

SS-2015-8386-00

24 September 2015

NEWLAND, NEVILLE RAYMOND
1098 BRAEMAR ROAD
RD 2
WHAKATANE 3192



Dear Sir

RESOURCE CONSENT INVOICE:

TYPE:	SUBDIVISION
APPLICANT:	NEWLAND, NEVILLE RAYMOND
DETAILS:	TWO LOT SUBDIVISION
ADDRESS:	37 SYMOND ROAD ONEPU

Please find attached to this letter Council's invoice for the additional charges relating to the processing of your resource consent application. These charges are in accordance with Section 36 of the Resource Management Act 1991 and the Council's Fees and Charges schedule.

The discount payable to you under the Resource Management (Discount on Administrative Charges) Regulations 2010 (referred to from now on as the discount regulations) has been deducted because the Council exceeded the statutory timeframe.

This invoice is due for payment within 20 working days unless an objection to the charges is lodged in accordance with the provisions of section 357B of the Resource Management Act 1991. The objection under section 357B must be lodged with the Whakatane District Council within 15 working days of receipt of this invoice.

Similarly, you can request a review of the fees and charges if you believe that a discount should have been given under the Discount Regulations 2010, or if you believe that a larger discount was due. The Council is legally required to discount fees when it does not process a consent within the statutory timeframes. Further information is available from the Ministry for the Environment's website www.mfe.govt.nz/rma/central/discount-on-administrative-charges.html or from the Council.

If you have any questions about this matter please contact me at this office.

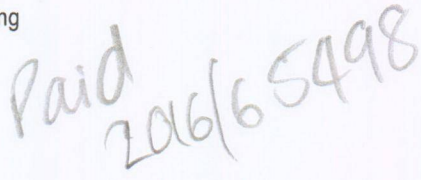
Yours faithfully

Shane McGhie
TEAM LEADER CONSENTS - PLANNING

TAX INVOICE

GST REG NO: 16-940-356

NEWLAND, NEVILLE RAYMOND 1098 BRAEMAR ROAD RD 2 WHAKATANE 3192	Invoice No:	149481
	Date:	24 September 2015
	Customer No:	26381* 50298
	Council Reference:	SS-2015-8386-00

DETAILS	QTY	UNIT	AMOUNT
Two lot subdivision – 1098 Braemar Road/37 Symond Road			
Processing Time Roding Engineer	2.50	150.00	375.00
Processing Time Planner	9.50	120.00	1140.00
Processing Time Asset Engineer Utilities	0.75	150.00	112.50
Processing Time Planning Administration Officer	1.75	85.00	148.75
Processing Time Team Leader Consents Planning	0.25	145.00	36.25
Processing Time Team Leader Consent Building	0.50	140.00	70.00
Monitoring Fees			300.00
			
PLEASE NOTE COUNCIL'S BANK ACCOUNT NUMBER FROM 14 MARCH 2011 IS 01 0434 0334411 00			

Receipt No: 2016*26533	LESS AMOUNT PAID	-\$1,500.00
	LESS DISCOUNT	-\$37.65
	TOTAL TO PAY	\$644.85
	GST CONTENT	84.10

Detach this portion and return with your payment to the address below.

 Whakatane District Council Commerce Street Private Bag 1002 Whakatane 3120 New Zealand Telephone: 07 3060 500	NEWLAND, NEVILLE RAYMOND 1098 BRAEMAR ROAD RD 2 WHAKATANE 3192	INVOICE NUMBER:	149481
		CUSTOMER NO:	26381* 50298
		AMOUNT:	\$644.85

