drainage inclusive of seal widening works shall be undertaken across the former access to proposed Lot 1 to the satisfaction of the Director Works and Services.

BC 16323
condition
Not yet received?

- (k) The consent holder shall prepare a traffic management plan and submit this plan to Whakatane District Council for approval prior to any works on either the Wainui Road formation or Wainui road Reserve commencing.

Designed by H.C.
✓ + checked
by Terrane.

- (l) The common driveway to serve proposed Lots 1 and 2 shall be designed by a Chartered Professional Engineer who is familiar with the geotechnical constraints and geotechnical reports relating to this subdivision consent. Plans for the driveway shall be submitted to the Director of Environment and Policy for approval and shall consider the collection and disposal of stormwater and groundwater in relation to the structures and the rest of the site and the construction methodology required to facilitate the driveway formation. Engineering plans associated with the proposed common driveway and associated structures will be peer reviewed at the expense of the consent holder and no work shall commence on site until such time as the plans have been approved by the Director of Environment and Policy.

BC 16323 ✓ (m)

- (m) Building Consent for retaining walls associated with the access formation to serve proposed Lots 1 and 2 shall be obtained prior to any works commencing on site.

Condition of
BC 16323
To be checked.

- (n) As part of the formation of the new access to the site, the existing bulldozed track shall be reinstated as per the further information supplied by Harrison Grierson Consultants Limited dated 26th April 2006 and to a standard that does not decrease the stability of the slope above or below the existing bulldozed track. Materials to be used for backfilling shall be of a suitable moisture content and not of an organic nature and shall be layered uniformly and compacted concurrently. The stability of the reinstated track area shall be designed and constructed to meet building code stability requirements.

- (o) All stormwater generated by the existing dwelling, garage and concrete manoeuvring area located on proposed Lot 1 shall be collected and disposed of via a piped system onto Wainui Road to the satisfaction of Director of Works and Services.

BC 16416

Being
checked by
Terrane

- (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 26th April 2006 and 20th 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.

approved by ✓
Rod Se
email 13/12/06
+ conditions on
SC 15323

- (q) The consent holder shall prepare a landscape plan for the subject site that identifies any representative vegetation that may be affected by the proposal and measures employed to retain or replace this vegetation. This plan shall be submitted to the Manager of Community Facilities for approval prior to implementation and any works commencing on site.
- (r) That a monitoring fee of \$200.00 (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.
- (s) That a financial contribution of \$2405.25 (inclusive of GST) shall be paid to the Council for reserves purposes.
- (t) That any Easements required to provide for service connections to proposed Lots 1 and 2 shall be duly reserved and granted.
- (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.
 - (ii) Prior to any works commencing on site to form the retaining and debris wall structures associated with 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 Director of Environment and Policy.
 - (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.

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.

(iv) *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.*

(v) *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.

(vi) *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 (v) of this consent notice.*

- (vii) *The horizontal drains required by this consent notice shall be maintained in accordance with the Geotechnical engineer's requirements stipulated under consent notice condition (iii) 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.*
- (viii) *Council's officers or contractors shall be permitted entry upon the land at reasonable times so as to ascertain compliance with these conditions.*
- (ix) *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.*
- (x) *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.*
- (xi) *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.*
- (v) *In accordance with Section 221 of the Resource Management Act 1991 a Consent Notice* shall be registered against the title of Proposed Lot 1 requiring that:*
 - (i) *Any new or additional buildings to be constructed on site shall be subject to specific designs which include geotechnical considerations.*
 - (ii) *Council's officers or contractors shall be permitted entry upon the land at reasonable times so as to ascertain compliance with these conditions.*
 - (iii) *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.*

- (iv) 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.
- (w) That the consent holder shall pay the Council's legal costs and disbursements directly or indirectly attributable to the preparation, execution and registration of the consent notice(s).
- (x) Whakatane District Council may, following receipt of advice from its Geotechnical Peer Reviewer involved throughout engineering design and approval for the access and for structures to be located on Lots 1 and 2, serve notice on the consent holder of it's intention to review the conditions of this Resource Consent under Section 128 of the Resource Management Act 1991, at any time prior to the release of Section 224 certification. The purpose of this review is to address any particular matters that may arise from the engineering design and approval process and/or deal with any adverse effects on the environment that may result from exercising this consent and may need to be dealt with at a later stage to ensure the conditions of subdivision consent remain relevant.

