



Application No: RCLU17/0038

Property No: 36320

12 July 2018

Mr GJ and Mrs S Churton
c/- David Mulholland Consulting Engineer Ltd.
38 Ridgway Street
PO Box 991
Whanganui

Dear Mr and Mrs Churton

Resource Consent Application: 5A Toi St WHANGANUI

I refer to the resource consent application to carry out earthworks on site at 5A Toi St WHANGANUI. The application was necessary because earthworks were conducted which were not permitted by the District Plan.

The application has been considered as a non-notified application, and the following consent **granted**.

I am pleased to inform you that pursuant to Section 9, 104, 104C, and 108 of the Resource Management Act 1991, grant resource consent for the earthworks in breach of the District Plan at 5A Toi Street, WHANGANUI, being legally described as:

Lot 1 DP 45374

Subject to the following conditions:

1. The activity shall be in accordance with the information and plans stamped planning approved, submitted in support of this proposal and held on Council file RCLU17/0084.
2. The plans in the table below shall be implemented and completed within 20 working days from the date of issue for this consent.

Plan title	Author	Version	Date
5A Toi Street, Block Wall	David Mulholland		May 2018
Block Wall on Boundary 3/5A Toi St.	David Mulholland		17 Feb/May 2018

3. Prior to the commencement of the block wall construction and remaining earthworks, a landscape plan for the slope adjacent to 3 Toi Street must be submitted to and approved by Council. When approved the plan will form part of the consent. It shall include a planting schedule which details the species and their locations on the slope. This shall be submitted to Council within 20 working days from the date of issue for this consent.
4. The Landscape Plan shall be implemented within 4 months of the approval of the landscape plan.
5. All sediment from the works that have spilled over the legal boundary with 3 Toi Street shall be removed and the area subject to spillover by reinstated to what it was prior to the spillover occurring within 20 working days from the date of issue for this consent.
6. Prior to the remainder of the works commencing, a sediment and erosion control plan is to be submitted to Council for prior approval. This shall be in place until all earthworks and concrete block wall construction hereby approved have been completed.



Advice Note:

1. Charges set in accordance with Section 36(1)(c) of the Resource Management Act 1991 shall be paid to the consent authority for the carrying out of its functions in relation to the administration, monitoring and supervision of this resource consent and for the carrying out of its functions under Section 35 of the Act.

Section 36(1)(c) of the Act provides that the Council may from time to time fix charges payable by the holders of resource consents.

2. If at any time during the earthworks, any archaeological deposits are uncovered, works must cease immediately and the applicant must notify the New Zealand Heritage authority in accordance with the requirements of the Heritage New Zealand Pouhere Taonga Act 2014.

After considering Part II of the Resource Management Act 1991, the following are the reasons for this decision:

1. The scheme of earthworks is considered to contribute to the development of the site for residential purposes which is a sustainable use of the land.
2. The proposal meets the requirements of the Resource Management Act 1991.
3. The proposal is consistent with the relevant objectives and policies of the Wanganui District Plan.

The full planning report is available from Council on request. Please note that under section 125 of the Resource Management Act 1991, your consent will lapse in five years unless you give effect to it before then.

It is very important that you understand and comply with all the conditions of your consent. If you have any questions or concerns about any aspect of your consent or its conditions, I would be happy to discuss them with you.

Please feel free to contact me on (06) 349 – 0001, if you have any questions or concerns.

Yours faithfully

Michael Beech
Resource Management Planner

IN THE MATTER of an application for resource
consent pursuant to Section 42A of
the Resource Management Act 1991.

BETWEEN David Mulholland Consulting
Engineer Ltd.

Applicant

AND Whanganui District Council

Consent Authority

File: RCLU17/0084

**S42A REPORT IN THE MATTER OF RESOURCE CONSENT
APPLICATION RCLU17/0084**

File number: RCLU17/0084
Application Received: 22 August 2017
Applicant: David Mulholland Consulting Engineer Ltd.
Legal Description: Lot 1 DP 45374 (CFR WN16B/1214)

1.0 INTRODUCTION

1.1 Background

An application for a retrospective land use consent has been received from Davis Mulholland on behalf of John Churton regarding earthworks which were conducted on the site at 5A Toi Street, Whanganui. The site is legally described as Lot 1 DP 45374 and is 1,003m² in area.

The property is located on the southern side of Toi Street, just past its intersection with Burns Street and Smithfield Road. The site is a large sand dune, Bezier curved in nature, rising from the Toi Street road level to a flat building site approximately half way up the site, and then drops off toward Tawhero Golf Course to the rear of the site.

The site is unfenced and is the eastern section of three which has been vacant for some years. It is noted that a dwelling has recently been relocated onto the adjacent property at 5 Toi Street. There is an existing driveway to the middle rise of the section, constructed with shellrock. At present there are not any structures located on the property with the exception of a row of large concrete block along the entire road frontage boundary of the site which are acting as a retaining wall.



Figure 1. 2017 Aerial Photo of the site.

1.1 History of the Site and Description of Works

The site is the eastern lot of three which is currently vacant and has had earthworks previously conducted. This retrospective land use consent applies only to 5A Toi Street, the eastern of the three sections.

A series of earthworks have been conducted on the properties at 5A Toi Street and the two properties to the west of the site (figure 1). As a result of these earthworks an abatement notice was served requiring all earthworks to cease immediately and also requiring a retrospective land use consent for the works. The two sites to the west have both had land use consents granted for the earthworks.

The site is completely sand and has been extensively modified with the area to the rear of the site having large amounts of material deposited over the rear slope to form a terrace where a potential

building site would be. Some of this material has spilled into the neighbouring property at 3 Toi Street and on the Tawhero Golf Course.

Figure 2 displays the application site and is a surface comparison by displaying the difference between the terrain in 2017 and then in 2013. The red layer shows areas of cut and the green layer shows areas of fill.

The applicant submitted the application on 22 August 2017. It was then placed on section 92 requesting further information on 13 September 2017 with the letter outlining four points that they had to address. The applicant failed to respond within the fifteen working days pursuant to s92(1). Emails were sent on 24 October, 1 November, 6 November and 13 November 2017 asking for an update on the s92 response. The applicant responded on 13 November 2017 stating that they intended to provide the information and that the landowner had been ill and unable to assist the applicant with the further information.

No further correspondence was received after this email and a letter was sent to the applicant on 12 January 2018 asking for a response by 29 January 2018. A response to the s92 request was received on 29 January 2018, however this did not address any of the points listed in the s92 letter.

A meeting was held between Council (Michael Beech, Resource Management Planner, Hamish Lampp, Principal Planner and Damien Wood, Development Engineer) and the applicant (David Mulholland) to discuss the information that is required to answer the s92 request. The applicant was given a series of examples which showed the level of information we required. The applicant understood this and a subsequent letter outlining this was sent on 12 February 2018 requiring the information to be submitted to Council by 2 March 2018.

The applicant submitted the information on 20 February 2018. However the information submitted failed to show the earthworks that occurred along the boundary with 3 Toi Street (legally described as Lot 118 DP 2086) (refer Figure 2 and 3). A subsequent conversation via email initiated by Council on 26 February 2018 asked why the information was omitted. The applicant stated that they did not understand what was required and Council further explained the requirements on 26 February and 1 March 2018. The further information was not provided and the applicant indicated that the application would proceed on the basis of public notification.

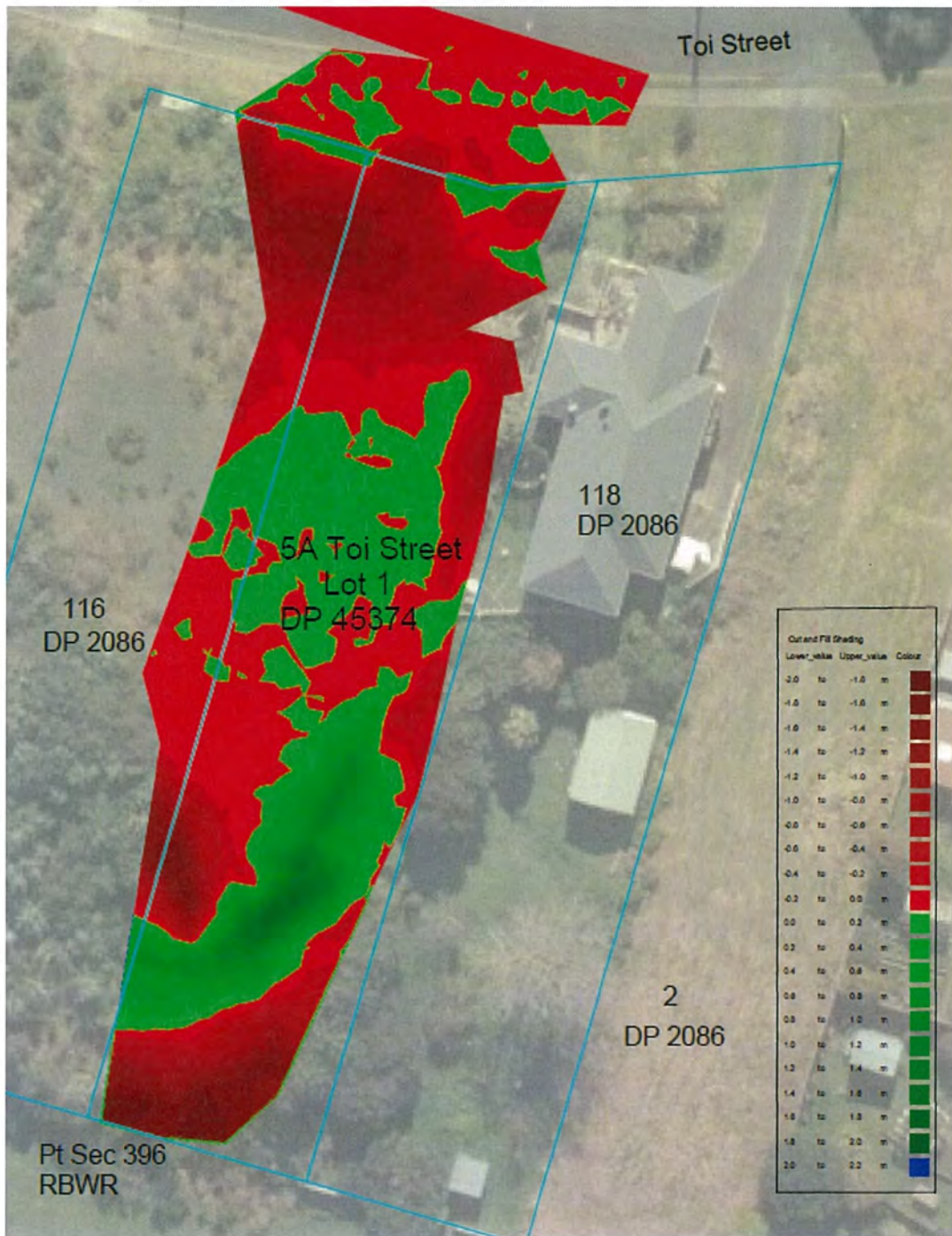


Figure 2: Earthworks information provided. Areas of fill are in green and areas of cut are in red.

2.0 DISTRICT PLAN

The site is located within the **Residential Zone** of the Whanganui District Plan.

Rule 14.4.1 of the District Plan identifies earthworks within the Residential Zone as permitted subject to compliance with specified performance standards.

However, the scheme of earthworks which have been conducted on site infringe the following performance standards:

- 14.5.1(a) – Earthworks have been undertaken in excess of 50% of the site area. It has also exceeded the maximum extent of 500m². The total area of earthworks undertaken 1,004m².
- 14.5.2(a) – There has been a cut of over 1.5m at the southern end of the site adjacent to the golf course. There has also been a cut over 1.5m on the western side of the site adjacent to the property at 5 Toi Street.
- 14.5.2(b) – The southern portion of the site has seen a large area of fill occur over a slope that is in excess of 20 degrees.
- 14.5.2(e) – It is likely that this standard has been breached with the large fill that has occurred on the southern portion of the site. However, because the information is incomplete it is difficult to determine.
- 14.5.2(g) – The earthworks have caused nuisance effects to the property at 3 Toi Street. Some of the material has spilled over the boundary and has resulted in some property damage including fruit trees and a boundary fence. See Figure 3 below.
- 14.5.2(h) – the earthworks has resulted infiltration of sediments onto the road and into the kerb and channel system for stormwater. See Figure 4 below.



Figure 3: Photograph looking south from the centre of the site along the boundary with 3 Toi Street. Taken 6 September 2017.



Figure 4: Photo looking west along footpath from street frontage of 5A Toi Street showing sediment from the site spilling onto the road reserve and into the stormwater system. Taken 17 May 2017.

Rule 14.4.2 of the District Plan classifies earthworks that do not comply with specified Performance Standards as a restricted discretionary activity.

“14.4.2 Restricted Discretionary Activities.