INVOICE 149481 - SUBDIVISION SS-2015-8386-00

EMPLOYEE	DATE	QTY	HOUR	MIN	CHARGE	DESCRIPTION
Abner Salanguit	25-Aug-15	2.5	2	30	375	Email from Planning Assistant; read application; site visit; report and email to Planner
John Sholl	18-Aug-15	2	2	0	240	Section 88 assessment
John Sholl	18-Aug-15	1	1	0	120	Site visit
John Sholl	28-Aug-15	2.5	2	30	300	Section 95 Assessment
John Sholl	31-Aug-15	3	3	0	360	Draft Decision
John Sholl	11-Sep-15	1	1	0	120	Finalise Decision
Leilani Salanguit	10-Sep-15	0.8	0	45	112.5	Email from Planning administrator; assess application and report to Planner
Nadia Bestgen	13-Aug-15	0.8	0	45	63.75	Receipt and scan application; print map; order property file; open Ozone record and HIVE folder; complete summary form and put together physical folder; letter to Agent; map consent in geographical system
Nadia Bestgen	17-Aug-15	0.5	0	30	42.5	Circulate application to roading engineer, building inspector, three waters and the Regional Council. Letters and emails to all parties.
Nadia Bestgen	24-Sep-15	0.5	0	30	42.5	Close and Invoice file; email to Regional Council; scan plan; maintain Ozone database
Shane McGhie	11-Sep-15	0.3	0	15	36.25	Review and sign Decision
Taylor Wong	20-Aug-15	0.5	0	30	70	Email from Planning Administrator; read application and email to Planner
					300	Monitoring fees
					-1500	Deposit paid
					-37.65	Discount (2 days over target)
					\$644.85	Balance outstanding

SECTIONS 95, 95A-F
RESOURCE MANAGEMENT ACT 1991

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

Consent Number:	SS-2015-8386-00
Applicant:	NR & JJ NEWLAND
Site address:	1098 Braemar Road, Onepu
Legal Description of Site:	Lot 2 DP 419608
Description of Application:	Two rural lots (one additional).

PART A

Has the applicant requested that the application be publicly notified? [Section 95A(2)(b)]

No

Does a National Environmental Standard or a Rule in the District Plan require that the application be publicly notified? [Section 95A(2)(c)]

No

PART B

Introduction

The proposal is to create 2 new lots, with one additional lot. The property as it presently stands (Lot 2 DP 419608) is a Rural 1 zoned property having an area of 5.5935 hectares. The proposal is to create proposed Lot 1, a lot containing an existing dwelling, implement shed and barn, having an area of 1.29 ha; and proposed Lot 2, the balance block with no residential occupation having an area of 4.3035 hectares.

A summary about the proposed activity is provided at Section 2 on page 1 of the application.

I concur with the information provided in the application.

A site visit was undertaken on 18 August 2015.

Planning framework:

1. I agree with the applicants planning assessment as set out in Section 4 (page 2) of the application document.
2. I concur with the applicant's assessment that the application is for a **discretionary** activity. This is based on the land being zoned Rural 1 but with more than 60% (in this particular case, 100%) of the property being classified as Class 3s5, i.e. soil with a severe soil limitation (low fertility), where the rules of the Rural 2 Zone apply.

Permitted Baseline Assessment

As subdivision is not a Permitted Activity there is no relevant permitted baseline against which the proposal can be assessed.

The surveyor notes at Section 10 that with regard to the NES Regulations 2012 *'it is considered highly unlikely that the proposal will pose a risk to human health and that location of a new dwelling on Lot 2 therefore constitutes a "permitted activity" in terms of the NES.'* The surveyor has come to this conclusion after having undertaken soil tests at a possible house site location and having had the soil samples tested

by Hills Laboratories with the total recoverable Cadmium level of 0.42mg/kg (the safe limit being 1mg/kg), and that there is no known history of sheep dip(s) on the property. The surveyor also advises that the property has been used for asparagus growing with the use of the fungicide Score, which has the longest lasting residual effect with a half-life of 139-462 days. The last application was in January 2002 and 462 days would equate to April/May 2003, thus 12 years later there should be no residual effect from that particular fungicide or any other fungicide used in growing asparagus.

Description of the existing environment

I agree with the applicant's assessment of the existing environment contained on Section 2.0 (pages 1 -2) of the application document.

Pursuant to Section 95D, will any adverse effects of the activity on the environment for which consent is sought be more than minor?

I agree with the assessment provided in the application regarding potential effects on the environment (refer to Section 8.0 [pages 4-6]).