Advice Notes

1. Whakatane District Council will require that the geotechnical aspects of this subdivision are subject to specific design and certification by a Chartered Professional Engineer with competence and experience in geotechnical engineering.
2. Detailed design of the subdivision should include, but not be limited to the following matters:
 - Ground retention or any other measure(s) needed to protect the building platform against slope stability;
 - Interaction between adjacent retaining walls;
 - Slope stability analysis considering both global and local stability and including accurate modelling of the ground anchors;
 - Site specific seismic hazards;
 - Foundation design;
 - Setback distances;
 - Earthworks, particularly the disposal of spoil generated by formation of the accessway and new building platform;
 - Temporary stability of cut slopes;
 - Stormwater control;
 - Requirements for post-construction inspections, testing and maintenance.
3. Detailed design of the proposed subdivision should include specific assessment of the following aspects of the ground anchor design:

- 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.
4. The practicalities of the proposed subsoil drainage system should be demonstrated at the time of detailed design, including (1) how any perched seepage zones remote from the level of the drains will be managed, and (2) how the drains will be maintained in the long term.
5. It is recommended that the consent holder considers design of the overall development in a timely fashion. Engineering approval of the design of the debris and retaining wall structures associated with the building platform on proposed Lot 2 is critical in acquiring Section 223 and Section 224 approval for the subdivision, and may be relevant for the design/construction of the access.
6. Retaining and Debris Wall Structure anchors will require strength testing, a condition of Building Consent for these structures shall require this testing is undertaken.
7. The consent holder is advised that the reinstatement of the existing Bulldozed track on Proposed Lot 1 and 2 has been provided for as part of this granted consent for Subdivision. Should the Subdivision process be delayed and/or no development occurs on site within 6 months of the date of this consent being granted, Whakatane District Council will require that the track is reinstated to Council's satisfaction.
8. Archaeological sites are historic places as defined by the Historic Places Act 1993, and all archaeological sites are protected under the provisions of that Act. Any activity, which impacts on an archaeological site, requires the prior permission of the Historic Places Trust. If any archaeological site is uncovered during operations on site, then work must stop until the site can be assessed by a qualified archaeologist and an authority to modify, damage or destroy the site is applied for under Section 11 or 12 of the Act.
9. Full compliance with the conditions of this consent is necessary at all times. Failure to meet the conditions of the consent may result in Whakatane District Council taking enforcement actions against the consent holder.

10. *A development contribution will be payable when the new dwelling is constructed on Lot 2 and will be charged as part of the building consent for the dwelling. Credit will be given for the portion of the contribution paid as a reserves contribution under this subdivision consent.*
11. *Additional details of the works recommended to comply with condition (j) are contained within Whakatane District Council Subdivision file 24.3.04.92.*

