

<p>12.4.3.3 – Rural, Lifestyle and Rural-Residential Zones</p>	<p>Where one or more of the utility services are within 100 m of an existing Council service then the service shall be extended.</p>	<p>Complies Council stormwater and wastewater systems are not within 100 m of the site. Council's water supply is within 100 m of the site, and the applicant is proposing to install 2 underground dry pipes from the road frontage to nett areas of Lots 2 and 3.</p>
<p>12.4.4.4 (f) (i) – Minden Lifestyle Zone - Privateways</p>	<p>For privateways in the Minden Lifestyle Zone, no more than 12 lots shall be dependent on a privateway for legal vehicle access.</p>	<p>Complies The privateway by which the subject site gains access currently serves a total of 6 lots (including the subject lot). The proposal will result in a total of 8 lots being served by the privateway.</p>
<p>12.4.4.4 (f) (vi) – Minden Lifestyle Zone - Privateways</p>	<p>Where the subdivision of an existing lot served by an existing privateway will negate or reduce the subdivision potential of any other existing lot served by the same privateway because of the resultant increase in the number of lots that will be dependent on the privateway for access, then the written approvals of the owners of any such other existing lots to the subdivision applied for shall be submitted with the application to Council. Where the foregoing circumstances apply and any written approvals are not submitted, the application shall undergo limited notification.</p>	<p>Does not Comply Restricted Discretionary under Rule 12.3.4.1, and limited notification required. The subdivision will reduce the subdivision potential of all of the other existing lots served by the same privateway because of the resultant increase in the number of lots that will be dependent on the privateway for access. The applicant attempted to obtain written approvals from the other existing lots served by the same privateway. However, no written approvals were obtained from any of the other lots dependent on the privateway, therefore the application shall undergo limited notification.</p>
<p>12.4.4.4 (f) (ix) (a)-Minden Lifestyle Zone - Privateways</p>	<p>Any existing or proposed privateway serving or over the land being subdivided shall be formed, metalled and sealed to the widths and</p>	<p>Does not Comply Restricted Discretionary under Rule 12.3.4.1 The carriageway width is only 3 m, as opposed to the 3.5 m</p>

	gradients as specified in Table 3 of Section 12.	specified in Table 3 for ROW AB.
Table 2 – Chapter 12 – Rural Roads (Rural and Lifestyle Zones)	Privateways serving 1-3 lots shall have a carriageway width of 3 m and a maximum length of 250 m.	Complies Proposed ROW C, G & F are to serve 3 lots, will be less than 250 m long and have a carriageway width of 3 m. This ROW is in compliance with the requirements of Table 2.
12.4.5 - Stormwater	Sets out the requirements for stormwater.	Complies The site is not able to be connected to Council's reticulated stormwater system. The geotechnical report prepared for the site recommends that stormwater runoff from the roof and any hardstand surfaces shall be collected and piped to a location remote from, and downslope of, the houses and effluent fields.
12.4.6 Wastewater Drainage	– Sets out the requirements for wastewater.	Complies The site is not able to be connected to Council's reticulated wastewater system. The geotechnical report prepared for the site confirms that the sites are suitable for the disposal of domestic effluent by ground soakage. The on-site effluent disposal systems are to be designed by a suitably qualified and experienced person.
12.4.7.1 – Water Supply Systems	Water supply systems shall be: <ul style="list-style-type: none"> - Provided or extended in accordance with Rule 12.4.3 and reticulation provided for the subdivision in such a manner as to enable each lot to be connected to the Council system. 	Complies As discussed above water supply is to be extended in accordance with Rule 12.4.3 so that each lot can be connected to Council's system in accordance with Council's Development Code.

