

MEETING — AGENDA —

Ngā Take

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Western Bay of Plenty
District Council

REGULATORY HEARINGS COMMITTEE

Komiti Whakariterite Kōrero



RH15
Thursday, 20 December 2018
Council Chambers
Barkes Corner, Tauranga
11.00am

Notice of Meeting No RH15 Te Karere

Regulatory Hearings Committee Komiti Whakariterite Korero

Thursday, 20 December 2018
Council Chambers
Barkes Corner
11.00am

Independent Commissioner: Bill Wasley (Chairperson)

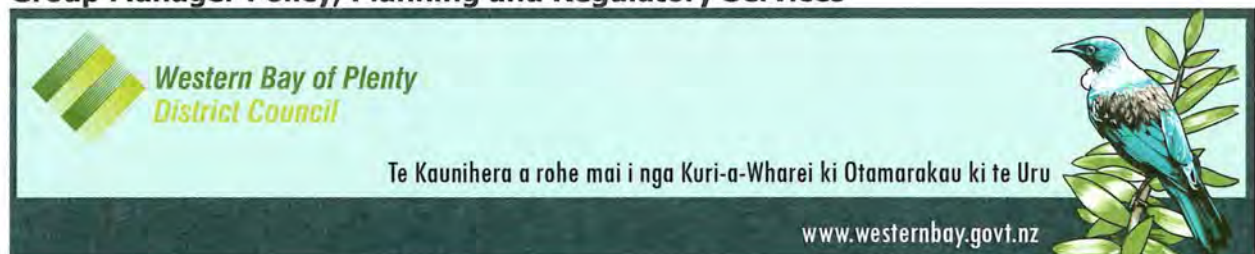
Councillors: P Mackay
D Marshall
M Murray-Benge
J Scrimgeour
M Williams

Media
Staff
Miriam Taris
Chief Executive Officer
Western Bay of Plenty District Council

Agenda approved for distribution:



Rachael Davie
Group Manager Policy, Planning and Regulatory Services



Regulatory Hearings Committee

Mangai o Te Kaunihera

Quorum:

The quorum for this meeting is three members.

Role:

Subject to compliance with Council strategies, policies, plans and legislation:

- To carry out quasi-judicial decision-making on statutory and regulatory matters, and to ensure the proper exercise of statutory and regulatory functions
- To administer and determine applications relating to:
 - Animal Enforcement Notices
 - Regulatory Hearings (Building and Health)
 - Building Consent Objections
 - Stock Droving Applications
 - Bylaw Administration and enforcement
 - Notified Planning Hearings and Resource Consents
- To monitor and review the Chief Executive Officer's management of policy decisions and programmes for which the Committee is responsible under delegated authority
- To make decisions on matters not delegated to the Chief Executive Officer
- To exercise all decision-making powers of Council within the Committee's delegated functions and in accordance with its role and to monitor performance of the delegated functions
- To monitor matters relating to consents functions as decided under delegated authority and make decisions on matters not delegated

Pursuant to the Resource Management Act 1991 to receive reports on appeals to the Environment Court on Committee or Commissioner decisions made in relation to Resource Management Act matters and to provide guidance to staff authorised to negotiate and settle appeals on Council's behalf

Chairperson Delegations:

- Pursuant to the Resource Management Act 1991 should there be insufficient time for staff to consult with the Committee on appeals to the Environment Court (in relation to decisions from the Regulatory Hearings Committee or Independent Commissioner decisions), the authority to provide guidance be delegated to the relevant Independent Chairperson with a report back to the Committee at the next scheduled meeting.
- The power to appoint hearings panels of appropriately qualified members and/or Independent Hearings Commissioners to hear and decide on specific applications should there be insufficient time for the Committee to meet to establish a Hearings Panel provided there be a report back to the Committee at the next scheduled meeting.
- Pursuant to the provisions of the Sale and Supply of Alcohol Act 2012 the power to appoint from the District Licensing Committee list of members a quorum of appropriately qualified members to hear and decide on specific applications.