The following are restricted discretionary activities.

a. Earthworks that do not comply with a performance standard unless otherwise stated.”

As reserved in the District Plan, the Council’s assessment discretion is restricted to:

“i. The ability of a proposal to meet the relevant policies, performance standards.”

3.0 NOTIFICATION

Section 95C of the Act states:

- ‘(1) A consent authority must publicly notify an application for a resource consent (see section 95A(2) and (3)) if—*
- (a) it has not already decided whether to give public or limited notification of the application; and*
 - (b) subsection (2) or (3) applies.*
- (2) This subsection applies if the consent authority requests further information on the application under section 92(1), but the applicant—*
- (a) does not provide the information before the deadline concerned; or*
 - (b) refuses to provide the information.*
- (3) This subsection applies if the consent authority notifies the applicant under section 92(2)(b) that it wants to commission a report, but the applicant—*
- (a) does not respond before the deadline concerned; or*
 - (b) refuses to agree to the commissioning of the report.*
- (4) This section applies despite any rule or national environmental standard that precludes public or limited notification of the application.’*

The applicant did not provide all the information that was requested from Council pursuant to Section 92. Therefore, in accordance with Section 95C(1)(b), the application was publicly notified on 14 March 2018.

3.2 Summary of submissions

Submitter	Address	Date Submitted	Wish to be heard
Russell Schipper	3 Toi Street	9 April 2018	Yes

3.3 Pre Hearing Meeting

It was decided that a pre hearing meeting should be held to attempt to resolve the outstanding issues that Mr Schipper presented in his submission. Those were as follows:

- Damage to property at 3 Toi Street
- Retaining of bank where earthworks have occurred
- Retention of stormwater
- Removal of soil that has spilled into 3 Toi Street

Subsequently, a meeting was held on Wednesday 9 May 2018 from 1015 hours to discuss the aforementioned outstanding issues. The following were present at the meeting:

- Cr. Alan Taylor – Chairperson
- Hamish Lampp – Principal Planner
- Michael Beech – Planning officer of RCLU17/0084
- Damien Wood – Development Engineer
- David Mulholland – Agent for applicant
- John Churton (PM session only) – Former landowner and applicant
- Sophany Churton – Current landowner
- Rob Handley – Lawyer for John Churton
- Russell Schipper – Owner 3 Toi Street (property affected by earthworks)
- Ian Parker – Lawyer for Russell Schipper

The aforementioned points were discussed in the morning session of the meeting which was then followed by a site visit to the application site. The meeting then reconvened at Council and the following options to remedy the situation were put forward:

- Option 1 – Boundary adjustment and retaining wall constructed to retain soil and contain earthworks spillover within the boundaries of 5A Toi Street.
- Option 2 – Boundary remaining the same, retaining wall constructed and removal of soil from 3 Toi Street.
- Option 3 – Concrete block wall on boundary constructed, soil removed from 3 Toi Street.

Option 3 was the preferred option between both parties and the following timeline was set:

- Friday 18 May 2018 – David Mulholland to submit plans for concrete block wall on boundary to Council.
- Friday 1 June 2018 – Final day for Russell Schipper to agree on submitted plans.
- Council to approve within statutory timeframes.
- Works to be completed within four weeks of issue of the consent.

The meeting was concluded with Option 3 and the timeline agreed upon by both parties.

Russell Schipper provided written consent to the revised plans listed in the table below.

Plan title	Author	Version	Date
5A Toi Street, Block Wall	David Mulholland		May 2018
Block Wall on Boundary 3/5A Toi St.	David Mulholland		17 Feb/May 2018

The plans show:

- The block wall which is contained completely within the boundary of 5A Toi Street.
- The length of the block wall along the boundary.
- The height of the wall from the existing ground level.

4.0 THE RESOURCE MANAGEMENT ACT (1991)

Section 104(1) of the Act sets out the matters to be considered when making a decision. The relevant matters are as follows:

- Any actual and potential effects on the environment of allowing the activity; and
- Any relevant provisions of a national policy statement; and
- Any relevant provisions of a regional policy statement or proposed regional policy statement; and
- Any relevant provisions of a plan or proposed plan; and
- Any other matters the consent authority considers relevant and reasonably necessary to determine the application.

Section 104(2) sets out the ‘permitted baseline’ and states that when considering the actual and potential effects of a proposal, the consent authority may disregard an adverse effect on the environment if the plan permits an activity with that effect.

Section 104C of the Act provides that:

(1) When considering an application for a resource consent for a restricted discretionary activity, a consent authority must consider only those matters over which—

(a) a discretion is restricted in national environmental standards or other regulations:

(b) it has restricted the exercise of its discretion in its plan or proposed plan.

(2) The consent authority may grant or refuse the application.

(3) However, if it grants the application, the consent authority may impose conditions under section 108 only for those matters over which—

(a) a discretion is restricted in national environmental standards or other regulations:

(b) it has restricted the exercise of its discretion in its plan or proposed plan.

An assessment of the actual and potential effects on the environment against those matters reserved by the District Plan and the relevant policies and objectives is discussed in sections 5 and 6 below.

5.0 CONSIDERATION OF APPLICATION (SECTION 104(1)(a))

5.1 Consideration of Environmental Effects

As per Section 104(1)(a), the actual and potential effects on the environment of allowing the activity include the following:

- Effects of non-compliances on environment

Effects of non-compliances on environment

The earthworks is extensive across the site, with the majority of it having been subject to some form of land disturbance. It is important to note that the original landforms on the site was a sand dune which has since been leveled to form a building platform for the site to be developed. The shape of this dune is still present however it has been modified with the top of the dune since been pushed to the south across a slope over 20 degrees in gradient creating a large area of fill on the southern portion of the site.

As this is a consent for retrospective earthworks, the works have already been done in a haphazard manner and have caused some property damage as well as a spillover of materials into the property at 3 Toi Street. In addition to this, some material has spilled into the infrastructure network including the road, footpath and stormwater network. Therefore, the effects on the environment would be minor.

Earthworks can affect the amenity of the area. Large scale earthworks have the potential to alter the landforms of the area which can contribute to the 'look' and 'feel' of an area. The effects of the earthworks have been limited to the three sites where works have been undertaken with some spillover into 3 Toi Street. The change in land form is not significant as the majority of Toi Street has been developed along the dune which has meant some alteration to the dunes to accommodate residential development.

6.0 STATUTORY ASSESSMENT (S104 RMA)

6.1 Section 104 (1) (a)

Pursuant to s101(1) (a) of the RMA the actual and potential adverse effects of allowing the activity have been assessed in Section 5 of this report. Overall it is considered the potential adverse effects of the proposal can be avoided, mitigated or remedied subject to conditions.

6.2 Section 104 (1) (b)

Pursuant to s104(1)(b) (i) to (vi) of the Act consideration of national environmental standards, other regulations, national policy statements, the NZ Coastal Policy Statement, regional operative or proposed policy statements, and a plan or proposed plan must be considered.

Pursuant to s104(1)(b)(i) of the Act, it is my opinion the applicant is not required to comply with the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect

Human Health as there has been no activity on that particular site to suggest a Hazardous Activities and Industries List (HAIL) activity has occurred.

Pursuant to s104(1)(b)(iii), it is my opinion there are no National Policy Statements relevant to the activity proposed.

Pursuant to s104(1)(b)(iv) consideration must be given to the NZ Coastal Policy Statement (NZCPS). The NZCPS took effect on 3 December 2010 and contains a number of objectives and policies relating to the coastal environment which must be addressed when determining an application located within the coastal marine area. In my opinion the application does not have a significant influence on the coastal process or the broader coastal marine environment as defined in Policy 1(2) and thus does not form part of the coastal area defined by Policy 1 of the NZCPS 2010.

Pursuant to s104(1)(b) (v) regard must be given to the requirements of any regional planning documents. In this case, the Horizons Regional Council is the regional authority and the One Plan is the relevant planning document. I consider the proposal in general accordance with the regional objectives and policies.

In accordance with s42A(1B)(b) of the Act:

‘One Plan - Regional Policy Statement Objective 4-2 and Policy 4-2(b) direct territorial authorities to use rules in the District Plan for the development, use and protection of land to ensure that accelerated erosion is avoided, remedied or mitigated. In this case, council has rules pertaining to earthworks which aim to prevent erosion and protect the natural and cultural features of an area. In the case of 5A Toi Street, the works are small in scale and the appropriate conditions put on the consent to mitigate any effects from erosion.

One Plan – Regional Plan: Since there is no discharge to land, water or air in this proposal, no activities in water bodies and no adverse effects on indigenous biodiversity, there are no objectives or policies in the Regional Plan of significance to this application.’

Pursuant to s104(1)(b)(vi) the relevant provisions of the operative Whanganui District Plan (having legal effect from 30 May 2015) have been assessed against the proposal and included within this report.

6.3 District Plan Objectives and Policies

The relevant objectives of the District Plan are identified below:

Residential Environment

Objective 4.2.1 High quality residential areas which consist of:

- a. A variety of housing forms and densities that are available for different residential lifestyle options;*
- b. Amenity values that are maintained or enhanced;*

- c. Development that is integrated with infrastructure;*
- d. Safe communities through urban design;*
- e. Relatively quiet living environments, compared to the other zones;*
- f. Low traffic on roads used primarily for property access with greater traffic on roads with a distribution function;*
- g. A range of complementary activities where the effects are compatible with the predominantly residential character, scale and amenities of the area;*
- h. Retention of natural and cultural heritage features; and*
- i. Street infrastructure that provides opportunities for the roading network as a high amenity public space that reflects the roading hierarchy.*

Comment: The earthworks have been undertaken to form a suitable building platform for the development of the site for residential use. The development of sites in the residential zone for residential use is permitted and it would not detract from the amenity of the area. The natural heritage of would not be compromised as the dune landform would be retained as it has been along the street despite alterations to accommodate for residential development.

Policy 4.3.1 Protect and enhance the surrounding landscape and the visual character of the urban environment.

Comment: Although the earthworks have altered the landscape, the surrounding area and visual character of the urban environment has not been compromised. The general landform of the sand dune will remain and the visual character of Toi Street will remain the same.

Policy 4.3.2 To ensure activities in the Residential Zone:

- i. Maintain or enhance the building scale and residential character;*
- ii. Recognise streetscape as having high public value;*
- iii. Avoid or mitigate nuisance from noise, light spill and vibration;*
- iv. Ensure a high standard of property access and avoid street congestion and excessive traffic on roads;*
- v. Avoid or mitigate visual amenity and safety problems from advertising;*
- vi. Avoid excessive shading of public spaces or neighbouring properties from structures;*
- vii. Maintain and enhance the natural and cultural heritage features of the zone.*

Comment: Although the earthworks have modified the natural landscape of the area, the general landform of the sand dune is still present which spans the length of Toi Street. This landform contributes to the visual character of the area which has been modified to provide for residential development.

Earthworks

Objective 14.2.1 Quality Earthworks Development

Earthworks and land modification in Whanganui that:

- a. Maintains or enhances:*
 - i. Amenity values.*
 - ii. Landforms and natural processes.*
 - iii. The efficiency and effectiveness of infrastructure.*

- iv. The safety of people and property.*
 - v. The stability of soils.*
 - vi. The structural stability of infrastructure and the ability for that infrastructure to safely operate and be maintained; and*
- b. Has appropriate regard to cultural heritage sites and values.*

Comment: With the appropriate conditions of consent, the earthworks will maintain the amenity values of the area. Toi Street is flanked by sand dunes on either side of the street and residentially developed on both sides. The dunes have undergone varying degrees of land modification as the area has been developed for residential purposes. This situation is no different. The general landforms, being the sand dunes would still be part of the landscape of the area.

As the earthworks have not been completed in a controlled manner, the infrastructure network has some form of sedimentation within the stormwater network and on the road and footpath. A condition will be placed on the consent to remedy this and mitigate any further effects.

The safety of people and property has also been compromised as part of the scheme of earthworks as material has spilled over onto the property at 3 Toi Street. This situation is to be remedied by way of condition. The applicant also proposes to plant out the slope adjacent to 3 Toi Street which will help stabilise the slope.

As there are no known cultural heritage sites near the area, the earthworks have not compromised this.

Policy 14.3.1 Low Impact Earthworks and Land Modification

Promote low impact earthworks and land modification that results in minimal modification to landforms and overland flow paths.

Comment: As the natural landforms in the area have already been modified to accommodate development, to which this earthworks is looking to achieve the same goal, they would not result in any large scale modification to the dunes which are effectively still present on the site.

14.3.2 Effects of Earthworks

Avoid earthworks and land modification that result in damage to property, network utilities or significant nuisance effects.

Comment: The earthworks has resulted in some spillover to the property at 3 Toi Street as well as sediments infiltrating the road and stormwater network. Conditions of consent will ensure this situation is remedied.