	<p>- Installed such that each new or existing site is individually connected to the reticulated water supply system in accordance with Council's Development Code.</p>	
<p>12.4.8 – Network Utilities – Electricity, Telecommunication, Broadband and Gas</p>	<p>The requirements for the provision of electricity, telecommunication, broadband and gas shall meet with the approval of the relevant network utility operator. Adequate provision shall be made for the supply and installation of electricity, telecommunication, broadband and gas services in accordance with Council's Development Code.</p>	<p>Complies As shown on the scheme plan, appropriate easements have been provided for electricity, telecomm and computer media. Electricity is to be underground to Lots 2 & 3 via Easements F & G.</p> <p>The applicant has provided a letter with their application (Attachment 7) which was received from Chorus in September 2017 confirming that copper telephone reticulation is able to be provided for this subdivision. They have also provided a letter which was received from NPE-Tech in December 2017 (Attachment 7) which confirms the ability to provide electricity to the site.</p> <p>PowerCo Confirmed through a referral response that Lot 1 has an existing connection to the PowerCo network, and that an upgrade will be required to provide a suitable connection point for Lots 2 & 3 of this development.</p>

12. As a result of the non-compliances identified above the proposal requires consent under the Western Bay of Plenty Operative District Plan 2012 in accordance with the following:

- *Rule 8.3.2 (b) (i) – Controlled Activities; and*
- *Rule 12.3.4.1 – Restricted Discretionary Activities.*

- *Rule 17.3.2 (e) – Controlled Activities*

Overall the proposal requires resource consent under the District Plan as a **Restricted Discretionary Activity**.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS)

13. Regulation 5(1) identifies that for the NESCS to apply a person must be undertaking an activity identified in under regulation 5(2) - (6) on a 'piece of land'. A 'piece of land' is that which has, or has had, an activity or industry occurring on it that is described in the Hazardous Activities and Industries List (HAIL).
14. It is clear from current and historic aerial photographs (including those on Council's GIS system and those provided within Attachment 6 of the application) and a site visit that I undertook that there is no evidence to inform that the site is currently being, or has been used in the past for a HAIL activity. Furthermore, there is nothing on Council's file indicating a HAIL site. It is for these reasons that I consider the activity is to occur on land that is not considered to be a 'piece of land' in accordance with Regulation 5 (7), and that no further regard to the NESCS is required. The proposal does not require consent under the NESCS.

Activity Bundling

15. In accordance with the bundling principle of the RMA the application overall has been assessed as a **Restricted Discretionary Activity**.

Permitted Baseline Assessment

16. Earthworks associated with permitted, controlled or restricted discretionary activities are a permitted activity.
17. Privateways in the Minden Lifestyle Zone can serve up to serve up to 12 lots as a permitted activity.
18. Being a subdivision, the permitted baseline is not specifically relevant in assessing this application.

Description of Existing Environment

19. In this instance, the existing environment consists of other land zoned lifestyle. A number of sites within the surrounding area are of much smaller allotment sizes than the subject site, including some of the sites which the subject site shares the ROW with.

Public Notification Assessment (s95A)

Step 1 – Is Public Notification Mandatory?

Has the applicant requested public notification (s95A(3)(b))?

- Yes (publicly notify application – no further consideration required)*
- No*

Is public notification required under section 95C (s95A(3)(b))?

- Yes – The applicant has either not provided the further information requested before the deadline or has refused to provide the information (publicly notify application).*
- Yes – The applicant has been notified under s92(2)(b) of the intent to commission a report and has either not responded before the deadline or has refused to agree to the report (publicly notify application).*
- No*

Is the application made jointly with an application to exchange recreation reserve land under s15AA of the Reserves Act 1977 (s95A(3)(c))?

- Yes (publicly notify application)*
- No (proceed to Step 2)*

Step 2 – Is Public Notification Precluded?

Are all activities in the application subject to one or more rules or national environmental standards that preclude notification (s95A(5)(a))?

- Yes (Proceed to Step 4)*
- No (continue through assessment below)*

Is the application for one or more (but no other) of the following activities (s95(5)(b))?

