

RC ID: 24.3.04.92

Invoice Date: 12/12/2006

Send Invoice To: ~~Agent~~ *applicant*

Applicants Name: SA & CA Thornton

Agents Name: Harrison Grierson Consultants Ltd

Agents Address: PO Box 336, Whakatane

Property Address: 2B Kowhai Street, Ohope

Postal Address: C/- PO Box 336, Whakatane



RCSPROC

Subdivision Application 1

Position	Charge Code	Time (min)	Amount (\$)
Planning Assistant	251010-1250	180	\$200.00
Planner	251010-1250		
Senior Planner	251010-1250	740	\$1,041.48
District Planner			
Director S and D			
Senior Inspector	201220-1250		
Parks Officer	251010-1250		
Development Engineer	251010-1250	150	\$177.78
Manager D and C	251010-1250	420	\$933.33
Senior Inspector	201220-1250	30	\$42.22
Acting Asset Manager roading	201220-1250	150	\$142.22

Disbursements

		Details	
QVNZ	251010-1400	QV Valuatio	\$87.50
Advertising	251010-1400		
Consultant	251010-1400	Mtec Consu	\$7,481.35
	251010-1400	Tonkin and	\$1,829.34
	251010-1400		
	251010-1400		
Monitoring Fee	201010-1250		\$88.89
Total			\$12,024.11
Deposit Fee 1	251010-1250		\$444.45
Deposit Fee 2	251010-1250		
Balance to pay (GST excl)			\$11,579.66

Information for Invoice:

Additional admin charges for processing of Subdivision Application 1

Resource Consent Time and Disbursements Record

Applicant: SACA Thornton
RC ID: 24-3.04-92

Planning Department

Date	Staff	Comments	Hours
30/6	DB	read & discuss	15
20/7	TB	Site visit, press & S&A	180
12/9	TS	exam per rev, process	60
24/9	LS	S&A #2	20
Oct	TS	Process & reply and offsite	180
21/11	TS	read & discuss	60
16/11	TS	S&A report & process	30
Dec 05	TS	Process & reply	45
25/1	TS	press, offsite DP, email offsite	15
2/2	TS	S&A	70
7/3	LS	Organise prehearing	20
4/06	JF	Discussion T&T	15
28/4	JF	License revised engineering	20
4/5	JF	Email applicant	20
4/5	LS	Civil Goodrich #29	15
30/10/06	LS	Email Leuben/Mr Thornton	90
9/10	LS	Decision report review	30
20/11	LS	Close + invoice	60
16/11	JF	meeting	60
Oct	JF+LS	meeting review draft cond +	60
	JF	re write cond - stages, reply	210
	JF	additional time	

TB 495
LS 245 5740

	Total Hrs
PA	180
Plnr SP	245 TB
Snr Plnr	495 LS
DP JF	1420
DSD DB	75
Mon	
Hrg	

Other Departments

Date	Staff	Comments	Total Hrs
	Parks Officer		
	Project Engineer	Didn't charge all	150
	Senior Inspector	TB.	30
	Property Officer	Charged LS @	150
	J. Tarby	Planner.	

Disbursements

Date	PO Num#	Details	\$Amount
		Monitoring	88.89
		QVNZ	87.50
		Consultant 1 701	963.72 + 720 + 187.20
		Consultant 2	= 1663.04 ex + 10% =
		Advertising MTC	7481.35
		Legal	
		Other	

- ☒ Additional admin charges for processing of subdivision consent
☐ Additional admin charges for processing landuse consent
☐ Additional admin charges for processing S224 for subdivision
☐ Other

Sub Total	11545.93
Deposit	444.45
To Pay	11154.48

20/11/06

2 B Kowhai Street, Ohope-SA and CA Thornton: Council Reference 24.3.04.92

Purchase order number: E 92454

Description	Staff Member	Time	Cost (incl GST)	Total (incl GST)
Site visit	RCH	1	\$84.38	\$84.38
Review Application	RCH	1.5	\$84.38	\$126.57
Further information requests	RCH	5.75	\$84.38	\$485.19
Staff Comments	RCH	2	\$84.38	\$168.76
Submission Analysis	RCH	1	\$84.38	\$84.38
Pre Hearing Meeting	RCH	1	\$84.38	\$84.38
Submitters and Applicant Discussions/Negotiations	RCH	4.5	\$84.38	\$379.71
District Plan Analysis	RCH	1	\$84.38	\$84.38
Planners Report	RCH	11.5	\$84.38	\$970.37
Draft/Decision Letter	RCH	15	\$84.38	\$1265.70
Total	RCH	44.25 hours @ \$84.38 per hour		\$3733.82
Site Visit	CIK	1	\$196.88	\$196.88
Pre Hearing Meeting	CIK	1	\$196.88	\$196.88
Review	CIK	3	\$196.88	\$590.64
Total	CIK	5 hours @ \$196.88 per hour		\$984.40
Disbursements				\$64.41
Overall Total				\$4782.63(incl GST)

$$\begin{aligned} &= 7651.51 \div 9 = 850.16 \\ &= 7651.51 - 850.16 \\ &= 6801.35 + 107 \\ &= 7481.35 \end{aligned}$$

2 B Kowhai Street, Ohope-SA and CA Thornton: Council Reference 24.3.04.92

Purchase order number: E 92454

Description	Staff Member	Time	Cost (incl GST)	Total (incl GST)
Geotechnical Expert meetings/advice	RCH	4	\$84.38	\$337.52
Review of Geotechnical advice	RCH	1	\$84.38	\$84.38
WDC staff comments/discussions	RCH	1	\$84.38	\$84.38
Amending Draft/Decision Letter	RCH	12	\$84.38	\$1012.56
Amending Planners Report	RCH	2	\$84.38	\$168.76
Total	RCH	20 hours @ \$84.38 per hour		\$1687.60
Geotechnical Expert meetings/advice	CIK	3	\$196.88	\$590.64
Review of Geotechnical advice	CIK	1	\$196.88	\$196.88
Review amended Decision Letter/Planners Report	CIK	2	\$196.88	\$393.76
Total	CIK	6 hours @ \$196.88 per hour		\$1181.28
Overall Total				\$2868.88(incl GST)

- Terrane \$

- John Leves \$

PO 3023



25 10 10 + 400
3710

Tonkin & Taylor

105 Carlton Gore Rd, Newmarket; PO Box 5271, Wellesley St, Auckland 1036
Ph: 64-9-355 6000, Fax: 64-9-356 7899, Email: accts@tonkin.co.nz

GST No. 44-619-806

Whakatane District Council
Private Bag 1002
Whakatane

Attention: David Bewley

WHAKATANE DISTRICT

19 OCT 2006

COUNCIL

TAX INVOICE

16 October 2006
Invoice no: 22973.002/1

Peer Review of geotechnical report for subdivision at 2B Kowhai Street, Whakatane - Your Ref
24.3.04.92

Invoice for September 2006

Costs include review of consent conditions.

Fees	166.40
Total before GST	166.40
GST	20.80

Approved by: 
For Tonkin & Taylor Ltd

E. & O. E.

TOTAL DUE \$ 187.20

Date due 23 October 2006

Direct payments to A/C no: 03-0195-0136855-00

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Thank you for your payment and your business.

Please detach and return with your payment

Whakatane District Council

Tonkin & Taylor Ltd
PO Box 5271
Wellesley St
Auckland 1036

Our ref: 22973.002/1

Amount paid:

TOTAL DUE \$ 187.20

Date due 23 October 2006

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TT
Tonkin & Taylor

105 Carlton Gore Rd, Newmarket; PO Box 5271, Wellesley St, Auckland 1036
Ph: 64-9-355 6000, Fax: 64-9-355 6063, Email: accts@tonkin.co.nz

PO 757
Receipt 769

GST No. 44-619-806

TAX INVOICE

Whakatane District Council
Private Bag 1002
Whakatane

Attention: Laura Swan



11 August 2006
Invoice no: 22973.001/1

Peer Review of geotechnical report for subdivision at 2B Kowhai Street, Whakatane - Your Ref 24.3.04.92

Invoice for May 2006

Costs include review of proposed stabilising works and letter report.

Fees	640.00
Total before GST	640.00
GST	80.00

Approved by: *Ratv*

For Tonkin & Taylor Ltd

E. & O. E.

TOTAL DUE \$ 720.00

Date due 18 August 2006

Direct payments to A/C no: 03-0195-0136855-00

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Thank you for your payment and your business.

Please detach and return with your payment

Whakatane District Council

Tonkin & Taylor Ltd
PO Box 5271
Wellesley St
Auckland 1036

Our ref: 22973.001/1

Amount paid:

TOTAL DUE \$ 720.00

Date due 18 August 2006

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E92417

TT

Tonkin & Taylor

19 Morgan Street, Newmarket; PO Box 5271, Wellesley St, Auckland 1036
Ph: 64-9-355 6000, Fax: 64-9-355 6063, Email: accts@tonkin.co.nz

GST No. 44-619-806

Whakatane District Council
Private Bag 1002
Whakatane

Attention: David Bewley

WHAKATANE DISTRICT

21 NOV 2005

COUNCIL

TAX INVOICE

15 November 2005
Invoice no: 22973/1

Peer Review of geotechnical report for subdivision at 2B Kowhai Street, Whakatane - Your Ref 24.3.04.92

Invoice for October 2005

Costs include review of geotechnical report, correspondence with surveyor and letter report.

Fees	856.64
Total before GST	856.64
GST	107.08

Approved by: _____

For Tonkin & Taylor Ltd

E. & O. E.

TOTAL DUE \$ 963.72

Date due 29 November 2005

Direct payments to A/C no: 03-0195-0136855-00

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Thank you for your payment and your business.

Please detach and return with your payment

Whakatane District Council

Tonkin & Taylor Ltd
PO Box 5271
Wellesley St
Auckland 1036

Our ref: 22973/1

Amount paid: _____

TOTAL DUE \$ 963.72

Date due 29 November 2005

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Report Purpose

The purpose of this report is to provide advice and recommendations with respect to an application for resource consent (subdivision) lodged by SA and CA Thornton.

1 APPLICATION DETAIL

Applicants Name: SA and CA Thornton.

Address/Location: 2 B Kowhai Street, Ohope.

Legal Description: Lot 25 DPS 9167 and Lot 2 DP 327498.

Zoning: Residential 1 (Proposed District Plan) Map 50.
Residential A (Transitional District Plan) Map 29.

Designation/ Limitations: N/A

2 PROPOSAL

The applicants propose to subdivide two existing land parcels currently held in one Certificate of Title into two resulting Allotments and new Certificate of Titles. Due to topographical and geotechnical constraints on site, Council has required significant design detail from the applicant's engineer to satisfy any concerns with respect to the suitability of the subject site for development in accordance with Section 106 of the Resource Management Act 1991 (RMA 1991).

3 BACKGROUND

The application was received on 30 June 2004. Consent of potentially affected parties to the proposal was not provided as part of the application, furthermore, several requests for further information were sent to the applicant and the last of the information required to make a determination under Section 93 and 94 of the Act was received on the 6th October 2005. Limited Notification of the application was served on various parties on the 15th November 2005. A submission which opposed the application was received from Greg Robison and Faith MacDonald who are the owners of 8 B Kowhai Street, legally described as Lot 1 DP 327498 and share a common boundary with the subject site. These submitters concerns pertained to various aspects of slope stability on the subject site that may be influenced by the proposed works and the implications this may have on their adjoining property, especially considering the inherent characteristics of the area and the close proximity to their boundary and dwelling. To attempt to clarify and facilitate the resolution of the matters raised by the submitters, a pre hearing meeting was held on the 16th March 2006 at Whakatane District Council Offices. During the course of the meeting various mitigation measures were put forward by the applicant's engineer to attempt to alleviate the concerns of the submitters. Following on from the meeting additional information pertaining to the design of retaining wall systems was submitted to Council by the applicant's engineer in various stages. Peer reviews of the additional information were undertaken by Tonkin and Taylor in order for Council to be satisfied that the amendments to the original application took into consideration the matters raised by the submitters and

also sufficed in terms of Section 106 of the RMA 1991. On the 18th September 2006 the last advice from the submitters was received that confirmed they would withdraw their right to be heard in support of their submission based upon conditions that the applicant was prepared to accept.

A set of draft conditions was provided to the applicant for comment on the 3rd October 2006 and following consideration of these conditions the applicant requested a meeting with Council staff to clarify the intent and requirements of the proposed conditions. On the 13th October 2006 a meeting was convened between the applicant, their engineering representative and Council staff. The main outcome of the meeting was that the applicant considered the draft conditions were onerous for them to comply with given financial constraints they were subject to. This resulted in a request from the applicant to undertake the proposal using an alternative staged methodology which required some of the mitigation measures required on site to be implemented following section 224 approval for the subdivision. A Geotechnical peer review was then undertaken by Terrane Consultants in order to determine the appropriateness of this revised proposal and methodology in the context of satisfying section 106 of the Resource Management Act 1991 and the Building Act 2004. A new set of draft conditions was then devised and presented to the applicant for comment on the 9th November 2006. The applicant considered the new draft conditions and on the 16th November 2006 notified Council that they would accept the new draft conditions as formal consent conditions.

The works required to form the proposed building platform, associated retaining structures and access may require authorisation from Environment Bay of Plenty, this can be determined and applied for if necessary, prior to earthworks being undertaken on site. Limited notification of the application was served upon Environment Bay of Plenty and they responded by providing comment and some suggested consent conditions that would mitigate any adverse effects from their perspective. The advice received from Environment Bay of Plenty clearly stated that it should not be considered as a submission.

The subdivision application is considered a Discretionary Activity under the Proposed District Plan. The Transitional District Plan need not be considered due to the lack of outstanding appeals relating to the relevant rules contained within the Proposed District Plan and applicable to this proposal.

A site visit was conducted on 16th March 2006.

4 SITE AND SURROUNDS

The subject site is located adjacent to Kowhai Street and Wainui Road, Ohope. The subject site is currently occupied with an existing residential dwelling which is located in the Southeastern corner of existing Lot 25 (proposed Lot 1). Access to the two land parcels to be subdivided is currently facilitated from Wainui Road. As part of the proposal, this access arrangement will be altered to provide access to both of the proposed Lots from Kowhai street thereby alleviating any concerns with regard to current traffic movements associated with the subject site.

Landform within the vicinity of the subject site is characterised by the Coastal Marine Area (CMA) and associated Foothills which contain plateaus and gully systems. The general

character of the localised area of the subject site is that of a steep sidling with a Southeasterly aspect and evidence of discrete pockets of elevated groundwater.

Extensive second generation indigenous and exotic vegetative cover is established throughout the land to be subdivided as the majority of the site has been left unused for some time due to it's inherent topographical and geotechnical attributes. The establishment of a building platform, associated access and retaining structures is unlikely to affect any significant vegetation as the areas to be developed are currently relatively clear, no significant habitat for common native Fauna is currently evident on site.

There are 5 parcels of residentially zoned land which are located along the common Northern, Southern and Western boundaries of the subject site. Four of these adjoining properties have dwellings located on them and these dwellings are in an elevated position relative to the subject site. The Eastern property boundary of the subject site adjoins the Wanui Road reserve.

5 OFFICERS COMMENTS

Engineering considerations have been dealt with by Council's Engineering staff and also an external Engineering Consultant. Recommended conditions with respect to geotechnical constraints and site stability as well as access arrangements, have been put forward and can be imposed as relevant conditions of the granted consent for the works.

6 ACTIVITY CLASSIFICATION

The subject site is zoned Residential 1 under the Proposed Whakatane District Plan (Map 50) and Residential A under the Transitional District Plan (Map 29).

Under the Proposed District Plan the activity is considered discretionary for failure to meet 2 differing performance standards, this is expanded on in the attached report on notification and section 8 of this report.

7 NOTIFICATION DECISION

A separate notification report has been prepared which considered the application in terms of public notification. It was determined that the application should be processed on a Limited Notification basis in accordance with Section 94 of the Resource Management Act 1991 and notice of the application was served upon the identified affected parties.

8.0 WHAKATANE DISTRICT PLAN

8.1 Proposed Whakatane District Plan

Activity Status Table 3.8.1.1 states in activity 1 that:

One dwelling per lot

is a permitted activity in the Residential 1 Zone and in activity 37 that:

Subdivision shall be in accordance with section 4.1.6

Rule 4.1.6.3 provides that any subdivision described in Rule 4.1.6.1 (of which the proposal fits) that's does not comply with one or more of the standards or terms listed, shall be a discretionary activity.

Further to the above, the proposed subdivision cannot comply with the relevant Proposed District Plan rules prescribed below and therefore is considered as a discretionary activity:

Rule	Provision	Compliance	Comment
4.1.1.2(a), 4.1.1.2(b) and 4.1.1.2(c)	Site stability, slope and subsidence.	X	The identified building platform will not be free from falling debris and instability without some mitigation works being undertaken.
4.1.1.7(e)	Proximity of Vehicle entranceways to road intersections.	X	The existing concrete driveway to be shared is located within 15 metres of the Kowhai Street/Wainui Road intersection.

Summary

The land parcels to be subdivided under this proposal contain areas of steep topography, localised elevated groundwater and historical subsidence. Due to these constraining factors, this subdivision proposal has been carefully examined by Council with particular emphasis placed on ascertaining whether it is suitable for development in accordance with Section 106 of the RMA 1991. Advice to Council from Geotechnical experts is that the site can be suitable for development subject to the extensive mitigating works to be undertaken and maintained at all times in an effective capacity. The mitigating works proposed by the Geotechnical specialists have been set by conditions of the granted consent.

9 RELEVANT STATUTORY PROVISIONS –Resource Management Act 1991

The statutory provisions relevant to this application are those contained in Sections 104, 104B, and Part II of the RMA – specifically sections 5, 6 and 7.

Section 104(1) requires a consent authority to have regard to a number of matters (subject to part II) when considering an application for resource consent. Section 104 matters of specific relevance to this application are:

- The actual and potential effects on the environment, and the provisions of the Proposed District Plan.

Section 104B provides that the consent authority, after considering the matters in Section 104(1), and Part II of the Act, may grant or refuse consent and if it grants the application may impose appropriate conditions pursuant to Section 108.

Discussion is provided in the following section with regard to the above matters.

Section 104(1) (a): Actual and Potential Effects

This application is for the subdivision of residentially zoned land to enable subsequent residential development, this factor in itself, is very unlikely to result in any potential or actual adverse environmental effects. It is the inherent characteristics of the subject site that require Council to give significant consideration to the suitability of the site for development in accordance with section 106 of the RMA 1991.

The subject site and its environs are comprised of geologically "young" materials and this factor combined with some localised steep topography has resulted in a high sensitivity of the site to development. For this reason Council has extensively considered the original application and amended methodologies that the applicant has presented during the course of the subdivision consent processing. Expert advice concludes that the site can be developed as put forward by the applicant in the meeting at Council offices on the 13th October 2006. This development can only proceed subject to extensive mitigation measures being implemented, as well as extensive peer reviewing by a Geotechnical Engineering expert. It is critical that the mitigation measures proposed are perpetual in terms of sufficing concerns with respect to the suitability of the site for the proposed development.