14.3.3 Maori Values and Earthworks

To mitigate any potential effects on cultural values and tangata whenua where large scale earthworks are proposed, including by:

- i. Incorporating tangata whenua cultural values and practices into earthworks and land modification methods,*
- ii. Requiring cultural and/or archaeological assessments, enabling site access and appropriate site work observation for tangata whenua.*

Comment: The site has no known cultural or archaeological sites that pertain to tangata whenua. An advice note will be recorded on the consent advising of the accidental archaeological discovery protocol and to contain Heritage New Zealand in this event.

7.0 PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

Consideration of a resource consent application under section 104 is subject to Part 2 of the Act. "Subject to" gives primacy to Part 2 and is an overriding principle when applying the provisions of the Act. Section 5 of the RMA sets out the purpose of the Act, which is to promote the sustainable management of natural and physical resources. Section 6, 7 and 8 sets out matters that consent authorities should consider when exercising their functions under the Act.

7.1 Section 5 (Purpose and Principles)

Section 5 defines "sustainable management" as:

"managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while-

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment."*

Section 5 of the Act provides for the sustainable management of natural and physical resources in a way that allows people and communities to thrive. When assessing the relative merits and adverse effects of the application, it is considered that this principle is of the utmost importance, and embodies the overall intent of the Act. Sustainable management means managing the use, development and protection of natural and physical resources in a way that enables people and communities to provide for their needs whilst sustaining the potential of these resources to meet the needs of further generations; safeguarding the life-supporting capacity of air, water, soil; and ecosystems; and avoiding, remedying and mitigating any adverse effects of activities on the environment.

It is my opinion that, with conditions, the proposed activity is consistent with the definition of sustainable management as provided above. The earthworks are allowing for the further development of the site for residential purposes which is an intended outcome within the area. The site would be able to provide for housing needs for future generations and is a sustainable use of the land.

Therefore, in accordance with the definition of sustainable management above, I consider the proposal to be consistent with the Part 2 principles and purposes identified in s5 of the RMA.

7.2 Section 6 (Matters of National Importance) & Section 8 (Principle of the Treaty of Waitangi)

In exercising its powers and functions under the Act, the Whanganui District Council is required to recognise and provide for the matters of national importance identified in Section 6 of the Act.

Section 8 of the Act requires consent authorities to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) when considering applications for resource consent. No submissions were received nor was there any issues that pertained to the Treaty in the application. I therefore consider that the application is not inconsistent with section 8 of the Act.

7.3 Section 7 (other Matters)

The other matters to which particular regard must be had in relation to managing the use, development, and protection of natural and physical resources, are listed in section 7 of the Act.

The assessment of actual and potential effects addresses the relationship of the proposal to a number of these matters. Matters in Section 7 of relevance to this application are:

'(b) the efficient use and development of natural and physical resources.

(c) the maintenance and enhancement of amenity values.

(f) maintenance and enhancement of the quality of the environment.'

The use of the land for the earthworks to develop a suitable building platform on the site is an efficient use and development of natural resources as the land is zoned residential and is proposed to be further utilised for residential purposes which for the site would be an efficient use and development of the land.

The quality of the environment and amenity values are to be maintained through conditions, with the spillover into 3 Toi Street to be cleaned up as well as the roading and stormwater networks. This will improve the amenity of the area and ensure that those values are continually maintained.

8.0 CONCLUSION

In conclusion, this application was publicly notified due to the lack of information provided to fully assess the proposal. One submission was received which was from the owner of the neighbouring property at 3 Toi Street. Amended plans have been revised primarily to address neighbours' concerns. The neighbour has provided their written consent.

The overall conclusion is that the adverse effects for the purposes of s104 of the Resource Management Act are considered acceptable subject to conditions recommended in this report. It

is considered the matters regarding visual character and amenity are sufficiently addressed by the proposed conditions of this consent.

I consider the application to be consistent with the relevant objectives and policies of the Whanganui District Plan and the purposes and principles of Part 2 of the RMA as identified within Section 7.0 of this report.

Overall, I recommend granting the application subject to conditions.

8.1 Recommendation

It is recommended that pursuant to Section 9, 104, 104C, and 108 of the Resource Management Act 1991, grant resource consent for the earthworks in breach of the District Plan at 5A Toi Street, WHANGANUI, being land legally described as:

Lot 1 DP 45374

Subject to the following conditions:

1. The activity shall be in accordance with the information and plans stamped planning approved, submitted in support of this proposal and held on Council file RCLU17/0084.
2. The plans in the table below shall be implemented and completed within 20 working days from the date of issue for this consent.

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5. All sediment from the works that have spilled over the legal boundary with 3 Toi Street shall be removed and the area subject to spillover by reinstated to what it was prior to the spillover occurring within 20 working days from the date of issue for this consent.

6. Prior to the remainder of the works commencing, a sediment and erosion control plan is to be submitted to Council for prior approval. This shall be in place until all earthworks and concrete block wall construction hereby approved have been completed.

Advice Note:

7. Charges set in accordance with Section 36(1)(c) of the Resource Management Act 1991 shall be paid to the consent authority for the carrying out of its functions in relation to the administration, monitoring and supervision of this resource consent and for the carrying out of its functions under Section 35 of the Act.

Section 36(1)(c) of the Act provides that the Council may from time to time fix charges payable by the holders of resource consents.

8. If at any time during the earthworks, any archaeological deposits are uncovered, works must cease immediately and the applicant must notify the New Zealand Heritage authority in accordance with the requirements of the Heritage New Zealand Pouhere Taonga Act 2014.

Report written by:

Michael Beech

Resource Management Planner

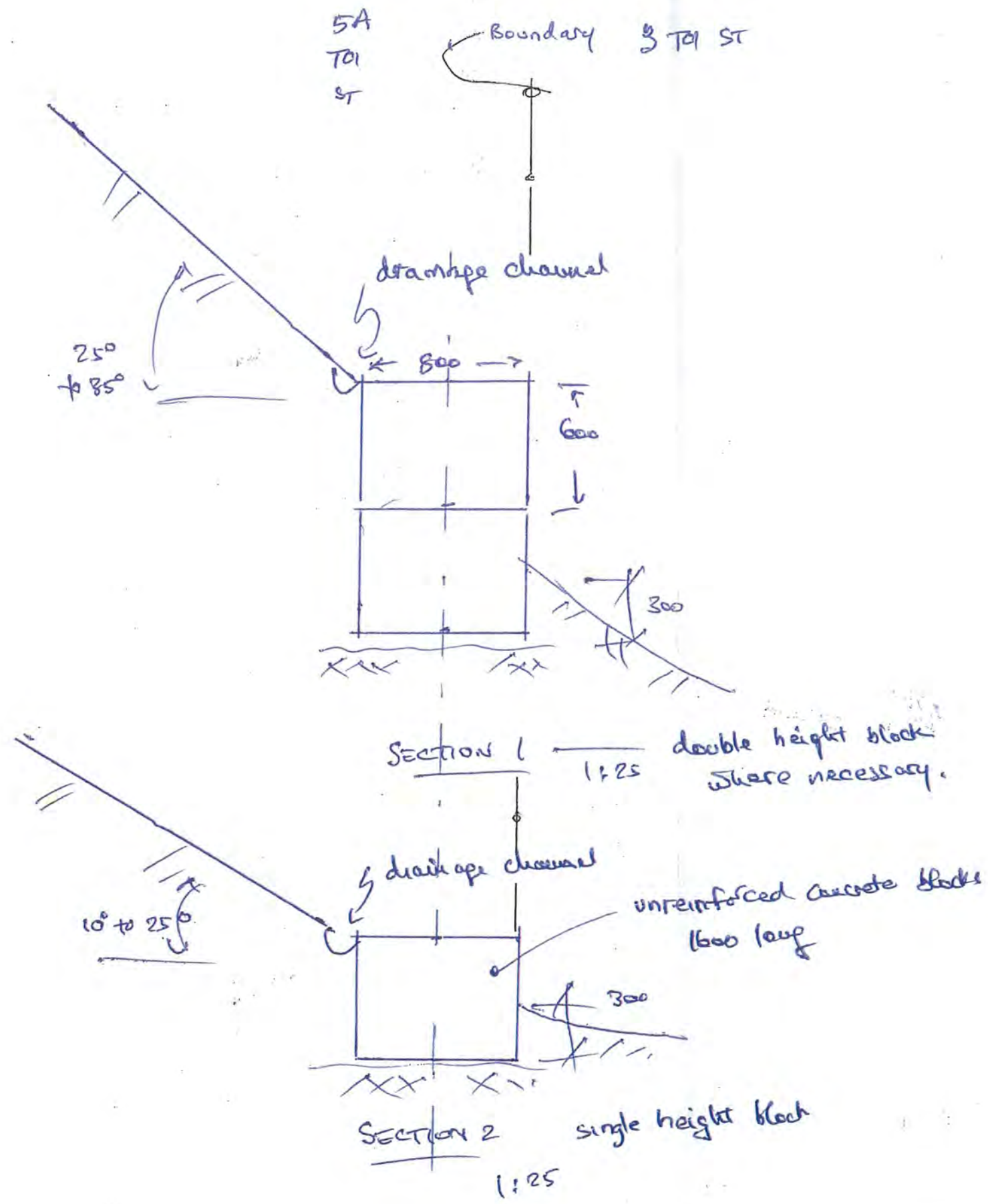
Date: 10/7/18

Reviewed by:

Hamish Lampp

Principal Planner

Date: 10/7/18



NOTES:

1. Concrete block wall to be installed along a portion of boundary line
2. Concrete blocks are 1600 x 800 wide x 600 deep.
3. Underside of blocks to be levelled & compacted by running machine over existing ground
4. Blocks to be set in approx 300 mm on 3 TO1 St. side & loose material removed.
5. Sections cut on dwg S.01

PLANNING APPROVED
 RC # ... RCLY 17/0084
 Date Approved ... 10 July 2018

Block wall to be on 5A side of Boundary
 J 6/7/18

DAVID MULHOLLAND CONSULTING ENGINEER 36 Ridgway Street, PO Box 991, Wanganui Mobile 021 299 5603 Email bumicouplers@gmail.com	Date: <u>May 2018</u>	Scale: <u>1:25</u>	Job No. <u>17001</u>
	Drawn: <u>DAVID</u>		Dwg No. <u>S-02A</u>
5A TO1 ST., BLOCK WALL			



DAVID MULHOLLAND
 CONSULTING ENGINEER
 36 Ridgway Street, PO Box 991, Wanganui
 Mobile 021 299 5603
 Email bumicouplers@gmail.com

Drawing Title:	2017 Topo Contours	Scale:	1:250	Date:	17 Feb 2018 / May 2018
Project No.	17001	Drawn By:	David	Drawing No.	S-01A
Version:	A	Note: All areas and dimensions subject to final survey. The contractor shall check all dimensions on site.			

rev: A - Block wall on SA side of Boundary 6/9/18



Email: admin@nzsurveyor.co.nz
 PO Box 4136 Wanganui 4541
 Ph: 06 345 8828 Fax: 06 345 3606



Drawing Title:
 2017 Topo Contours
 John Churton
 5a Toi Street

PLANNING APPROVED
 RC # RCLU17/0084
 Date Approved 10 July 2018

Scale	1:250	Date:	20 Feb 2018
Project No.	17-056	Drawn By:	EJA
Version:	A	Drawing No.	2
Note: All areas and dimensions subject to final survey. The contractor shall check all dimensions on site.			



Email: admin@nzsurveyor.co.nz
 PO Box 4136 Wanganui 4541
 Ph: 06 345 8828 Fax: 06 345 3606



Drawing Title:

WDC LIDAR Contours (2013)

John Churton

5a Toi Street

PLANNING APPROVED

RC # RCLY 17/0084

Date Approved 10 July 2018

Scale: 1:250

Project No.