Reasons for the decision

1. *The proposed activity is a discretionary activity in the Residential 1 Zone of the Proposed Whakatane District Plan.*
2. *The site is a difficult site geotechnically and will require particular care in its development. The Council is only satisfied that the proposal is consistent with the relevant objectives and policies contained within the Proposed Whakatane District Plan subject to the stringent mitigation measures contained within the consent conditions. This subdivision can only be considered an appropriate use of the subject land parcel if the conditions are met. Residential use of the resulting land parcels will prevail which provides consistency with the surrounding land use.*
3. *The Council is satisfied that any adverse environmental effects that may actually, or potentially, result from the subdivision can be avoided, remedied or mitigated by the conditions of this resource consent. All services will be provided to residential Lots prior to the issue of s224 certification.*
4. *The proposal has been extensively considered by Tonkin and Taylor and Terrane Consultants specialist Geotechnical Engineers through a peer review process. Following receipt of this advice, Council is satisfied that this subdivision meets the requirements of S106 of the Resource Management Act 1991.*
5. *The proposal will result in minimal effect to the vegetation on site which comprises second generation exotic and also indigenous species including Pohutukawa, Puriri, Kanuka and Ponga. The proposed building platform is located within an area that has been cleared of plant pest species and therefore contains no significant vegetation and the proposed access is to pass through an area of established Pohutukawa without affecting these trees. Furthermore this consent requires that any trees affected by the proposal and identified as representative by Council, are to be either relocated on site or replacement plantings are undertaken to the satisfaction of Council.*
6. *The subject site is surrounded by residential development and Wainui Road. There are 4 dwellings (exclusive of the one owned by the applicant) which are located within close proximity to the proposed subdivision and elevated in relation to the relative level of the subject site.*

The potential effects are restricted to one of these dwellings which is located on Lot 1 DP 327498 at 8B Kowhai Street. Any potential effects to Lot 1 DP 327498 are associated with land instability and were confirmed in the owner's submission in opposition to the original application. Geotechnical advice has determined that these effects are able to be avoided, remedied or mitigated by the conditions of this consent and based upon this advice the submitter has withdrawn their right to be heard in support of their lodged submission.

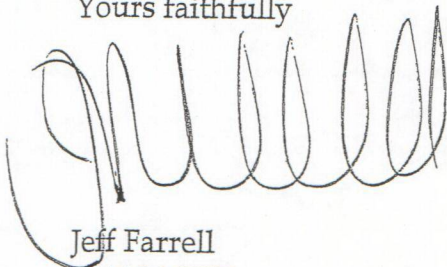
- 7. The Council is satisfied that the affected parties to the activity have been consulted with through a limited notification process and that submissions received in opposition to the original application have been considered and subsequently addressed by the applicant through amendments to their application or by conditions of this consent. Furthermore, 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.*
- 8. The financial contribution for reserves purposes charged under condition (s) was based on the amount of the contribution required for reserves under the Council's current Development Contribution Policy. The subdivision application was received prior to the Development Contribution Policy coming into effect however due to an assessed land value for proposed Lot 1 of \$100,000 (inclusive of GST) a reserves contribution based on the development contribution policy is considered a fairer assessment given the new calculations for units of demand. The financial contribution for reserves if assessed under the Local Government Act would have required a contribution of \$4500 (4.5% of \$100,000).*
- 9. The Council is satisfied that conditional consent to this proposal is in accordance with Part II matters of the Resource Management Act 1991. The Council considers that this subdivision is an efficient use of land subject to the very stringent mitigation measures, and the amenity values and environmental quality of this area will not be adversely affected."*

In accordance with Section 357A 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.

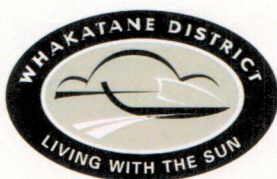
Please note that this consent will expire if not given effect to within five years from the date of this letter. Under some circumstances this five year period may be extended if an application for an extension is made before the consent lapses and in accordance with Section 125 of the Resource Management Act 1991.

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

Yours faithfully

A handwritten signature in black ink, consisting of a series of loops and a large initial 'J'.

Jeff Farrell
MANAGER
DEVELOPMENT AND COMPLIANCE



MEMORANDUM

TO: Tony Bullard

SUBJECT: **ACCESS TO 2B WAINUI ROAD DEVELOPMENT!**

DATE: 25 January 2006

Tony,

The removal of the existing driveway to 2B Wainui Road and providing a common driveway from 2 Wainui Road offers considerable road safety benefit.