- (a) A controlled activity***
- (b) A restricted discretionary or discretionary activity being a subdivision of land or a residential activity¹***
- (c) A restricted discretionary, discretionary or non-complying activity that is a boundary activity² only***
- (d) A prescribed activity***

- Yes (Proceed to Step 4)*
- No (Proceed to Step 3)*

¹ Residential activity is defined under section 95A(6).

² Boundary activity is defined under section 87AAB.

Step 4 – Is Public Notification Required due to Special Circumstances? Yes No*(Refer to Special Circumstances Assessment)***Limited Notification Assessment (s95B)****Step 1 – Is Limited Notification Mandatory?*****Will the activity affect a protected customary rights group or a customary marine title group (s95B(2))?*** Yes *(notify the application to each affected group)**[Provide your assessment here]* No***Is the activity on, adjacent to, or could it affect land subject to a statutory acknowledgement where the person to whom the statutory acknowledgment is made is affected (s95B(3))?*** Yes *(notify the application to each person identified)**[Provide your assessment here]* No *(Proceed to Step 2)***Step 2 – Is Limited Notification Precluded?*****Are all activities in the application subject to one or more rules or national environmental standard that precludes limited notification (s95B(6)(a))?*** Yes *(Proceed to Step 4)* No *(Continue through assessment below)****Is the application for either or both a controlled activity (other than a subdivision of land) or a prescribed activity (s95(5)(b))?*** Yes *(Proceed to Step 4)* No *(Proceed to Step 3)***Step 3 – Is Limited Notification of Affected Persons Required?**

Will the activity have minor or more than minor adverse effects on a person in the case of a boundary activity or a prescribed activity (s95B(7))?

[Refer Assessment of Effects]

- Yes (Notify persons identified)
- No

Where the activity is not a boundary activity or a prescribed activity are any other persons affected in accordance with section 95E (s95B(8))?

[Refer Assessment of Effects]

- Yes (Notify persons identified)
- No

Step 4 – Is Limited Notification Required due to Special Circumstances?

Are there special circumstances which warrant limited notification to persons not already determined to be eligible for limited notification (s95B(10))?

- Yes (Notify persons identified)
- No

[Refer to Special Circumstances Assessment]

Assessment of Effects

Overall the application is to be assessed as a restricted discretionary activity. As a restricted discretionary activity, Council must consider only those matters over which it has restricted the exercise of its discretion. These matters of discretion form the basis of this assessment of effects, and the relevant matters are set out through Rules 8.4.1, 12.3.5 and 17.5.2 of the District Plan.

Stability Area – Minden C

20. Proposed earthworks are limited to the establishment of the ROW and building sites, and no vegetation is to be removed apart from garden landscaping.
21. The proposed building sites will be set back from existing waterbodies and ephemeral flowpaths.
22. The proposal will not have an impact on Significant Ecological Features, or other prominent areas of indigenous vegetation. A portion of the site is located within the Minden Lifestyle Structure Plan Area Overland Flowpaths and Local Ecological Features' overlay. However, the proposed house sites and ROW will be located outside of this area.
23. The proposal is able to comply with all of the activity performance standard set out through Rule 17.4.2 apart from Rule 17.4.2 (a) (i). This non-compliance is internal to

the subject site, therefore the applicant has provided themselves with written approval for this non-compliance.

24. The stability information requirements for Stability Area – Minden C are set out through Rule 8.6 (d). This rule states; *Area C is land not considered to be at risk from instability. A stability analysis or stability assessment would not generally be required.* Despite this rule stating that a stability assessment would generally not be required, a stability assessment has essentially been provided in the form of a geotechnical report which has been produced in respect of the proposal. This geotechnical report concludes by stating that the property is suitable for the proposed development. Additionally, a certificate of 'Suitability for Subdivision' has been included in Appendix A of the geotechnical report which has been signed by a category 1 geotechnical engineer.
25. For the reasons discussed in paragraphs 20-24 above, I am of the opinion that any potential effects associated with the proposal being located within Stability Area – Minden C will be less than minor and acceptable, with no persons considered affected.