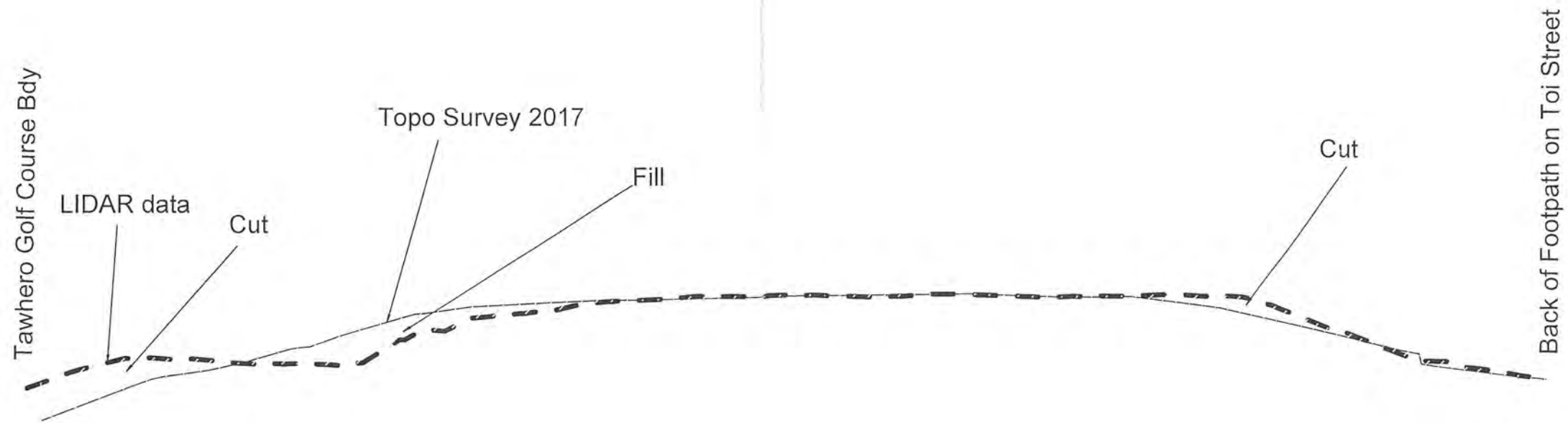
Version:

Date: 17 Feb 2018

Drawn By:

Drawing No.

Note: All areas and dimensions subject to final survey.
 The contractor shall check all dimensions on site.



DATUM R.L.82.00

Ground LIDAR	89.64	87.79	87.82	89.40	90.82	90.94	90.84	89.65	90.17	87.24	86.99	87.01
Ground 2017		87.79	87.82	89.40	90.81	90.94	90.91	89.65	90.17	87.21	87.24	86.99
Chainages	0.00	10.00	20.00	30.00	40.00	50.00	60.00	70.00	72.25			

LONGITUDINAL SECTION Text5

Horizontal Scale 1 : 250

Vertical Scale 1 : 250

PLANNING APPROVED
 RC # ... RCLU 17/0084
 Date Approved ... 10 July 2018

Harrison & O'Sullivan Ltd
 LICENSED CADASTRAL SURVEYORS • LAND DEVELOPMENT CONSULTANTS

Email harros@xtra.co.nz
 PO Box 4136 Wanganui
 Ph 06 345 8828 Fax 06 345 3606

Long Section Plot
 5a Toi Street
 John Churton

Drawn by:	EJA	Date:	20February2018
Scale: (A3)	1:1000	Drawing No.	3
Project No.	17-026		

Note: All areas and dimensions are subject to final survey. The Contractor shall check all dimensions on site.

Surface Comparison: LIDAR 2013 vs Topo Survey 2017

Toi Street

118
DP 2086

5A Toi Street
Lot 1
DP 45374

116
DP 2086

2
DP 2086

Pt Sec 396
RBWR

Cut and Fill Shading		
Lower_value	Upper_value	Colour
-2.0	to -1.8	m
-1.8	to -1.6	m
-1.6	to -1.4	m
-1.4	to -1.2	m
-1.2	to -1.0	m
-1.0	to -0.8	m
-0.8	to -0.6	m
-0.6	to -0.4	m
-0.4	to -0.2	m
-0.2	to 0.0	m
0.0	to 0.2	m
0.2	to 0.4	m
0.4	to 0.6	m
0.6	to 0.8	m
0.8	to 1.0	m
1.0	to 1.2	m
1.2	to 1.4	m
1.4	to 1.6	m
1.6	to 1.8	m
1.8	to 2.0	m
2.0	to 2.2	m

PLANNING APPROVED
 RCLU 17/10094
 Date Approved 10 July 2018

Email: admin@nzsurveyor.co.nz
 PO Box 4136 Wanganui 4541
 Ph: 06 345 8828 Fax: 06 345 3606



Harrison & O'Sullivan Ltd
 LICENSED CADASTRAL SURVEYORS - LAND DEVELOPMENT CONSULTANTS

Drawing Title:
 Surface Comparison
 John Churton
 5a Toi Street

Scale: 1:250
 Date: 20 Feb 2018
 Project No. 17-056
 Drawn By: EJA
 Drawing No. 4

Note: All areas and dimensions subject to final survey.
 The contractor shall check all dimensions on site.

5A Toi Street Pre-hearing Meeting

Chairperson's Report

Purpose:

This meeting was held to seek an outcome in favour of granting a resource consent to the owner of the property of 5A Toi Street, Whanganui, rather than having the matter of failure to satisfy District Plan requirements proceeding to a full Resource Consent hearing.

Background:

For some years Mr John Churton has been undertaking earthworks at 5A Toi Street which breach the District Plan. Mr Churton's actions were toward developing the site for residential use. In mid 2017, the neighbour at 3 Toi Street complained to Council that the earthworks had resulted to damage to his property; specifically, this damage was to fruit trees and that spillage from the earthworks was covering his land.

Whanganui District Council served Mr Churton with an abatement notice and requested that he apply for a retrospective resource consent. Mr Churton failed to provide enough information in the application and the resource consent was publicly notified. The owner of the neighbouring property at 3 Toi Street presented a submission and requested to be heard.

Whanganui District Council officers organised a pre-hearing meeting in an attempt to resolve the matter such that a full hearing would not be required.

Date, time, and venue:

This meeting was scheduled for Wednesday, 9 May, 2018, commencing at 10.15am, and held in Whanganui District Council Committee Room 2 and on site at 3 and 5A Toi Street.

Attendees:

Cr Alan Taylor – Chairperson

Hamish Lampp – Principal Planner, Whanganui District Council

Michael Beech – Resource Management Planner, Whanganui District Council

Damien Wood *– Development Engineer, Whanganui District Council

John Churton* – Applicant and former landowner

Sophany Churton – Current landowner, 5A Toi Street

Rob Handley – Lawyer for John Churton

David Mulholland – Engineer and agent for John Churton

Russell Schipper – Affected party and owner of 3 Toi Street, neighbouring property

Ian Parker – Lawyer for Russell Schipper

*note: Mr Churton joined the meeting after the site visit

Mr Wood was absent from the meeting for approximately 45 minutes when the meeting reconvened after the site visit.

Meeting procedure:

The Chair opened the meeting at 10.15am asking all present to identify themselves and their roles, noting the apology for the time being of Mr Churton.

Each party, commencing with the Applicant was invited to ‘tell their story’ relating to how the matter had got to where it had. Both parties had fair opportunity to do this. The process was convivial and cross-party discussion occurred during this.

A number of issues of concern were raised during these discussions and related to the breaches of consent as well as matters of a civil nature outside the scope of the consent and the discretion of Council. Those relevant to the

initial complaint and to the breach of the District Plan were signalled for further discussion and are referred to in subsequent correspondence from Mr Beech to the parties (11 May 2018).

Options for resolutions to Mr Schipper's concerns were presented and discussed.

[The meeting adjourned at midday to undertake a site visit.]

All parties, except Mr Churton visited 3 and 5A Toi Street for approximately 40 minutes. Mr Schipper clearly pointed out his concerns and Council officers assisted in demonstrating where the District Plan had been breached by Mr Churton's earthwork activity. Of consequence for the dispute's remedial options it was demonstrated that there is a lack of clarity around where the property boundary is, given previous building history and the earthworks of concern.

[The meeting reconvened in Wanganui District Council, Committee Room 2, at 1pm. John Churton joined the meeting at this time. Damien Wood joined the meeting at approximately 1.45pm.]

Options for resolution were explained to Mr Churton to familiarise him with the morning's discussions and procedures. Council officers impressed upon Mr Churton the reasons for the abatement and the requirement for him to obtain consent for the earthwork.

The Chair asked Mr Schipper and Mr Parker to breakout of the meeting to consolidate their thoughts. Council officers and the Chair took this opportunity to impress upon Mr Churton that failure to resolve the matters pertaining to the consent would lead to a hearing.

Mr Schipper and Mr Parker rejoined the meeting.

Good progress was made by both parties in negotiating a way forward around the possible design of a retaining wall and over the removal of any spoil Mr Schipper still considered unwanted on his property. Damien Wood assisted in these discussions, particularly over informing the parties about the acceptability of different wall materials and styles. Some debate continued about the exact location of any eventual wall's footing. David Mulholland added constructively to the potential design of this wall and this was verbally resolved. Mr Schipper had raised concerns about unwanted stormwater runoff as a consequence of Mr Churton's actions. While these concerns were largely alleviated in discussion, no specific agreement was reached.

Both parties agreed that they would negotiate detail of the proposals later.

Outcome:

Both parties agreed that the property boundary would remain the same and noted the necessity for sub-division consent and attendant costs should there be agreement to seek a boundary change.

Both parties agreed that a concrete block wall would serve as a satisfactory base to a retaining wall (subject to Council approval).

Both parties agreed, in principle, to the scraping back of surface material that has spilled onto Mr Schipper's property as a result of Mr Churton's actions.

Both parties verbally accepted timeframes put forward by Principal Planner Hamish Lampp for progress on the issues. These timeframes are to be issued to both parties by Whanganui District Council and are to be expressed in a letter to both parties by Resource Management Planner, Michael Beech at the earliest opportunity.

Both parties were made aware that resolution shall be reached (between John Churton and Russell Schipper) by the end of business on Friday, 1 June, 2018. Failing this the application will go to hearing.

It is noted that Mr Churton has stated that the concrete block retaining wall will be completed, in situ, to Council's satisfaction within four weeks of the issue date of consent.

Unresolved matters:

- 1) A lack of surety about the exact location of the boundary and any future desire to alter it.
- 2) Damage from soil spillage.
- 3) Stormwater runoff from 5A Toi Street to 3 Toi Street.
- 4) Fencing. The exact extent of this and the apportionment of costs.

These matters were noted to be of either civil concern or, if Council related, out of scope for this pre-hearing.

The meeting closed at 2.30pm

Note: The Chairperson extends his appreciation to both parties and their agents for the spirit of goodwill that pervaded the discussions. The Chair notes the exemplary work of Council staff in facilitating this pre-hearing.

Cr Alan Taylor (Chairperson)

13 May, 2018



5A Toi Street Pre Hearing Meeting

Date and Time:

Wednesday 9 May 2018, 10:15am – 2:00pm

Venue:

Council Committee Room 2, WDC and on site at 5A Toi Street

Attendees:

Cr Alan Taylor - Chairperson

Hamish Lampp – Principal Planner

Michael Beech – Processing Officer for consent

Damien Wood – Development Engineer

David Mulholland – Agent for applicant

John Churton – Applicant and former landowner

Sophany Churton – Current landowner

Rob Handley – Lawyer for John Churton

Russell Schipper – Affected party on adjoining property

Ian Parker – Lawyer for Russell Schipper

Agenda:

1. Welcome
2. Housekeeping/Set tone of meeting
3. Introduce items for discussion
4. Discussion of items
 - Item 1 – Damage to property
 - Item 2 – Retaining of soil
 - Item 3 – Stormwater retention
 - Item 4 – Removal of soil from adjoining property
5. Site Visit Toi Street
6. Clarify Resolved Issues
7. Clarify Outstanding Issues
8. Next steps
9. Close meeting

9 APR 2018

RECEIVED

Form 13
SUBMISSION ON NOTIFIED APPLICATION CONCERNING
RESOURCE CONSENT
RESOURCE MANAGEMENT ACT 1991

To: Wanganui District Council

Name of Submitter *(please print full name)*

Russell James Ward Schipper

This is a submission on an application from **David Mulholland on behalf of John Churton** for resource consent as described below:

DESCRIPTION OF APPLICATION:

The consent is for earthworks that have been conducted and are in breach of the District Plan.

The Council has publicly notified this application for the following reasons:

- The application has incomplete information to determine the effects on the surrounding environment.
- The applicant failed to provide the information requested by Council within the specified timeframes.
- Council has been unable to determine the effects on the wider public environment.

Therefore, pursuant to section 95C(1)(b) of the Act, the application is being publicly notified.

LOCATION OF PROPERTY AFFECTED BY THE APPLICATION:

5A Toi Street, WHANGANUI, legally described as Lot 1 DP 45374

The specific parts of the application that my submission relates to are *(give details)*:

*The stability of the earthworks that has been done already.
 Failure to contain the earthworks on 5A Toi street property*

My submission is: *(include – whether you support or oppose the specific parts of the application or wish to have them amended; and the reasons for your views).*

I support the need for testing the stability of the earthworks as it contains sand and large concrete blocks - The sand has travel considerably onto 3 Toi. The boundary fence has been removed without consultation. This is a health and safety risk for the young family living in 3 Toi St

I seek the following decision from the consent authority:
(give precise details, including the general nature of any conditions sought)


I seek a retaining to hold the earthworks
I seek adequate stormwater collection on 5A Toi st
I seek the removal of earth from number 3 Toi st
and the reinstating of the boundary fence
I wish (or do not wish) to be heard in support of my submission.

Yes I do.....
.....