General Delegations:

All delegated decision-making powers in respect to the following functions:

- a) Resource Management

- Decisions on subdivisions and other non-notified applications for discretionary or non-complying activities recommended for refusal or otherwise referred to the Committee by the Group Manager Policy, Planning and Regulatory Services
 - Hearings of and decisions on notified applications to which there have been objections
 - Conditions of approval, extensions
 - Changes or cancellation of consent
 - Conditions of surrender of consents
 - Hearings of and decisions on objections to decisions and conditions of resource consents in relation to applications decided under staff delegated authority
 - Hearings of and decisions on notices of requirement
- b) Animal Enforcement Notices, including:
- Objection to classification as probationary owner
 - Objection to disqualification
 - Objection to classification as a dangerous dog
 - Objection to abatement notice – barking dogs
 - Application for return of dog
 - Application for release of dog retained for threatening public safety
- c) Stock Droving and Speed Restriction Applications under the relevant bylaws
- d) Regulatory Hearings (Building and Health)

Joint Hearings

- The power to conduct Joint Hearings with other local authorities where considered necessary in accordance with the provisions of the First Schedule of the Resource Management Act and as mutually approved by Council and the relevant other authority(ies).
- The power to appoint members and/or Commissioners to Joint Hearings Committees.
- Subject to the provisions of the Act Joint Hearings within the Western Bay of Plenty District shall be conducted in accordance with operational protocols and procedures approved by the Regulatory Hearings Committee from time to time.

Hearing Panels

The power to appoint hearings panels of appropriately qualified members and/or Independent Hearings Commissioners to Chair, hear, and decide on all Resource Consent applications.

Other

The Committee may delegate any of its functions, duties or powers to a subcommittee or joint committee subject to the restrictions on its delegations and provided that any sub delegation to subcommittees or joint committees includes a statement of purpose and specification of task.

The Committee may, without confirmation by Council, exercise or perform any function, power or duty in like manner, and with the same effect, as the Council could itself have exercised or performed them.

Agenda for Meeting No. RH15

Pages

**Present
In Attendance
Apologies**

Hearing

Thursday, 20 December 2018 at 11.00am

RH15.1

**RC11048(S) - Kenneth and Rosemarie Thompson -
Resource Consent to Undertake a Three Lot Subdivision
Using Transferable Subdivision Entitlements - 98A Munro
Road, Whakamarama**

6-168

Attached is a report from the Consultant Planner dated
30 October 2018.

Date 30 October 2018 Open Session
Subject RC11043(S) – Kenneth & Rosemarie Thompson - Resource Consent to undertake a three lot subdivision using transferable subdivision entitlements – 98A Munro Road, Whakamarama

Western Bay of Plenty District Council

Regulatory Hearings Committee

RC11043(S) – Kenneth & Rosemarie Thompson - Resource Consent to Undertake a Three Lot Subdivision Using Transferable Subdivision Entitlements – 98A Munro Road, Whakamarama

Executive Summary

This report provides an analysis of the resource management issues with respect to an application to undertake a three lot subdivision using transferable subdivision entitlements on a property within the Lifestyle Zone at 98A Munro Road, Whakamarama, legally described as Lot 1 DPS 55319.

The application (**Attachment A**) was received by the Council on 19 June 2018, and has been processed on a limited notified basis. Two submissions in opposition to the application have been received. In regard to the submission and the proposal, the key issues to be considered relate to the ability of the existing private way (ROW A & B) to accommodate an increase in users (given the non-complying carriageway width), and the reduction in subdivision potential of other lots served by the private way because of the increase in the number of lots that are dependent on the private way for access.

It is offered that the effects associated with the ability of the private way to accommodate the increase in users, and the reduction in subdivision potential of other lots served by the private way would not be significant given that ROW A & B is anticipated to successfully accommodate the two new proposed lots, and that the proposal will not take ROW A & B to full capacity. Additionally, it has been determined that the proposal would not be contrary to the Natural Hazards, Lifestyle Zone or Subdivision and Development objectives and policies within the Operative District Plan, or Sections 5, 6, 7 and 8 of the Resource Management Act 1991.

On this basis it is recommended that the application be approved.

Date 30 October 2018 Open Session
 Subject RC11043(S) – Kenneth & Rosemarie Thompson - Resource Consent to undertake a three lot
 subdivision using transferable subdivision entitlements – 98A Munro Road, Whakamarama

Recommendation

- (a) *THAT the report by the Consultant Planner dated 26 October 2018 is received.*
- (b) *THAT pursuant to Sections 104, 104C and 108 of the Resource Management Act 1991, the Western Bay of Plenty District Council grants consent to the application by Kenneth & Rosemarie Thompson to undertake a three lot subdivision using transferable subdivision entitlements, being a restricted discretionary activity, located at 98A Munro Road, legally described as Lot 1 DPS 55319 subject to conditions of consent.*



.....
 Lauren Ford
Consultant Planner

Checked and Approved for Release to
 Regulatory Hearings Committee
 for Determination



.....
 Christopher Watt
Environmental Consents Manager

Date 30 October 2018

Open Session

Subject RC11043(S) – Kenneth & Rosemarie Thompson - Resource Consent to undertake a three lot subdivision using transferable subdivision entitlements – 98A Munro Road, Whakamarama