Privateway

26. The carriageway width for ROW AB is only 3 m as opposed to the required 3.5 m. Council's Development Engineer has indicated that he is not going to require the width of this carriageway to be increased. This non-compliance is an existing non-compliance, and Council's Development Engineer did not express any concerns surrounding the ability for ROW AB to accommodate the two new proposed lots which would be served by the ROW. Additionally, from undertaking a site visit it was clear that the ROW was in good condition, and that ample room for manoeuvring is present outside the bounds of ROW AB. For these reasons, I consider the effects of this non-compliance to be less than minor, with no persons considered affected.

Reduction in Subdivision Potential

27. The proposed subdivision will increase the number of users served by the relevant privateway by two users, taking the total number of lots served by the privateway to 8 lots. Rule 12.4.4.4 (f) (i) states that the maximum number of lots that shall be dependent on a privateway for legal access is 12 lots, therefore the proposal is in accordance with this rule. Despite this, the proposal will in turn result in the reduction of subdivision potential of all other lots dependent on the privateway for access for the reasons discussed below.
28. Each of the lots currently served by the privateway for access have the potential to be subdivided into at least one additional lot that meets the minimum lot size requirements set out through Rule 17.4.2 (ii).
29. Each of the lots currently served by the privateway for access apart from 98D and 98E Munro Road could be subdivided once meeting both minimum lot size and minimum average requirements set out through Rule 17.4.2 (ii). It should however be noted that under Rule 17.3.3, any permitted or controlled activity that fails to comply with the activity performance standards listed in Rule 17.4 is to be assessed as a restricted discretionary activity. Therefore, there is still the potential for 98D and 98E to be further subdivided, the subdivision would however be required to be processed as a restricted discretionary activity.

30. A total of approximately 19 lots (including the subject site and the two additional lots to be created through the proposal) could be created from the 6 lots currently served by the privateway that would be in compliance with both the minimum lot size, and minimum average requirements set out through Rule 17.4.2 (ii). Rule 12.4.4.4 (f) (i) states that the maximum number of lots that shall be dependent on a privateway for legal access is 12 lots, therefore it can be determined that the proposal will reduce the subdivision potential of all of the other lots served by the privateway because of the resultant increase in the number of lots that will be dependent on the privateway for access. There is the potential for an additional 7 lots to be created, above the maximum number of lots to be served by a privateway as specified per Rule 12.4.4.4 (f) (i).
31. It should be noted that although Rule 12.4.4.4 (f) (i) specifies that the maximum number of lots that shall be dependent on a privateway for legal access is 12, a non-compliance with this rule would be required to be assessed as a restricted discretionary activity under Rule 12.3.4.1. Therefore, there is the potential for a privateway in the Minden Lifestyle Zone to serve more than 12 lots. However, the application would be required to be processed as a restricted discretionary activity, and Council could grant or refuse the application.
32. It has been determined in paragraphs 27-32 above that the proposed subdivision of Lot 1 DPS 55319 (98A Munro Road) will reduce the subdivision potential of all of the other existing lots that are currently served by the same privateway because of the increase in the number of lots that will be dependent on the privateway for access. Therefore under Rule 12.4.4.4 (f) (vi), the written approvals of the owners of these lots should be submitted with the application to Council. In this instance, written approvals have been sought by the applicant; however no written approvals have been obtained. Rule 12.4.4.4 (f) (vi) also states *where the foregoing circumstances apply and any necessary written approvals are not submitted, the application shall undergo limited notification*. Therefore, the application is required to undergo limited notification under this rule. Additionally, the applicant has requested that the application undergo limited notification.
33. For the reasons discussed in paragraphs 27-33 above, I consider the effects associated with the non-compliance with Rule 12.4.4.4 (f) (vi) to be minor on the following properties:
 - 98B Munro Road – Lot 1 DPS 62628
 - 98C Munro Road – Lot 2 DPS 68591
 - 98D Munro Road – Lot 2 DP 494827
 - 98E Munro Road – Lot 1 DP 494827
 - 98F Munro Road – Lot 3 DP 494827