If others make a similar submission, I will consider presenting a joint case with them at a hearing.
(Delete if you would not consider presenting a joint case).

I do.....

Signature of Submitter
(or person authorised to sign on behalf of submitter)


.....
Date

Address for service of submitter: 29 Alexander st Palmerston North
Telephone: 021 23 77867 (4412)
Fax:
Email: russell.schipper@hotmail.com
Contact Person: Russell Schipper
(name and designation, if applicable)

Note to submitter

You must serve a copy of your submission on the applicant as soon as reasonably practicable after you have served your submission on the consent authority.

<p>PRIVACY INFORMATION When making a submission to the Council, it forms a part of the public consultation process and public records and as such, may be reproduced as an attachment to a publically available Council agenda, and remain of the Council minute records.</p>
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**Public notice of application concerning resource consent for
5A Toi Street**

Resource Management Act 1991

Whanganui District Council has received an application from **David Mulholland on behalf of John Churton** a resource consent as described below.

Description of application:

The consent is for earthworks that have been conducted and are in breach of the District Plan at **5A Toi Street, Whanganui**.

The Council has publicly notified this application for the following reasons:

- The application has incomplete information to determine the effects on the surrounding environment.
- The applicant failed to provide the information requested by Council within the specified timeframes.
- Council has been unable to determine the effects on the wider public environment.

Therefore, pursuant to section 95C(1)(b) of the Act, the application is being publicly notified.

A full description of the proposal prepared by the applicant is included in the resource consent application and the application includes an assessment of environmental effects.

The application may be inspected at the Whanganui District Council offices, 101 Guyton Street, Whanganui, during usual office hours (8.00am to 5.00pm, Monday to Friday), or at www.whanganui.govt.nz

If you have any questions about the application contact Michael Beech (Resource Management Planner), phone (06) 349 3089.

Any person may make a submission on the application. You may do so by sending a written submission to the Chief Executive, Whanganui District Council, PO Box 637, Whanganui. The submission must be in Form 13. Copies of this form are available from the Customer Services Desk, Whanganui District Council, 101 Guyton Street, phone (06) 349 0001.

Submissions close at 4.00pm on Friday 13 April 2018.

Kym Fell
Chief Executive

WHANGANUI DISTRICT COUNCIL
RESOURCE CONSENT REPORT

Date: 5 September 2017

Subject: **RESOURCE CONSENT APPLICATION**
5A Toi Street, Whanganui

File number: RCLU 17/0084

Application Received: 22 August 2017

Applicant: John Churton

Legal Description: Lot 1 DP 45374

1.0 INTRODUCTION

An application for a retrospective land use consent has been received from David Mulholland on behalf of John Churton regarding earthworks which were conducted on the site at 5A Toi Street, Whanganui. The site is legally described as Lot 1 DP 45374 and is 1003m² in area.

The property is located on the southern side of Toi Street, just past its intersection with Burns Street and Smithfield Road. The site is a large sand dune, Bezier curved in nature, rising from the Toi Street road level to a flat building site approximately half way up the site, and then drops off toward Tawhero Golf Course to the rear of the site.

The site is unfenced and is the eastern section of three which has been vacant for some years. It is noted that a dwelling has recently been relocated onto the adjacent property at 5 Toi Street. There is an existing driveway to the middle rise of the section, constructed with shellrock. At present there are not any structures located on the property with the exception of a row of large concrete block along the entire road frontage boundary of the site which are acting as a retaining wall.

1.1 History of the Site and Description of Works

The site is the eastern lot of three which is currently vacant and has had earthworks previously conducted. This retrospective land use consent applies only to 5A Toi Street, the eastern of the three sections.

A series of earthworks have been conducted on the properties at 5A Toi Street and the two properties to the west of the site (figure 1). As a result of these earthworks an abatement notice was served requiring all earthworks to cease immediately and also

requiring a retrospective land use consent for the works. The two sites to the west have both had land use consents granted for the earthworks.



Figure 1: Application site, 5 Toi Street, Whanganui

The site is completely sand and has been extensively modified with the area to the rear of the site having large amounts of material deposited over the rear slope to form a terrace where a potential building site would be. Some of this material has spilled into the neighbouring property at 3 Toi Street and on the Tawhero Golf Course.

Figure 2 displays the application site and is a surface comparison by displaying the difference between the terrain in 2017 and then in 2013. The red layer shows areas of cut and the green layer shows areas of fill.

The applicant submitted the application on 22 August 2017. It was then placed on section 92 requesting further information on 13 September 2017 with the letter outlining four points that they had to address. The applicant failed to respond within the fifteen working days pursuant to s92(1). Emails were sent on 24 October, 1 November, 6 November and 13 November 2017 asking for an update on the s92 response. The applicant responded on 13 November 2017 stating that they intended to

provide the information and that the landowner had been ill and unable to assist the applicant with the further information.

No further correspondence was received after this email and a letter was sent to the applicant on 12 January 2018 asking for a response by 29 January 2018. A response to the s92 request was received on 29 January 2018, however this did not address any of the points listed in the s92 letter.

A meeting was held between Council (Michael Beech, Resource Management Planner, Hamish Lampp, Principal Planner and Damien Wood, Development Engineer) and the applicant (David Mulholland) to discuss the information that is required to answer the s92 request. The applicant was given a series of examples which showed the level of information we required. The applicant understood this and a subsequent letter outlining this was sent on 12 February 2018 requiring the information to be submitted to Council by 2 March 2018.

The applicant submitted the information on 20 February 2018. However the information submitted failed to show the earthworks that occurred along the boundary with 3 Toi Street (legally described as Lot 118 DP 2086) (refer Figure 2 and 3). A subsequent conversation via email initiated by Council on 26 February 2018 asked why the information was omitted. The applicant stated that they did not understand what was required and Council further explained the requirements on 26 February and 1 March 2018. The further information was not provided and the applicant indicated that the application would proceed on the basis of public notification.

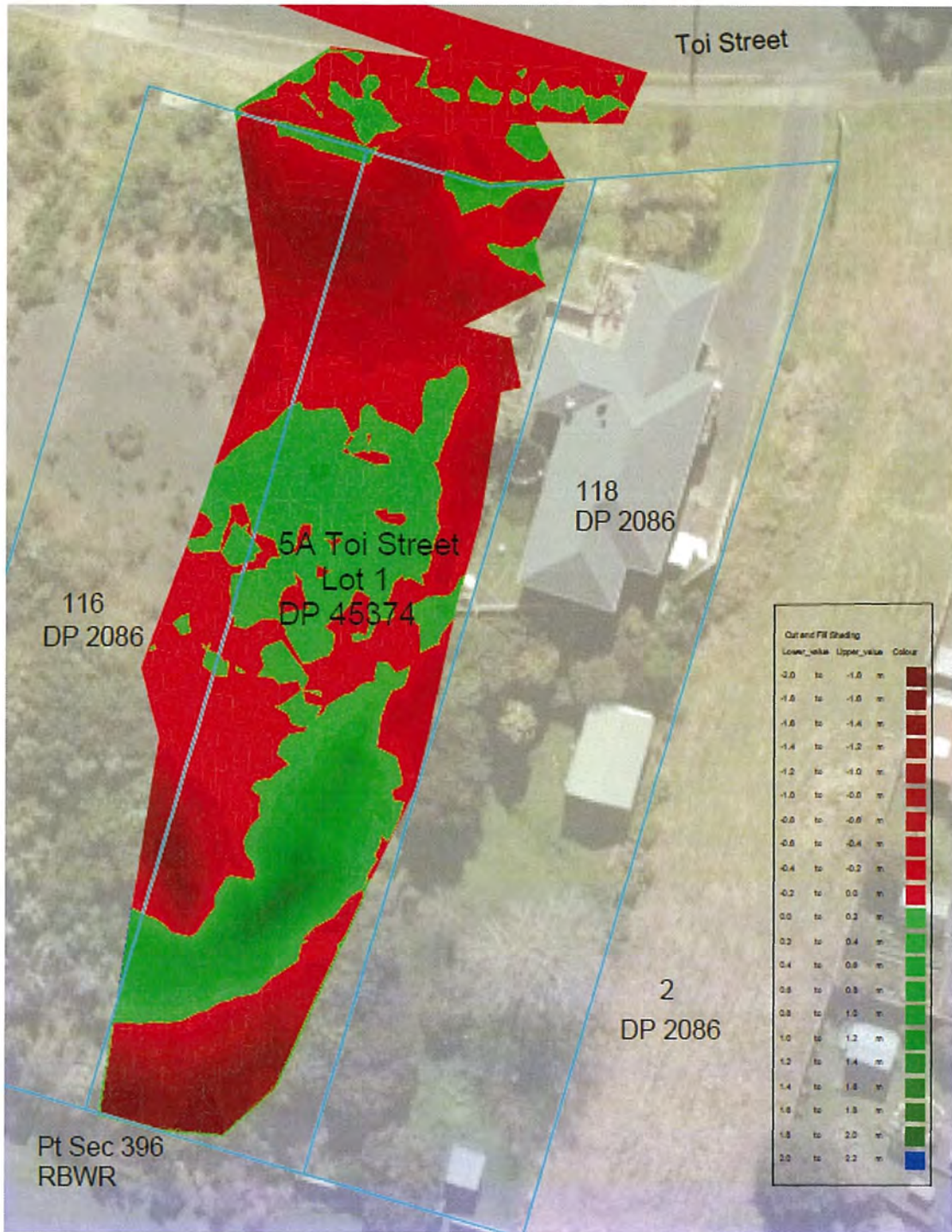


Figure 2: Earthworks information provided. Areas of fill are in green and areas of cut are in red.

2.0 DISTRICT PLAN

The site is located within the **Residential Zone** of the Whanganui District Plan.

Rule 14.4.1 of the District Plan identifies earthworks within the Residential Zone as permitted subject to compliance with specified performance standards.

However, the scheme of earthworks which have been conducted on site infringe the following performance standards:

- 14.5.1(a) – Earthworks have been undertaken in excess of 50% of the site area. It has also exceeded the maximum extent of 500m². The total area of earthworks undertaken 1,004m².
- 14.5.2(a) – There has been a cut of over 1.5m at the southern end of the site adjacent to the golf course. There has also been a cut over 1.5m on the western side of the site adjacent to the property at 5 Toi Street.
- 14.5.2(b) – The southern portion of the site has seen a large area of fill occur over a slope that is in excess of 20 degrees.
- 14.5.2(e) – It is likely that this standard has been breached with the large fill that has occurred on the southern portion of the site. However, because the information is incomplete it is difficult to determine.
- 14.5.2(g) – The earthworks have caused nuisance effects to the property at 3 Toi Street. Some of the material has spilled over the boundary and has resulted in some property damage including fruit trees and a boundary fence. See Figure 3 below.
- 14.5.2(h) – the earthworks has resulted infiltration of sediments onto the road and into the kerb and channel system for stormwater. See Figure 4 below.



Figure 3: Photograph looking south from the centre of the site along the boundary with 3 Toi Street. Taken 6 September 2017.



Figure 4: Photo looking west along footpath from street frontage of 5A Toi Street showing sediment from the site spilling onto the road reserve and into the stormwater system. Taken 17 May 2017.

Rule 14.4.2 of the District Plan classifies earthworks that do not comply with specified Performance Standards as a restricted discretionary activity.

“14.4.2 Restricted Discretionary Activities.

The following are restricted discretionary activities.

a. Earthworks that do not comply with a performance standard unless otherwise stated.”

As reserved in the District Plan, the Council’s assessment discretion is restricted to:

“i. The ability of a proposal to meet the relevant policies, performance standards.”

2.1 CONCLUSION

An assessment of this application determined that the earthworks scheme did not comply with the performance standards set out in Chapter 14 – Earthworks, of the Whanganui District Plan. Subject to Rule 14.4.2 (a), any otherwise permitted or controlled activity which does not comply with the relevant conditions and terms, must be considered as a **Restricted Discretionary Activity** under the Whanganui District Plan.

3.0 SECTION 95 OF THE RMA

Section 95A of the Resource Management Act 1991 (RMA) states that notification is at the consent authority’s discretion unless the applicant requests notification, special circumstances apply or effects are more than minor.

The applicant has not requested that this consent be notified. No special circumstances apply which require the notification of this consent in accordance with Section 95A of the Resource Management Act.

Section 95C of the act states the following:

“(1) Despite section 95A(1), a consent authority must publicly notify an application for a resource consent if—

(a) it has not already decided whether to give public or limited notification of the application; and

(b) subsection (2) or (3) applies.

(2) This subsection applies if the consent authority requests further information on the application under section 92(1), but the applicant—

(a) does not provide the information before the deadline concerned; or

(b) refuses to provide the information.

(3) This subsection applies if the consent authority notifies the applicant under section 92(2)(b) that it wants to commission a report, but the applicant—

(a) does not respond before the deadline concerned; or

(b) refuses to agree to the commissioning of the report.

