

RC SS-2019-9001-00

16 October 2019

Barry Raynes
C/- Kathryn Maguire
Harrison Grierson Consultants
PO Box 336 WHAKATĀNE 3120

By email: k.maguire@harrisingrierson.com

Dear Ms Maguire,

RESOURCE CONSENT (SUBDIVISION)

TYPE: SUBDIVISION
APPLICANT: BARRY RAYNES
DETAILS: TWO LOT SUBDIVISION
ADDRESS: 60 POHUTU STREET, WHAKATANE

I am pleased to advise you that your subdivision consent has been granted. The Council's resolution and the conditions of consent are attached. As the consent holder you must comply with all the conditions of this consent and ensure that all the legal paperwork is completed before you can apply to Land Information New Zealand for new titles for the new lots.

Your surveyor or agent will explain the process for you to complete the required works and obtain new titles. In general terms there are three key steps to the process:

- (a) Arrange for the surveying work to be completed by your surveyor and to have the new survey plan approved by Council. This is otherwise known as the Section 223 Certificate and must be completed within five years of the date of this letter or the consent will expire.
- (b) Carry out all of the works required by these consent conditions. The Council will inspect the physical works and certify their compliance. There is a maximum period of 3 years from the date of the survey plan approvals during which you must complete the conditions of consent and obtain the approvals of Council. This is also known as the Section 224 Certificate.
- (c) Arrange for any legal documentation to be prepared by your solicitor.

It is important that you understand how the steps in the process and how the timeframes work so you can control them to your advantage. Please discuss the process with your surveyor or contact a Planner at the Council if you have any questions. Under some circumstances the time frames may be extended, and you should consult your surveyor or agent on this matter. Please note that there are Council fees and charges associated with these processes.

Please read the consent conditions carefully and ensure you understand what is required of you. Please ensure that any contractor or person acting on your behalf is provided with a copy of the consent



conditions and also understands the requirements. You should ensure they are provided with a copy of any approved engineering drawings or Standard Drawings from the Council's Engineering Code of Practice or District Plan. If you or your contractor have any questions about the standard or specifications of a drawing please contact the Council to clarify what is required. As the consent holder, it is your responsibility to ensure all of the conditions are met and all works are completed to the required standard. If works are not completed correctly then you will have to rectify the problem at your own cost. For example, this may include re-laying a right-of-way or vehicle crossing if it is not constructed to the required standard.

Similarly you must ensure that any inspections that are required by the conditions of consent are undertaken (for example, for sewer laterals, right-of-ways and vehicle crossings). If the required inspection is not done then the Council may not be able to approve construction. If you have any questions about what must be inspected and when it must occur please contact the Council.

In accordance with Sections 357A and 357B of the Resource Management Act 1991, you have the right to object to any of the attached conditions of consent or the additional administrative charges. An objection must be lodged with the Whakatāne District Council within 15 working days of receiving the Council's decision. If you are in any way not satisfied with the decision of the Council on your objection, you have the right to appeal to the Environment Court. Any appeal must be lodged with the Environment Court within fifteen working days of receiving the decision on your objection.

An invoice for the additional fees payable for the processing of the resource consent will be forwarded to you shortly.

If you have any further enquiries about this resource consent or its conditions please contact Kayla Manson at this office.

Yours faithfully,



Steve Tuck
SENIOR PLANNER

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On 16 October 2019 the Whakatāne District Council decided:

"1. To GRANT a Resource Consent:

- I. Under Section 9(1)(a) of the Resource Management Act 1991 and Rules 12.2.1.1.17, 13.2.4.1 and 4.2.7.1(c) of the Whakatāne District Plan, being a Non-Complying activity, and
- II. In accordance with sections 34A, 104B, 104D, 108 and 220 of the Resource Management Act 1991,

To undertake two lot residential subdivision of a 943m² site described as:

Legal description:	Lot 25 DPS 3057 RT: SA2A/235
Site Address:	60 Pohutu Street, Whakatane

Subject to the following conditions:

General

- (a) That the proposed subdivision shall be carried out in general accordance with the scheme plan of subdivision drawn by East Bay Surveyors, titled "Subdivision of Lot 25 DPS 3057", drawing number 2702-SC01, Revision B, dated 24 June 2019 and stamped as "Approved by Planning" and any information submitted as part of the application except where modified by any other condition of this consent.
- (b) That a monitoring fee of \$320.00 shall be paid to the Council for the administration, monitoring and supervision of this consent. Notwithstanding the above, where there is good and reasonable cause for unprogrammed monitoring and additional site inspections, then the costs of that will be a charge on the consent holder. Such costs are recovered on an actual and reasonable basis as defined in the General Conditions and Notes of the Fees and Charges Schedule as approved by the Council in terms of Section 36 of the Resource Management Act 1991.
- (c) That all easements required to protect access and services shall be duly granted or reserved.