Overall I therefore conclude that the effects on the environment will be less than minor.

Notwithstanding the above, do any special circumstances exist in relation to this application which would lead you to conclude that the application should be notified? [Section 95A(4)]

No

Pursuant to Section 95A(3), does a rule or national environmental standard preclude public notification?

No

Recommendation: That the application **need not be publicly notified** in accordance with Sections 95 and 95A(1) of the Resource Management Act 1991.

Are there effects on adjacent persons from this activity that are minor or more than minor (but not less than minor)? What are those effects? Explain the type of effect and scale. [Section 95E and 5F]

No parties are considered to be affected. All effects are less than minor.

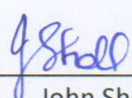
Recommendation: That the application be processed on a **non-notified** basis in accordance with Section 95A of the Resource Management Act 1991.

PART C

How many working days did it take to make the decision to notify this application, either publicly or limited (Section 95 and Section 37A)

8 days

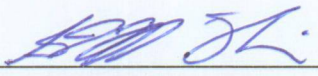
**Reported and
Recommended by:**


John Sholl
PLANNER

Date: 25/8/15

Decision: That the above recommendations be adopted.

Delegated Officer:



Shane McGhie
PRINCIPAL PLANNER

Date: 27/8/15.

MEMORANDUM
RC Referral Recommendations

TO:	John Sholl
DATE:	17 August 2015
FROM:	Leilani Salanquit
TYPE:	Subdivision
APPLICANT:	Newland, Neville Raymond
DETAILS:	Two lot subdivision
ADDRESS:	37 SYMOND ROAD ONEPU

Comments/Conditions:

1. That the consent holder shall nominate an independent potable water supply for both lots to the satisfaction of the General Manager Planning and Regulatory. The potability of the nominated supply shall be established to the satisfaction of Council at the time of application for building consent. All costs incurred in establishing this are to be borne by the applicant.
2. That all easements required to protect services shall be duly granted and reserved.
3. That the septic tank, effluent and stormwater disposal systems serving the existing dwelling on Lot 1 shall be contained a minimum of 1.5 metres inside the lot boundaries or appropriate easements shall be duly granted or reserved. Evidence shall be provided in the form of a surveyed plan.

Advice Note:

4. Any dwelling to be constructed on each lot shall require a firefighting The New Zealand Fire Service recommends that water storage volumes and delivery systems be installed in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice 2008.
5. Any new dwellings to be constructed will be required to have an approved on-site effluent disposal system in accordance with guidelines set by the Operative On-site Effluent Treatment Regional Plan (2014).

STAFF MEMBER	TIME (MINUTES)	COST	CODE	INITIAL	DATE
Leilani Salanguit	45 min			LS	10/09/2015
Monitoring					
TOTAL					

TO BE COMPLETED BY 24 August 2015

John Sholl

From: Abner Salanguit
Sent: Tuesday, 8 September 2015 3:53 p.m.
To: John Sholl
Subject: FW: New Resource consent - Proposed subdivision - 1098 Braemar Road - SS-2015-8386-00

Hi John

See email below.
This is 37 Symond Road also

Cheers
Abner

The content of this email is CONFIDENTIAL INFORMATION and may also be LEGALLY PRIVILEGED, intended only for the person named above. If this email is not addressed to you, you must not use, read, distribute or copy this document. If you have received this document by mistake, please call us on 0800 WDCICT and destroy the original message. Thank you.

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

From: Abner Salanguit
Sent: Tuesday, 25 August 2015 4:30 p.m.
To: Nadia Bestgen; John Sholl
Subject: RE: New Resource consent - Proposed subdivision - 1098 Braemar Road - SS-2015-8386-00

Hi John

The following resource consent conditions for this application:

- That the existing separate vehicle crossings to serve proposed Lots 1 and 2 shall be formed and constructed to comply with Standard Drawing R28 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.corridoraccess.co.nz at least 10 working days prior to any work required being carried out on the road. The consent holder shall contact Council's Transportation Team to arrange for an inspection to be carried out prior to sealing of the vehicle crossing. They will require 48 hours notice to perform the inspection.