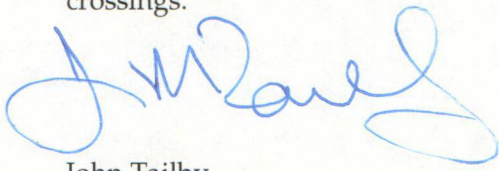
The issues that have been identified as needing to be addressed are;

- The condition of the existing driveway to 2 Wainui Road
- Access to and from Wainui Road at the entrance way,
- Storm water discharge from driveway
- Improving stability of the road reserve by the removal of feral trees and bushes.

The following conditions are suggested for this development to address the above issues;

- That the existing driveway to 2 Wainui Road be removed and reconstructed to improve the grade and angle of entry into the driveway.
- That the improvements the old retaining wall on the Wainui Road side should be removed and replaced with a kerb and channel that extends south along Wainui Road to the speed restriction sign at an off-set of 6.5m from the centreline.
- That the seal be widened from existing seal to the kerb and channel with a new pavement 200mm deep with a G3/5 first coat seal.
- That the western edge line and continuity marking be removed for 100m and repainted at 3.5m from the centre line.
- That stormwater runoff from the new driveway to 2 Wainui Road be collected as required and piped to the road side water table.
- That the existing culvert crossing for the driveway to 2B Wainui Road be removed and the driveway blocked off.
- That the roadside water table be deepened to 300mm below the seal edge, from the removed culvert to the speed restriction sign to accommodate runoff water from the driveway and kerb and channel
- That feral trees such as gums and Pampas bushes be removed from the road reserve.
- That a Street Opening Notice and Traffic Management Plan are required before the commencement of any works within the Road Reserve.

We would also support the extension of the proposed new driveway to serve both 26, 26A and 28 Wainui Road if this would result in the removal of further existing vehicle crossings.

A handwritten signature in blue ink, appearing to read 'J. Tailby', with a large, stylized flourish at the end.

John Tailby
Acting Asset Manager Transportation

Laura Swan

From: Tony Cowbourne [tonyc@terrane.co.nz]
Sent: Monday, 8 January 2007 9:55 a.m.
To: Laura Swan
Cc: Paul Howells
Subject: RE: Copy of decision for thonton Subdivision- Kowhai Street

Laura / Paul,

Thanks for the copy.

I inspected the construction of the retaining wall for the new driveway over the weekend. There are a number of issues - for example, the southern end of the cut batter has failed, meaning the pole sizes given in the design are not sufficient. I will contact Mark Thomas of H&G today, to see what they are doing about it, and then issue a record of non-compliance issues.

Regards,

Tony Cowbourne

From: Laura Swan [mailto:lauras@whakatane.govt.nz]
Sent: Monday, 8 January 2007 9:45 a.m.
To: tonyc@terrane.co.nz
Subject: Copy of decision for thonton Subdivision- Kowhai Street

<<92S-1711.doc>>

Hi Tony

I understand you are doing the peer review of the engineering for the thorton subdivision. I wasn't sure if you had a final copy of the subdivision decision or if you wanted that. Of course the conditions of consent are based on your recommendations of the original design. I thought I'd send it through anyway for your reference if needed. Thanks

Laura

_____ NOD32 1960 (20070106) Information _____

This message was checked by NOD32 antivirus system.
<http://www.eset.com>

Laura Swan

From: Jim Finlay [j.finlay@harrisongrierson.com]
Sent: Monday, 8 January 2007 11:10 a.m.
To: Laura Swan
Cc: Mark Thomas
Subject: RE: Thornton Job- Kowhai Street

Hi Laura,

I dropped in a letter on 15 December advising of job start up. The contractor was arranged directly by the Thorntons and he(Pera Te Amo -027 248 6041) engaged Salisbury Services to prepare and submit a traffic mgmt plan. Pera confirmed to me that this had been done before he commenced work at the site. I have just (since recieving yr e-mail) checked with Jack Higgs that this was completed correctly for Thornton's job. He confirmed this and realised he had wrongfully added Whakatane to the address (ie it should have been Kowhai St. Ohope/Wainui Rd).