Conclusion

1. In terms of section 95B of the RMA, it has been assessed in accordance with section 95B(8) and section 95E of the Act and the extent of affected persons are limited to the following properties:

- 98B Munro Road – Lot 1 DPS 62628
 - 98C Munro Road – Lot 2 DPS 68591
 - 98D Munro Road – Lot 2 DP 494827
 - 98E Munro Road – Lot 1 DP 494827
 - 98F Munro Road – Lot 3 DP 494827
2. Given the above, it is considered that limited notification of the application is necessary.

Special Circumstances Assessment

3. There are no aspects of this application that are considered out of the ordinary, and therefore would constitute special circumstances associated with the proposal that would warrant notification of the application.

RESOLUTIONS

1. *THAT pursuant to sections 95A and 95D of the Resource Management Act 1991, Western Bay of Plenty District Council resolves that the adverse effects of the proposal will not be "more than minor" and the application need to be/ not be publicly notified; and*
2. *THAT the application be processed on a **limited notified** basis in accordance with Sections 95A-95E of the Resource Management Act 1991.*
3. *THAT Western Bay of Plenty District Council is satisfied that no special circumstances exist that require notification of this consent application in accordance with section 95A (4) of the Resource Management Act 1991;*

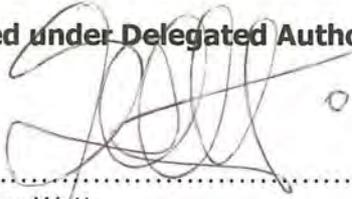
Reported and Recommended by:



.....
 Lauren Ford
Consents Planner

Date: 06 September 2018

Approved under Delegated Authority



.....
Christopher Watt
Environmental Consents Manager

Date: 06/09/2018

Extract from Council GIS: Properties With Legal Access To Private Way



- ★ The Site
- ★ Neighbouring properties



Western Bay of Plenty

Form 13

Submission on application concerning resource consent or esplanade strip that is subject to public notification or limited notification by consent authority

Sections 41D, 95A, 95B, 95C, 96, 127(3), 136(4), 137(5)(c), and 234(4), Resource Management Act 1991

To Western Bay of Plenty District Council

Name of submitter:

Full Name(s):	John & Janet Reid
	98C Munro Rd Whakamarama

This is a submission on an application from:

Kenneth & Rosemarie Thompson
RC 110435

For a resource consent for:

Lot 1 DPS (98A Munro Rd Whakamarama)
DPS 55319 SA 45D/833
Application for subdivision Resource consent

I am/ am not a trade competitor for the purposes of [section 308B](#) of the Resource Management Act 1991.

I am/ am not directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

[* Delete this paragraph if you are not a trade competitor].

The specific parts of the application that my submission relates to are:

12.4.4.4 (f) (vi) Minden Lifestyle Zone

12.4.4.4 (f) (ix) (a) " " "

[Please add additional pages if required]

My submission is: [include – (a) whether you support or oppose the application or specific parts of it; (b) whether you are neutral regarding the application or specific parts of it; or (c) the reasons for your views].

12.4.4.4 (f) (vi)

By subdividing another two, this limits our own potential to sub divide in the future. Two owners are taking the 'Lions Share'

12.4.4.4 (f) (ix) (a)

This Carriage way does not comply - there are already two extra properties on it since it was formed. If another two are allocated the drive way must be brought up to compliance standards by the Sub divider.

[Please add additional pages if required]

I seek the following decision from the consent authority: [give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought].

We strongly object to any future sub dividing until both Munro Rd and SH2 are fit for purpose. Munro Rd has seen a huge increase in traffic in the last few years since sub dividing has been

Continued from – I seek the following decision from the consent authority:

approved. There has been no effort to widen or upgrade this road which is now way beyond it's current capacity.