The proposal will result in minimal effect to the vegetation on site which comprises second generation exotic and also indigenous species including Pohutakawa, 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 Pohutakawa without affecting these trees. Furthermore, the applicant is prepared to accept conditions on the granted consent that require any trees affected by the proposal and identified as representative by Council, to be either relocated on site or replacement plantings undertaken to the satisfaction of Council.

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 8 B 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 proposal, as the common boundary of the two properties is located on steep topography which continues through both properties. Geotechnical advice has concluded that relevant conditions can be imposed in respect of the consent granted by Council to mitigate any actual or potential adverse environmental effects that may result to the owners of Lot 1 DP 327498.

An evaluation of potential and actual effects is presented within the attached notification report for further comment and clarification of the above points.

Section 104(1)(b)(iv): Provisions of the District Plan

Subdivision of Residential 1 zoned land is provided for in the Proposed Whakatane District Plan as a controlled activity, failure to meet two of the standards for subdivision results in the proposal being assessed as a discretionary activity.

Section 106(1)(a)and(b): Suitability of the site for Development

Extensive geotechnical consideration and advice with respect to the subject site has been undertaken. Based upon this advice, it is accepted that the site can be suitable for the proposed development subject to relevant, specific and stringent conditions being imposed on the granted subdivision consent.

Due to the above factors, consideration of the relevant objectives and policies for the Residential 1 Zone contained within the Proposed District Plan and matters contained within Part 2 of the RMA 1991 are discussed extensively in the following sections.

Objectives and Policies of the Proposed District Plan

Objective LRS7

To promote the residential growth of urban areas by continued infill housing within existing urban areas.....where adverse environmental effects can be avoided, remedied or mitigated.

Policy 1- To enable subdivision and development of residential land when it is, or will be serviced to a standard compatible with existing residential areas.

The land to be subdivided is residentially zoned and can be serviced by existing services and infrastructure associated with surrounding development. Adverse effects are associated with the proposal pertain to land stability on site and geotechnical advice has determined that conditions of consent are able to avoid, remedy or mitigate any of these effects from resulting. Therefore, subject to conditions pertaining to land stability, the objective and policy are met by the proposal.

Objective FCI

To avoid, remedy, or mitigate the adverse effects of the use, development and subdivision of land by the appropriate provision of utility services including roading, car-parking, water supply, reticulated sewerage, stormwater systems, public reserves and ecological enhancement.

Policy 1- To require equitable contributions towards the provision of Council utilities such as water supply, sewer, stormwater, roading and reserves, solely from the developments that generate the adverse effects on these utilities.

Financial contributions can be imposed on the granted consent conditions to ensure the proposal is consistent with this objective and policy.

Objective BE3

To maintain and enhance amenity values about dwellings.....

Policy 1- To ensure a site is or will be large enough for a proposed use, development or subdivision to ensure residents on site or in the neighbourhood retain or will have a high level of residential amenity.

Policy 2- To maintain spatial privacy, usable outdoor space and access about dwellings.....

Policy 4- To enable changes in land use, including greater density of residential development in urban areas, without compromising the existing level of amenity.

The proposed Lots are well in excess of the minimum requirement in the Proposed District Plan. There are relatively large buffers to property boundaries and topographical and vegetative screening in place that protects neighbouring land parcels to enhance amenity values. The large Lot sizes mean that outdoor living spaces, parking, manoeuvring and access can all be accommodated on site with ease. Therefore, the proposed subdivision is consistent with the objective and policies.

Objective BE6

The safe movement of traffic and pedestrians on sites.

Policy 1- To ensure sufficient and practical provision of on site parking, manoeuvring areas and access.

Policy 3- Avoid poorly located and inadequately constructed access points on to roads and / or across rail lines.

On site provision of parking, manoeuvring and access discussed above. Access to the site is to be facilitated from Kowhai Street and in a position which does not meet the minimum 15m set back from an intersection as prescribed by the Proposed District Plan. This non compliance is regarded as relatively inconsequential as the existing access to the property is best described as unacceptably dangerous and the proposed alignment is the only other option available to the applicant due to the land parcel's proximity to Wainui Road and the alignment of Wainui Road itself. Furthermore, the intersection in question is a safe one with single way traffic flow and a turning bay to ensure safe vehicle movement through it. Therefore the design of the access ensures the objective and policies are met.

Objective BE8

To prevent uncontrolled or unauthorised disposal of stormwater, wastewater and sewage into the environment.

Policy 1- To ensure stormwater, sewage and other wastewater is detained, collected or removed from a lot or a site without causing an adverse effect on the natural environment or to other property or to people.

Consent conditions will require Stormwater, Sewage and Greywater to be collected and disposed of to an approved reticulated system to ensure no uncontrolled discharges result to the subject or adjoining properties and to ensure consistency with the objective and policy.

Objective NHaz1

To manage the subdivision, use, development and protection of land so as to avoid or mitigate the adverse effects of natural hazards on the life and wellbeing of people and significant environmental values.

Policy 3- To avoid or mitigate the adverse effects of the subdivision, use or development of land which is, or is likely to be, subject to material damage to land by erosion, falling debris, subsidence, slipping or inundation from any source.

Policy 4- To avoid or mitigate the adverse effects of the subdivision, use or development of land that is likely to accelerate, worsen or result in material damage to that land, or other land, or structures, by erosion, falling debris, subsidence, slippage, or inundation from any source.

Geotechnical advice and mitigating works have been put forward by the applicant and subsequently peer reviewed by two independent Consultant Geotechnical Engineers on behalf of Council. The applicant's Engineer as well as the Consulting Peer Reviewing Geotechnical Engineers have provided advice to Council that notwithstanding the sites inherent characteristics, it can be suitable for the development that has been proposed subject to specific conditions relating to the construction of mitigating retaining works and groundwater drainage/piping works. The specific conditions of consent are important in ensuring consistency with the objective and policies.

Objective LS2

To maintain the character and diversity of rural and urban landscapes.

Policy 5- Avoid, remedy or mitigate the adverse effects of earthworks associated with development and ensure the integration of earthworks with the natural landform and vegetation patterns.

The areas to be affected by the construction of the proposed access, building platform and retaining structures will not detract from the natural landform and vegetation patterns. Whilst an appreciable volume of earth may be cut to create the building platform, this will have little effect on the surrounding environs due to topographical and vegetative screening and the localised nature of the platform. Consent conditions can be imposed to require the rehabilitation or establishment of vegetation following the completion of works on site and therefore provide consistency with the objective and policy.

Part II Matters: Purpose and principles of the Act

Section 5

It is considered that the application achieves the purpose of the Act, as it meets the principles of sustainable management. A portion of the land parcel to be subdivided is currently of marginal use and the establishment of a dwelling and access onto this area is

not expected to detract from the potential of the resource to meet the foreseeable needs of future generations. Subject to satisfaction that the site is geotechnically suitable, the establishment of an additional dwelling provides for the enhanced future use of the site, especially considering its residential zoning. Avoiding, remedying or mitigating any potential adverse effects of the proposal by specific conditions of consent has been extensively discussed throughout this report.

Section 6

None of the matters of national importance prescribed in the Act are of any particular relevance to the proposal. This situation has arisen due to the fact the land is residentially zoned, subdivision activity is expected and the site does not contain any of the attributes for which the provisions of this section relate.

Section 7

Other matters which are relevant to the proposal are:

- The efficient use and development of natural and physical resources.
- The maintenance and enhancement of amenity values.
- Maintenance and enhancement of the quality of the environment.

Matters pertaining to maintenance and enhancement of amenity values and the quality of the environment have been thoroughly discussed throughout this report and also within the attached notification report. With regard to the efficient use and development of resources, being the residential land and Council infrastructure, the proposed subdivision provides for a more efficient use of the land than the status quo, based on the land being zoned for residential development and a portion of it is currently not utilised. Also, topographical and geotechnical constraints of the land parcels have thus far precluded further development and the mitigation works put forward can alleviate these historical concerns and render the site suitable for development. This outcome is consistent with achieving a more efficient use of a natural resource. In summary the proposal is considered to be an efficient use of the land as a natural resource, whilst at the same time not detracting from the amenity values and the quality of the environment.

11 CONCLUSION

This application proposes to subdivide residentially zoned land to allow for subsequent residential development. Normally this type of proposal would be provided for in the Proposed District Plan as a Controlled Activity. However due to geotechnical, topographical and access constraints that characterise the site, this activity is provided for in the Proposed District Plan as a Discretionary Activity. 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 section 106 of the Resource Management Act 1991. As 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 as required under section 106 of the Resource Management Act 1991 if the conditions are met.

It is further concluded that any adverse environmental effects of this proposal will be minor and therefore consistent with Part II matters of the Resource Management Act 1991. The affected parties to the proposal have provided conditional written approval following a submission process. Accordingly it is considered that the application should be granted consent.

12 RECOMMENDATION

That pursuant to section 34A, 104, 104B, 106, 108, 220 and 221 of the Resource Management Act 1991, the Whakatane District Council grants consent to subdivide the land parcels located at 2 B Kowhai Street, Whakatane, legally described as Lot 25 DPS 9167 and Lot 2 DP 327498, subject to the conditions of consent as attached and for the following reasons:

- The Consent Authority is satisfied that the adverse effects of the activity on the environment will be minor.
- All affected parties to the proposal have been consulted with through a limited notification process and provided conditional written approval.
- Any adverse effects resulting from the proposal can be avoided, remedied or mitigated by conditions of consent.

Approved

Jeff Farrell
Manager Development and Compliance

18 November 2006

Laura Swan

From: Jeff Farrell
Sent: Thursday, 16 November 2006 5:12 p.m.
To: Reuben Hansen
Cc: Colin Kemeys; Laura Swan; David Bewley
Subject: Thornton application - 2B Kowhai St

Attachments: 2B Kowhai St - Thornton Conditions.doc

Hi Reuben

Met with the Thorntons late today. After discussion they are happy with the conditions proposed. Can you please tidy up your end of the process and let us know your costs etc.

The Thorntons' have lodged a building consent application for the driveway retaining walls. I will forward to Tony C for peer review.

Thanks very much for your and Colin's assistance on what has been a challenging process.

Jeff



2B Kowhai St -
Thornton Condit...

Jeff Farrell
MANAGER
DEVELOPMENT & COMPLIANCE
Whakatane District Council
Commerce St, Private Bag 1002,
Whakatane 3080
Cell: 0274 536 248
DDI: (07) 306 0532
Fax: (07) 307 0718
www.whakatane.govt.nz

Laura Swan

From: Jeff Farrell
Sent: Tuesday, 14 November 2006 5:20 p.m.
To: Laura Swan
Subject: FW: Consent

See below FYI
Jeff

From: David Bewley
Sent: Tuesday, 14 November 2006 5:17 p.m.
To: Jeff Farrell
Subject: FW: Consent

FYI

David

From: David Bewley
Sent: Tuesday, 14 November 2006 4:41 p.m.
To: 'steven thornton'
Subject: RE: Consent

Hello Steve,

Sorry about not being available when you phoned. My understanding is that the consent has been sent to you as a draft. Your consultant replied, with one query which Jeff Farrell then replied to. He also asked for your confirmation on the conditions, with the offer of a bond for one of the conditions. Are you happy for us to (finally) issue the consent on this basis?

You can apply for your building consent now, and I have asked Paul Howells (Team Leader Building) to deal with the application and to handle any queries either you or he may have about the work. Please contact Paul Howells directly to make an appointment. His email is Paul.Howells@whakatane.govt.nz if he is unavailable by phone. I would contact Taylor Wong (Senior Building Inspector) if Paul is unavailable.

I am on a course on Thursday so I am unable to meet with you that day.

David Bewley
DIRECTOR ENVIRONMENT AND POLICY

From: steven thornton [mailto:thorntonsteven@hotmail.com]
Sent: Tuesday, 14 November 2006 4:14 p.m.
To: David Bewley
Subject: Consent

Hello David,

Have been unable to make contact with you via the phone in the last few days.

We need to have an urgent meeting to discuss the lack of progress. We still are no closer with a definite date for our contractor to begin work, despite the assurances you gave us when we saw you on Wednesday, October 25th. We are now 3 weeks further down the track and Christmas is getting closer by the day!

16/11/2006

We have a meeting with our lawyer regarding this matter on Thursday 3.30 pm and if at all possible would like to meet with you directly after. We are not available on Friday.

Steve & Corry Thornton

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

Laura Swan

From: Jeff Farrell
Sent: Tuesday, 14 November 2006 5:16 p.m.
To: Colin Kemeys; Reuben Hansen; Laura Swan
Cc: David Bewley
Subject: FW: Consent conditions

FYI. I will keep you posted.
Jeff

From: steven thornton [mailto:thorntonsteven@hotmail.com]
Sent: Tuesday, 14 November 2006 3:58 p.m.
To: Jeff Farrell
Subject: RE: Consent conditions

Hi Jeff

Thanks for your email.

We are taking legal advice on the consent conditions. We have a meeting with our lawyer Thursday afternoon and will be able to respond after this meeting.

With regard to Mark offering the Council a Bond on our behalf, this is not acceptable by us at all, considering the length of time this whole process is taken and all the extra costs incurred by us already.

Regards

Steve Thornton

From: "Jeff Farrell" <Jeff.Farrell@whakatane.govt.nz>
To: "Mark Thomas" <m.thomas@harrisingrierson.com>
CC: "steven thornton (E-mail)" <thorntonsteven@hotmail.com>, "Reuben Hansen" <reuben.hansen@mtec.co.nz>, "Laura Swan" <Laura.Swan@whakatane.govt.nz>, "David Bewley" <David.Bewley@whakatane.govt.nz>
Subject: RE: Consent conditions
Date: Tue, 14 Nov 2006 08:05:08 +1300

Hi Mark

Bonding in the event of the timing sequence not working seems a reasonable approach and we are happy to support it.

Steve, can you please confirm acceptance of the proposed conditions.
Jeff

From: Mark Thomas [mailto:m.thomas@harrisingrierson.com]
Sent: Monday, 13 November 2006 3:59 p.m.
To: Jeff Farrell
Cc: steven thornton (E-mail)
Subject: RE: Consent conditions

Jeff,

I have reviewed the conditions and discussed them with Corrie. I believe that she will be contacting you directly (if she hasn't already). The conditions now reflect the timing of events envisaged by the Thorntons. The only significant concern relates to condition (h), in that the upgrading of the existing access and driveway is dependent upon the timing of the repair of the slip on their neighbours property, and they have no control over when this is done. i.e., if they have completed all the other activities required for the s224 certificate, but the neighbours have still not repaired the slip on their site, then it may not be appropriate to upgrade the entrance due to risk of damage from their construction activities.. Would the Council accept a bond for this work if the situation arises?

regards,

Mark

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

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

Sent: Thursday, 9 November 2006 5:31 p.m.

To: Mark Thomas

Subject: FW: Consent conditions

From: Jeff Farrell

Sent: Thursday, 9 November 2006 5:28 p.m.

To: 'thorntonsteven@hotmail.com'; Mark Thomas

Subject: Consent conditions

Hi Steve & Corrie

Further to my email yesterday please find attached the draft decision in relation to your resource consent application.

You will note that a number of the conditions appear to be duplicated - this is because a number are on the consent notice which has a separate through related role to the consent. I have copied this to also to Mark Thomas as a courtesy. Please liaise with Mark and come back to me with any comments. We will not issue the consent until I hear from you.

Kind regards
Jeff

<<2B Kowhai St - Thornton Conditions.doc>>

Jeff Farrell
MANAGER
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16/11/2006

Laura Swan

From: Jeff Farrell
Sent: Monday, 13 November 2006 4:14 p.m.
To: Colin Kemeys; Reuben Hansen; Laura Swan
Subject: FW: Consent conditions

This seems a reasonable suggestion to me. What do you guys think?
Jeff

From: Mark Thomas [mailto:m.thomas@harrisingrierson.com]
Sent: Monday, 13 November 2006 3:59 p.m.
To: Jeff Farrell
Cc: steven thornton (E-mail)
Subject: RE: Consent conditions

Jeff,

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Subject: Consent conditions

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<<2B Kowhai St - Thornton Conditions.doc>>

Jeff Farrell
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-

Laura Swan

From: Mark Thomas [m.thomas@harrisingrierson.com]
Sent: Wednesday, 25 October 2006 6:02 p.m.
To: Laura Swan
Cc: Brett Farquhar
Subject: RE: R Boyd - 240 Pohutukawa Ave

Laura,

Thanks for the comments...I think I had the two lots confused in my head at times.

Section 4.3.1 on page 6 should read Lot 2.

Sections 4.4.1 and 4.4.2 however are correct.

Para 3 of section 4.5 should refer to Lot 2, not Lot 4.

I will make the amendments as suggested, and also define the OFP and debris flow paths more clearly on the plan, together with more comment on the scale and type of debris as suggested.

Also, I had a message to call you on Tuesday afternoon. I presume it was about this, hence I haven't returned the call, but if it is about something else, please let me know.

Regards,

Mark

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

From: Laura Swan [mailto:Laura.Swan@whakatane.govt.nz]
Sent: Wednesday, 25 October 2006 10:36 a.m.
To: Mark Thomas
Cc: Brett Farquhar
Subject: R Boyd - 240 Pohutukawa Ave

Hi Mark

In our reading of your recently submitted geotech report for the above job there seems to be some incorrect references to Lots ie they seem to be confused.

Section 4.3.1 on page 6 refers to Lot 4. should it be Lot 2?

Section 4.4.1 and 4.4.2 appear to refer to the wrong lots in the titles (backwards)

Para 3 of section 4.5 as has them confused we think.

There may be other places as well. Can you please take another look at the references and if needed correct them and send us a fresh copy (two please). We want to get it straight obviously before we send it off to be peer reviewed.

Jeff also thought that we should have better defined on the sites the overland flow paths and debris overtopping paths. He was also unsure about the level of information provided in regards to the scale and type of debris that could come down. He thought more detail was

needed. These items may be picked up in the peer review as well but if it is simple to add a little more detail as part of this fix up, that would be useful.

Thanks

Laura

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 - * Using the drawings or other data for any purpose not agreed to in writing by Harrison Grierson Consultants Limited.
-

Our ref: 3055.06_2
24 October 2006

MTEC Consultants Ltd
PO Box 10009
TAURANGA

Attention: Colin Kemeys

Dear Mr Kemeys,

SUBDIVISION CONSENT APPLICATION - 2B KOWHAI STREET, OHOPE GEOTECHNICAL REVIEW

Further to your request we have considered the geotechnical aspects of the proposed residential subdivision at 2B Kowhai Road, Ohope, to identify any geotechnical issues not yet covered by the peer review process undertaken by Whakatane District Council (WDC).

1.0 GENERAL

The scope of the review comprised:

- A site inspection;
- Review of information provided by MTEC / Whakatane District Council (WDC), comprising a series of documents by the applicant's engineer, Harrison Grierson Consultants Ltd (HGL) and WDC's peer reviewer Tonkin & Taylor Ltd (T&T);
- Discussions with MTEC and WDC staff.