During our discussion we noted that whilst the Thorntons have a Kowhai Street address, their existing access is off Wainui Rd. The works are to create a new access off Kowhai Street (for the existing residence and another lot alongside in the subdvn). No construction work is on nor is to join onto the carriageway. From my discussion with the contractor during the Xmas period it became apparent that he may need to use the existing access to cart in some materials. Having now seen the submitted plan it appears all access was to be off Kowhai St.

I will check with him on site this morning and if necessary direct him to upgrade his plan. I will advise in due course the outcome of this.

Total Power Services have also been contracted directly by the Thorntons and Jack said they also have now submitted a plan.

Jim

-----Original Message-----

From: Laura Swan [mailto:lauras@whakatane.govt.nz]
Sent: Monday, 8 January 2007 09:40
To: Jim Finlay
Subject: Thornton Job- Kowhai Street

Hi Jim

I'm not sure if you or Mark or both are managing this job. Has Council/Opus received a traffic management plan for that work.

Before I signed off the first BC for the driveway Jack (opus) said he had a traffic management plan for Kowhai Street from Salisbury Traffic Services Limited. I now have a copy of this and it says Kowhai Street Whakatane. I am a bit confused. It seems to apply to a 50km zone too.

So I don't think it relates to Thornton's. Can you please let me know if you/they submitted one for Thornton's and if not can you please ensure someone does this as soon as possible as per condition (k) of the subdivision consent.

Thanks

Laura



Laura

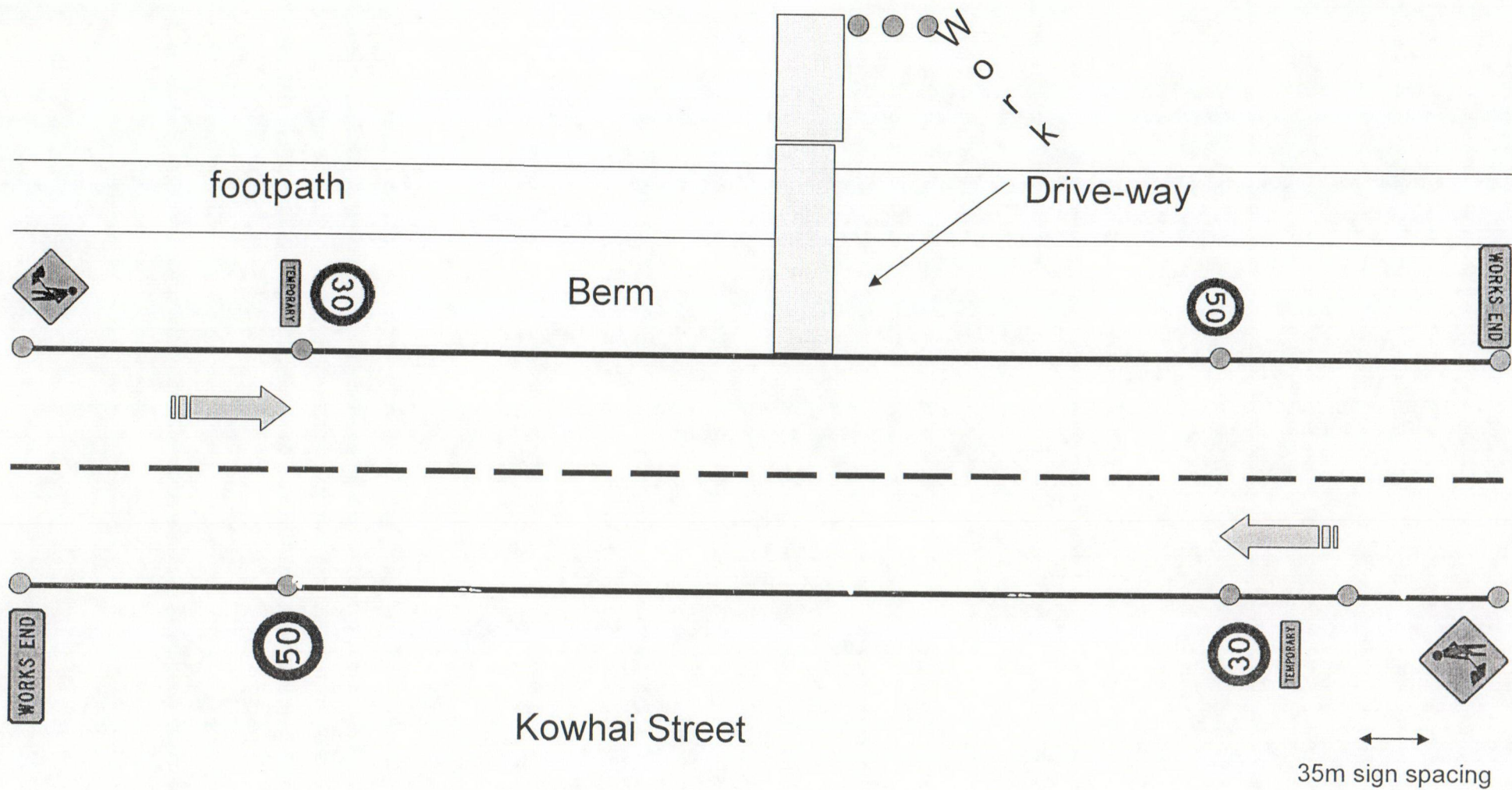
WHAKATANE DISTRICT COUNCIL	
FILE:	
REG. No.:	G 39149
-7 DEC 2006	
ACTIONED	DATE
1 Mike N	
3	
4	