Water

- (d) That Lots 1 and 2 shall be provided with independent metered water connections in accordance with Sections 6.1.12 and 6.2.3 of the Council's Engineering Code of Practice.
- (e) That Lot 2 shall be provided with independent sewer connections, either in accordance with Standard Drawing SS01, or by constructing a manhole on the existing lateral in accordance with Standard Drawing SS10. If the latter option is adopted a sewer lateral inspection test shall be carried out at the expense of the consent holder. If the test fails the consent holder shall upgrade the lateral to the required standard. Application for a new connection or CCTV inspection of the existing lateral shall be made to the Council prior to any works commencing on site.
- (f) That an "as-built" plan of all new and extended services, including soak rings for stormwater disposal shall be provided to Council for approval. The plans shall be in accordance with the Council's Engineering Code of Practice dated April 2008 and shall be certified as being an accurate record of the location of the services, as constructed, by a registered surveyor or other suitably qualified person. The "as-built" plans shall clearly show which assets are to be vested with the Whakatane District Council.
- (g) That all services (including stormwater disposal systems) are to be contained within each lot's boundaries or appropriate easements shall be duly granted or reserved to provide on-going rights of access and maintenance.
- (h) A desktop investigation indicated there is an existing overland flow path through the property. The design and construction of development shall be such that overland flow paths are provided clear of the building areas on each lot. A separate stormwater and flood assessment shall be provided to Council for approval for any fill placed outside the building platform in areas within the lot. Please consult the Council's Three Waters Department prior to the making of an application for building consent.
- (i) The application indicates that the site contains poor-drainage soils. Properties with these conditions shall be provided with an on-site stormwater capacity equivalent to the volume calculated in accordance with Clause 4.1.9 of the Engineering Code of Practice. The storage container shall have a 25mm diameter outlet at the base and a 100mm diameter sealed piped overflow system connected to the street kerb with an approved kerb connection. Where a gravity discharge to the kerb is not feasible, it will be necessary to install a pumped discharge. This system will be subject to the final approval of the Asset Engineer - Three Waters.

Consent Notice – Lot 2

- (j) That pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the Record of Title of Lot 2 as follows –
 - (i) That engineering plans, specifications and calculations providing for the disposal and control of stormwater from the site shall be submitted to the Whakatane District

Council General Manager Planning and Infrastructure for approval prior to the issue of any building consent in accordance with Section 4.1.7 of the Whakatāne District Council Engineering Code of Practice. The design shall take into consideration the provision of both primary and secondary disposal and control systems.

- *Primary— The primary system shall be required to provide an on-site containment or disposal system designed to cater for rainfall of a ten per cent probability of occurring annually.*
 - *Secondary— The secondary system capable of carrying surface water resulting from a storm with a 1% probability of occurring annually shall be constructed to ensure that surface water shall not enter buildings. Secondary flow paths shall be shown on the design plans.*
- (ii) *That a geotechnical investigation prepared by a suitably qualified and experienced practitioner, and to the satisfaction of the Whakatane District Council, shall be submitted as part of any building consent application. The purpose of the geotechnical investigation is to ensure the site has good grounds to support a dwelling and any associated structures.*

Consent Notice – Lot 1

- (k) *That pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the Record of Title of Lot 1 as follows –*
- (l) *That engineering plans, specifications and calculations providing for the disposal and control of stormwater from the site shall be submitted to the Whakatāne District Council General Manager Planning and Infrastructure for approval prior to the issue of any building consent in accordance with Section 4.1.7 of the Council's Engineering Code of Practice. The design shall take into consideration the provision of both primary and secondary disposal and control systems.*
- *Primary— The primary system shall be required to provide an on-site containment or disposal system designed to cater for rainfall of a ten per cent probability of occurring annually.*
 - *Secondary— The secondary system capable of carrying surface water resulting from a storm with a 1% probability of occurring annually shall be constructed to ensure that surface water shall not enter buildings. Secondary flow paths shall be shown on the design plans.*
- (ii) *That a geotechnical investigation undertaken by a suitably qualified and experienced practitioner, and to the satisfaction of the Whakatane District Council, shall be submitted as part of any building consent application. The purpose of the geotechnical investigation is to ensure the site has good ground to support a dwelling and any associated structures.*
- (iii) *That where a fence or landscape planting (in place of a fence) is proposed within the front yard of Lot 1 it must be not exceed 1 metre in height for the first 2 metres*