Nadia - 2.5 hours for me

cheers

The content of this email is CONFIDENTIAL INFORMATION and may also be LEGALLY PRIVILEGED, intended only for the person named above. If this email is not addressed to you, you must not use, read, distribute or copy this document. If you have received this document by mistake, please call us on 0800 WDCICT and destroy the original message. Thank you.

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

From: Nadia Bestgen

Sent: Monday, 17 August 2015 11:57 a.m.

To: Abner Salanguit; Taylor Wong; Leilani Salanguit

Subject: New Resource consent - Proposed subdivision - 1098 Braemar Road - SS-2015-8386-00

Hi All,

Please find attached link to a new application for your perusal and comments.

Regards,

Nadia Bestgen

Your Ref: SS-2015-8386-00
Our Ref: 7.00192

CONFIRMATION OF EMAIL



21 August 2015

John Sholl
Whakatane District Council
Private Bag 1002
Whakatane 3158

WHAKATANE DISTRICT COUNCIL	
FILE:	
REG. No.	A 536774
24 AUG 2015	
ACTIONED	John S
1.	
2.	
3.	
4.	

SCANNED

Dear John

Application for Resource Consent: HR & JJ Newland, 37 Symond Road, Onepu

Thank you for your letter of 17 August 2015 regarding the above application for resource consent.

Bay of Plenty Regional Council makes the following comments on the application:

Versatile land

Operative Bay of Plenty Regional Policy Statement (RPS) rural development Objective 26 and its supporting suite of policies (stated below) emphasise the need to protect the productive potential of versatile land for rural production activities. The emphasis of these policies recognises that in rural areas versatile land is a finite resource that should be sustained for rural production activities. The policies also require that subdivision does not compromise or result in reverse sensitivity effects on rural production activities.

Objective 26

The productive potential of the region's rural land resource is sustained and the growth and efficient operation of rural production activities are provided for.

Policy UG 18B: Managing rural development and protecting versatile land

The productive rural land resource shall be protected for rural production activities by ensuring that to the extent practicable subdivision, use and development in rural areas does not result in versatile land being used for non-productive purposes outside existing and planned urban-zoned areas, or outside the urban limits for the western Bay of Plenty shown in Appendix E, unless it is for regionally significant infrastructure which has a functional, technical or locational need to be located there.

Particular regard shall be given to whether the proposal will result in a loss of productivity of the rural area, including loss of versatile land, and cumulative impacts that would reduce the potential for food or other primary production.

Policy UG 20B: Managing reverse sensitivity effects on rural production activities and infrastructure in rural areas

Require that subdivision, use and development of rural areas does not compromise or

A2166366

result in reverse sensitivity effects on:

- (a) rural production activities; and*
- (b) the operation of infrastructure*

located beyond the urban limits or existing and planned urban zone areas.

The Operative RPS defines 'versatile land' as land under the New Zealand Land Use Capability Classification System categorised as being in Classes 1, 2 and 3. The 2008 soils report prepared by Norm Ngapo identifies the soils on Lot 2 DP 419608 as Kawerau soils. These are classified as Class 3s5 and therefore qualify as versatile land with productive potential and thus are a finite resource requiring protection from reverse sensitivity effects and further fragmentation as contemplated by the above provisions.

While Bay of Plenty Regional Council has ongoing concerns regarding the cumulative loss of versatile land to fragmentation through rural lifestyle subdivision we acknowledged the proposal qualifies under Rule 4.1.7.1(b)(ii). The Rural 2 Zone minimum and average lot sizes therefore apply as over 60 percent of the title area being Class 3 land. However, like most versatile land its potential for sustained production relies upon careful land management.

Please contact Nassah Steed (Programme Leader) at the Bay of Plenty Regional Council for any queries regarding this matter.

Water supply

The application advises domestic and farm water currently supplied by separate roof collection and storage systems will continue for proposed Lot 1, with back up for farm purposes via the Karaponga Stream. Proposed Lot 2 is intended to be supplied by roof collection and storage, also with back for farm use via the Karaponga Stream.