TRAFFIC MANAGEMENT PLAN FORM

Traffic Management Plan Reference	For Office Use Only			
Organisation	Contractor Salisbury Traffic Services Ltd.	Client Omaet Investments LTD		
Contract Name/Number	RCA Consent Reference			
Location	Road Name(s) Kowhai Street <i>Onhope</i>	Road Level (LV,1,2,3) 1	Speed Limit 50k	From RP 0.00
	To RP 0.200			
Description of Activity	Excavation,siteworks,clearing.			
Work Programme	As soon as council issue consent			
Proposed/ Restricted Work Hours	Daylight Hours only.			
Traffic Details (Main Route)	AADT <500		Peak Hour Flow 8.00AM & 5.00 PM	
Proposed Traffic Management Method	Active NA <i>As per diagram</i>			
	Unattended NA			
	Night - NA			

Proposed Speed Restrictions	30km	
Positive Traffic Management Measures	TW1, TW16a, and RG4a signs as per the attached plan.	
Contingency Plans	NA	
Public Notification	NA	
Personal Safety	All staff are supplied with appropriate safety gear, and are made aware of hazards at the site, and getting to and from the site.	
On-Site Monitoring	Attended: NA Unattended: NA Overnight: NA	
Other Information Eg delay calcs, EED issues and Temporary speed issues	NA	
Layout Diagrams	Attached.	
EED Applicable?	/N	Attached Y/N

Traffic Controllers	Name (STMS) Bryan Elrick Cert: 7328	Phone (24 Hours) 0274954612
	Name (TC)	Phone (24 Hours)
TMP prepared accurately to represent site conditions and submitted by	Contractor/Applicant Bryan Elrick Salisbury Traffic Services.	Date 1/12/06
Requires Amendment	Engineer Cert No:	Date
This TMP is Approved on the Following Basis 1. To the best of the approving Engineer's judgment this TMP conforms to the requirements of Transit New Zealand's Code of Practice for Temporary Traffic Management. 2. This plan is approved on the basis that the activity, the location and the road environment have been correctly represented by the applicant. Any inaccuracy in the portrayal of this information is the responsibility of the applicant. The STMS for the activity is reminded that it is the STMS's duty to "Postpone, cancel or modify operations due to the adverse traffic, weather or other conditions that affect the safety of this site" (reference A4.5). Approving Engineer: <u>Jack HIGGS</u> <u>0115</u> Name and Certificate Number <u>[Signature]</u> Signature		
Acceptance by TMC	TMC: Cert No: Signature:	Date