Detailed Report

1. Proposal

- 1.1 An application was received by the Council on 19 June 2018 to undertake a three lot subdivision using transferable subdivision entitlements at 98A Munro Road, Whakamarama, legally described as Lot 1 DPS 55319. A copy of the application is included as **Attachment A**.
- 1.2 The proposed lots are to be comprised as follows:
 - Lot 1, 5,320 m² (Nett 4,140 m²)
 - Lot 2, 4,490 m²
 - Lot 3, 3,300 m² (Nett 3,050 m²)
- 1.3 All three lots subject to this application are to be accessed via an existing privateway which currently serves 6 lots (including the subject site). Following the proposed subdivision, the privateway will serve a total of 8 lots.

2. Site and locality

- 2.1 The site is a 1.4112 ha site located within the Lifestyle Zone at 98A Munro Road, Whakamarama, legally described as Lot 1 DPS 55319. The site is also within the Minden 1C Structure Plan Area.
- 2.2 The majority of the site is located within Stability Area – Minden C, and a northern portion of the site (including an area of the existing privateway) is located within Stability Area – Minden A. Approximately 1,700 m² of a northern portion of the site is located within the 'Minden Lifestyle Structure Plan Area Overland Flowpaths and Local Ecological Features' overlay.
- 2.3 The site is located on the western side of Munro Road, and is accessed from a privateway off Munro Road. The site comprises an existing residential dwelling and associated garages/sheds. The topography of the site is relatively flat, sloping up approximately 10 m from the north to the south.
- 2.4 The site is surrounded by other land zoned Lifestyle, along with land used for horticultural purposes.

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3. Written approvals obtained/submissions lodged

- 3.1 Prior to the application being submitted to Council, the applicant has sought written approval from all of the other lots served by ROW A & B who were identified as potentially affected. None of those persons provided their written approval.
- 3.2 Taking into account the initial consultation, written approvals outlined above, and Rule 12.4.4.4 (f) (vi) which requires limited notification in certain circumstances (which apply in this instance), the Council determined that the application would generate adverse effects on all of the properties that are served by the same private way as the subject site for legal access. The subdivision will reduce the subdivision potential of all other existing lots served by the same private way because of the resultant increase in the number of lots that are dependent on the private way for access. Accordingly, the application is required to be processed on a limited notified basis pursuant to Section 95E of the Resource Management Act 1991. A copy of this notification decision is included as **Attachment B**. Notice was served on identified affected persons on 10 September 2018.
- 3.3 The period for making submissions on the application closed on 8 October 2018. Two submissions in opposition to the proposal were received within the statutory time period. These are summarised in the table below and a full copy of the submissions is included as **Attachment C**.

Submitter	Summary of Submission	Suggested Outcome
John & Janet Reid	<ul style="list-style-type: none"> The subdivision will limit their potential to subdivide in the future. The carriageway does not comply and should be brought up to compliance standards by the subdivider. The subdivision will contribute to volume of traffic on State Highway 2 which is unfit for the volume using it. 	<ul style="list-style-type: none"> Driveway must be brought up to compliance standards by the subdivider. Object to any future subdivision until Munro Road and State Highway 2 are fit for purpose.
AA Van Gorp & JMPC Van Gorp-Paulusse	<ul style="list-style-type: none"> The subdivision will reduce their property value because the ability to subdivide in the future will be reduced. The system first in first served is not fair because if they want to subdivide in the future the possibility might 	<ul style="list-style-type: none"> Reject application.

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	<p>not be there.</p> <ul style="list-style-type: none"> • Change to the rural nature of neighborhood. • Negative effect of increased use of the private way by cars and commercial vehicles. • A total stop of subdivisions would be more in line with the views of the local community due to an unacceptable increase of traffic on State Highway 2. 	
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3.4 A map showing the submitters properties in relation to the site is included as **Attachment D**.

4. Plan provisions/activity status

4.1 District Plan Status

4.1.1 The operative date of the Operative District Plan 2012 was 18 June 2012 and all appeals have been resolved. However, Council has notified several plan changes. Many of these plan changes have already been made operative. For those current plan changes which have not been made operative, any provisions which have not been appealed, or where any appeals have been resolved, or where no submission has been received in opposition, have been treated as if they were operative in accordance with Section 86F of the Resource Management Act 1991. Those current plans changes where a submission in opposition or appeal has been lodged, but not determined or resolved, have been considered but are found to have no relevance to this application.