(4) This section applies despite any rule or national environmental standard that precludes public or limited notification of the application.”

In this case, a section 92 request for information was sent out on the 13th September 2017. The applicant failed to respond within the 15 working days pursuant to section 92(1) and subsequent attempts to provide the information have not answered the section 92 request to a sufficient standard that can enable Council to assess the effects on neighbouring properties and the surrounding environment. Subsequent correspondence with the applicant concluded that they would not provide the required information that Council requested (s95C(20(b))).

Therefore, pursuant 95C (1)(b), the application must be publicly notified.

4.0 CONCLUSION

1. No special circumstances exist in relation to the application which requires it to be notified nor has the applicant requested notification.
2. The applicant has refused to provide Council with the appropriate information in response to the s92 request for further information letter dated 13th September 2017.
3. The application must be publicly notified pursuant to section 95C(1)(b) of the Act.

5.0 SECTION 95 RECOMMENDATION

That for the reasons concluded above, this application be processed as publicly notified.



Michael Beech
Resource Management Planner

Date:

14/3/18

That the recommendation above be adopted under delegated authority.

Hamish Lampp
Principal Planner



Date:

14/3/18



12 February 2018

David Mulholland Consulting Engineer Limited
Suite 3, 36 Ridgway Street
Po Box 991
Whanganui

Dear David

Re: 5A Toi Street Resource Consent – Further Information – RCLU17/0084

Thank you for coming into Council on 8 February 2018 at 2pm to meet myself and Damien Wood regarding the outstanding information required to enable the processing of RCLU17/0084 to continue. Below provides a summary of the points we discussed:

- That the information you provided did not address any of the four points raised in the s92 letter dated 13 September 2017.
- Damien Wood, Council's Development Engineer provided diagrams that showed the level of information required to address points 1, 2 and 3 in the letter dated 13 September 2017.
- After showing this information to you, you told us that you now understood what is required to address the four points in the s92 letter and that you'd be talking to your client about what works had been done and any proposed works that are to occur.

As agreed, in order for the consent to be continued to be processed, Council's requires you to submit this information by 4pm Friday 2 March 2018 which is 15 working days from the day of the meeting on 8 February 2018.

If we do not receive the information by this time or the information does not satisfy the s92 letter, Council will process the application on a fully notified basis which will incur additional costs for you and your client.

If you need any further clarification on the matter, please contact me on 06 349 3089 or via email at Michael.beech@whanganui.govt.nz.

Yours Sincerely

Michael Beech
Resource Management Planner

CC: Damien Wood, Johanna Verhoek and Hamish Lampp



RCLU17/0084

Property No: 33270

12 January 2018

Mr DJ Mulholland
38 Richardson Road
RD 7
Whanganui 4577

Mailed 12/1/18

Dear Mr Mulholland

Re: Section 92 response – Resource Consent 5A Toi Street

Council received a retrospective resource consent from you on 22 August 2017 for earthworks in breach of the District Plan at 5A Toi Street. Subsequently, further information was required pursuant to Section 92 of the Resource Management Act 1991 in order for the application to be processed further. A letter detailing this was sent to you on the 13th September 2017 in which you were to respond within 15 working days from this date. Council did not receive a response from you within this timeframe. Emails were sent to you on 24 October 2017, 1 November 2017 and 13 November 2017 asking you to provide a response to the information required. You replied on 13 November 2017 stating that you would provide this information. Council has not had any further correspondence from you about the matter since then. The matter is now urgent.

Section 95C of the Act requires that applications must be publicly notified, if the applicant:

- fails to respond to a further information request within the time specified
- agrees to provide the information, but then does not supply the information within the time limit
- refuses to provide the information.

Council require that you advise which of the following courses of action you will be undertaking:

1. Provide the information requested by **4pm Monday 29th January 2018**.
2. Notify Council that you are refusing to provide the information.

If you fail to respond to this letter by **4pm Monday 29th January 2018** Council will publically notify the consent which could be declined pursuant to section 104 (6) of the RMA. This will incur extra costs for you and your client.

If you need any further clarification, please contact me at Michael.beech@whanganui.govt.nz or via phone on (06) 349 3089.

Yours faithfully

Michael Beech
Resource Management Planner



Application No: RCLU17/0084

Property No: 33270

13 September 2017

Mailed 13/9/2017

George John Churton
c/- David Mulholland
38 Richardson Road, RD 7
Whanganui 4577

Dear Mr Churton

Resource Consent Application: To carry out earthworks on site – Request for Further Information

I am writing regarding your application to carry out earthworks on site at 5A Toi St WHANGANUI. In order for this application to be processed further information is requested. The further information requested is detailed below. It will help the Council 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 site plan which shows the location and extent of the earthworks that has occurred and any further earthworks that is proposed. The site plan needs to show distances from boundaries with regard to Performance Standard 14.5.2 (e) of the District Plan.
2. Please provide elevation drawings that show depths and heights of the earthworks that have occurred.
3. It is stated within Section 5.0 of the application that it is intended that the property will be developed for residential activities. Please identify any building platforms that would be related to these residential activities. If these building platforms have a fill of 600mm or more, please make an addendum to this application addressing this in accordance with Performance Standard 14.5.2 (a) of the District Plan.
4. It is stated in Section 5.0 that a scheme of further earthworks is required to contour the rear slope and ensure its long term stability. It is also stated that further earthworks is required for the formation of access. Please provide a comprehensive description of these earthworks and details of any rules and performance standards in the District Plan that are breached. Please also discuss any actual or potential effects associated with these works.

In accordance with Section 92 of the Resource Management Act (RMA) 1991, your application will be placed on hold awaiting the receipt of further information. As per Section 92 (1) of the RMA you have 15 working days to either:

- (a) Provide the requested information; or
- (b) Respond in writing that you agree to provide the information and arrange an agreed reasonable time for this information to be provided by; or
- (c) State in writing that that you refuse to provide the information.

If you refuse to provide the requested information or fail to provide the information within the agreed timeframe, Council must continue to process the application in accordance with Section 92A (3). Without all of the required information to make a full and proper assessment, the application will be required to be fully notified and could result in being declined as per Section 104 (6).

If you have any questions regarding this request please feel free to contact me.

101 Guyton Street
PO Box 637, Whanganui
Phone: (06) 349 0001
Fax: (06) 349 0000
Email: wdc@whanganui.govt.nz
Web: www.whanganui.govt.nz



**WHANGANUI
DISTRICT COUNCIL**
Te Kaunihera a Rohe o Whanganui

Yours faithfully

Michael Beech
Resource Management Planner



1. Contact Details

General Details

Please tick where applicable

The consent decision is

to be mailed

to be collected

Site

The site to which this application relates is described as:

No.

5a

Street

Toi Street

Suburb

Tawhero

Legal Description

Lot 1 DP 45374

Applicant Details

Name (please write names in full)

John Churton

Postal address

c/o Agent

Contact numbers

Phone (day)

Mobile

Fax

Email

Agent Details

(if different from above)

Name (please write names in full)

David Mulholland

Postal address of agent

38 Richardson Road, RD 7

Whanganui 4577

Contact numbers

Phone (day)

Mobile

Fax

Email

bumicouplers@gmail.com

Owner Details

(if different from above)

Name (please write names in full)

Postal address of owner(s)

Contact numbers

Phone (day)

Mobile

Fax

Email

Important!

Please tick one of the following for all invoices to go to:

- Applicant
 Agent
 Owner



4. Information Checklist

Customer
Use

Please tick where applicable

Office
Use

2 copies of relevant application information

Resource Consent Deposit

Current Computer Register (certificate of title) for the subject site

(no more than 3 months old). This can be obtained from Land Information New Zealand. Council can also provide it for a fee.

Including any relevant consent notice(s) registered on the computer register

Assessment of Environment Effects (AEE) relevant to your application.

An AEE is an essential part of the application. If no AEE is provided than Council cannot assess the application. The AEE should discuss all of the actual and potential effects on the environment arising from this proposal. The amount of detail included in the AEE must reflect the nature and scale of the development and its likely effects.

The Fourth Schedule of the Resource Management Act 1991 lists the matters to be covered in an AEE.

A scaled site plan showing the EXISTING situation on the site including:

Clearly state the name of the architect/draftsman, the date the plans were drawn, address of the property, plan numbers and variation numbers

Site boundaries

Key dimensions

North Point

Ground contours/levels

Site area

Street name and number

Outline of all existing structures

Distances to boundaries

Plans showing the PROPOSED development including (where relevant):

Clearly state the name of the architect/draftsman, the date the plans were drawn, address of the property, plan numbers and variation numbers

Site boundaries

Key dimensions

North point

Scale of 1:50, 1:100, 1:200 or 1:1000

Design of earthworks and final levels and contours of the site

Identify all retaining walls

Layout and location of proposed structures and buildings or alterations to existing structures and buildings and paved areas

Floor plans of proposed buildings showing all kitchen facilities

Calculation of total site coverage

For non-residential site, the gross floor area of all buildings on the site (for assessing car parking requirements)

Details of any signage

All landscape design proposals, site planting and fencing

Vehicle crossing, parking, loading bay, circulation and manoeuvring

Easements

Where there is more than one dwelling on the site, show outdoor living space and external access storage for

each dwelling

Elevation Drawings

Relationship of buildings to the existing ground level and finished ground levels and boundaries, including cross sections.

Outline the activity under no space taken on the site and how this may change

Number of staff

4. Information Checklist

Customer Use

Office Use

Written approval from affected parties

- Letter or affected persons approval form dated and signed by the affected parties AND their signatures and date on the plans submitted with this application.
- Letter of support (if required) from New Zealand Transport Agency, PowerCo, etc...

Schedule of proposed work with a timeline (for relocated structures)

Accompanying Information (if required)

- Engineering
- Landscape
- Traffic
- Urban Design/Architect

Notes for the Applicant

Incomplete applications will be returned to the applicant. The Council may also request further information under Section 92 of the Resource Management Act 1991, to better understand the potential effects of the proposal.

Once this application is lodged with the Council, it becomes public information. If there is sensitive information in the proposal, please let us know.

Council may require a registered surveyor to certify contours, natural ground level, building site(s) or structure(s), location of boundaries or any other feature which may affect this proposal.

The required deposit must be paid before processing of any application will start.

I enclose a deposit fee of \$ 1000 for the processing of this application. I/we understand that Council may invoice me for the actual and reasonable cost incurred in the processing of this application.*

Note: A development contribution may be payable as a requirement of processing with an approved development for additional household units.

Deposits and additional fees

The above fee is an initial deposit with further charges to be invoiced if there is additional time spent on processing your consent. Initial deposits will be required prior to the processing of consent applications.

Signature of applicant or agent of applicant: 

ZZ

Date August 2017

*refer to section 36 of the RMA and Council's current schedule of Resource Consent Fees.

101 Guyton Street
P O Box 637, Whanganui
Phone: (06) 349 0001
Fax: (06) 349 0000
Email: wdc@whanganui.govt.nz
Web: www.whanganui.govt.nz



WHANGANUI
DISTRICT COUNCIL
Te Kaunihera a Rohe o Whanganui

19 April 2017

Mr GJ Churton
c/- Mr DJ Mulholland
38 Richardson Road
RD 7
Whanganui 4577

Dear Mr GJ Churton

Return of Incomplete Resource Consent - To carry out earthworks on site

Application No: RCLU17/0032

Property No: 33270

Thank you for your application for a Land Use - Resource Consent to carry out earthworks on site at Toi St WHANGANUI (Lots 115-116 DP 2086 & Lot 1 DP 45374). You lodged your application on Tuesday, 18 April 2017.

We have undertaken an initial check of your application to ensure we have all the information we require to receive the application pursuant to Section 88(3) of the Resource Management Act 1991.

Unfortunately we are unable to formally receive your application as it is incomplete and does not contain the following information:

- The Assessment of Environmental Effects (AEE) did not contain sufficient information as required by regulation Schedule 4 and S88 (3) of the Resource Management Act. Enclosed for your information is what information is required to be provided in an AEE and a template example of an AEE provided by the Ministry for the Environment. This is a legal requirement for all resource consent applications.
- A Resource Consent application has the potential for affected parties to be identified as a result of the effects of the proposal if they cannot be demonstrated that they can be mitigated or are less than minor. If an application is to proceed on a non-notified basis, all potentially affected parties must provide consent to the application. The affected party consents provided with the application did not clearly detail the proposed works. It is considered good practise for affected parties to sign a copy of the AEE and/or plans to ensure they proposal is understood.
- The ability of the proposed earthworks to meet the objective and policies of the District Plan, specifically 14.2 and 14.3 in regards to Earthworks and an assessment of the proposed earthworks against the performance standards of Chapter 14.
- Detailed drawings and or plans of the earthworks that have been undertaken to date and are proposed to be undertaken. Such plans and/or drawings should contain details of and modification of land surfaces by blading, contouring, ripping, moving, removing, placing or replacing soil by either excavation, cutting and filling operations.

