

22 December 2020

RAYNES, BARRY
C/O FERGUSON PLANNING LIMITED
202B THE STRAND
WHAKATANE 3120

Dear Tim

REQUEST FOR FURTHER INFORMATION AND REQUIREMENT FOR APPROVAL OF ADVERSELY AFFECTED PARTIES:

Under Section 92 and Section 95E of the Resource Management Act (RMA) 1991, Whakatāne District Council needs further information regarding your land use Section 88 (application). This further information and the reasons for the request are detailed below.

TYPE: LAND USE SECTION 88 (APPLICATION)
APPLICANT: RAYNES, BARRY
DETAILS: MINOR NON-COMPLIANCE
ADDRESS: 60A POHUTU STREET, WHAKATANE

To help Council better understand your proposed activity, its effect on the environment and the ways any adverse effects on the environment might be avoided or mitigated, the following information is required:

1. Due to non-compliance with Rule 4.2.10.3 - Building Coverage and Site Permeability (proposed total area of impermeable surfaces being 60.5%), compliance with stormwater management needs to be demonstrated as per the condition on the record of title and as required by Rule 4.4.11.1, as follows:

"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 Whakatane 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."

2. The deck on the northern elevation being 1.194 in height, meets the definition of a building in the Whakatāne District Plan; *“Building means; any part of a deck or terrace which is more than 1m above ground level”*. As the deck is within the 3m side or rear boundary set back, written approval must be obtained by the neighbouring property located at 53 Bracken Street, Whakatāne.

Please note that all owners and occupiers must sign Council’s written consent form and initial a copy of the proposed plans. Follow this link to locate the form on Council’s website; [written approval of affected party form](#).

If this is not possible, the applicant will need to provide justification as to why these neighbouring properties are not affected and this information will be considered in the notification recommendation.

Within 15 working days of the date of this letter, you must do one of the following:

- provide the information requested; or
- confirm in writing that you agree to provide the information; or
- confirm in writing that you refuse to provide the information;

In accordance with section 92A(2) of the RMA, if you agree to provide the information, Council will set a reasonable timeframe within which the information must be provided. In order for us to do this, it would be helpful if you could please advise us when you expect the information to be available.

If you do not respond to this letter in writing or if you refuse to provide the information, Council must continue processing your consent application regardless. If we are unable to process the consent appropriately due to a lack of information, your consent application may be declined.

Council also has the ability under Section 95C to notify the application if you do not provide the information before the deadline concerned or refuse to provide the information.

Please note, the provision of any additional information as requested by Council, becomes part of your application. As such, further consultation may be necessary to ensure the potentially affected parties have full knowledge of the proposed activity and the potential and/or actual effects produced by it.

In accordance with the RMA, we will postpone processing your application while we wait for the additional information we have requested. Once we have received the additional information sought, we will make a decision on whether or not it is adequate and whether or not your application requires notification.

Please do not hesitate to contact me or email the Planning team at planning@whakatane.govt.nz if you have any further queries regarding this matter.

Ngā mihi

Rebecca Hart
Environmental Planner