Laura Swan

From: Laura Swan
Sent: Monday, 8 January 2007 9:40 a.m.
To: 'Jim Finlay'
Subject: Thornton Job- Kowhai Street

Hi Jim

I'm not sure if you or Mark or both are managing this job. Has Council/Opus received a traffic management plan for that work.

Before I signed off the first BC for the driveway Jack (opus) said he had a traffic management plan for Kowhai Street from Salisbury Traffic Services Limited. I now have a copy of this and it says Kowhai Street Whakatane. I am a bit confused. It seems to apply to a 50km zone too.

So I don't think it relates to Thornton's. Can you please let me know if you/they submitted one for Thornton's and if not can you please ensure someone does this as soon as possible as per condition (k) of the subdivision consent.

Thanks

Laura

Laura Swan

From: Rod Fraser
Sent: Wednesday, 13 December 2006 3:56 p.m.
To: Laura Swan
Subject: Thornton Landscaping 2B Kowhai St

Hi Laura

The landscape plan is approved subject to the following: -

- Excavation may not take place under the canopy of any significant/ large /mature Pohutukawa trees without a Council approved arborist being present to supervise excavation and to carry out root pruning according to sound arb practice if required.
- This does not include smaller relocatable trees.

Cheers

Rod

Rod Fraser
Service Delivery Officer

WHAKATANE DISTRICT COUNCIL
Private Bag 1002
Whakatane 3158

phone 07 306 0500
ext 7554
mobile 0274 422 653
fax 07 307 07018
email rodf@whakatane.govt.nz
web <http://www.whakatane.govt.nz>

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0800 WDCICT and destroy the original message. Thank you

13/12/2006

Please add the following conditions to the building consent 16323

- 1) That prior to any works commencing on site, the consent holder shall notify the Whakatane District Council in writing of their intention to do so and the date of works commencing.
- 2) In the event that any archaeological remains, features, or sites are uncovered during operations on site, all works on site shall cease immediately and the relevant Iwi groups shall be contacted along with the New Zealand Historic Places Trust. Works shall not commence again on site until such time as appropriate authorisation is given to the consent holder.
- 3) The proposed common driveway to serve proposed 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 except that a single coat chip seal surface will be accepted by Council for the purposes of acquiring Section 223 and Section 224 approval for the subdivision. All stormwater generated by the common driveway shall be collected and disposed of via a piped system onto Wainui Road to the satisfaction of the Director Works and Services.
- 4) The consent holder shall prepare a traffic management plan and submit this plan to Whakatane District Council for approval prior to any works on either the Wainui Road formation or Wainui road Reserve commencing.
- 5) As part of the formation of the new access to the site, the existing bulldozed track shall be reinstated as per the further information supplied by Harrison Grierson Consultants Limited dated 26th April 2006 and to a standard that does not decrease the stability of the slope above or below the existing bulldozed track. Materials to be used for backfilling shall be of a suitable moisture content and not of an organic nature and shall be layered uniformly and compacted concurrently. The stability of the reinstated track area shall be designed and constructed to meet building code stability requirements.
- 6) Excavation may not take place under the canopy of any significant/ large /mature Pohutukawa trees without a Council approved arborist being present to supervise excavation and to carry out root pruning according to sound arboricultural practice as required. This requirement does not apply to smaller relocatable trees.

Laura Swan
SENIOR PLANNER

13/12/06