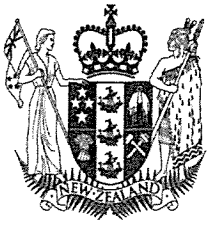
Your application is enclosed for your review and amendment. Please advise Council if you do not intend on resubmitting the application so a refund can be arranged. Once your changes are made and your application is re-submitted, the application will be treated as a new consent.

You are entitled to formally object to the return of this application pursuant to Section 357 of the Resource Management Act 1991. If you wish to object then the objection must be made in writing and served on the Council within 15 working days of the receipt of this letter. The objection must state the reasons for objecting.

Please do not hesitate to contact the writer if you have any queries in relation to the above information or information that needs to be supplied as part of your application.

Yours faithfully,

Connor Marner
Resource Consent Planner



**COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952**



Search Copy


R. W. Muir
Registrar-General
of Land

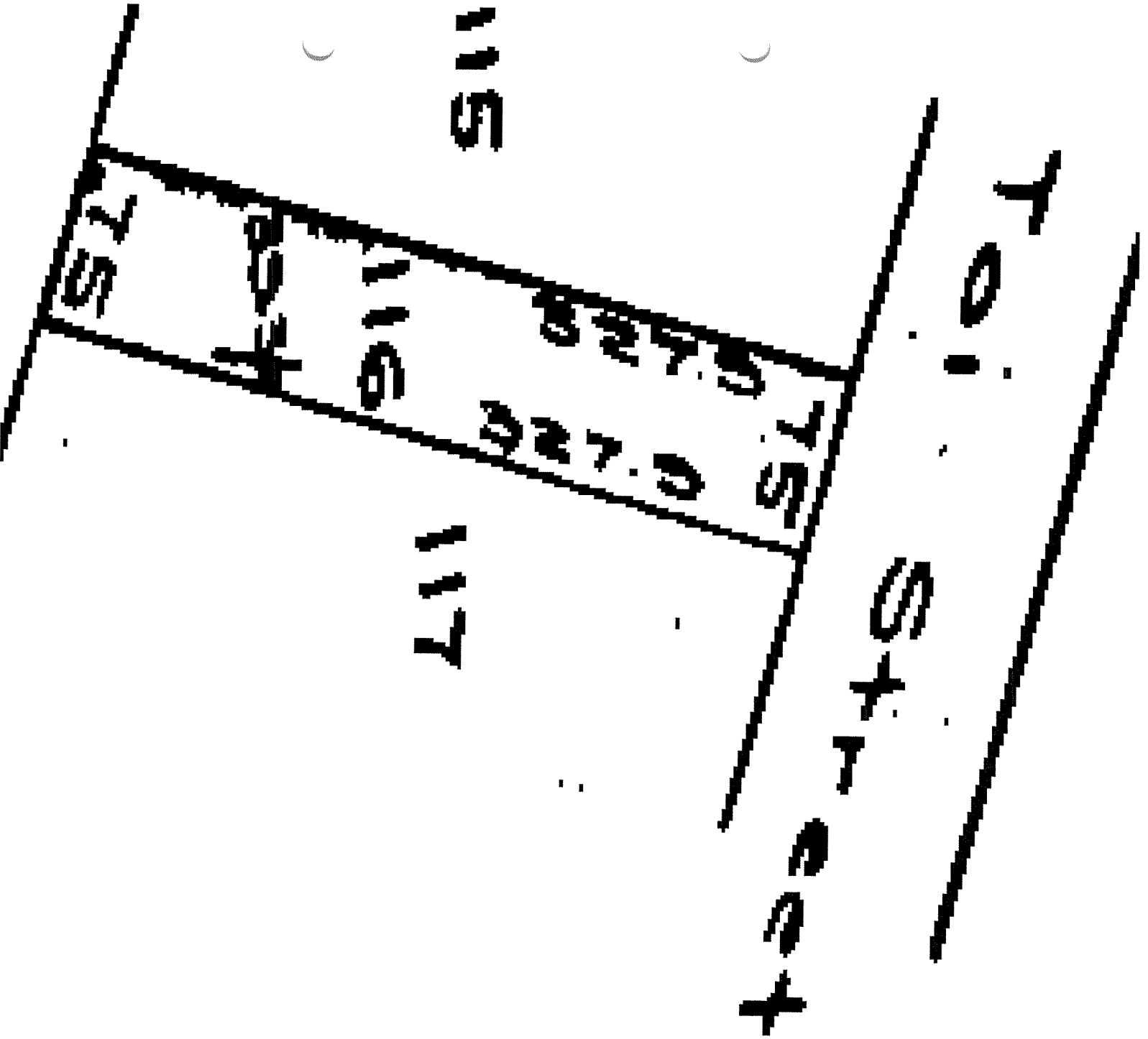
Identifier WN231/204
Land Registration District Wellington
Date Issued 18 March 1915

Prior References
WN177/92

Estate Fee Simple
Area 994 square metres more or less
Legal Description Lot 116 Deposited Plan 2086

Proprietors
Loretta Ann Gibson

Interests

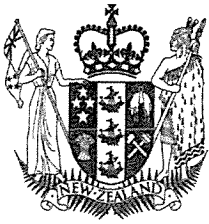


115

117

STREET

TOY



**COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952**



Search Copy


R. W. Muir
Registrar-General
of Land

Identifier **WN18A/886**
Land Registration District **Wellington**
Date Issued 07 September 1977

Prior References
WN539/133

Estate Fee Simple
Area 994 square metres more or less
Legal Description Lot 115 Deposited Plan 2086

Proprietors
George John Churton

Interests

10699201.1 CHARGING ORDER DATED 31 JANUARY.2017 BETWEEN GEORGE JOHN CHURTON AND
DWAYNE WEREROA HOTERENI - 10.2.2017 at 7:00 am

DEPARTMENT OF LANDS AND SURVEY, NEW ZEALAND.
FOR SURVEYS UNDER THE LAND TRANSFER ACT.

No 2086



Received for Deposit 8th September 1908
New Zealand
District of Tairāpapa
1908

CITY OF WANGANUI
S.O. 22528
14456
227

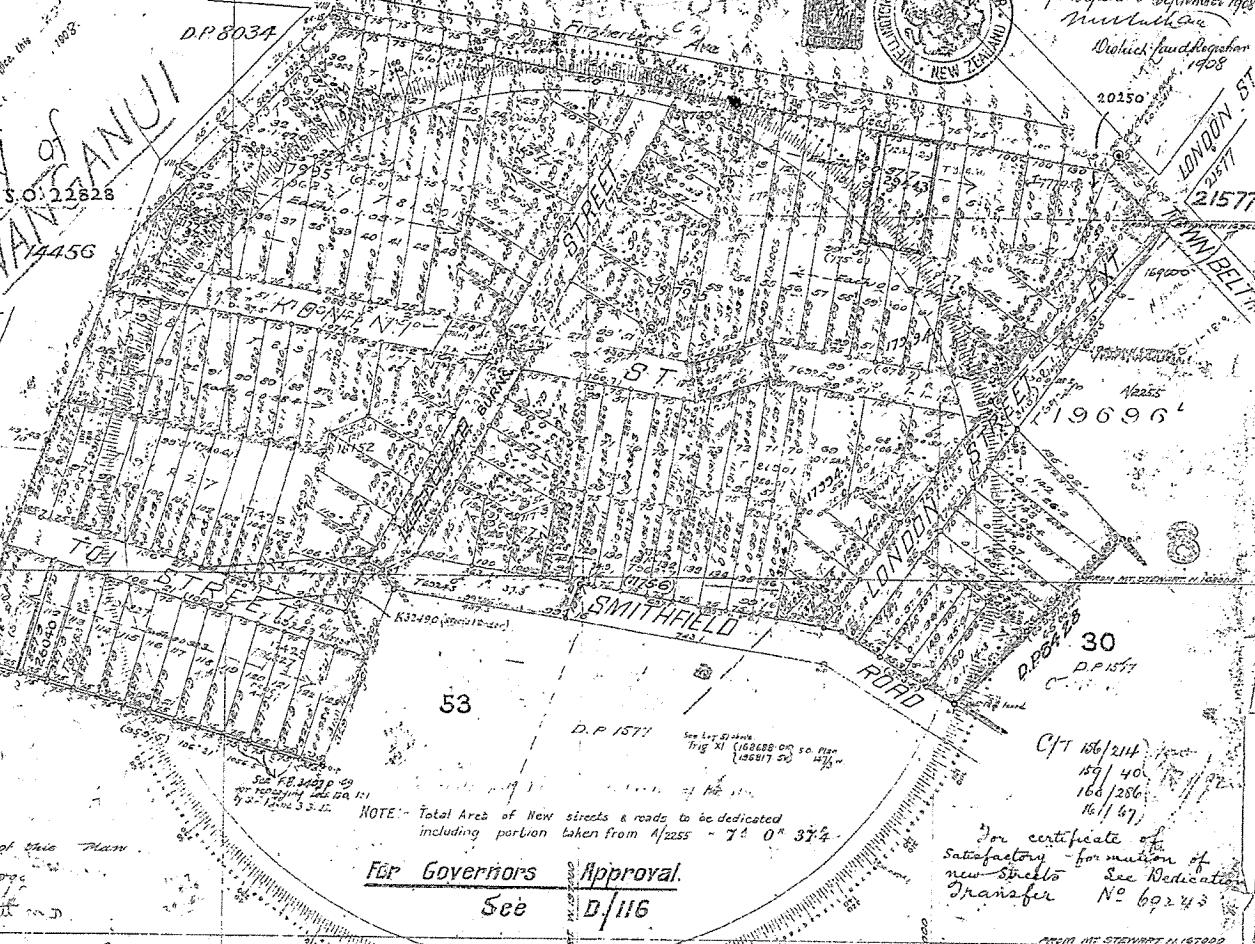
DP 8034

20250

LONDON ST
21577

West

East



For Governors Approval
See D/116

For certificate of Satisfactory for motion of new streets See Dedication Transfer No 69243

For Governor's Approval
See Plan D/116

Sheet 4

Plan of The Township of Tawhero

Surveyed for Hagg & Porribb.

By John Annabell

Date: 1908

Licensed Surveyor

RIGHT BANK WANGANUI RIVER

DP SECTIONS 7&8 BLOCK V WESTMERE S.O.

SCALE: 2" = 100 yards to an inch.

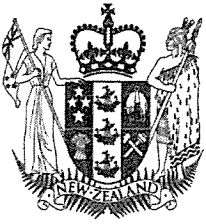
PROVIDED	...
EXAMINED	...
TRAY REDUCED	PAGES 155-159
FIELD BOOK	PAGE
REF. PLANS	...

DECLARATION

John Annabell

Approved
31st July 1908

2086



COMPUTER FREEHOLD REGISTER UNDER LAND TRANSFER ACT 1952



Search Copy


R. W. Muir
Registrar-General
of Land

Identifier **WN16B/1214**
Land Registration District **Wellington**
Date Issued 22 July 1976

Prior References

WN641/62

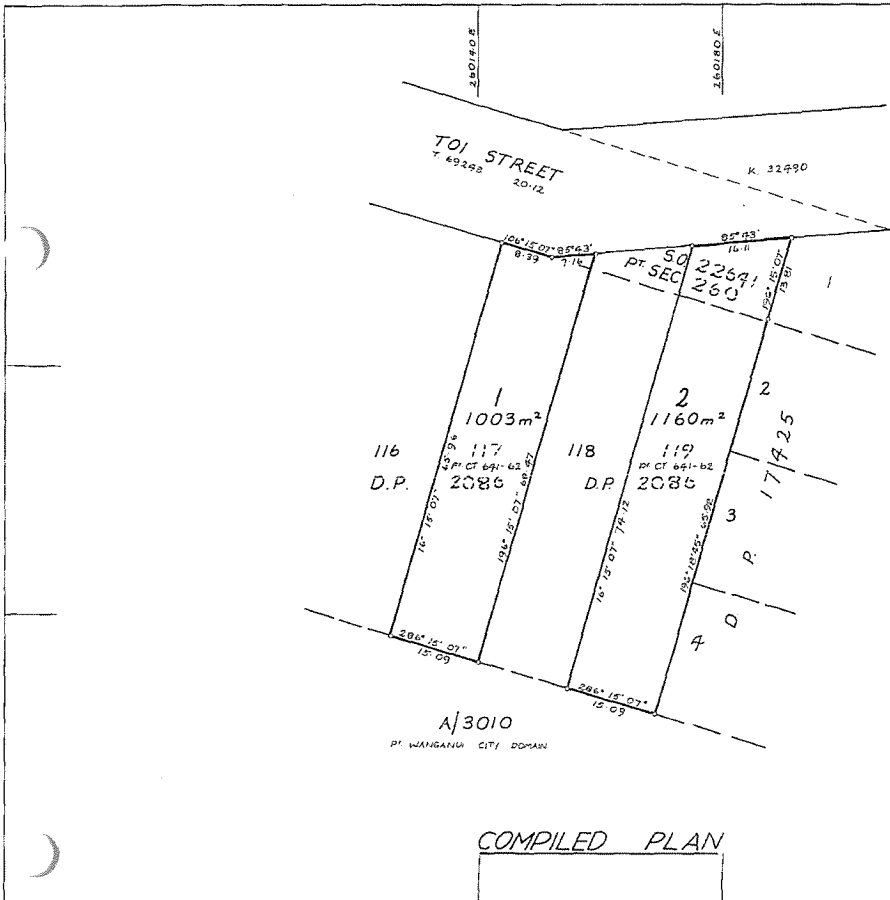
Estate Fee Simple
Area 1003 square metres more or less
Legal Description Lot 1 Deposited Plan 45374