4.2 Operative District Plan 2012

4.2.1 Rule 17.3.2 (e) and Rule 8.3.2 (b) (i)

Under Rules 17.3.2 (e) and 8.3.2 (b) (i), subdivision within the Minden Lifestyle Structure Plan area where all of the proposed private ways and building sites are within Stability Area – Minden C is a controlled activity, where it complies with the following:

17.4.2 Subdivision Activity Performance Standards

(a) General

(i) Shape Factor

Each lot which will qualify for the erection of a dwelling as a Permitted Activity shall be capable of accommodating a 20m minimum diameter circle exclusive of yard requirements, such area to contain a building site complying with 12.4.1 (b) and in accordance with an approved structure plan;

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(ii) Lot Size

Minimum 3000m², with a minimum average 5000m², or as defined in the Structure Plan. Except that: Minden Lifestyle Structure Plan area: Minimum 3000m², average 4000m², provided that Greenlane Lot Entitlements may reduce minimum lot sizes as described in 17.4.2(e).

(b) Transferable Subdivision Entitlements

(i) Application

Additional lots shall be created from the following entitlements obtained from the Rural Zone on a one to one basis:

- Transferable Rural Lot Entitlements: 18.4.2(d);
- Transferable Amalgamation Lots: 18.4.2(e);
- Transferable Protection Lots: 18.4.2(h).

(d) Minden Lifestyle Structure Plan Staging Requirements

(i)

Subdivision within the Minden Lifestyle Structure Plan area shall be staged in accordance with the following requirements:

For the purpose of these rules;

- *New lots shall be defined as those approved by way of subdivision consent for which an application was lodged on or after the date of 25 September 2010.*
- *Existing lots shall be defined as those approved by way of subdivision consent for which an application was lodged before the date of 25 September 2010.*

(ii)

The total number of new lots allowed is shown in the table below;

Area	Number of new lots allowed
1a	94
1b	29
1c	103
2	30

4.2.2 Rule 8.4.1 and 17.5.1 – Matters of Control

All of the proposed privateways and building sites for the proposed subdivision are within Stability Area – Minden C, and the proposal is able to comply with all of the activity performance standards detailed in paragraph 4.2.1 above. This part of the proposal can therefore be considered a controlled activity under Rules 17.3.2 (e) and 8.3.2 (b) (i). Pursuant to Section 104A of the Resource Management Act 1991, the Council in determining an application under these rules can only consider those matters prescribed under Rules 8.4.1 and 17.5.1. Both Rules are repeated below.

Rule 8.4.1 – Controlled Activities – Subdivision and Buildings within Stability Area – Minden C

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Council reserves control over the following matters

- (a) *Protecting each lot and surrounding lots from instability or erosion by:

 - (i) *Managing earthworks within the site.*
 - (ii) *Controlling the location and formation of building sites, roads, accessways, tracks or privateways within the subdivision.*
 - (iii) *Controlling the location and type of wastewater and stormwater treatment and disposal systems.*
 - (iv) *Detailing requirements for the retention or planting of vegetation including species selection that will help stabilize any cut slope or fill batter.*
 - (v) *Requiring the collecting and piping of stormwater, or its management by way of soakage or discharge to ground or to natural waterways, including the collection of roof water, as appropriate. The preference is for collection and discharge of stormwater to the base of gulleys at a rate that mimics natural catchment flow rates.*
 - (vi) *Avoiding erosion or natural hazards or mitigating these hazards when they cannot be avoided;**
- (b) *Building sites should be set back from existing waterbodies and ephemeral flowpaths to the extent that any risks to buildings/structures from instability and flooding are avoided.*
- (c) *For subdivision and development in the Minden Stability Areas regard shall be had to the stability information requirements in Rule 8.6.*

Rule 17.5.2 – Controlled Activities – Subdivision in the Minden Lifestyle Structure Plan Area where all of the Proposed Privateways and Building Sites are within Stability Area – Minden C

Council reserves control over the following matters for the Minden Lifestyle Structure Plan area, and may impose any necessary conditions on subdivision:

- (a) *Protecting and enhancing scheduled Significant Ecological Features, other prominent areas of indigenous vegetation which contribute to the Zone's wider amenity, existing waterways, providing ecological linkages and improving landscape by requiring planting along riparian corridors, on steep erosion prone land, the retirement of some land from grazing activity and the avoidance of discharge to such areas.*
- (b) *Providing connectivity throughout the Structure Plan area including requiring the provision of greenlanes shown on the Structure Plan.*
- (c) *Ensuring that building sites and associated earthworks blend in with existing contours, preserve strands of native bush, and do not compromise significant topographical features. Pump houses, fences and masts may be located outside of the building site.*