SH 2, as all the residents in this area know, is now a 'death road' – further sub dividing is only adding traffic to a road completely un-fit for the volume already using it.

We are also at a loss to understand how the last sub dividing at 98 Munro Rd went ahead without any consultation with other property owners what so-ever. The carriage way should have been up-graded at that time.

I ~~wish~~ (or do not wish) to be heard in support of my submission.

[*If others make a similar submission, I will consider presenting a joint case with them at the hearing]. [*Delete if you would not consider presenting a joint case.]

I request/do not request*, pursuant to [section 100A](#) of the Act, that you delegate your functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority. [*Select one]

A copy of this submission must be sent to the applicant/ agent as soon as practicable

Signature of submitter (or person authorised to sign on behalf of submitter)
Date: <i>04.10.2018</i>
(A signature is not required if you make your submission by electronic means.)

Electronic address for service of person giving written approval:	<i>jra@rodsbyreid.co.nz</i>
Telephone:	<i>07 5525977</i>
Postal address (or alternative method of service under section 352 of the Resource Management Act 1991):	<i>98c Munro Rd</i>
	<i>RD7</i>
	<i>Tauranga 3179</i>



Form 13

Submission on application concerning resource consent or esplanade strip that is subject to public notification or limited notification by consent authority

Sections 41D, 95A, 95B, 95C, 96, 127(3), 136(4), 137(5)(c), and 234(4), Resource Management Act 1991

To Western Bay of Plenty District Council

Name of submitter:

Full Name(s):	Adrianus Antonius van Gorp
	Josepha Maria Paulina Catharina
	van Gorp - Paulusse

This is a submission on an application from:

Kenneth Hugh & Rosemarie Sarah Thompson
98 A Munro Road
Lot 1 DPS 55319

For a resource consent for:

3 lot Minden Subdivision in the Minden 1C Zone

I ~~am~~ am not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.

I am/ am not directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition.

[* Delete this paragraph if you are not a trade competitor].

2005/2006/2007

The specific parts of the application that my submission relates to are:

Additional lots created by proposed subdivision.
Additional private way users.

[Please add additional pages if required]

My submission is: [include – (a) whether you support or oppose the application or specific parts of it; (b) whether you are neutral regarding the application or specific parts of it; or (c) the reasons for your views].

We oppose the application for the following reasons;
The proposed subdivision will reduce the value of our property because the ability to subdivide in the future will be reduced.
The system first in first serve is not fair because if we would want to choose to subdivide our lot in the future the possibility might not be there anymore. Further we have concerns around the change to the rural nature of our neighbourhood and the negative effect of increased use of the private way by both cars and commercial vehicles.
On top of that a total stop of subdivisions would be more in line with the views of the local community as to an unacceptable increase of traffic on SH2.

[Please add additional pages if required]

I seek the following decision from the consent authority: [give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought].

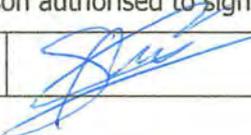
We seek that the Western Bay of Plenty District Council rejects the application concerning resource consent mentioned above (RC110435).

I ~~wish~~ (or do not wish) to be heard in support of my submission.

[*If others make a similar submission, I will consider presenting a joint case with them at the hearing]. [*Delete if you would not consider presenting a joint case.]

I ~~request~~/do not request*, pursuant to section 100A of the Act, that you delegate your functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority. [*Select one]

A copy of this submission must be sent to the applicant/ agent as soon as practicable

Signature of submitter (or person authorised to sign on behalf of submitter)	
Date: 20.9.18	 
(A signature is not required if you make your submission by electronic means.)	

Electronic address for service of person giving written approval:	vangorpaj@gmail.com
Telephone:	07 552 6198
Postal address (or alternative method of service under section 352 of the Resource Management Act 1991):	98 B Munro Road
	RD7, Taunanga, 3179