Proprietors

George John Churton

Interests

10699201.1 CHARGING ORDER DATED 31 JANUARY.2017 BETWEEN GEORGE JOHN CHURTON AND
DWAYNE WEREROA HOTERENI - 10.2.2017 at 7:00 am



APPROVED
 Special to be made of the
 original plan by the Registrar
 of Land in accordance with the
 provisions of the Land Act 1924
 and the provisions of the
 Land Act 1975.
 REGISTERED OWNER

By the Registrar of Land in accordance with the provisions of the Land Act 1924 and the provisions of the Land Act 1975, I hereby certify that this plan has been made from the original plan by me or under my direction, that the plan is correct and that the same has been made in accordance with the regulations under the Survey Act 1908.
 Dated at WANGANUI this 18th day of SEPTEMBER 1975.
 JOHN HARRISON
 Registered Surveyor and holder of an annual practicing certificate

NOTE: ALL BDYS = C.T.
 DATUM: OLD CAENSTRAL
 WANGANUI CIRCUIT COORDINATES
 ORIGIN: MT. STEWART 100000 N
 300000 E
 Total Area 2163 m²
 Comprised in CT 641-62 BAL

1. JOHN HARRISON of WANGANUI Registered Surveyor and holder of an annual practicing certificate hereby certify that this plan has been made from the original plan by me or under my direction, that the plan is correct and that the same has been made in accordance with the regulations under the Survey Act 1908.
 Dated at WANGANUI this 18th day of SEPTEMBER 1975.
 JOHN HARRISON
 Registered Surveyor and holder of an annual practicing certificate
 Reference Plans D.P. 2086, SO 22641.
 Examined M. SAMUEL
 Approved as to Survey
 6.7.76
 Deposited this 22nd day of Sept 1975.
 Chief Surveyor
 District Land Registrar

LAND DISTRICT WELLINGTON
 SURVEY BLK. & DIST. IX WESTMERE
 NZMS 177 SHEET N. 138

LOTS 1 & 2 BEING PLAN OF LOTS 117 & 119 D.P. 2086
 AND PTS. SEC. 260 RIGHT BANK WANGANUI RIVER

LOCAL AUTHORITY WANGANUI CITY
 COMPILED BY WALL BOBLE PAYKE & SERVICE
 Scale 1:400 Date SEPT 1975

45374

Copy

Application Land Use Resource Consent
Form 9, Resource Management Act 1991



WHANGANUI DISTRICT COUNCIL
Te Kaunihera a Rohe o Whanganui

1. Contact Details

General Details

Please tick where applicable

The consent decision is

to be mailed

to be collected

Site

The site to which this application relates is described as:

No.

5

Street

TD1

Suburb

Legal Description

Lot 115 DP 2086, Lot 116 DP 2086, Lot 1 DP 45374

Applicant Details

Name (please write names in full)

GEORGE J. CHURTON

Postal address

26 GODWIN CRESCENT
WANGANUI 4500

Contact numbers

347 6563

022 416 6647

Phone (day)

Mobile

Fax

Email

Agent Details

(if different from above)

Name (please write names in full)

DAVID MULHOLLAND

Postal address of agent

P.O. Box 991 WANGANUI

Contact numbers

021 299 5603

Phone (day)

Mobile

Fax

Email

Owner Details

(if different from above)

Name (please write names in full)

Postal address of owner(s)

Contact numbers

Phone (day)

Mobile

Fax

Email

Important!

Please tick one of the following for all invoices to go to:

Applicant

Agent

Owner

2. Description of Activity

Describe clearly the proposal to which this application relates:

EARTHWORKS ON 3 SITES AT 5 TOI STREET

Please tick where applicable

Are there other resource consent(s) required for this proposal?

Yes

No

If yes show any other resource consent(s) required as part of this proposal by ticking the relevant boxes.

	Resource consent required	Resource consent applied for
Subdivision consent	<input type="radio"/>	<input type="radio"/>
Coastal permit	<input type="radio"/>	<input type="radio"/>
Water permit	<input type="radio"/>	<input type="radio"/>
Discharge permit	<input type="radio"/>	<input type="radio"/>
Land use consent	<input type="radio"/>	<input type="radio"/>

Regional Council

3. Assessment of Environment Effects

Assessment of any effects on the environment in accordance with Schedule 4 of the Resource Management Act 1991. This section MUST be completed to a level of detail that corresponds with the scale and significance of the effects that the proposed activity may have on the environment (use additional pages if necessary).

THE EARTHWORKS ACTIVITY COMPRISES GRADING & LEVELING THE SITE TO PROVIDE BUILDING PLATFORMS FOR 3 HOUSES WITH DRIVEWAY ACCESS UP FROM THE ROAD FRONTAGE ON TOI STREET. THE SLOPE IN THE FRONT (DOWN TO TAWIHERO GOLF COURSE) IS TO BE GRADED & STEPPED WITH CONCRETE BLOCKS & COMPACTED SHELL ROCK FILL & WILL HAVE TOPSOIL & PLANTING. FILL IN SOUTHEASTERN CORNER WILL ALSO BE GRADED & STEPPED ON THE CONCRETE BLOCKS, THEN WITH TOPSOIL & PLANTING. THERE IS DISCUSSION WITH THE OWNER OF NO. 3 TOI STREET AS TO A BOUNDARY RE-ALIGNMENT WHEREBY NO. 3 MIGHT GET A WIDER FRONTAGE TO TOI ST. IN EXCHANGE FOR RECEIVING A SIMILAR AMOUNT OF LAND AT THE REAR TO REDUCE THE AMOUNT OF SLOPE & WALL IN SOUTH EASTERN CORNER OF 5 TOI ST.

4. Information Checklist

Customer Use

Please tick where applicable

Office Use



2 copies of relevant application information



Resource Consent Deposit



Current Computer Register (certificate of title) for the subject site

(no more than 3 months old). This can be obtained from Land Information New Zealand. Council can also provide it for a fee.



Including any relevant consent notice(s) registered on the computer register



Assessment of Environment Effects (AEE) relevant to your application.

An AEE is an essential part of the application. If no AEE is provided then Council cannot assess the application. The AEE should discuss all of the actual and potential effects on the environment arising from this proposal. The amount of detail included in the AEE must reflect the nature and scale of the development and its likely effects.

The Fourth Schedule of the Resource Management Act 1991 lists the matters to be covered in an AEE.



A scaled site plan showing the EXISTING situation on the site including:



Clearly state the name of the architect/draftsman, the date the plans were drawn, address of the property, plan numbers and variation numbers



Site boundaries



Key dimensions



North Point



Ground contours/levels



Site area



Street name and number



Outline of all existing structures



Distances to boundaries

Map print



Plans showing the PROPOSED development including (where relevant):



Clearly state the name of the architect/draftsman, the date the plans were drawn, address of the property, plan numbers and variation numbers



Site boundaries



Key dimensions



North point



Scale of 1:50, 1:100, 1:200 or 1:1000



Design of earthworks and final levels and contours of the site



Identify all retaining walls



Layout and location of proposed structures and buildings or alterations to existing structures and buildings and paved areas



Floor plans of proposed buildings showing all kitchen facilities



Calculation of total site coverage



For non-residential site, the gross floor area of all buildings on the site (for assessing car parking requirements)



Details of any signage



All landscape design proposals, site planting and fencing



Vehicle crossing, parking, loading bay, circulation and manoeuvring



Easements



Where there is more than one dwelling on the site, show outdoor living space and external access storage for



each dwelling

waiting negotiation with owner of 100 3 TO, ST



Elevation Drawings



Relationship of buildings to the existing ground level and finished ground levels and boundaries, including cross sections.



Outline the activity under no space taken on the site and how this may change



Number of staff

4. Information Checklist

Customer
Use

Office
Use



Written approval from affected parties

- Letter or affected persons approval form dated and signed by the affected parties AND their signatures and date on the plans submitted with this application.
- Letter of support (if required) from New Zealand Transport Agency, PowerCo, etc....



Schedule of proposed work with a timeline (for relocated structures)



Accompanying Information (if required)

- Engineering
- Landscape
- Traffic
- Urban Design/Architect

Notes for the Applicant

Incomplete applications will be returned to the applicant. The Council may also request further information under Section 92 of the Resource Management Act 1991, to better understand the potential effects of the proposal.

Once this application is lodged with the Council, it becomes public information. If there is sensitive information in the proposal, please let us know.

Council may require a registered surveyor to certify contours, natural ground level, building site(s) or structure(s), location of boundaries or any other feature which may affect this proposal.

The required deposit must be paid before processing of any application will start.



I enclose a deposit fee of \$ _____ for the processing of this application. I/we understand that Council may invoice me for the actual and reasonable cost incurred in the processing of this application.*

Note: A development contribution may be payable as a requirement of processing with an approved development for additional household units.

Deposits and additional fees

The above fee is an initial deposit with further charges to be invoiced if there is additional time spent on processing your consent. Initial deposits will be required prior to the processing of consent applications.

Signature of applicant or agent of applicant: _____



Date: _____

18-4-17

*refer to section 36 of the RMA and Council's current schedule of Resource Consent Fees.

Map Print -

Print Date: 3/03/2017
Print Time: 9:40 AM



Original Sheet Size:
Scale: 1:800

Projection: NZGD49 / New Zealand Map Grid
Bounds: 2682679.30001805,6139108.46676923

2682887.75105495,6139222.22205117

Digital map data sourced from Land Information New Zealand CROWN COPYRIGHT RESERVED
The information displayed in the GIS has been taken from Whanganui District Council's databases and maps
It is made available in good faith but its accuracy or completeness is not guaranteed
If the information is relied on in support of a resource consent it should be verified independently

101 Guyton Street
 P O Box 637, Whanganui 4500
 Phone: (06) 349 0001
 Fax: (06) 349 0000
 Email: wdc@whanganui.govt.nz
 Web: www.whanganui.govt.nz

Whanganui District Council
 PO Box 637, Whanganui
 Phone (06) 349-0001
 Visit our Web Site www.whanganui.govt.nz
REPRINTED

PREPAID - TAX INVOICE
 GST Number 51-668-324

Official Receipt
 GST Reg No 51-668-324

18/04/2017 Receipt No: 580432

Payers Name:
 David Mulholland
 c/- George Churton

For Building

To: David Mulholland
 C/- George Churton

Reference N

Date:

Description	Amount
General	
NOGPRECONSENT 5 Toi Street; Earthworks in breach of DP - lot 115-116 DP2086& lot 1 DP 45374	\$1,000.00
NOGPRECONSENT Cert of Title	\$10.00

YOUR APPLICATION WILL NOT BE PROCESSED UNLESS

Transaction Total: \$1,010.00

Location of project 5 Toi Street **Description of project**

Amounts Tended	
EFTPOS	\$1,010.00
Total	\$1,010.00

Earthworks in breach of

Reference Details

Printed 18/04/2017 10:57:18a.m.
Amount (incl GST)

- | | |
|---|-------------------|
| 1. Building Consent Project Type – initial application fee (refer to 'Consent Fees' Form) | \$ |
| 2. Resource Consent - initial application fee | |
| • Land use - Non-Notified | \$ 1000.00 |
| • Subdivision - Notified | \$ |
| 3. Infrastructure Bond | |
| • Non-Refundable Charge | \$ |
| 4. Other - Aerial photographs | \$ |
| - Plan pack Searches | \$ |
| - Rural Rapid Numbers (New) | \$ |
| - Photocopying A4 – A3 | \$ |
| - Photocopying A2 – A0 (Large Plans) | \$ |
| 5. Certificate of Title | \$ 10.00 |
| Total Payable | \$ 1010.00 |

WHEN PAID THIS FORM WILL BE PART OF YOUR CONSENT APPLICATION AND MUST BE ATTACHED TO THE CONSENT APPLICATION BEFORE IT WILL BE PROCESSED.

PLEASE RETURN TO CUSTOMER SERVICES