The proposed subdivision comprises a two lot residential subdivision of the property at 2B Kowhai Road, Ohope. The work will be staged, the first being a new driveway and retaining wall across the full width of the slope to the existing dwelling. This will be followed by the design and construction of a series of retaining walls, with two walls including tie-back ground anchors. Subsoil drainage will also be constructed.

2.0 COMMENTS

2.1 General

The site is steep to very steep. There is a history of landslippage in the local area, including slips that occurred as a result of the March 2004 storm event.

The site is clearly not geotechnically suitable for residential development under existing conditions. The site can only be made suitable with very significant ground works.

2.2 Driveway

The driveway alignment shown on the plan and sections requires a gradient steeper than 1V:2H to reach the new building platform. This is well in excess of the normal maximum grade for a driveway of 1V:4H (unless the vehicles are to pass under the dwelling?).

At least one additional retaining wall will be required to achieve the proposed driveway alignment than those shown on the plans, taking the number of walls to at least six.

2.3 Accessway - Temporary Stability

As the accessway traverses the whole slope it will mean that temporary stability will be a significant issue. It is unlikely that it will be acceptable for the whole of the alignment to be excavated at once. This will require specific assessment and restrictions placed on the contractor's operations.

2.4 Ground Anchors - Geotechnical Capacity

We concur with T&T's concerns on the design of the ground anchors. Platypus-type anchors are not appropriate for this situation.

The soils at this site are not particularly strong. Drilled-and-grouted anchors will require several metres effective embedment to achieve the capacities given in the documentation (40 - 55 kN per anchor). The anchor lengths shown on the cross sections are clearly not sufficient, as much of the anchors lie within the critical slip circle and therefore do not contribute to the geotechnical capacities.

Increasing the length of the anchors more than about 1 metre from that shown on the cross section will mean that they will cross the property boundary.

2.5 Ground Anchors - Durability

The proposed design requires two rows of ground anchors to maintain stability. Loss of strength in either row of anchors would result in an unacceptable reduction in overall stability. Given this, and the aggressive coastal environment, protection of the anchors may need to be double or triple. This would significantly increase the cost of the anchors.

2.6 Building Platform Development

The proposed development requires ground anchors and horizontal drains to remain operational in the long term. A maintenance programme is therefore required. The maintenance programme will need to be a formal, permanent, requirement¹.

2.7 General Comments

As noted previously, development of the proposed new building platform will involve a significant level of geotechnical engineering inputs. The amount of further investigations and detailed design required will be significant. Issues such as temporary stability will need to be confirmed before any earthworks are undertaken on the site.

Our experience is that development of land with marginal stability significantly benefits from having at least one alternative building platform available in the event of unforeseen ground conditions being encountered at the "preferred" building platform, during either detailed design or during construction. For 2B Kowhai Road the physical constraints of the site are such that any other building platform would require the same order of magnitude of groundworks to be undertaken as currently proposed.

Due to the inherent geotechnical difficulties at this site we suggest reference to a "geotechnical engineer" be taken to denote a Chartered Professional Engineer with appropriate competence and experience in geotechnical engineering.

¹ A land-use consent is not necessarily limited to the default provisions of the Building Act 2004 for design life of structures, which is "indefinite but not less than 50 years unless specified otherwise".

3.0 THE LAND USE CONSENT APPLICATION

We have only briefly perused the proposed conditions of consent for the subdivision. In light of the status of the consent application we suggest the following additional points be included in the conditions:

- 1) The geotechnical aspects of the proposed development shall be subject to specific design and certification by a Chartered Professional Engineer with competence and experience in geotechnical engineering, herein referred to as the "Geotechnical Engineer".
- 2) Detailed design of the development shall include - but not necessarily be limited to - the following issues:
 - Ground retention or any other measure(s) needed to protect the building platform against slope instability;
 - 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 the new building platform;
 - Temporary stability of cut slopes;
 - Stormwater control;
 - Requirements for post-construction inspections, testing and maintenance.
- 3) The detailed design of the proposed development shall include specific assessment of the following aspects of the ground anchor design:
 - (a) The development lengths required to achieve the required anchor capacities;
 - (b) The length of the anchors and whether they will extend over the property boundary;
 - (c) Anchor durability. Given the importance to the overall stability, and the coastal environment, triple protection may be required;
 - (d) Requirements for construction;
 - (e) Load testing.
- 4) The practicalities of the proposed subsoil drainage system shall 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) The applicant shall provide WDC with a formal programme for ongoing periodic inspections and maintenance, beyond the end of construction. The maintenance programme requirements shall be placed as a notification on the property title and 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.

Overall, based on the information provided we would expect the actual scope of work required for development of the new building platform will be distinctly greater than indicated by the consent application documentation. The peer review comments by T&T appear to indicate that they also expect an increase in the scope of work. This may become apparent during either the detailed design stage or during construction. We suggest the applicant be alerted to this possibility.

4.0 CLOSURE

This review is provided to MTEC Consultants Ltd with respect to the specific brief given to us, and should not be used in any other context without our prior written review and agreement.

We trust the above is sufficient for your present purposes. Please contact the undersigned on ph 07-579 9708 if there are any queries arising.

Yours faithfully
TERRANE CONSULTANTS LTD

A. J. (Tony) Cowbourne
BE(Hons) MSc(Hons) BSc MIPENZ CPEng
GEOTECHNICAL SPECIALIST

Mark Thomas

From: Laura Swan [Laura.Swan@whakatane.govt.nz]

Sent: Tuesday, 3 October 2006 12:15 p.m.

To: m.thomas@harrisongrierson.com

Cc: Reuben Hansen; Jeff Farrell

Subject: Thornton decision letter.doc

Hi Mark

Attached is the draft decision for thornton subdivision. Can you please have a look and perhaps discuss with your client and let me know if there are any changes required to make this work from a practical point of view. The conditions have been reviewed by T&T and are generally in accordance with what has been agreed between yourself, Council and the submitter so I don't anticipate major changes.

I will be away until Friday so you might want to contact Reuben if there is anything urgent.

Thanks

Laura

3/10/2006

3 October 2006

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

Attention: Mark Thomas

Dear Mark

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

On 3 October 2006, the Team Leader Consents-Planning, 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.*

And Plan ????

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.

Engineering and Service Considerations

- (d) The existing access onto Wainui Road and serving proposed Lot 1 shall be permanently closed and the culvert removed upon completion of construction of the proposed dwelling on proposed Lot 2, to the satisfaction of the Director of Works and Services. If the proposed dwelling on Lot 2 is not completed at S224 stage, a consent notice shall be registered on the title of Lot 1 to ensure that this condition is complied with on completion of the new dwelling. The consent notice shall also require a traffic management plan to be provided during construction of the new dwelling, if the existing crossing is utilised. *OK*

- (e) That kerb and channel installation as well as seal widening works shall be undertaken across the former access to proposed Lot 1 to the satisfaction of the Director Works and Services.

- (f) 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.

- (g) 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. 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.

- (h) 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.

- (i) Proposed Lots 1 and 2 shall be provided with independent metered water connections in accordance with the Engineering Code of Practice.

① Driveway retaining wall
external crossing
Power etc
② complete

2 Kowhai St.
open drain

Stage 2
② Design for new crossing

②
1+
②

1
1

- (j) "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 Survey as an accurate record of the location of services as constructed on site. 1

Geotechnical Considerations

- (k) Prior to any works commencing on site, 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. 3

- (l) That the horizontal drains referenced in condition (k) 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 details of the required maintenance and frequency of maintenance to the Council, prior to the drains being installed. 3

- (m) A Retaining and Debris wall system shall be constructed on site in principle 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. 3

- (n) A building consent shall be lodged for the Debris and Retaining walls structures referenced in condition (m) above and any other retaining walls required on site. A detailed peer review of the design of these structures shall be undertaken to the satisfaction of Director of Environment and Policy prior to any works other than horizontal drainage installation commencing on site. Engineering approval shall consider the collection and disposal of stormwater and groundwater in relation to the structures and the rest of the site. 1+3

- (o) 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. 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. 1

- (p) No works to construct the new access or building platform on site shall be undertaken until such time as the Whakatane District Council has inspected the Debris and Retaining Wall structures and the horizontal drains. Once the Council has supplied written confirmation that the 1+3

works have been undertaken in accordance with the approved plans and that they are satisfied in all respects, works shall be permitted to recommence on site.

(q)
Split
1x3
x4

Prior to section 223 and 224 approval being issued for the subdivision, a Geotechnical Completion Report shall be undertaken for the site. 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 of proposed Lot 2. The geotechnical completion report shall also 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. This geotechnical completion report may be peer reviewed at the discretion of Whakatane District Council, at the expense of the consent holder.

- (1) (r) 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 Wanui Road to the satisfaction of Director of Works and Services.

Landscaping Considerations

- (s) 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.

Financial Considerations

- (t) That a monitoring fee of \$100.00 (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.
- (u) That a financial contribution of \$2405.25 (inclusive of GST) shall be paid to the Council for reserves purposes.

Other Considerations

- (v) That any Easements required to provide for service connections to proposed Lots 1 and 2 shall be duly reserved and granted.
- (w) In accordance with Section 221 of the Resource Management Act 1991 a Consent Notice shall be registered against the Title of Proposed Lot 2 requiring that:
 - (i) any building to be constructed on site shall be designed and constructed in accordance with the Geotechnical Completion Report contained within Whakatane District Council Subdivision file 24.3.04.92.
 - (ii) the horizontal drains located on proposed Lot 2 are maintained in accordance with the Geotechnical engineer's requirements to ensure they continue to function and confirmation of this by a Chartered Professional Engineer shall be provided to Whakatane District Council on an annual basis.
 - (iii) Council's officers or contractors shall be permitted entry upon the land at reasonable times so as to ascertain compliance with these conditions. ✓
 - (iv) 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. ✓

Note. Point (ii) Refers to the maintenance requirements set out in condition (l)

- (x) 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 designed in accordance with the Geotechnical Completion Report contained within Whakatane District Council Subdivision file 24.3.04.92.
 - (ii) Council's officers or contractors 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.

- (y) 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).
- (z) Whakatane District Council may, following receipt of the recommendations made in the Geotechnical Completion Report, 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. The purpose of this review is to address any particular matters that may arise from the Geotechnical Completion Report and/or deal with any adverse effects on the environment that may result from exercising this consent and can be appropriately dealt with at a later stage.

Advice Notes

1. Retaining and Debris Wall Structure anchors will require strength testing, a condition of Building Consent for these structures shall require this testing is undertaken.
2. 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.
3. 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.
4. 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.
5. 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.
6. Additional details of the works required by Condition (d) are provided in the memo to Tony Bullard from John Tailby dated 25 January 2006.

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 Council is satisfied that the proposal is consistent with the relevant objectives and policies contained within the Proposed Whakatane District Plan. It is considered that this subdivision is an appropriate use of the subject land and that all services required for this subdivision are adequately provided to the new Lots. The residential use of the sites will continue and this is consistent with the surrounding landuse.*
3. *The Council is satisfied that any adverse environmental effects that may actually, or potentially, result from the subdivision are likely to be minor or are avoided, remedied or mitigated by the conditions of this resource consent. All services will be provided to residential Lots prior to the issue of s224 certification. Following Geotechnical advice, Council is satisfied that this subdivision meets the requirements of S106 of the Resource Management Act 1991. 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, the consent holder has accepted conditions on this consent that require any trees affected by the proposal and identified as representative by Council, to be either relocated on site or replacement plantings undertaken to the satisfaction of Council. 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.*
4. *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. 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.*

5. *The financial contribution for reserves purposes charged under condition (u) 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 the 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).*
6. *The Council is satisfied that this proposal is in accordance with Part II matters of the Resource Management Act 1991. The Council believes that this subdivision is an efficient use of land and the amenity values and environmental quality of this area will not be adversely affected.*

In accordance with Section 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

Alan Moss
TEAM LEADER PLANNING

3 October 2006

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

Attention: Mark Thomas

Dear Mark

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

On 3 October 2006, the Team Leader Consents-Planning, 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.*

And Plan ????

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.

Engineering and Service Considerations

(d) The existing access onto Wainui Road and serving proposed Lot 1 shall be permanently closed and the culvert removed upon completion of construction of the proposed dwelling on proposed Lot 2, to the satisfaction of the Director of Works and Services. If the proposed dwelling on Lot 2 is not completed at S224 stage, a consent notice shall be registered on the title of Lot 1 to ensure that this condition is complied with on completion of the new dwelling. The consent notice shall also require a traffic management plan to be provided during construction of the new dwelling, if the existing crossing is utilised.

(e) That kerb and channel installation as well as seal widening works shall be undertaken across the former access to proposed Lot 1 to the satisfaction of the Director Works and Services. *re-state open drain*

(f) 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.

(g) 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. 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.

(h) 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.

(i) Proposed Lots 1 and 2 shall be provided with independent metered water connections in accordance with the Engineering Code of Practice.

Stage 1

- (j) "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 Survey as an accurate record of the location of services as constructed on site.

Geotechnical Considerations

3

- (k) Prior to any works commencing on site, 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.

3

- (l) That the horizontal drains referenced in condition (k) 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 details of the required maintenance and frequency of maintenance to the Council, prior to the drains being installed.

new condition Stage 1

13

- (m) A Retaining and Debris wall system shall be constructed on site in principle 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.

1
2

- (n) A building consent shall be lodged for the Debris and Retaining walls structures referenced in condition (m) above and any other retaining walls required on site. A detailed peer review of the design of these structures shall be undertaken to the satisfaction of Director of Environment and Policy prior to any works other than horizontal drainage installation commencing on site. Engineering approval shall consider the collection and disposal of stormwater and groundwater in relation to the structures and the rest of the site.

11

- (o) 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. 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.

Timing record

- (p)

No works to construct the new access or building platform on site shall be undertaken until such time as the Whakatane District Council has inspected the Debris and Retaining Wall structures and the horizontal drains. Once the Council has supplied written confirmation that the

works have been undertaken in accordance with the approved plans and that they are satisfied in all respects, works shall be permitted to recommence on site.

- access (1)
- dig & support walls (3)
- (q) Prior to section 223 and 224 approval being issued for the subdivision, a Geotechnical Completion Report shall be undertaken for the site. 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 of proposed Lot 2. The geotechnical completion report shall also 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. This geotechnical completion report may be peer reviewed at the discretion of Whakatane District Council, at the expense of the consent holder.

- (1)
- (r) 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 Wanui Road to the satisfaction of Director of Works and Services.

Landscaping Considerations

- (1)
- (s) 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.

Financial Considerations

- (1)
- (1)
- (t) That a monitoring fee of \$100.00 (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.
- (u) That a financial contribution of \$2405.25 (inclusive of GST) shall be paid to the Council for reserves purposes.

Other Considerations

①

(v) That any Easements required to provide for service connections to proposed Lots 1 and 2 shall be duly reserved and granted.

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

(i) any building to be constructed on site shall be designed and constructed in accordance with the Geotechnical Completion Report contained within Whakatane District Council Subdivision file 24.3.04.92.

(ii) the horizontal drains located on proposed Lot 2 are maintained in accordance with the Geotechnical engineer's requirements to ensure they continue to function and confirmation of this by a Chartered Professional Engineer shall be provided to Whakatane District Council on an annual basis.

(iii) Council's officers or contractors shall be permitted entry upon the land at reasonable times so as to ascertain compliance with these conditions.

(iv) 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.

Note. Point (ii) Refers to the maintenance requirements set out in condition (l)

②

(x) 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 designed in accordance with the Geotechnical Completion Report contained within Whakatane District Council Subdivision file 24.3.04.92.

(ii) Council's officers or contractors 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.

- (y) *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).*
- (z) *Whakatane District Council may, following receipt of the recommendations made in the Geotechnical Completion Report, 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. The purpose of this review is to address any particular matters that may arise from the Geotechnical Completion Report and/or deal with any adverse effects on the environment that may result from exercising this consent and can be appropriately dealt with at a later stage.*

Advice Notes

1. *Retaining and Debris Wall Structure anchors will require strength testing, a condition of Building Consent for these structures shall require this testing is undertaken.*
2. *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.*
3. *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.*
4. *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.*
5. *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.*
6. *Additional details of the works required by Condition (d) are provided in the memo to Tony Bullard from John Tailby dated 25 January 2006.*

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 Council is satisfied that the proposal is consistent with the relevant objectives and policies contained within the Proposed Whakatane District Plan. It is considered that this subdivision is an appropriate use of the subject land and that all services required for this subdivision are adequately provided to the new Lots. The residential use of the sites will continue and this is consistent with the surrounding landuse.*
3. *The Council is satisfied that any adverse environmental effects that may actually, or potentially, result from the subdivision are likely to be minor or are avoided, remedied or mitigated by the conditions of this resource consent. All services will be provided to residential Lots prior to the issue of s224 certification. Following Geotechnical advice, Council is satisfied that this subdivision meets the requirements of S106 of the Resource Management Act 1991. 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, the consent holder has accepted conditions on this consent that require any trees affected by the proposal and identified as representative by Council, to be either relocated on site or replacement plantings undertaken to the satisfaction of Council. 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.*
4. *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. 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.*

5. *The financial contribution for reserves purposes charged under condition (u) 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 the 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).*
6. *The Council is satisfied that this proposal is in accordance with Part II matters of the Resource Management Act 1991. The Council believes that this subdivision is an efficient use of land and the amenity values and environmental quality of this area will not be adversely affected.*

In accordance with Section 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

Alan Moss
TEAM LEADER PLANNING

Stage 1

- ① Retaining walls for driveway +
driveway access ^(chip finish) excluding crossing
to Kowhai St
+
- ② Services (power, H₂O, sewer)

Stage 2

- ① Close off existing driveway
- ② Complete Kowhai St crossing

Stage 3

- ① Balance of retaining walls

Stage 4

- ① House.

-
- ① Separate condition driveway retaining walls.
 - ② Detail vehicle crossing Kowhai St.
 - ③ H&G draw scheme plan.

FAX

MTEC CONSULTANTS LTD
 P O Box 10009, MT MAUNGANUI
 Ph: (07) 575 2859
 Fax: (07) 575 2868

WHAKATANE DISTRICT

- 3 JUL 2006

COUNCIL

**SURVEYORS ENGINEERS PLANNERS**

TO/CC	COMPANY	ATTENTION	FAX No.
✓	Whakatane District Council	Laura Swan	07 307 0718

SENDER: Reuben HansenFILE NO. 194 889DATE: 03/07/2006No. OF PAGES: 5 (Including this page)FOR ☐ ACTION☐ COMMENT☒ INFORMATION

The information in this fax is confidential between MTEC Consultants Ltd and the intended recipient. If you have received this fax in error please immediately notify MTEC Consultants Ltd and destroy this fax.

Hi

as requested and discussed

Cheers. ☺

Reuben

Laura
 We just need to sit on this & await John Leves confirmation of proposed changes as ok & consequential provision of amended drawings as proposed by Mark.

Jef 8/7.