For the take and use of surface water from the Karaponga Stream the applicant should ensure they comply with Rule 41 (Take and Use of Surface Water) of the Regional Water and Land Plan (RWLP). This allows the taking of up to 15 cubic metres of water per day per property subject to permitted activity conditions. Rule 52 (Surface Water Intake Structures) of the RWLP allows the installation of a water take structure in a river, stream or lake that meets the permitted activity conditions. Otherwise resource consent from the Bay of Plenty Regional Council is required.

The property is situated above the Mangaone Stream shallow groundwater aquifer. For the take and use of ground water the applicant should ensure they comply with Rule 38 (Take and Use of Groundwater) of the RWLP which allows for a maximum of 35 cubic metres of groundwater to be taken per day per property.

The Proposed Regional Water and Land Plan (PRWLP) is likely to reduce this allocation to 15 cubic metres per day, per property when it becomes operative. The Mangaone Stream shallow groundwater aquifer has no additional allocation available. Therefore taking more than the permitted daily allowance of groundwater will be a prohibited activity.

Please contact Richard Lyons (Consents Officer) at the Bay of Plenty Regional Council for any queries regarding water take matters.

Decision

When this application is completed please forward a copy of your Council's decision to the Bay of Plenty Regional Council (attention Pam Crabbe) or by email to dac@boprc.govt.nz in accordance with section 8 of our agreed protocol.

Yours faithfully



Pam Crabbe
District Applications Coordinator

Copy to: HR & JJ Newland
C/- RJ Overington
Overington Surveyors
PO Box 600
Whakatane 3158

21 August 2015

John Sholl
Whakatane District Council
Private Bag 1002
Whakatane 3158

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Yours faithfully

Pam Crabbe
District Applications Coordinator

Copy to: HR & JJ Newland
C/- RJ Overington
Overington Surveyors
PO Box 600
Whakatane 3158

John and Ngaire Sherriff



TE RŪNANGA O NGĀTI AWA

Environment Ngāti Awa

7 October 2008

John and Ngaire Sherriff
80 McIvor Road
RD 2
Whakatane

Tēna korua

Re: PROPOSED THREE LOT SUBDIVISION : 70 & 80 McIVOR ROAD, BRAEMAR

Thank you for providing the following information in relation to your proposed subdivision:

- Application for Resource Consent and Assessment of Environmental Effects
- NZ Land Resource Inventory Classification Report prepared by Waiora Soil Conservation Ltd dated 10/03/08
- Email Archaeological Report prepared by Ken Phillips dated 07/08/08

We have assessed your proposal using our Ngati Awa Geographic Information Systems Database.

We note that archaeological sites W15/402 & W15/404 are some distance from your proposed subdivision.

This indicates the possibility that more archaeological sites may be in the vicinity of your property.

In order that you may proceed with your proposed activity confident that in the event of an accidental discovery you would know what to do to avoid non-compliance with the Historic Places Acts requirements we recommend that the consent authority imposes a consent condition that requires you to cease all works and immediately contact Environment Ngati Awa and Historic Places Trust at Tauranga if you unwittingly disturb an archaeological feature, artefacts or koiwi (human remains) during the construction of your proposed subdivision.

Please note that Te Runanga o Ngāti Awa is a registered artefact collector and also a holder of a Protocol with the Ministry of Heritage and Culture.

On that basis we would strongly encourage you to return any artefacts found on your property to Te Runanga o Ngati Awa.

HE MANU HOU AHAU HE KOHANGA I RERE A

NGĀTI AWA HOUSE • LOUVAIN STREET • PO BOX 76 • WHAKATANE 3158 • NEW ZEALAND

PHONE: (64) 07 307 0760

M:\2008\RESOURCE CONSENTS\SHERRIFF JN, 80 MCIVOR ROAD\RESPONSE 071009.DOC

EMAIL: runanga@ngatiawa.iwi.nz

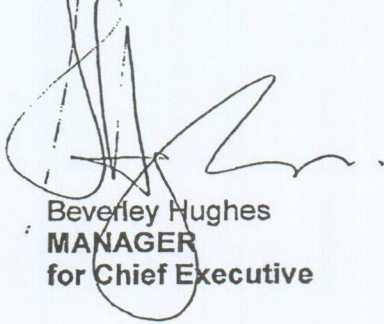
WEBSITE: www.ngatiawa.iwi.nz



We wish to congratulate you on your initiative to provide protection to riparian margins on your property. Your investment in planting of native species is also acknowledged as a significant gesture of environmental enhancement at Karaponga Stream.