distance as measured in a westerly direction from the western edge of the right-of-way, and from the south eastern corner of the right of way in a northerly direction.

Roading

- (i) That the existing vehicle crossing to the property at 60 Pohutu Street shall be removed with the footpath, berm, kerb and channel being reinstated to the satisfaction of the General Manager Planning and Infrastructure.*
- (j) That the shared vehicle crossing serving Lots 1 and 2 shall be formed and constructed in accordance with Standard Drawing 08 of the Council's Engineering Code of Practice. The consent holder shall submit a corridor access request (CAR) and a traffic management plan (TMP), through www.submitica.co.nz at least 10 working days prior to any work required being carried out on Pohutu Street. The consent holder shall contact the Council's Transportation Team to arrange for an inspection to be carried out prior to placing of concrete and they will require 48 hours notice to perform the inspection.*
- (k) That the proposed access way to Lots 1 and 2 shall be formed and constructed in accordance with Standard Drawings R13 of the Council's Engineering Code of Practice. If surfacing Option C (concrete) is chosen, then 665 mesh shall be installed. The consent holder shall contact the Council's Transportation Team to arrange for an inspection to be carried out prior to pouring of the concrete and they will require 48 hours' notice to perform the inspection*
- (l) That the access and manoeuvring areas for Lot 1 shall be formed and constructed in accordance with Rule 13.2.14.1 of the Whakatane District Plan so that they do not permit vehicles to carry deleterious material such as mud, stone, chip, or gravel on to the public street.*

Financial Contribution

- (m) That a financial contribution for reserves of \$2,645.00 (inclusive of GST) shall be paid to the Council.*

Advice Notes

- i. A development contribution is payable for this activity. Refer to Council's letter dated 24 September 2019.*
- ii. Building consent will required for any new buildings.*
- iii. The current modelled 1% AEP flood level at the site is 102.0m. The permitted Minimum Building Platform Level would therefore be 102.5m pursuant to District Plan Rule 18.2.3.2. Before making an application for building consent, the applicant will need to obtain the current 1% AEP flood level from the Three Waters Department of the Whakatāne District Council.*
- iv. In order to connect to Council's reticulated sewer or water supply system, separate applications must be made to the Whakatāne District Council.*

4. **THAT** within 20 working days of the receipt of the invoice the additional administrative charges that were incurred in relation to the receiving, processing and granting of this resource consent (pursuant to s36 of the Resource Management Act 1991) shall be paid to the Council in full.

Reasons for the decision

- (a) The Council notes that the subject land is located in the Residential Zone of the Whakatāne District Planning Maps. The site is developed with a single dwelling, garage and several small sheds. The surrounding area is characterised by residential land uses on a variety of allotment configurations.
- (b) The following matters were considered by Council when assessing the potential effects of the proposed subdivision:
- Residential character and amenity
 - Design and layout of the subdivision
 - Water management and design
 - Traffic and access
 - Geotechnical
 - Services – water and wastewater
- (c) The Council has considered these matters in detail through both;
- i. The Section 95 – Notification report, and
 - ii. The Section 42A – Officers report.
- As a result, this consent was processed as a non-notified consent application and consent was granted.
- (d) The Council has also considered the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011. Under this National Environmental Standard, the subdivision is considered as a permitted activity.
- (e) The Council is satisfied that the proposal is not contrary to the relevant objectives and associated policies contained in Chapters 4, 12 and 13 of the Whakatāne District Plan.
- (f) The Council is therefore satisfied that any adverse environmental effects of this activity are likely to be less than minor and can be suitably avoided, remedied or mitigated by the conditions of this resource consent.

Note: Whilst not included with this decision notification letter, both the Notification Report & the Officers Report for this consent can be obtained via request from the Whakatāne District Council.



Steve Tuck
SENIOR PLANNER