(15)

*Laura*

Fax

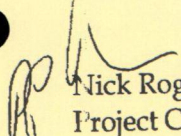
To:	Whakatane District Council	Your fax no:	07 307 0718
Attention:	Jeff Farrell	T&T job no:	22973
From:	John Leeves/Nick Rogers	Reply fax no:	64-9-307 0265
Page:	1 of 1	Date:	27 July 2006
cc:	Harrison Grierson - Mark Thomas	cc fax no:	07 577 9557
Subject:	Council Geotechnical Review, 2B Kowhai Street, Whakatane Your Ref 24.3.04.92		

Jeff,

We have received and reviewed a further fax from Harrison Grierson dated 25 July 2006 which includes suggested changes to the wall concept design at 2B Kowhai Street following our earlier comments of 24 July 2006. We have not completed a detailed review of the calculations or undertaken our own wall design but have completed a brief overview. We now consider the concept wall design appropriate for the site conditions and sufficient for resource consent requirements. With the revised wall design the risk of any impact on the adjacent property during construction is considered low.

We note that a detailed review of the wall design should be undertaken by WDC at building consent stage. We are happy to discuss any aspects of the above if required. For any further queries please phone John Leeves on 09 355 6053.

Yours faithfully


Nick Rogers
Project Coordinator

2 July 2006
P: 22973\Communications\jrt100506.fax.doc

WHAKATANE DISTRICT COUNCIL	
FILE:	
REG. No.: G 36124	
27 JUL 2006	
ACTIONED	DATE
1 Jeff J	
2	
3	
4	

Tonkin & Taylor Ltd - Environmental & Engineering Consultants, 19 Morgan St, Newmarket, Auckland, New Zealand
PO Box 5271, Wellesley St, Auckland 1036, Ph: 64-9-355 6000, Fax: 64-9-307 0265, Email: auck@tonkin.co.nz, Website: www.tonkin.co.nz

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all reports
from TET



WHAKATANE DISTRICT

24 JUL 2006

COUNCIL

G 36013

Fax

To:	Whakatane District Council	Your fax no:	07 307 0718
Attention:	Jeff Farrell	T&T job no:	22973
From:	John Leeves/Nick Rogers	Reply fax no:	64-9-307 0265
Page:	1 of 1	Date:	24 July 2006
cc:	Harrison Grierson - Mark Thomas	cc fax no:	07 577 9557

Subject: Council Geotechnical Review, 2B Kowhai Street, Whakatane
Your Ref 24.3.04.92

Jef,

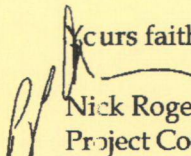
We have reviewed a fax from Harrison Grierson dated 20 June 2006 regarding the retaining wall design at 2B Kowhai Steet, Ohope which responds to questions we raised in our earlier fax dated 16 May 2006. We have not completed a detailed review of the calculations or undertaken our own wall design but have completed a brief review sufficient for resource consent requirements.

The majority of our concerns have been adequately addressed. However, we still consider the following:

1. The debris wall needs to be designed for an evaluated impact load rather than accounted for with adjusted k_1 or impact load factors used in the current analysis. This is consistent with design requirements elsewhere on the escarpment.
2. The lower anchor should be lengthened
3. Grouted anchors are more likely to achieve the design loads and are typically more reliable than the duckbill anchors proposed. Anchor load testing will be required during construction.

We are happy to discuss any aspects of the above if required. For any further queries please phone John Leeves on 09 355 6053.

Yours faithfully



Nick Rogers
Project Coordinator

24 Jul 2006
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Tonkin & Taylor Ltd - Environmental & Engineering Consultants, 19 Morgan St, Newmarket, Auckland, New Zealand
PO Box 1271, Wellesley St, Auckland 1036, Ph: 64-9-355 6000, Fax: 64-9-307 0265, Email: auck@tonkin.co.nz, Website: www.tonkin.co.nz

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FILE:	
REG. No.: G 29946	
27 SEP 2005	
ACTIONED	DATE
1 David B	
2	
3	
4	

Fax

To:	Whakatane District Council	Your fax no:	07 307 0718
Attention:	David Bewley	T&T job no:	22973
From:	John Leeves	Reply fax no:	64-9-307 0265
Page:	1 of 1	Date:	27 September 2005
cc:	Harrison Grierson Attn: Gavin Moore	cc fax no:	07 577 9557
Subject:	Council Geotechnical Review, 2B Kowhai Street, Whakatane Your Ref 24.3.04.92		

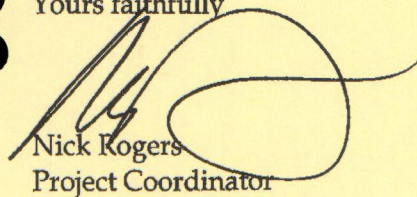
David,

We have completed an initial review of the information supplied with the application for subdivision consent for the above site. We note that the accompanying geotechnical report includes stability analyses for both design and extreme ground water conditions. For the extreme case the ground water level is assumed to be at 2 m depth.

We expect that during an extreme event some saturation of the upper soil layers would occur. We request that the designers provide additional analysis of the extreme cases to identify that under the extreme condition the factors of safety are acceptable.

For any further queries please phone John Leeves on 09 355 6053.

Yours faithfully



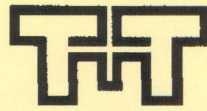
Nick Rogers
Project Coordinator

Fax prepared by John Leeves

27 September 2005
P:\22973\Communications\1270905.fax.doc

Tonkin & Taylor Ltd - Environmental & Engineering Consultants, 19 Morgan St, Newmarket, Auckland, New Zealand
PO Box 5271, Wellesley St, Auckland 1036, Ph: 64-9-355 6000, Fax: 64-9-307 0265, Email: auck@tonkin.co.nz, Website: www.tonkin.co.nz

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**Tonkin & Taylor****Fax**

To:	Whakatane District Council	Your fax no:	07 307 0718
Attention:	Jeff Farrell	T&T job no:	22973
From:	John Leeves/Nick Rogers	Reply fax no:	64-9-307 0265
Page:	1 of 2	Date:	16 May 2006
cc:		cc fax no:	
Subject:	Council Geotechnical Review, 2B Kowhai Street, Whakatane Your Ref 24.3.04.92		

Jeff,

We have completed an initial review of the proposed retaining wall works for the above site designed by Harrison Grierson and attached to your letter dated 13 September 2005. The information supplied included; covering letter from Harrison Grierson dated 26 April 2006, drawing 011050-200 and attached calculations. We have not completed a detailed review of the calculations or undertaken our own wall design but have completed a brief review sufficient for resource consent requirements.

From our review we have a number of questions for the designer as follows:

1. The debris wall needs to be design for impact loads
2. We question durability issues around bolting rails to the passive side of walls 1 & 2 and the ability of the bolts to withstand the applied forces?
3. Walls 1 & 2 have no drainage metal behind the walls and instead include a drain at the base of the wall with metal between the poles. Will this detail adequately drain the walls?
4. How have you designed for water pressures on the walls?
5. The anchor loads calculated for walls 1 & 2 appear low for walls of this height. In addition it is our experience that manta-ray anchors are prone to creep under the loads proposed
6. The anchor length, particularly for wall 2 appears short. Are all anchor bearing forces outside the active wedge of the wall
7. The embedment depth of poles on all walls appear to be low

Tonkin & Taylor Ltd - Environmental & Engineering Consultants, 19 Morgan St, Newmarket, Auckland, New Zealand
PO Box 5271, Wellesley St, Auckland 1036, Ph: 64-9-355 6000, Fax: 64-9-307 0265, Email: auck@tonkin.co.nz, Website: www.tonkin.co.nz

All the information contained in this message is confidential, intended only for the above named recipient(s). If you are not the intended recipient(s), you may not use any material in this message or pass it on to others. Please notify us promptly if you have received this message in error. Please telephone the person at the number above and destroy the original message. Thank you.

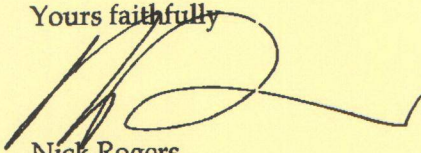
T&T job no: 22973

2

-
8. We doubt you will be able to drive the timber poles without pre-boring the holes prior to driving
 9. The retaining walls need to be designed to include the passive force applied from walls above if the passive wedge from the upper wall overlaps the active wedge of the wall below
 10. The diameter of poles for walls 3 & 4 appear low
 11. How will long-term maintenance of the horizontal drains be addressed
 12. Please check global stability to confirm a F.O.S >1.5
 13. Will handrails be incorporated into the design?

We are happy to discuss any aspects of the above if required. For any further queries please phone John Leeves on 09 355 6053.

Yours faithfully



Nick Rogers
Project Coordinator

Fax prepared by John Leeves

16 May 2006
P:\22973\Communications\jrl100506.fax.doc

Whakatane District Council
Private Bag 1002
Whakatane 3080

Attention: David Bewley

Dear Sir

WHAKATANE DISTRICT COUNCIL	
FILE:	
REG. No.: <u>G 30663</u>	
28 OCT 2005	
ACTIONED	DATE
1 <u>David B</u>	<u>28/10</u>
2 <u>David B</u>	
3	
4	

T&T job no: 22973
21 October 2005

Council Geotechnical Review
2B Kowhai Street, Whakatane
Your Ref 24.3.04.92

Thank you for your letter dated 13 September 2005 enclosing an application for subdivision at 2B Kowhai Street, Whakatane (Lot 2 DP 327498) including a geotechnical report completed by Harrison Grierson Engineers dated August 2005 (ref 1510 011050 01) supporting the application. Further information from Harrison Grierson was received by Fax dated 6 October 2005.

The purpose of the peer review is to confirm that the investigating engineer has appropriately identified and addressed all of the relevant factors and that the engineers report confirms that the new lot is suitable for the proposed development, subject to compliance with the recommendations.

Land stability

The report has assessed land stability based on field evidence and in-situ soil testing. A computer based stability analysis assuming both drained and semi-saturated groundwater conditions has also been undertaken.

We consider that the outcomes of the stability assessment are appropriate and the opinions contained in the report reasonable. The report recommends that a debris wall be placed above the dwelling to protect the building from instability above the site.

Accessway

The report recommends that a debris wall be placed above the dwelling to protect the building from instability above the site. A similar structure may be required above retaining walls on the driveway to meet acceptable stability requirements. This could be addressed at building consent stage.

Effluent disposal

We understand the proposal is to connect sewage to the public drainage system and therefore we assume a sewage disposal system will not be required.

Stormwater Discharge

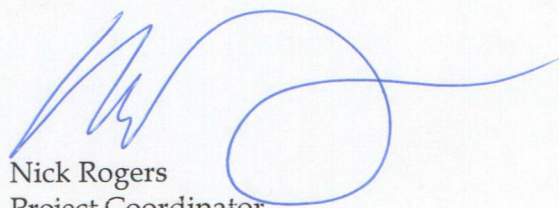
The report recommends that all stormwater be reticulated in a controlled manner to a suitable location (Wainui Road) with respect to stability.

Consent conditions

The opinions and conclusions of the geotechnical report are reasonable and we recommend that the conclusions of the report be made part of the conditions of the consent with the following additional conditions:

- The overall stability of the building site is subject to prudent practices in terms of vegetation and surface water control
- Disposal of stormwater via soak holes is not recommended
- All stormwater is to be reticulated in a controlled manner to a suitable location
- Debris walls or similar may be required above retaining walls on the driveway
- A site-specific geotechnical investigation and report be undertaken at building consent stage for the specific development proposed.
- Temporary works during construction will have to be carefully managed to maintain adequate stability

Yours faithfully



Nick Rogers
Project Coordinator

Report prepared by John Leeves

21-Oct-05
JRL:rmt
p:\22973\communications\jrl260905.let.doc

Whakatane District Council
Private Bag 1002
Whakatane 3080

Attention: Jeff Farrell

WHAKATANE DISTRICT COUNCIL	
FILE:	
REG. NO.	9 33950
- 3 MAY 2006	
ACTIONED	DATE
1 Jeff Farrell	
2	
3	
4	

T&T job no: 22973
2 May 2005

Dear Sir

**Council Geotechnical Review
2B Kowhai Street, Whakatane
Your Ref 24.3.04.92**

Thank you for your letter dated 13 September 2005 enclosing an application for subdivision at 2B Kowhai Street, Whakatane (Lot 2 DP 327498) including a geotechnical report completed by Harrison Grierson Engineers dated August 2005 (ref 1510 011050 01) supporting the application. Further information from Harrison Grierson was received by Fax dated 6 October 2005.

The purpose of the peer review is to confirm that the investigating engineer has appropriately identified and addressed all of the relevant factors and that the engineers report confirms that the new lot is suitable for the proposed development, subject to compliance with the recommendations.

Land stability

The report has assessed land stability based on field evidence and in-situ soil testing. A computer based stability analysis assuming both drained and semi-saturated groundwater conditions has also been undertaken.

We consider that the outcomes of the stability assessment are appropriate and the opinions contained in the report reasonable. The report recommends that a debris wall be placed above the dwelling to protect the building from instability above the site.

Accessway

The report recommends that a debris wall be placed above the dwelling to protect the building from instability above the site. A similar structure may be required above retaining walls on the driveway to meet acceptable stability requirements. This could be addressed at building consent stage.

Effluent disposal

We understand the proposal is to connect sewage to the public drainage system and therefore we assume a sewage disposal system will not be required.

Stormwater Discharge

The report recommends that all stormwater be reticulated in a controlled manner to a suitable location (Wainui Road) with respect to stability.

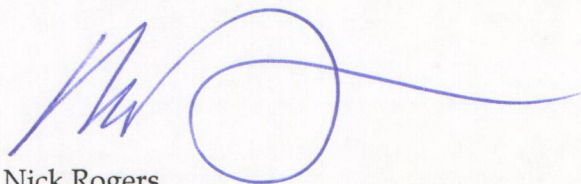
Consent conditions

The opinions and conclusions of the geotechnical report are reasonable and we recommend that the conclusions of the report be made part of the conditions of the consent with the following additional conditions:

- The overall stability of the building site is subject to prudent practices in terms of vegetation and surface water control
- Disposal of stormwater via soak holes is not recommended
- All stormwater is to be reticulated in a controlled manner to a suitable location
- Debris walls or similar may be required above retaining walls on the driveway
- A site-specific geotechnical investigation and report be undertaken at building consent stage for the specific development proposed.
- Temporary works during construction will have to be carefully managed to maintain adequate stability

We also note that the stabilising works on the site are likely to be significant and that it may be prudent that these works be undertaken as part of the subdivision consent to ensure the required stability is achieved.

Yours faithfully



Nick Rogers
Project Coordinator

Report prepared by John Leeves

2-May-06
JRL:rmt
p:\22973\communications\jrl020506.let.doc

FAX

MTEC CONSULTANTS LTD
 P O Box 10009, MT MAUNGANUI
 Ph: (07) 575 2859
 Fax: (07) 575 2868

**SURVEYORS ENGINEERS PLANNERS**

TO	CC	COMPANY	ATTENTION	FAX No.
✓		Whakatane District Council	Laura Sison	07 307 0718

SENDER: Ruben Hansen FILE NO. 194589
 DATE: 08/08/2006 No. OF PAGES: 2 (Including this page)
 FOR ☐ ACTION ☐ COMMENT ☒ INFORMATION

The information in this fax is confidential between MTEC Consultants Ltd and the intended recipient. If you have received this fax in error please immediately notify MTEC Consultants Ltd and destroy this fax.

Hi Laura FYI sol sent out today

Rees

Ruben



9/8/06

WHAKATANE DISTRICT COUNCIL	
FILE:	
REG. NO.	36698
- 8 AUG 2006	
ACTIONED	DATE
1 Laura S	
2	
3	
4	

Areg Robison informed us that slip has occurred on adjacent property on Sun 6/8/06 during heavy rain. Jeff + I to do site visit 10/8/06. Laura S.

Laura Swan

From: Jeff Farrell
Sent: Monday, 11 September 2006 11:51 a.m.
To: Laura Swan; Reuben Hansen
Subject: FW: re-Consent

FYI
Jeff

From: Jeff Farrell
Sent: Monday, 11 September 2006 11:48 a.m.
To: Christine Chambers
Subject: FW: re-Consent

Hi Chris

This is the email from Steve Thornton. Reuban from MTEC consultants is processing the consent. I have suggested that he advise Steve to confirm with Greg (and both sign off) which trees on site are of concern to Greg and will not be touched, and provide a note to that effect to the Council. If they can't reach agreement then we will proceed to hearing as soon as possible. Reuban will be contacting both Steve and Greg later today.

I will keep you posted when I have further info.
Jeff

From: Laura Swan
Sent: Monday, 11 September 2006 11:22 a.m.
To: Reuben Hansen; Jeff Farrell
Subject: FW: re-Consent

Laura Swan
Senior Planner
Whakatane District Council
ph. (07) 306-0500
fax. (07) 307-0718
www.whakatane.govt.nz

From: steven thornton [mailto:thorntonsteven@hotmail.com]
Sent: Wednesday, 6 September 2006 10:26 p.m.
To: Laura Swan
Subject: re-Consent

Dear Laura,

Hope you have had a good holiday and are in fine spirits to see this debacle finalised!

We were not aware you were waiting for a reply or an acknowledgement when you emailed us the 9th August, to tell us you were visiting our neighbours. Yes, we were at work. Besides, we had already seen the slip when helping our neighbours clear the mess.

11/09/2006

The questions we posed in our email to you on the 1st August, still remain unanswered.

Regarding the email you forwarded us from 28th August: These trees that mr Robinson seems so worried about. He obviously does not remember, or does not wish to recall us telling him, that we planted over 60 trees (mainly natives) on the 8B Kowhai street property, the property he bought from us.

Why he thinks we would want to take trees away, after spending a lot of money on planting them, we fail to understand.

Any tree that is on the proposed building platform that can be transplanted will be transplanted. To date we have cleared from the section only a large collection of ginger. No live trees have been removed.

Our proposed building will be 3 metres away from the boundary, so there will be no need to remove any tree that is on or near the boundary.

Can you now give us a clear indication as to the date when we can expect consent to be granted.

Thank you

Steve & Corry Thornton

Become a fitness fanatic with XtraMSN Health & Fitness!

Draft - get copy of Mayor's signature

2080/0002/B00

31 August 2006

Mr and Mrs S Thornton
2B Kowhai Street
OHOPE

Dear Mr and Mrs Thornton

RESOURCE CONSENT APPLICATION: 2B KOWHAI STREET, OHOPE

Further to your letter of 9 August 2006 I have sought an explanation from Jeff Farrell, the Manager of Development of Compliance for the delays that you have experienced in the processing of your resource consent application for a subdivision at 2B Kowhai Street, Ohope.

In reviewing the file Mr Farrell has advised that the primary cause of the delays relate to the provision of adequate information to enable the Council to make an informed view on whether the application satisfies the requirements of the Resource Management Act. Of particular note are the numerous requests from the Council for a robust engineering design to stabilise the proposed new land parcel. Delays by consultants in the provision and evaluation of this information have meant that Council staff have not been able to progress the application as promptly as they would have wished.