If you require further information or clarification on any of the above matter please feel welcome to contact John Hohapata-Oke in the first instance.

Kia ora



Beverley Hughes
MANAGER
for Chief Executive

cc Anthony Olsen
PO Box 76
Matata

Nadia Bestgen

From: Nadia Bestgen
Sent: Monday, 17 August 2015 11:57 a.m.
To: Abner Salanguit; Taylor Wong; Leilani Salanguit
Subject: New Resource consent - Proposed subdivision - 1098 Braemar Road - SS-2015-8386-00
Attachments: ObjRef.obr

Hi All,

Please find attached link to a new application for your perusal and comments.

Regards,
Nadia Bestgen

Nadia Bestgen

From: Nadia Bestgen
Sent: Monday, 17 August 2015 11:55 a.m.
To: Pam Crabbe (pam.crabbe@envbop.govt.nz)
Cc: EBOP (dac@envbop.govt.nz)
Subject: New application SS-2015-8386-00 - 1098 Braemar Road and 37 Symond Road
Attachments: To regional council for comment on application SS-2015-8386-00.docx

Hi Pam,

Please find attached our correspondence. A copy of the application is available in the STFP system.

Regards,
Nadia Bestgen

SS-2015-8386-00

13 August 2015

NEWLAND, NEVILLE RAYMOND
C/- OVERINGTON SURVEYORS
PO BOX 600
WHAKATANE 3158

Attention: Ross Overington

ACKNOWLEDGEMENT OF RECEIPT OF RESOURCE CONSENT:

TYPE:	SUBDIVISION
APPLICANT:	NEWLAND, NEVILLE RAYMOND
DETAILS:	TWO LOT SUBDIVISION
ADDRESS:	37 SYMOND ROAD ONEPU

Thank you for your application which was received on 12 August 2015. We have allocated the following number to your application for your future reference: SS-2015-8386-00.

A planner is checking your application for the information necessary to assess the effects of your proposal. If the application contains enough information it will be lodged with the Council and processing will commence.

If your application is incomplete and/or does not include an adequate assessment of effects, the Council will return your application to you within the next 5 working days in accordance with S88 of the Resource Management Act 1991. If this occurs you will need to submit a new application once you have collated the missing information.

Processing your application if it is accepted for lodgement

For an application accepted for lodgement, we will assign it to a planner. This typically includes a site visit.

The planner may require additional information to fully assess the effects of the proposal. If this is the case they will be in touch with you over the next few weeks. If they do require further information, the processing of your application will stop.

Once they have all the information required, they will decide how your application will be processed. Your application will be publicly notified, processed by limited notification, or it will be processed without notification. If your application is to be publicly or limited notified, we will advise you of this before the notification occurs. A further fee may be required.

If your application is to proceed non-notified, you should receive a decision within 20 working days (excluding any time that the application was on-hold awaiting further information). The timeframe for notified consents is usually 70 working days.

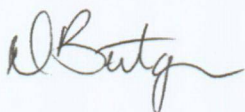
There is information on the Council's website about the resource consent process if you require. The Ministry for the Environment's website also contains valuable information www.mfe.govt.nz

Please note also that the money you paid to submit the application was only a deposit. Additional fees may be charged based on the time spent processing your consent. Any additional fees incurred will be invoiced at the time a decision on your application is made.

If the Council does not comply with the timeframes for processing your consent, you will receive a discount on the fees and charges.

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'N. Bestgen', with a stylized flourish at the end.

Nadia Bestgen
TECHNICAL ADMINISTRATION OFFICER