Another source of delay has been the resistance of one of the adjacent landowners to provide you with their written consent to your proposal. Mr Farrell advises that Council staff have met with the landowner and have gained qualified support for your application which will avoid your application having to go to a formal hearing and reduce your consent costs accordingly. The landowners' qualification is, I understand, a matter relating to the protection on native trees on, or close to, your common boundary and is a matter that you will need to agree to.

Your concern around differing response timeframes for applicants for Councils is a fact of law. Section 92 of the Resource Management Act stipulates that any applicant who receives a request under this section must respond within 15 working days. There is no such requirement upon the Council. Timeframes relating to the performance of the Council are specified in a number of other clauses elsewhere in the Act. In relation to your application, the statutory timeframes relating to the Council actions have been exceeded as a consequence of the number of information exchanges that have been required to satisfy the engineering requirements and the adjacent landowner concerns.

In relation to your assertion that you have heard nothing from the Council staff since 1 August, Mr Farrell advises that Ms Swan, the Senior Planner processing your application, sent you an email on 9 August and left a phone message on your answerphone on that same day. You have not responded to either the email or the phone message.

I realise that you are frustrated with the length of time the process has taken to date, however it is unfair to lay the blame on the Council unreasonably. With the engineering matters now resolved and the landowner approval largely finalised, the barriers to the approval of your resource consent have been all but removed and there is no reason why the balance of the process should not be promptly completed.

Yours faithfully

Colin Holmes
MAYOR

TRANSACTION SUMMARY

Applicant	WDC	300604	RC application received for subdivision
		050704	Letter to Ohope Community Board (OCB), Quotable Values
		120704	OCB resolution
	23	280704	Request for further information (land stability, neighbours consents, traffic safety
13 months		310805	H&G provide info requested on 280704
		130905	H&G info sent to T&T
		130905	Email update Tony B to H&G , plus clarity on affected parties
		270905	T&T request clarification of land stability design proposal
	29	290905	First section 92 request
7		61005	Response received from H&G to 270905 request
		211005	T&T peer review received supporting consent approval with land stabilisation at building consent stage of development
	35	111105	Notification decision - ltd
		151105	Notification letter sent out
		191205	Notification responses received from EBOP and Greg Robison
		250106	Pre-hearing option advised to applicant (letter and email)
	45 (Xmas)	020206	Second section 92 request following new information in Robison response
28		020306	H&G response to second section 92 request received

	5	070306	Pre-hearing mtg letter sent
		160306	Pre-hearing mtg
		260406	Revised engineering received from H&G following pre-hearing mtg
		040506	Email advice to applicant re update and legislative process
		160506	T&T peer review of H&G revised engineering received including retaining wall to stabilise the site - a number of design queries identified
	29	240506	Third section 92 request to resolve retaining wall/land stability
27		200606	H&G response direct to T&T
		260606	Email received from applicant seeking update
		030706	Email response to request 260606
	34	240706	T&T advise that deficiencies still exist with H&G design
1		250706	H&G response received specifying changes to design
	2	270706	T&T confirm engineering OK
		010806	Email from applicant seeking clarity of process
		080806	Letter to Robison following mtg with JF confirming geotech Ok and request withdrawal of submission to avoid hearing
		090806	Email response to applicant, phone message left on answerphone
		100806	Letter from applicant to the Mayor
	202*		

*Translates to around 140 days once stat holidays and weekends taken out.

COPY

The Mayor
Mr C. Holmes
Whakatane District Council
Commerce Street
Whakatane

WHAKATANE DISTRICT COUNCIL	
FILE:	
REG. NO.	36756
10 AUG 2006	
ACTIONED	DATE
2	
3	
4	

Mr & Mrs S. Thornton
2 B Kowhai Street
Ohope

9th August 2006

Dear Sir

We are writing to you as a last resort with regard to our ongoing saga in applying for Resource Consent to subdivide our section in Ohope.

The process to date has been:

- | | |
|--|--------------------------------|
| ➤ Geotec report lodged to WDC | 15 th August 2005 |
| ➤ Resource consent sought from WDC | 5 th September 2005 |
| ➤ Limited notification sent to neighbour | 15 th November 2005 |
| ➤ Pre-hearing meeting considered | 25 th January 2006 |
| ➤ Pre hearing meeting held | 6 th March 2006 |
| ➤ New engineering sent off for peer review | 4 th May 2006 |
| ➤ Peer review confirmed satisfactory | 1 st August 2006 |
| ➤ If hearing required, likely to be | 6 th September 2006 |

16/5 created query raised = W & G

We employed Harrison & Greerson Ltd, a national firm, to undertake all our work in both engineering and geology. Their work has taken many months to gather and in light of the recent problems in our region all their findings had to be peer reviewed. We accept this and obviously want to both work within the law and protect our investment in the future development.

Our concern is that the WDC does not seem to follow the Resource Management Act 1991. When further information is required from our engineers they have to submit their reply in 15 working days, yet the WDC does not seem to follow that same timeframe. We have been told by the Senior Planner, Laura Swan, "the WDC does not have to follow those rules".

Laura

Can you please grab the
file & come & see me.

I will draft out a
reply for the Mayor.

Jeff

To date the service offered to us as clients and rate payers of this District have been negative to say the least. We should be able to expect positive constructive service as one would receive from any other business.

We are told that the Resource Management Act 1991 has to be followed in any subdivision application.

Why is it that time lines and the number of days to respond and return requested information not apply to the WDC, but only to the clients?

We have contacted the Planning Department, both by telephone and by Email and received very limited information; we are told they are far too busy to respond!

Our last email dated 1st August 2006, still awaits a reply.

We are informed, after seeking out professional advice, that all parties must work within the rules of the Resource Management Act and that it is encumbered upon all to respond and work within the prescribed time frames.

The last communication from the Planning Department (1st August) stated:

" we could expect a response in a week or so ". As yet we have heard nothing. So goes another week.

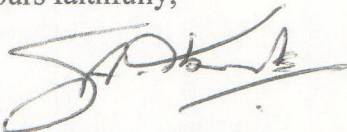
In the last local elections, we supported you in gaining office. We understood that Council would be made more accountable to ratepayers and more user friendly. To date unfortunately this has not been our experience.

This application process is costing us thousands of dollars and each month of procrastination is making this more expensive.

We are unable to move forward or make future plans, as we have no definite pathway or timeline to work towards. We are now 12 months into this application and to date only had the one formal meeting.

We respectfully ask you to intervene on our behalf, so that this application can be brought to a conclusion within a set timeframe.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'Steve & Corry Thornton', written in a cursive, flowing style.

Steve & Corry Thornton

Self

Last email was OK? re our site visit. Also left them phone message.

They haven't contacted us.

Alex Robison came in on the 10th or 11th with draft letter re withdrawing submission.

I talked to him + he was going to amend slightly some wording + drop off.

He had concerns about trees still + I told him to talk to Thomtons or include in letter.

Haven't heard from them (Robison) but left message yesterday for him to see where things are up to.

15wd comes from S92 - request for info. They must respond in that time.

No equal requirement for council hence my comment. Of course we are supposed to meet our other timeframes, but always hard with engineers involved.

L.

Laura Swan

From: Jeff Farrell
Sent: Monday, 28 August 2006 2:45 p.m.
To: 'Reuben Hansen'
Cc: Laura Swan
Subject: RE: Animal Control Scan

Hi Reuben

I am happy that the ground water drainage collection system proposed by the applicant will address the land draiange issue raised by Greg Robison. Can you please just focus on the specific trees Greg seeks protected and discuss with Steve Thornton.
Thanks
Jeff

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

From: Laura Swan
Sent: Monday, 28 August 2006 2:16 p.m.
To: Reuben Hansen
Cc: steven thornton; Jeff Farrell
Subject: FW: Animal Control Scan

Hi Reuben

Attached is a copy of the letter just received from Greg Robison.

Can you please take a look at it and perhaps give them a call to discuss.
I'm not sure if the preservation of the trees would have any engineering or building implications. I guess it depends on where they are in relation to the dwelling. The Thorntons or H&G may be able to elaborate.

Perhaps you could propose some conditions of consent to address Mr Robison's other concerns and on that basis they could withdraw their wish to be heard.

As you know I'm away until the 6th. Jeff should be able to help with anything.
Thanks

Laura

Laura Swan
Senior Planner
Whakatane District Council
ph. (07) 306-0500
fax. (07) 307-0718
www.whakatane.govt.nz

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

From: AnimalControlXerox@whakatane.govt.nz
[mailto:AnimalControlXerox@whakatane.govt.nz]
Sent: Monday, 28 August 2006 11:54 a.m.
To: Laura Swan
Subject: Animal Control Scan

11 August 2006

Jeff Farrell and Laura Swan
Whakatane District Council
Private Bag 1002
Whakatane

Dear Jeff and Laura

Re: SA & CA Thornton 2B Kowhai Street

WHAKATANE DISTRICT COUNCIL	
FILE:	
REG. No.:	G 37094
28 AUG 2006	
ACTIONED	DATE
1	
2	
3	
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Copy to Laura

We confirm that our concerns have largely been addressed by the respective engineering proposals for the development of 2b Kowhai Street.

Our remaining concern is that the Geotech report appears to be based upon an assumption of good surface drainage. In our view this assumption is not correct as the hillside has a pressurized groundwater system that results in natural springs over the majority of the area. The pressure from this underground reservoir must result in poor surface drainage due to the rising water.

Only the engineers can determine the impact of this water system. If they are satisfied as to the stability of the hillside, and that their calculations include assumptions that give measure to this issue then we are happy to accept their views. As we do not want this matter held up further, we will accept their position with the understanding that the Council may make a decision without further reference back to ourselves.

If the council grants consent to this subdivision then we would like a condition attached preserving the Pohutukawa and Puriri trees on or near our boundary

However, we can not agree that no actions be required on the bulldozer track. Harrison Grierson appear to be short of memory. This track, at very least, was a significant contribution to the slip that occurred in 2004 on the subject property. In our view this excavation does pose a significant risk to another slip. It creates a fracture line on the slope that has had its trees removed. We are very concerned that this is a threat to our property and were very relieved to make it through another heavy rainfall recently.

Thank you for the opportunity to have our views heard.

Kind Regards

PP 
Greg Robison

Laura Swan

From: Laura Swan
Sent: Wednesday, 9 August 2006 12:33 p.m.
To: steven thornton
Subject: RE: Engineering

Hi

Jeff and I are going to do a quick site visit tomorrow morning to look at a slip which I understand has come down in the vicinity of your property. We just need to get an idea of where it is and see if there is any effect in terms of your land, access or the proposal. Depending on its size and location the engineers may need to visit the site as well. I recognize that you may be at work or unavailable, but otherwise feel free to join us at 7.45am tomorrow morning.

Thanks

Laura

Laura Swan
Senior Planner
Whakatane District Council
ph. (07) 306-0500
fax. (07) 307-0718
www.whakatane.govt.nz

From: steven thornton [mailto:thorntonsteven@hotmail.com]
Sent: Tuesday, 1 August 2006 3:13 p.m.
To: Laura Swan
Subject: RE: Engineering

Hi Laura

Thank you for the positive update regarding our application. I note from your previous Email that the next meeting is planned for Spetember? Why does every part of this process take so long and why can we not make a move during August? To date this current aspplication has taken 10 months from submitting all our information to WDC last October to the present day. Our first meeting taking place eventually on March 16th. (A time of 4 months to process the first part of this application.)

We were advised by Jeff Farrell back in May that we could expect our next meeting to be in July / August. What has happened to change this yet again and push progress back weeks and weeks - this seems to be regular senario of putting off and putting off for as long as possible,surely we should be able to get a time line that all adhere to.

Despite being told to the contary, I have been informed after seeking professional advice, that the implications of the R.M.Act 1991 relate equally to both parties with regard to responce times and the preparation of information.

24/08/2006

Your Email states that "we now have to wait a week or so," as to when and if another meeting is be arranged with our neighbours. Could this not be actioned during this week? We are prepared to meet at any time convenient to all parties but surely this could be arranged in August. As to the outcome of this possible meeting what has to happen then? It would be good to know just where the end of this process lie

regards

Steve Thornton

From: "Laura Swan" <Laura.Swan@whakatane.govt.nz>
To: "steven thornton" <thorntonsteven@hotmail.com>
Subject: Engineering
Date: Tue, 1 Aug 2006 10:55:44 +1200

Hello

Tonkin and Taylor have now confirmed they are satisfied with the engineering design of the wall. This basically means that subject to the wall being constructed, the site is suitable for development. The Council is now going to provide the new information to your neighbours and ask them if they still wish to be heard at a hearing. We should know in a week or so how things will progress.

Thanks

Laura

Laura Swan
Senior Planner
Whakatane District Council
ph. (07) 306-0500
fax. (07) 307-0718
www.whakatane.govt.nz

Need a new job? Check out [XtraMSN Careers](#)

Laura Swan

From: Laura Swan
Sent: Tuesday, 1 August 2006 10:56 a.m.
To: 'steven thornton'
Subject: Engineering

Hello

Tonkin and Taylor have now confirmed they are satisfied with the engineering design of the wall. This basically means that subject to the wall being constructed, the site is suitable for development. The Council is now going to provide the new information to your neighbours and ask them if they still wish to be heard at a hearing. We should know in a week or so how things will progress.

Thanks

Laura

Laura Swan
Senior Planner
Whakatane District Council
ph. (07) 306-0500
fax. (07) 307-0718
www.whakatane.govt.nz

Jeff Farrell

From: Jeff Farrell
Sent: Thursday, 20 July 2006 11:17
To: John Leeves T&T (E-mail)
Cc: Laura Swan; Colin Kemeys (E-mail)
Subject: Resource Consent Application: Thornton, 2B Kowhai St, Ohope

Welcome back John

Would you mind urgently responding to the fax from Mark Thomas of H&G dated 20 June 2006 regarding the Thornton subdivision application. We are out of time in relation to statutory processing timeframes and the applicant is actively seeking our response.

Can you please email 'reply to all' as I will be off work for a couple of days (another knee operation in AK).

Thanks
Jeff

Jeff Farrell
MANAGER
DEVELOPMENT & COMPLIANCE
Whakatane District Council
Commerce St, Private Bag 1002,
Whakatane 3080
Cell: 0274 536 248
DDI: (07) 306 0532
Fax: (07) 307 0718
www.whakatane.govt.nz

Laura Swan

From: Laura Swan
Sent: Monday, 3 July 2006 11:15 a.m.
To: 'thorntonsteven@hotmail.com'
Subject: FW: S92 for Kowhai St
Attachments: 194889-M-P-C002-S.92 Request.doc

Hi Steve

Jeff has asked that I reply to your email from the other week. We received the design work from H&G after the meeting. Tonkin and Taylor peer reviewed this and had a few concerns still. On 24/5/06 Mtec sent a letter requesting that the issues raised by Tonkin and Taylor be addressed. Apparently a reply was received on 20/6/06 by Mtec but I haven't seen a copy of that yet (am trying to get one). We will have to go back to Tonkin and Taylor again and get some comment.

So that is where we are at. Basically the engineers haven't agreed yet and Council isn't yet satisfied that the site meets the requirements of the plan and the Resource Management Act.

We need to have this final discussion with Tonkin and Taylor and then we will know more about how we will proceed. It would be a good idea to check back in a week or so with us.

Thanks

Laura

Laura Swan
Senior Planner
Whakatane District Council
ph. (07) 306-0500
fax. (07) 307-0718
www.whakatane.govt.nz

Laura Swan

From: Reuben Hansen [reuben.hansen@mtec.co.nz]
Sent: Monday, 3 July 2006 9:08 a.m.
To: Laura Swan
Subject: S92 for Kowhai St
Attachments: 194889-M-P-C002-S.92 Request.doc

Hi Mate

We received a cc of a reply to T+T's John Leeves from Mark Thomas dated 20/06/2006

I believe that T+T need now to respond to this reply?

Personally I think what we need T+T to do is say whether site is suitable once and for all and regardless of the platform as the access is going to create dramas just in itself, what do you and Jeff think??

<<...>>

cheers

Reuben Hansen
MTEC Consultants Ltd
Phone 07 575 2859
Fax 07 575 2868
email reuben.hansen@mtec.co.nz

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Laura Swan

From: Jeff Farrell
Sent: Thursday, 29 June 2006 2:25 p.m.
To: Laura Swan
Subject: FW: Resource Consent Application
Follow Up Flag: Follow up
Flag Status: Red

Can you provide an update please.
Thanks
Jeff

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

From: steven thornton [mailto:thorntonsteven@hotmail.com]
Sent: Monday, 26 June 2006 7:53 p.m.
To: Jeff Farrell
Subject: RE: Resource Consent Application

Dear jJeff

I am just touching base to enquire as to how things are progressing for our Resource Consent Application. I understand that it takes time to check and receive information from other parties but time seems to endlessly continue to slip by without any indication as to the next process and the next firm meeting etc. Perhaps you would be able to update us and give us a time-line as to the future development of this application. Thanking you.

regards

Steve Thornton

From: "Jeff Farrell" <Jeff.Farrell@whakatane.govt.nz>
To: <thorntonsteven@hotmail.com>
Subject: Resource Consent Application
Date: Thu, 4 May 2006 17:46:51 +1200

Hi Steve
An update as requested.

The new engineering has been sent off for peer review. This is likely to take a couple of weeks assuming peer reviewer supports the design.

Once the peer review is complete (and assuming supportive), a letter will be sent to the submitters providing them with the info received and the Council's view of that info and asking if they wish to continue with a request to be heard at a hearing. If they do not wish to attend a hearing, Council staff will assess whether or not there is a need for a hearing or whether I can determine the matter under specific delegation on the documentation alone. Assuming a hearing is not required, a decision will be made within 2 weeks and you will be advised accordingly.

If a hearing is required it is likely to be in August.

3/07/2006

Jeff Farrell

From: Jeff Farrell
Sent: Thursday, 4 May 2006 17:47
To: 'thorntonsteven@hotmail.com'
Subject: Resource Consent Application

Hi Steve
An update as requested.

The new engineering has been sent off for peer review. This is likely to take a couple of weeks assuming peer reviewer supports the design.

Once the peer review is complete (and assuming supportive), a letter will be sent to the submitters providing them with the info received and the Council's view of that info and asking if they wish to continue with a request to be heard at a hearing. If they do not wish to attend a hearing, Council staff will assess whether or not there is a need for a hearing or whether I can determine the matter under specific delegation on the documentation alone. Assuming a hearing is not required, a decision will be made within 2 weeks and you will be advised accordingly.

If a hearing is required it is likely to be in August.

Kind regards
Jeff

Jeff Farrell
MANAGER
DEVELOPMENT & COMPLIANCE
Whakatane District Council
Commerce St, Private Bag 1002,
Whakatane 3080
Cell: 0274 536 248
DDI: (07) 306 0532
Fax: (07) 307 0718
www.whakatane.govt.nz

COPY

24.3.04.92

13 September 2005

John Leeves
Geotech Engineer
Tonkin and Taylor
PO Box 5271
Wellesley Street
AUCKLAND

Dear Sir/Madam

**PEER REVIEW OF ADDITIONAL GEOTECHNICAL INFORMATION FOR SA&CA
THORNTON - 2B KOWHAI STREET, WHAKATANE**

Please find enclosed a copy of the additional information from Harrison Grierson Ltd provided to Council on 28 April 2006 to support the subdivision application.

As you are aware, in order to approve the subdivision the Council must be satisfied that the land on Lot 2 is stable or can be made stable, without the need for a complete dwelling to be erected prior to subdivision. Construction methodology is also important as is the ability to maintain the drains is important as well..

The purpose of your peer review is to confirm that the investigating engineer has appropriately identified and addressed all of the relevant factors, and to confirm that the new lot(s) is/are suitable for development, subject to compliance with the recommendations of Harrison Grierson and any alternative or additional conditions you would recommend.

Can you please return comments to me regarding this report within 10 working days. If this time frame is not appropriate, please indicate when comments will be available.

Please direct any queries you may have on this application to Laura Swan (Senior Planner) or Jeff Farrell (Manager Development and Compliance).

Yours faithfully

Laura Swan
SENIOR PLANNER

Jeff Farrell

From: Jeff Farrell
Sent: Tuesday, 28 March 2006 14:41
To: Colin Kemeys (E-mail)
Cc: Laura Swan
Subject: FW: Geotechnical Review - S Thornton, 2B Kowhai St, Ohope (T&T Ref; 22973)

Sorry Colin, been away at a funeral in Carterton. See below.
Jeff

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

From: Jeff Farrell
Sent: Tuesday, 28 March 2006 2:40 p.m.
To: Nick Rogers (E-mail)
Subject: Geotechnical Review - S Thornton, 2B Kowhai St, Ohope (T&T Ref; 22973)

Hi Nick

Further to our conversation earlier this morning, can I ask you to revisit the last para of your peer review of the Harrison & Grierson geotechnical report dated August 2005.

In terms of Section 106 of the RMA, we wish to address the suitability of the site for subdivision without reliance upon future building work, ie a new dwelling, to provide site stability. Our line of reasoning is that if building work is required to stabilise the site to make it suitable for residential development (such as the construction of retaining walls and installation of ground water management controls), this building work should be carried out as part and parcel of the subdivision. It means that natural hazard risks associated with the subdivision are robustly addressed as part of the subdivisional process. If the natural hazard risks cannot be satisfied in terms of the subdivisional process it raises the fundamental query as to whether the subdivision should be granted. The end result is that decision-making around approval of the new land parcel is much cleaner and thereby more easily defended in the event of appeals.

Kind regards
Jeff

Jeff Farrell
MANAGER
DEVELOPMENT & COMPLIANCE
Whakatane District Council
Commerce St, Private Bag 1002,
Whakatane 3080
Cell: 0274 536 248
DDI: (07) 306 0532
Fax: (07) 307 0718
www.whakatane.govt.nz

24.3.04.92

8 February 2006

MTEC Consultants
PO Box 10009
Bay Fair
MOUNT MAUNGANUI

Attention: Colin Kemeys

Dear Sir

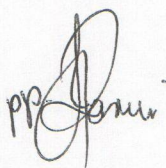
**RESOURCE CONSENT (SUBDIVISION)
SA & CA THORNTON - 2B KOWHAI STREET, OHOPE**

Please find enclosed a copy of the application for the above for your processing.

Please quote purchase order number E 92454 on all invoicing associated to the processing of this application.

Direct any queries you may have on this application to Laura Swan (Planner).

Yours faithfully

A handwritten signature in black ink, appearing to read "David Bewley".

David Bewley
DISTRICT PLANNER

24.3.04.92

7 March 2006

SA and CA Thornton
C\ - Harrison Grierson
PO Box 336
WHAKATANE

Dear Sir/Madam

**PRE-HEARING MEETING FOR RESOURCE CONSENT - TWO LOT RESIDENTIAL
SUBDIVISION, SA AND CA THORNTON, 2B WAINUI ROAD, OHOPE**

This letter is to confirm that a pre-hearing meeting has been arranged for 3pm on Thursday the 16th of March in Meeting Room 1 (downstairs) at the Council.

A pre-hearing meeting is an informal forum for discussion between the applicant and submitters. Its purpose is to clarify matters and to facilitate the resolution of issues where possible. A representative from Council or its consultant planner will conduct the meeting.

A pre-hearing meeting is also a formally recognised process provided for under section 99 of the Resource Management Act 1991. The outcome of the meeting will be reported on and form part of the planning report presented at the Hearing, if a Hearing is held.

The meeting will focus on the matters raised in the submission. In particular the concerns about the stability of the slope and the engineering issues surrounding this will be discussed.

If you have any questions or cannot attend the meeting at this time please contact me here at the Council.

Yours faithfully



Laura Swan
SENIOR PLANNER

Copies to:
F Mac Donald & G Robison
8b Kowhai Street
Ohope

Colin Kemeys
MTec Consultants

PRE-HEARING MEETINGS

Purpose

- To learn more about a proposal and its effects;
- To provide an opportunity for people to speak openly about their concerns;
- To clarify and confirm issues of concern;
- To explore and evaluate options for resolving issues;
- To potentially narrow issues of concern and reach agreements and understandings in relation to these.

Status

- Not a formal decision making process (actual decision makers not involved);
- Voluntary attendance and participation;
- Only outcomes are recorded and reported on;
- Any agreements/understandings are subject to ratification by the decision maker.

Potential Benefits

- Better understanding of a proposal and its effects;
- Empowerment and enhanced satisfaction of participants;
- Narrowing of focus to outstanding issues of concern;
- Agreement on some or all issues;
- More focused, less adversarial formal hearing (if required);
- Sustainable, enduring outcomes.

Laura Swan

From: Laura Swan
Sent: Tuesday, 7 March 2006 11:06
To: 'Faith Macdonald'
Cc: 'Colin Kemeys'
Subject: RE: engineering comments

Hi Greg

Council doesn't have a position at this stage as we're waiting to hear from everyone at the pre-hearing meeting, including from the engineers. We've sent the extra information off to T&T to look at.

We'd prefer to have the meeting here at Council. Everyone is fairly familiar with the site, particularly you, the Thorntons and the engineers.

Wainui Road is not a State Highway so Transit is not involved. John Tailby our Asset Manager Roading has been to the site and is reasonably comfortable with what is proposed, subject to a number of conditions relating to the formation of the driveway and stormwater control etc and engineering controls. If it was felt after the meeting that the planners or anyone needed to have another look at the site, this could of course easily happen.

We had almost settled on a date of the 16th for this meeting but Mark Thomas from H&G is away on leave until the 14th so the Thorntons are going to check further to make sure he'd be available and get back to me.

Regards

Laura

Laura Swan
 Senior Planner
 Whakatane District Council
 ph. (07) 306-0500
 fax. (07) 307-0718
 www.whakatane.govt.nz

From: Faith Macdonald [mailto:faithmac@xtra.co.nz]
Sent: Saturday, 4 March 2006 5:01 p.m.
To: Laura Swan
Subject: Re: engineering comments

Hi Laura, Thanks for your e-mail. Could we perhaps have the meeting here so that we are able to inspect the site together and see the existing slips and the steepness of the subject bank. We would also appreciate knowing the council's preliminary position of this proposal as we see huge risk for the council and Transit.

Regards, Greg.

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

From: Laura Swan
To: faithmac@xtra.co.nz
Sent: Friday, March 03, 2006 4:56 PM
Subject: engineering comments

Laura Swan
 Senior Planner
 Whakatane District Council

PURCHASE ORDER ENTRY/UPDATE



ORDER ENTRY:

Add a new purchase order

Creditor	525	Purch.Order	E	92454	P.O Type	
Name	MTEC CONSULTANTS LTD	Due	15Feb2006	Dock		
Branch	ROTORUA	Supply	U		IGR	I
Attn	N/A	Price	E	Estimated		
		Contract				
Issued by	DCB	BEWLEY	Expedite		Keyed	JHR
on	08Feb2006					
Authorised		Status	N	Not Actioned		
Bar Code No		Incomplete				

Stock	Ledger R/Class	Qty	Units	Description	Value	Q	V	D1	Act
	68190 242	1.00		24.3.04.92-CONS	\$2000.00		W	W	
TOTAL					\$2000.00				

4 of 4 Purchase Orders found.

PURCHASE ORDER

Query

Maintain

Items

View

OK-Auth

Tphone

Batch

Y-Deliv

Goods

Hard

K-Complete

Next

Previous

First

List

Add

Update



art



CASCADE: Wha...

PURCHASE O...

11:1

Tony Bullard

From: Tony Bullard
Sent: Wednesday, 25 January 2006 12:58
To: 'Duncan Thomson'
Subject: Thornton

Hi Duncan

Can you please advise who is now dealing with the Thornton application (2b Kowhai). It has come off notification and we have received a submission from 8b Kowhai.

It would appear the main issue for the submitter relates to the effect of the proposed development on their own house/land in terms of land instability. They aren't convinced that the level of risk is satisfactory to them.

I would like the applicant's advice on how they want to proceed. There are two ways we could deal with the issue. One would be via a S92 letter asking for more info that specifically addresses the risk to their property/building. The other would be via a pre-hearing meeting whereby we get the various geotech specialists together with the applicant and submitter. The submitter may need their own geotech advice and if so, it would seem logical that this party is present as well.

Alternatively, the applicant may want to negotiate with the submitter themselves in the hope that an agreement may be made.

Look forward to hearing from you.

Cheers

Tony Bullard
Senior Planner

25/01/2006

24.3.04.92

25 January 2006

Faith MacDonald & Greg Robison
8B Kowhai Street
OHOPE

Dear Sir/Madam

**RESOURCE CONSENT :
SA & CA Thornton - 2B Kowhai Street, Ohope**

*actually received on
14/12/05.*

I acknowledge receipt of your submission of 19 December 2005 to the above application for resource consent. You are reminded that a copy of your submission must also be forwarded to the applicant.

The Council will advise you of the hearing date, time and location 10 working days before the hearing, if one is to be held. A hearing will be set down within 25 working days after the closing date of submissions. This time frame may change if a pre-hearing meeting is held or if Council requests further information from the applicant.

Should a pre-hearing meeting be considered appropriate to discuss matters raised in the submissions then the Council may contact you. If you have indicated that you do not wish to be heard in support of your submission then you will not have any speaking rights at any pre-hearing meeting or hearing.

A copy of the report to be presented by the Planner will be sent to you at least five working days prior to the hearing, if one is held.

A copy of the decision made on the application will be sent to you after the hearing.

Please contact Tony Bullard if you require any further information or assistance.

Yours faithfully



Jacqui Ranui
CUSTOMER SERVICES OFFICER

Photofrid from: 2006-01-23 Bookskull. ① 100-1525-JA
(2) 1526-JA



to:
GAPs
long-
photo
↑
have
now
Tony



24.3.04.92

25 January 2006

SA & CA Thompson
C/- Harrison Grierson Consultants Limited
PO Box 336
WHAKATANE

Dear Sir/Madam

RESOURCE CONSENT:

SA & CA THORNTON - 2B KOWHAI STREET, OHOPE

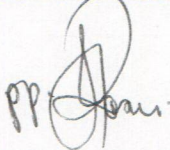
As required under Section 98 of the Resource Management Act 1991, the attached submissions have been received by the Council in respect to your application for resource consent.

The Council is considering whether or not a pre-hearing meeting would be useful to clarify or facilitate the resolution of matters. You can request that a pre-hearing meeting be held in accordance with Section 99 of the Resource Management Act 1991.

If no further information is required and no pre-hearing meeting is held, you will be advised of the time and place set down for the hearing of the application. This notice will be given at least 10 working days before the Hearing. A copy of the report to be presented by the Planner will be forwarded to you at least five working days before the hearing.

Please contact Tony Bullard (Planner), if you require any further information or assistance.

Yours faithfully



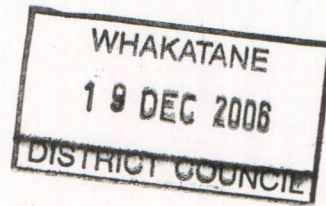
David Bewley
DISTRICT PLANNER

received 19/12/05

Faith MacDonald & Greg Robison
8b Kowhai Street
Ohope

13 December 2005

Whakatane District Council
Private Bag 1002
Whakatane



Attention: Tony Bullard

Dear Tony
Resource Consent Application
Thornton, 24 Wainui Rd, Ohope
Your Reference 2080/0002/800

Faith Macdonald and myself are owners of the property at 8b Kowhai Street, Ohope. This property is immediately above the subject property. We consider ourselves an effected party to the proposed subdivision and house construction.

We ask that the Council reject in its entirety the subdivision proposal.

Until notified by Council we had not been notified by our neighbours of their proposal.

Our objection to this proposed subdivision is its impact upon our property, particularly the potential for subsidence. This issue is clearly established in the applicants own geotechnical reports even though they try to state otherwise in their letter to you on 31 August.

The following excerpts are taken from the various geotechnical reports:

"A Shallow failure has occurred above the bull dozer formed track"

*"The upper portion of the site above the proposed building....
Indicating this portion of the slope could fail if saturated"*

*"....highlights the need for a debris protection wall above the
proposed dwelling"*

*"Our analyses indicate that under drained conditions, the overall
slope will have an acceptable stability with the exception of a small
section of slope immediately above the proposed building"*

"Our analyses have shown the slope is sensitive to groundwater levels."

"Inferences about the nature and continuity of sub surface conditions away from and beyond the exploratory borehole logs are made, but cannot be guaranteed"

"The bore logs and penetrometer results also indicate, some areas of the slope, and the proposed driveway alignment, have been subject to either uncontrolled earthworks and/or have slop debris overlaying original Topsoil layers"

"If the upper layers were to become saturated our analysis shows the slope stability would not be acceptable"

The applicant's plans are to cut a vertical height of 9 metres into an unstable and steep hillside. Their own design requires a debris wall to protect their house. The immediately adjacent hill has a massive slip from top to bottom on what must be considered similar geological material. Our own house which the applicants built already shows signs of subsidence.

This proposal has an unacceptably high risk to ourselves. This risk is acknowledged in the Harrison Grierson report but never evaluated. Even if it were evaluated, as Harrison Grierson states in their reports there can be no guarantees.

We feel that the applicants may already have been very irresponsible in bulldozing the roadway that has caused the slip on their property in 2004. This slip reaches up to within 5 metres of our boundary and 3 metres from the boundary of 2a, our immediate neighbours. This slip has the potential to erode a significant portion of our own land and as well as being irresponsible may have been unauthorised. We ask that the Council require immediate remediation of this area to ensure that further subsidence risks are not increased by their action. M

We ask that the Council consider their responsibilities wisely in this application. The district has an incurred an enormous cost as a result of earlier poor decisions that allowed construction on high risk areas. Other Councils too are incurring huge costs as a result of allowing development of unsuitable sites.

Further to these objections there are geotechnical issues not considered in the Harrison Grierson reports. The hillside of this subject property has a very large number of springs along its length. The report appears to consider only the impact of "run off" not ground water. These springs run all year and could have an impact not considered in this report.

Similar geotechnical reports for another development site in Ohope recently failed to recognise the full impact of these springs requiring considerable additional expenditure by the developer. However in this situation because of the steepness of the land the impact could be quite different. It may cause ground instability below the 2.0M evaluated. This in fact has happened when a slip along the Matata highway opened up a free flowing stream. The slip in this case could be the house excavation which appears to have a "too surface" depth of about 4 metres and is therefore in geologically untested areas.

We do however agree that for safety reasons the applicants should be able to access their property from Kowhai Street. While we disagree that this Kowhai Street intersection is "safe," it clearly is safer than their own access.

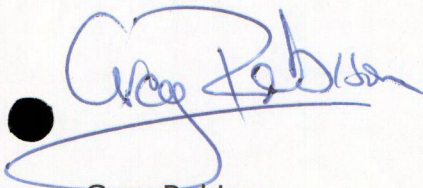
There is not sufficient visibility for cars going in or out of Kowhai Street but the applicants own access is decidedly worse.

In the hopefully unlikely event that the council does grant this resource consent then as an effected party we would wish for the following mitigating conditions.

- 1) That the runoff water from both 8b and 2a, our neighbour, be included in a runoff water management plan to be prepared and funded at the applicants cost.
- 2) That all excavated material be removed from site to reduce the risk of subsidence.
- 3) That the existing slip and unauthorised bulldozer track be reinstated
- 4) That all existing Pohutukawa, and Puriri trees be protected
- 5) That a bank bond be provided as sureties for the likely difference between the Earthquake and War Damages value and the market value should a slip occur that affects our property. Even minor slips on the applicant's property will affect the value of ours.

We wish to be heard at any hearing to consider this application.

Yours Faithfully



Greg Robison

027 2456325

Your Ref: 24.3.04.92
Our Ref: 1640 03 W02

CONFIRMATION OF EMAIL



16 December 2005

Attention Tony Bullard

The Chief Executive
Whakatane District Council
Private Bag 1002
WHAKATANE 3080

WHAKATANE DISTRICT COUNCIL	
FILE:	
REG. No.:	9 31778
19 DEC 2005	
ACTIONED	DATE
1 Tony B	
2	
3	
4	

Telephone: 0800 ENV BOP (368 267)
Facsimile: 0800 ENV FAX (368 329)
Email: info@envbop.govt.nz
Website: www.envbop.govt.nz
Pollution Hotline: 0800 73 83 93
International: +64 7 922 3390

Dear Sir/Madam

Comment on Notified Application for Resource Consent: S A & C A Thornton, 2B Kowhai Street, Ohope

Thank you for your letter of 15 November 2005 regarding the above application for resource consent.

This is not a submission. Environment Bay of Plenty makes the following comments regarding the application:

Earthworks

Earthworks proposed will be a permitted activity if the applicant can comply with the conditions set out in Rule 10.5.4.2 (Small Scale Earthworks) and section 10.6 of the Operative Bay of Plenty Regional Land Management Plan. If the applicant is unable to meet these conditions then resource consent will be required and the applicant should contact James Griffin (Environmental Consents Officer) at Environment Bay of Plenty.

Flood Risk and Stability

Having reviewed the application, Environment Bay of Plenty has no expectation that during a 1% AEP event the site will flood in relation to external watercourses.

As the slopes on the site are in places steep, it is important that all site development and buildings are constructed in accordance with the content and recommendations of the geotechnical report by Harrison Grierson Ltd dated August 2005 and modified by Harrison Grierson Ltd's letters dated 31 August 2005 and 6 October 2005. This report identifies measures required to maintain site slope stability. These measures should be included as part of the conditions of consent and include:

1. The Lot 2 dwelling will need to be designed to retain the slope and retaining structures incorporated into the house construction.
2. A debris wall should be constructed behind the proposed Lot 2 dwelling, at the approximate position marked on a copy of Bron Day's drawings.

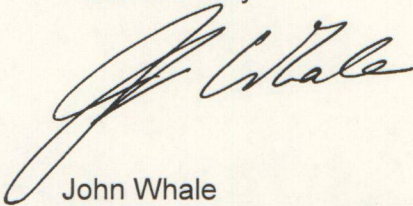
3. *Horizontally drilled, lined drainage pipes, should be constructed from the lower floor level (shown as FFL 54.0m), to the western boundary, to drain potential groundwater. The position of these has been marked on a copy of Brown Day's drawings. Spacing of the drainage pipes will depend on their design. Drainage pipes should be connected to the stormwater reticulation.*
4. *A 2m deep vertical drain, across the rear of the dwelling below the lower floor level (shown as FFL 54.0m) at the rear of the building should be constructed to drain potential groundwater. The position of this drain has been marked on a copy of Brown Day's drawings.*
5. *Stormwater runoff from subsoil drains, roofs, and paved areas be collected via a piped system and discharged to the base of the slope below the proposed driveway.*
6. *Material from the dwelling excavation should be taken off the site or, placed on the site where it will not decrease slope stability. These activities should be undertaken under the guidance of a Chartered Professional Engineer experienced in Geotechnical Engineering.*

For any queries regarding these matters please contact peter Blackwood (Manager Technical Services) at Environment Bay of Plenty.

Decision

When this application is completed please forward a copy of your Council's decision to Environment Bay of Plenty (attention Pam Crabbe) in accordance with section 7 of our agreed protocol.

Yours faithfully



John Whale
Manager Environmental Planning

for Group Manager Regulation & Resource Management

Copy to: S A & C A Thornton
c-o Duncan Thomson
Harrison Grierson Consultants Ltd
P O Box 1199
TAURANGA 3030

24.3.04.92

15 November 2005

SA & CA Thornton
C/- Harrison Grierson Consultants Limited
PO Box 336
WHAKATANE

*This letter sent with copy of
of letters to notified parties and
list.*

Dear Sir/Madam

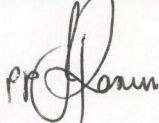
**RESOURCE CONSENT :
SA & CA Thornton - 2B Kowhai Street, Ohope**

Your application for resource consent has been served on those persons and/or bodies listed on the attached list. Your application is being processed by way of limited notification. This means that only those parties identified on the attached list may lodge a submission in support or opposition to the application. A copy of the notification letter sent to each party is also attached for your information.

Once the submission period has closed you will be advised of the time and place set down for the hearing of your application. A copy of the Planner's report to be presented at the hearing will be forwarded to you as soon as it is available and at least five working days prior to the hearing.

Please contact me if you have any queries regarding your application.

Yours faithfully



Tony Bullard
PLANNER

24.3.04.92

15 November 2005

This letter sent to all notified

The Chief Executive
Environment Bay of Plenty
PO Box 364
WHAKATANE

Attention: Pam Crabbe

Dear Madam

**LIMITED NOTIFICATION OF APPLICATION FOR RESOURCE CONSENT
UNDER SECTION 94(1) OF THE RESOURCE MANAGEMENT ACT 1991**

The Whakatane District Council has received the following application for a resource consent (subdivision):

APPLICANT:	SA and CA Thornton
APPLICATION:	Two lot urban subdivision
LOCATION:	2B Kowahi Street, Ohope
LEGAL DESCRIPTION:	Lot 25 DPS 9167 and Lot 2 DP 327498
ADDRESS FOR SERVICE:	Harrison Grierson Consultants Limited, PO Box 336, Whakatane. Attention: Duncan Thomson

The consent application includes an assessment of environmental effects. The application may be inspected at the Customer Services Centre of the Whakatane District Council, Civic Centre, Commerce Street, Whakatane, during normal office hours. Please contact Tony Bullard (Senior Planner) if you have any questions about the application.

You may make a submission on the application by sending a written submission to the Whakatane District Council, Private Bag 1002, Whakatane. The submission must be in accordance with Form 13 of the regulations to the Resource Management Act 1991. Copies of this form are available from the Customer Services Centre of the Whakatane District Council.

The submission must be dated, signed by you, and include the following information:

1. Your name, postal address, telephone number and fax number (if applicable).
2. Details of the application in respect of which you are making the submission, including its location.
3. Whether you support or oppose the application.
4. Your submission, with reasons.
5. The decision you wish the consent authority to make.

G:\DATA\PLANNING\RC\Subd\2004\24.3.04.92\notpartLET-1511

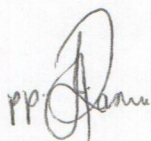
6. Whether you wish to be heard in support of your submission.

Closing Date for Submissions:

You must send your submission to the Whakatane District Council, Private Bag 1002, Whakatane, in time to be received no later than 5.00pm Friday 16 December 2005.

Note: You must also send a copy of your submission to the applicant, at their address for service, as soon as reasonably practicable after serving the submission on the Council.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'pp: [Signature]', located below the 'Yours faithfully' text.

David Bewley
DISTRICT PLANNER

rec	Name & Address	sal
1.	The Chief Executive Environment Bay of Plenty PO Box 364 WHAKATANE Attention: Pam Crabbe	Madam
2.	Gilda Reid & Jonathon Bushell 2 Kowhai Street OHOPE	Madam
3.	The Manager Kowhai Home Limited 8B Kowhai Street OHOPE	Sir/Madam

SA & CA Thornton
2B Kowhai Street
OHOPE

The Chief Executive
Environment Bay of Plenty
PO Box 364
WHAKATANE
Attention: Pam Crabbe

Gilda Reid and Jonathon Bushell
2 Kowhai Street
OHOPE

The Manager
Kowhai Home Limited
8B Kowhai Street
OHOPE

**SECTIONS 93, 94 AND 94A-D
RESOURCE MANAGEMENT ACT 1991**

**Report determining whether an application for Resource Consent should be processed as
publicly notified, limited notified or non-notified**

Consent Number:	24.3.04.92
Applicant:	SA and CA Thornton
Site address:	2B Kowhai Street, Whakatane
Legal Description of Site:	Lot 25 DP 327498 and lot 25 DPS 9167
Description of Application:	Two lot residential subdivision (one new title)

Introduction

The applicant is proposing to subdivide their existing property (2 parcels held in one title) into two residential lots. Access to both lots will be gained from the corner of Kowhai Street and Wainui Road. The existing dangerous Wainui Road vehicle crossing serving the existing dwelling will be closed.

Planning framework:

The activity is a discretionary activity in the Residential 1 Zone of the Proposed Whakatane District Plan. The proposal complies with the subdivision rules in this plan for this zone with the exception that the proposed vehicle crossing is located closer than 15 metres to a road intersection (Rule 4.1.1.7(e)) and there is no building platform free from falling debris (Rule 4.1.1.2). Non-compliance with these rules makes the activity a discretionary activity. There are no relevant appeals on the Proposed Whakatane District Plan and hence the Transitional Whakatane District Plan need not be taken into account.

Permitted Baseline Assessment

There is no permitted baseline as all subdivisions require a resource consent.

Description of the existing environment

The site is located on the south western corner of the Kowhai Street and Wainui Road intersection, Ohope and runs alongside and above Wainui Road. The site slopes from the west to the east and contains an existing dwelling and accessory buildings. Most of the sloped portion of the site is covered in scrub and similar type vegetation. The existing Wainui Road vehicle crossing serving the existing dwelling is very dangerous because of its poor site-lines. There have been several slips on the site however these appear to be of a shallow nature.

Has the applicant requested that the application be publicly notified? [Section 94C (1)]

No

Pursuant to Section 93, will any adverse effects of the activity on the environment for which consent is sought be minor?

Effect	Minor/Major Effect	Comments
Landform/contour	Minor	
Soil profile	Minor	
Vegetation	Minor	Scrub and misc vegetation only will be cleared. Otherwise vegetation will be retained to help stabilise slope.
Habitats	Minor	See above
Ecosystems	Minor	See above
Water courses	NA	
Riparian margins	NA	
Stormwater runoff	Minor	Will need to be disposed of away from the slope.
Contamination	NA	
Natural hazards	Minor	Adjacent neighbouring land may be temporarily affected by earthworks being undertaken during construction of a new house on Lot 2.
Amenity values	Minor	Site is relatively private and secluded
Natural character	Minor	
Noise	Minor	
Glare/lighting	Minor	
Vibration	Minor	
Odour/dust	Minor	
Shading	Minor	
Privacy	Minor	
Visual	Minor	
Open space	Minor	
Recreational use	Minor	
Cultural values	Minor	
Services	Minor	
Roading impact	Minor	Existing dangerous vehicle crossing will be removed and a safer vehicle crossing in a new location will be created.
Parking	Minor	Can be managed on site.
Access and manoeuvring	Minor	Accessway will need to be retained and be protected from falling debris.
Other	Minor	

Most effects can be managed however there is possibility that the earthworks required to build a house on Lot 2 may create some minor damage to the adjacent property (8B Kowhai Street). With appropriate conditions requiring a geotechnical design of the new house, and geotechnical engineer's supervision and monitoring during earthworks, the effect will be minor.

Notwithstanding the above, do any special circumstances exist in relation to this application which would lead you to conclude that the application should be notified? If the answer is yes, why? [Section 94C (2)]

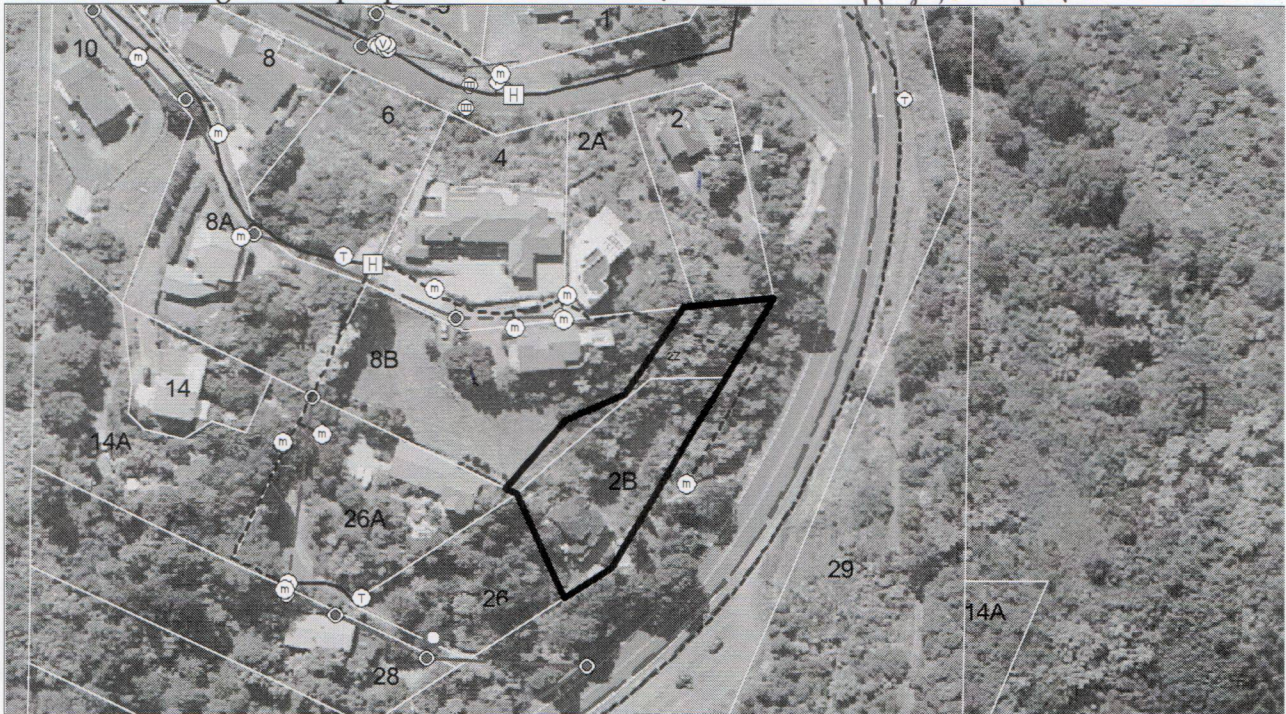
No

Recommendation:

That the application need not be publicly notified in accordance with Section 93 of the Resource Management Act 1991.

Who may be considered to be adversely affected by the granting of this application? Identify the properties on the attached plan. [Section 94B]

Two adjacent properties are potentially affected (see photo below). 2 Kowhai Street will share a driveway while 8B Kowhai adjoins the new lot and maybe affected by the works required to create a building site on proposed Lot 2 below it. *One to shippage, also proposal to serve as E&S?*



Has the written approval of every person who may be considered to be adversely affected by the granting of the resource consent been obtained? [Section 94B (3)]

No - 8B Kowhai Street has not.

If the answer to the above question is no, do you consider that it is unreasonable in the circumstances to require the obtaining of every such approval? [Section 94B (3)(c)]

No

2 Kowhai Street: Gilda Reid
2 Kowhai Street
Ohope

8B Kowhai Street: Kowhai Home Limited
8B Kowhai Street
Ohope

Recommendation: That the application be processed on a **limited notified** basis in accordance with Section 94 of the Resource Management Act 1991, and that it be served on all parties identified under Section 94B above.

**Reported and
Recommended by:**



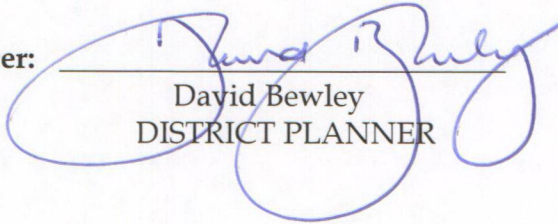
Tony Bullard, Senior Planner

Date: 11/11/05

Decision:

That the above recommendations be adopted.

Delegated Officer:


David Bewley
DISTRICT PLANNER

Date: 15/11/05

194889-M-P-C002

24 May 2006

Harrison Grierson Consultants Limited
PO Box 1199
TAURANGA

Attention: Mark Thomas

Dear Mark

**Re: Section 92 Request, 2B Kowhai Street, Ohope-Council
Reference: 24.3.04.92**

As discussed in the pre hearing meeting held on 16th March 2006, MTEC Consultants Limited have been engaged to undertake the processing of the application at the above address on behalf of the Whakatane District Council.

Following the pre hearing meeting, you prepared engineering design detail of a proposed retaining wall system to attempt to alleviate the concerns from Council and the owners of 8B Kowhai Street. Council has since forwarded this engineering design to Tonkin and Taylor for peer review. Tonkin and Taylor have responded with some points that they believe require further clarification, we have enclosed their correspondence for your reference. Therefore in accordance with s.92 of the Resource Management Act 1991, Council requires clarification and further information as outlined in the Fax dated 16th May 2006 from Tonkin and Taylor.

The additional information requested is required to enable an adequate analysis of your proposal, its effect on the environment and the way in which any adverse effects on the environment may be mitigated.

Pursuant to s92A of the Resource Management Act 1991 you must respond in writing to the following information request within 15 working days at the date of this request by undertaking one of the following options:

1. Provide the information requested above.
2. Request, in writing, an alternative date to provide this information. The revised timeframe will need to be agreed by Council.

3. Advise in writing that you are refusing to provide the information if you consider the information request to be unnecessary to enable the applications assessment.
4. Object to the information request under section 357A of the RMA. If no response is received within 15 working days, or you refuse to provide the information under Option 3 then Council may decline the application on the basis of insufficient information. Under Option 4, Council may determine to dismiss the objection.

In accordance with s88c of the RMA, processing of your application will remain "on hold" until you make one of the above responses.

A final decision as to the recommendation under Section 94 of the Resource Management Act 1991 as to whether or not the application should be publicly notified or notice served on affected parties will not be confirmed until all the above requested information is received.

If you have any queries please do not hesitate to contact the undersigned.

Yours faithfully
MTEC Consultants Ltd

Reuben Hansen
Resource Planner

24.3.04.92
2080/0002/B00

2 February 2006

SA and CA Thornton
C/- Harrison Grierson
PO Box 336
WHAKATANE

Attention: Gavin Smith

Dear Sir/Madam

**RESOURCE CONSENT APPLICATION – TWO LOT SUBDIVISION, THORNTON,
2B KOWHAI STREET, OHOPE
REQUEST FOR FURTHER INFORMATION**

Under Section 92 of the Resource Management Act 1991, the Whakatane District Council needs further information for your application for a resource consent to subdivide land at 2B Kowhai Street.

This further information is detailed below. It will help us to better understand your proposed activity, its effect on the environment and the ways any adverse effects on the environment might be mitigated.

The submission from Greg Robison raises issues to deal with subsidence on their own property as a result of developing the new lot. The geotechnical report you have provided however does not explicitly deal with this issue. It is therefore requested that further information is provided dealing with the nature and quantum of risk to the submitters property and how the applicant will avoid, remedy or mitigate this risk.

Once this information has been provided, I would recommended we have a meeting with the submitter to discuss or clarify the further information. The submitter has indicated he is willing to attend such a meeting.

Please note that due to internal reorganisation of the planning department and staff resourcing shortages, we have passed the processing of this resource consent onto an external planning consultant. The consultant planner is Colin Keemeys from MTEC (Phone 07 575 2859). Colin has wide experience in processing applications similar to your one. Please note that no additional costs will be incurred as a result of this change.

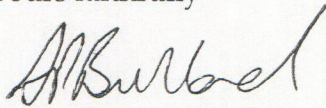
In accordance with the Resource Management Act, we will postpone processing your application until we receive this information. Once we have received adequate information, we will make a decision on whether your application requires notification. If it does, you will be advised within ten working days of our receiving your further information. If notification is not required, we will let you know the decision on your application within 20 working days of our receiving your application. This assumes that your response to

the above requests is adequate. Please note that the 20 working days does not include those days waiting on any additional information.

You can object to this request for further information by writing to the Council within 15 working days of receiving this request. You must state your reasons for objecting and your objection should be marked for my attention.

Please feel free to contact me if you have any questions or concerns.

Yours faithfully

A handwritten signature in black ink, appearing to read 'ABullard', written in a cursive style.

Tony Bullard
SENIOR PLANNER

24.3.04.92
2080/0002/B00

29 September 2005

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

Attention: Gavin Moore

Dear Sir/Madam

**RESOURCE CONSENT APPLICATION – TWO LOT SUBDIVISION, THORNTON,
2B KOWHAI STREET, OHOPE
REQUEST FOR FURTHER INFORMATION**

Under Section 92 of the Resource Management Act 1991, the Whakatane District Council needs further information for your application for a resource consent to subdivide land at 2B Kowhai Street.

This further information is detailed below. It will help us to better understand your proposed activity, its effect on the environment and the ways any adverse effects on the environment might be mitigated.

1. The initial peer review of the geotechnical report has been received from Tonkin and Taylor. Mr Leeves has commented on assumptions made regarding ground water level. Due to Mr Leeves comments, the Council requires that additional analysis of the extreme ground condition where there is saturation of upper soil layers is needed to identify that under such circumstances the factors of safety are acceptable. Please refer to the attached letter dated 27 September 2005 from Mr Leeves.

In accordance with the Resource Management Act, we will postpone processing your application until we receive this information. Once we have received adequate information, we will make a decision on whether your application requires notification. If it does, you will be advised within ten working days of our receiving your further information. If notification is not required, we will let you know the decision on your application within 20 working days of our receiving your application. This assumes that your response to the above requests is adequate. Please note that the 20 working days does not include those days waiting on any additional information.

You can object to this request for further information by writing to the Council within 15 working days of receiving this request. You must state your reasons for objecting and your objection should be marked for my attention.

RC\04\92-2909

Please feel free to contact me if you have any questions or concerns.

Yours faithfully

A handwritten signature in cursive script, appearing to read 'LSW', written in black ink.

Laura Swan
PLANNER

Tony Bullard

From: Tony Bullard
Sent: Tuesday, 13 September 2005
To: 'Duncan Thomson'
Cc: 'jleeves@tonkin.co.nz'
Subject: Thornton, 2B Kowhai

Hi Duncan

The Thornton application is being peer reviewed for geotech. The geotech engineer is John Leeves from T and T. At this stage I still believe 8B Kowhai is an affected party. Also, the geotech is proposing structures and drainage right up or close to this parties boundary which in themselves (let alone the geotech issues) would require neighbours consents.

Also note that 2 Kowhai is also owned by Jonathon Bushell. You have only provided written consent for Gilda Reid. We need Mr Bushell's approval too.

I note that the S92 info came from your colleague Gavin Moore. If he is the one dealing with all of this, can you forward this message to him please.

Cheers


Tony Bullard
Senior Planner

13 September 2005

John Leeves
Geotech Engineer
Tonkin and Taylor
PO Box 5271
Wellesley Street
AUCKLAND

Dear Sir/Madam

**PEER REVIEW OF GEOTECHNICAL REPORT FOR SA&CA THORNTON - 2B
KOWHAI STREET, WHAKATANE**

Please find enclosed a copy of the geotechnical report provided to Council to support a resource consent application. Also enclosed is a scheme plan, aerial photograph of the site and the subdivision application.

In order to approve the subdivision the Council must be satisfied that Lot 2 can accommodate a suitable building (plans of which have been provided), that there are no land instability issues affected the buildings on Lot 1, and that both lots have satisfactory vehicle access. Often we require an arboriculturalist investigation also to be done if there are any significant trees contributing to land stability. This was requested of them but they have replied stating that this is not needed.

The purpose of your peer review is to confirm that the investigating engineer has appropriately identified and addressed all of the relevant factors, and to confirm that the new lot(s) is/are suitable for development, subject to compliance with the recommendations.

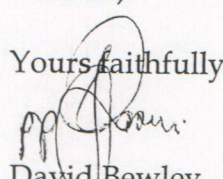
We would also like your feedback on whether the site above Lot 2 (8B Kowhai St) is a potentially affected party. The owner of the property believes they are and I note that control of stormwater from this lot will have some bearing on the suitability of Lot 2 (see Section 4 of the Aug 2005 geotech report).

Can you please return comments to me regarding this report within 10 working days. If this time frame is not appropriate, please indicate when comments will be available.

The purchase order for the processing of this application is E 92368. Please quote this number as a reference on all your invoices regarding this peer review.

Please direct any queries you may have on this application to Tony Bullard (Senior Planner).

Yours faithfully



David Bewley
DISTRICT PLANNER

G:\DATA\PLANNING\RC\Subd\2004\24.3.04.92\Circ peer review gootech

Our Reference: 7241/43500

42214

Your Ref: E52580

27 July 2004

Whakatane District Council
Private Bag 1002
WHAKATANE

WHAKATANE DISTRICT COUNCIL	
FILE:	
REG. No.: 620297	
30 JUL 2004	
ACTIONED	DATE
1 Tony B	
2	
3	
4	

ATTENTION: TONY BULLARD

ESTIMATED VALUE OF PROPOSED LOTS FOR RESOURCE CONSENT
CLIENT: SA & CA THORNTON, 2B KOWHAI STREET, OHOPE

VALUATION REFERENCE: 7241/43500

Legal Description	Lot 2
Area (M²)	Gross area -717 m ²
Estimated Site Value	\$100,000 incl GST if payable
Date of Valuation	27 July 2004

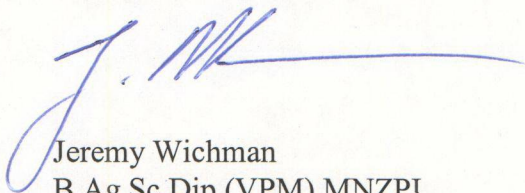
Please note this is the estimated value of proposed lot 2, as a single residential site, for resource consent purposes.

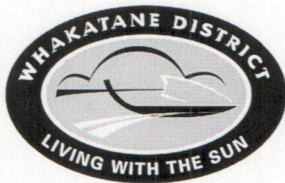
No physical inspection has been made of the above property in compiling the above estimate.

We have based our estimate on the submitted scheme plan; market sales evidence and from our extensive records held as a result of previous inspections.

Thank you for your request.

QUOTABLE VALUE LTD


Jeremy Wichman
B.Ag Sc,Dip (VPM) MNZPI
REGISTERED VALUER



24.3.04.92

MEMORANDUM

TO: Senior Planner T Bullard

SUBJECT: **RESOURCE CONSENT APPLICATION, THORNTON**

DATE: 27 September 2004

I have reviewed the information provided to date in support of this proposal. In addition, I have taken the opportunity to drive past the site to get a feeling as to whether there are likely to be any land stability type issues applicable. From this drive past, I do note several land slips have occurred in recent times, probably following the severe storm event of July this year, in very close proximity to if not on this site. Accordingly, I do not believe it is appropriate to consider this application further until such time as a geotechnical report is provided which specifically considers potential land stability matters on this property.

It is appreciated in the information provided by the applicants consultant reference is made to a geotech. report and this being forwarded to Council once it is to hand.

Please allow 30 minutes processing time against this application to date.

P Howells
SENIOR INSPECTOR

G:\DATA\PLANNING\COMMENTS\INSPECTO\2004\0492



24.3.04.92

MEMORANDUM

TO: Tony Bullard

SUBJECT: **RESOURCE CONSENT APPLICATION – S A / C A
THORNTON. 2B, KOWHAI STREET. OHOPE**

DATE: 02 August 2004

Following site visit and consultation with Tam Rogers, the proposed driveway is to be approved at the applicant's responsibility and accordingly the conditions to be imposed are:

1. The potential risks regarding the stability of the proposed driveway is to be notified on the title of property so as to make the applicant and also any future buyers aware of the hazards involved.
2. That any damages or disturbances caused to public road services due to debris, etc. from the proposed driveway in the event of a slippage on to the Public road area and necessitated or directed to carry out other remedial works by an authorised officer for the safety of the public road users shall be rectified at the expense of the developer to the satisfaction of the Council.
3. That proposed Lots 1 & 2 shall have a safe and practical access to it.
4. That the proposed common drive-way to Lots 1 and 2 shall be formed and constructed in accordance with Standard Drawings R 01A and R 13 of Council's Engineering Code of Practice, with approved stormwater control so as not to cause nuisance to the neighbouring properties.
5. That proposed Lots 1 & 2 shall be provided with independent water connections in accordance with Council's Engineering Code of Practice.
6. That the proposed Lots 1 & 2 shall be provided with independent sewer connection, into the Council's public sewer in accordance with Standard Drawing SS 01. They shall contact Whakatane District Council Planning Dept to arrange for any inspection to be carried out and the Council will require 48 hours notice to perform inspections.
7. That all easements required to protect rights-of-way and services to the proposed lots shall be duly granted and reserved.
8. That an 'as-built' plan of all new and extended services shall be provided to Council for approval and record keeping. The plan shall be certified as being an

accurate record of the location of the services as constructed, by a registered surveyor or other suitably qualified person.

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Satish

Project Engineer - Development

STAFF MEMBER	TIME (MINUTES)	COST/CODE	INITIAL	DATE
ENGINEERING	150		B. Rs	02 / 08 / 2004

30/7/04

Thornton Driveway 24 Wainui Road

I believe the retaining wall designs for the driveway are fine.

I am not a geotechnical expert but the slope stability analysis seems to show up low Safety Factors in all situations.

The H&L statement that "the proposed driveway retaining walls will increase the overall slope stability, ~~a factor~~ that of its existing condition." needs to be substantiated. (No analysis without driveway cut has been put forward)

If the above can be substantiated and if the owners are happy to accept the high risk of surface slips overtopping the retaining walls and the maintenance issues involved I believe the driveway design is satisfactory.

Tam Rogers
Design Engineer

24. 3-04-92

MEMORANDUM

TO: District Inspector
Director Works and Services *Satish*
Manager Parks and Recreation
Property Administration Officer
Design Engineer
Asset Manager Roading

SUBJECT: RESOURCE CONSENT APPLICATION

DATE: 5-7-04PLANNER: TammyAPPLICANT: SA / EA ThorntonPROPOSAL: 21st subdivision

FURTHER INFORMATION:

COMMENTS/CONDITIONS: As per attached comments from Tam, it is recommended to notify the applicant & principally the future buyers of the property the potential risks involved regarding the stability of the proposed driveway.

It is also to be mentioned that all costs incurred in clearing any debris, etc, in the event of a slippage on to the Public Road area or as necessitated & directed to carry out otherwise by an authorised officer for the safety of Public Road users is to be at the expense of the applicant to the satisfaction of the Council.

STAFF MEMBER	TIME (MINUTES)	COST	CODE	INITIAL	DATE
Engineering + Tam Comm + Duncan eng + Site visit	150			B.RS	2/8/04
Monitoring					
TOTAL					

TO BE COMPLETED BY 12 / 7 / 04

AFTER MEETING ACTION SHEET

Name of Meeting: Ohope Community Board

Details of Meeting: Monday, 12 July 2004

✓

Resolved

Recommended

Received/Adopted/Amended at Council Meeting held on

Wednesday, 11 August 2004

4.2 Proposed Subdivision – S A and C A Thornton, 2B Kowhai Street : 24.3.04.92

Refer to pages 15/5/2/39-47 of the agenda.

RESOLVED:

1. THAT the Proposed Subdivision – S A and C A Thornton, 2B Kowhai Street report be received; and
2. THAT it be recommended that a traffic report, site suitability report and neighbourhood consultation be undertaken for the proposed subdivision.

Hudson/Dohrman

CARRIED

AFTER MEETING ACTION:

	DATE
1. Senior Planner	15 July 2004
2. File	15 July 2004

24.3.04.92
2080/0002/B00

28 July 2004

S A and C A Thornton
C/- Harrison Grierson
P O Box 336
WHAKATANE

Attention: Duncan Thomson

Dear Sir/Madam

**RESOURCE CONSENT APPLICATION – TWO LOT SUBDIVISION, THORNTON,
2B KOWHAI STREET, OHOPE**

Request for Further Information

Under Section 92 of the Resource Management Act 1991, the Whakatane District Council needs further information for your application for a resource consent to subdivide land at 2B Kowhai Street.

This further information is detailed below. It will help us to better understand your proposed activity, its effect on the environment and the ways any adverse effects on the environment might be mitigated.

1. Please provide a geotechnical report addressing the suitability of Lot 2 for building, the suitability of the proposed accessway to Lots 1 and 2 and any land instability issues relating to proposed Lot 1. If any vegetation contributes to any land stability, an arboriculturalist report will be required. It is noted that substantial slips have occurred on both proposed Lots 1 and 2 as well as the road reserve over which access is proposed.
2. Please provide written consents from the owners/occupiers of following adjacent properties or further information explaining why these properties are not adversely affected.

- 2 Kowhai Street (Lot 2 DPS 49257)
- 8B Kowhai Street (Lot 1 DP 327498)

2 Kowhai Street maybe potentially affected as the same vehicle accessway is being used. This may issues relating to the ongoing maintenance of this accessway. 8B Kowhai Street may be potentially affected due to any development on proposed Lot 2 and the potential effects this may have on land stability of this lot.

3. Please address any traffic safety related issues involved in obtaining new access off Kowhai Street. It is noted that Council's roading staff have not been able to

04\2\L\APB2807A

fully assess your proposal due to other priorities relating to the Civil Defence Emergency. Once this has been done, further information may be requested from you. It is unclear at this stage what works may be required on Wainui Road in relation to the recent slips that have occurred down slope of the proposed subdivision. This may have some bearing on vehicle access to the new lots. Hence it is suggested that further consultation is done with Council's roading staff to address any traffic/access related issues.

In accordance with the Resource Management Act, we will postpone processing your application until we receive this information. Once we have received adequate information, we will make a decision on whether your application requires notification. If it does, you will be advised within ten working days of our receiving your further information. If notification is not required, we will let you know the decision on your application within 20 working days of our receiving your application. This assumes that your response to the above requests is adequate. Please note that the 20 working days does not include those days waiting on any additional information.

You can object to this request for further information by writing to the Council within 15 working days of receiving this request. You must state your reasons for objecting and your objection should be marked for my attention.

Please feel free to contact me if you have any questions or concerns.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Tony Bullard', written in a cursive style.

Tony Bullard
SENIOR PLANNER

24.3.04.92

5 July 2004

The Area Valuer
Quotable Value New Zealand
PO Box 1544
ROTORUA

Attention: Mr J Wichman

Dear Sir/Madam

**RESOURCE CONSENT (SUBDIVISION)
SA AND CA THORNTON, 2B KOWHAI STREET, OHOPE**

Find enclosed a copy of a proposed subdivision for your appraisal. The land is zoned Residential A in the Transitional Whakatane District. Your comments should reach me as soon as possible.

Please provide a valuation for the following lot:

Lot 2

The purchase order number is E52580.

For any queries on this application, please contact Tony Bullard (Planner) at this office.

Thank you.

Yours faithfully



David Bewley
DISTRICT PLANNER

RC\Subd\2004\24.3.04.92\qvnz-0507

24.3.04.92

The Chairperson
Mrs L M Hudson
Ohope Community Board
14 Kowhai Street
OHOPE

Dear Madam

**PROPOSED SUBDIVISION:
SA AND CA THORNTON, 2B KOWHAI STREET, OHOPE**

Please find enclosed a copy of the application for the above land use for your appraisal and comments.

I intend to present this proposal to Council for its consideration at the earliest opportunity. Your comments should therefore reach me on or before 19 July 2004. If you require additional time to formulate your comments, please let me know as soon as possible, so that the matter can be rescheduled.

Direct any queries you may have on this application to Tony Bullard (Planner).

Yours faithfully

David Bewley
DISTRICT PLANNER

RC\Subd\2004\24.3.04.92\ocb-0507

24.3.04.92
2080/0002/B00

30 June 2004

SA & CA Thornton
C/- Harrison Grierson Consultants Limited
PO Box 336
WHAKATANE

Dear Sir/Madam

ACKNOWLEDGEMENT OF RECEIPT OF RESOURCE CONSENT APPLICATION

Thank you for your application for a Subdivision Resource consent for 2 Lot Subdivision at 2B Kowhai Street, Ohope, which was received on 30 June 2004. We have allocated the following number to your application for future reference: 24.3.04.92.

We are currently checking your application to ensure we have all the information we require to properly assess your proposal, and will contact you if a site visit is needed.

Further information

We may require further information:

- to help us understand and/or clarify any aspect of your proposal;
- to help us understand how you propose to mitigate any adverse effects that may arise;
- where we consider you have not adequately assessed all the potential effects.

We will advise you whether or not further information is required. If we do require further information, the processing of your application will stop until you provide us with the required information.

Processing your application

Once we are satisfied that we have all the information we require, we will decide how your application will be processed. Either your application will be publicly notified (notified) or will be processed without public notification (non-notified).

If it is to be publicly notified, we will advise you of this and notify it in the Whakatane Beacon within ten working days from either the date we receive any further information requested, or if we did not request further information, the date of this letter.

If your application is to proceed on a non-notified basis, you will receive a decision on your application within 20 working days from either the date we receive any further

information requested, or if we did not request further information, the date of this letter.

If you have any questions about any part of these processes, please contact me at this office.

Yours faithfully



Helen Grigg
CUSTOMER SERVICES CONSENTS OFFICER
G:\DATA\PLANNING\RC\Subd\2004\24.3.04.92\ack-3006



Whakatane District Council Receipt

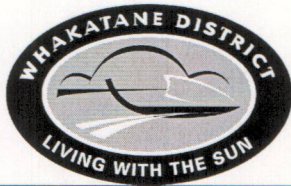


Consideration Excl. GST: \$532.88
GST Amount: \$60.88
Total: \$593.76

Date : 30Jun04
Drawer No : 2
Receipt No : 489802

----- General Ledger Receipts -----
68800/100 24/3/04/92 thornton \$500.00

TAX INVOICE: G.S.T. No : 16-940-356
Consideration Excl. GST: \$444.44
GST Amount: \$55.56
Total: \$500.00



Whakatane District Council

Private Bag 1002
WHAKATANE 3080

Telephone: 07-306-0500
Fax: 07-307-0718

*RC ID/Ref: 24-3.04.92

PLANNING - PAYMENT DETAILS

GST Reg No. 16-940-356

Amount	\$ <u>500.00</u>	Date cheque received:	<u>30/06/2004</u>
*Paid by:	<u>Thornton, SA/CA</u>		(name of payee)
Applicant's Name:	<u>SA and CA Thornton</u>		

Details of payment:

Tick	*DETAILS	*CODE	AMOUNT
☒	Subdivision – deposit (GST incl)	68800	<u>500.00</u>
☐	Land Use – deposit (GST incl)	68800	
☐	Sec 223/224 (GST incl)	68800	
☐	Reserves Contribution (GST incl)	51820	
	*Area:		
☐	Additional admin charges (GST incl)		
	*Debtor No:		
	*Invoice No:		
☐	Monitoring (GST incl)	68820	
☐	Bond (GST excl)	988400 742	
☐	Parking Contribution (GST incl)	68850	
☐	Roading Upgrade (GST incl)	988400 747	
☐	Development Contribution (GST incl)	051820	
	*Area:		
☐	Other: (GST incl/excl)		
☐			

Receipt Number: 489802 Date: 30/06/04

* Denotes a field that must be entered into Corporate Vision

Parcel Enquiry

Display the next parcel in the current list

Property (Rating Unit) Enquiry

Property ID: 2080/0002/B00

Property serial: 34455

Assessment: 07241/435.00

Year: 2004

Active Parts: 1

Set History: EXCLUDE

Expired Parts: 0

Future Parts: 0

Situation: 2B KOWHAI STREET, OHOPE 3085

Ratepayer: THORNTON, STEPHEN ANTHONY

THORNTON, CORNELIA ADRIANNA

Improvements: DWG OI

No Dwellings: 1

Area: 0.1214

Legal: LOT 25 DPS 9167

CT: 11/1896

Unit:

X-lease:

Apportionment: 0

Non-Applicable

Available: RT WB DG WM NY-Values

Major Class:

2 of 4 Parcels found.

RATING UNIT

Quick-query

All-query

Toggle

Output

Next

Previous

First

List

Rid enquiry

contiguous

Exit

People	Rates Financial	Values/Parts	Text
Water Billing	Applications	Dogs	Documents
Use of Land	Full Legal Descr	Licences	Rates Compare
Classifications	Parcel Relations	Resource Cons	Arrangements

Eudor...

CASC...

Parc...

Chara...

Ilisat...

CV Br...

ManIn...

Inspe...

2:13 p.m.