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- (d) *Building sites should be set back from existing waterbodies and ephemeral flowpaths to the extent that any risks to buildings/structures from instability and flooding are avoided and there are no adverse effects on ecological features.*
- (e) *Compliance with activity performance standards 17.4.2.*
- (f) *The application of financial contributions provided that any contributions shall be limited to the difference between the current level of such contributions and any contributions previously paid.*

4.2.3 The subdivision must also comply with the following relevant activity performance standards contained within Section 12 of the District Plan (Subdivision and Development):

12.4. Activity Performance Standards

12.4.1 Site Suitability

- (a) *Every existing or proposed site within the development shall have a building site suitable for any approved activity free from inundation, erosion, subsidence and slippage.*
- (b) *Every existing or proposed site intended for independent residential use shall accommodate a building site suitable for conventional residential development, and taking into account the yard requirements for the zone, such a site is to be identified on the plan of subdivision and its suitability certified in accordance with Rule 12.3.9.*
- (c) *The certification shall detail the level of consideration and investigation and to the extent appropriate shall include appropriate recommendations addressing constraints on development that do not involve specific foundation design or other issues (e.g. stormwater runoff) that may effect land stability.*
- (d) *Supporting geotechnical reports will be required where specific foundation design may be required or other issues affecting land stability, including for neighbouring properties, have been considered and assessed as requiring geotechnical investigation.*

12.4.2 Contaminants in Soil

Matters relating to contaminants in soil are the subject of the "National Environmental Standard (NES) for Assessing and Managing Contaminants in Soil to Protect Human Health." Any resource consent application for land subdivision or development shall demonstrate compliance with the applicable provisions of the NES.

12.4.3 Extension of Services

12.4.3.1 Future Servicing

Council will exercise control over the function and design of new services in relation to the needs of the subdivision, the existing levels of service and the likely future servicing needs of other potentially subdividable land in the vicinity.

12.4.3.3 Rural, Lifestyle and Rural-Residential Zone

- (a) *Where one or more of the utility services are within 100m of an existing Council service then the service shall be extended, otherwise the*

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development shall be able to sustain the lack of the particular service in its own right.

- (b) Water supply is subject to other criteria. Refer to Council's Development Code.*
- (c) For the purpose of interpretation the 100m proximity is to be measured from the nearest boundary point of the land or titles being subdivided.*
- (d) At the discretion of Council, developments further than 100m from services may be provided on a cost sharing basis.*

12.4.4 Transportation and Property Access

12.4.4.4 Property Access

(f) Minden Lifestyle Zone - Privateways

(i)

Maximum number of lots served - no more than 12 lots shall be dependant on a privateway for legal vehicle access, provided that Council may allow other lots, up to a maximum of two, with alternative legal vehicle access to a public road but where that access is unable to comply with Council's minimum standards, to also have rights over a privateway subject to the following:

- (a) Alternative legal vehicle access must be proved to be either:

 - (i) non-complying*
 - (ii) impractical to construct due to topography or other constraints;*
or
 - (iii) would be within 30m of the privateway entrance boundaries using Council's Development Code standard drawings as a guide.**
- (b) Any such latter lots shall be excluded from the calculation of maximum number of lots served.*

(vi)

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 necessary written approvals are not submitted, the application shall undergo limited notification.

(ix) Construction & Design

- (a) Any existing or proposed privateway serving or over the land being subdivided shall be formed, metalled and sealed in accordance with the standards specified in section 4.7.3 of Council's Development Code and other sections of Council's Development Code as referred to and to the widths and gradients as specified in table 3 below:**

Table 3

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Category	No. of lots served	Minimum private way reserve widths (m)	Carriageway width (excl kerb and channel and passing bays)	Maximum length (including combinations of intersecting private ways)	Maximum gradient (sealed)
Sealed without Kerb & channel	4 - 14	8	3.5m	1200m	20%
Sealed with Kerb & channel	4 - 14	6	3.5m	1200m	20%

12.4.5 Stormwater

Sets out the requirements for stormwater

12.4.6 Wastewater Drainage

Sets out the requirements for wastewater

12.4.7 Water Supply

12.4.7.1 Water Supply Systems shall be:

- (a) *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.*
- (b) *Installed such that each new or existing site is individually connected to the reticulated water supply system in accordance with Council's Development Code.*

12.4.8 Network Utilities – Electricity, Telecommunication, Broadband and Gas

12.4.8.1 *The requirements for the provision of electricity, telecommunication, broadband and gas shall meet with the approval of the relevant network utility operator.*

12.4.8.2 *Adequate provision shall be made for the supply and installation of electricity, telecommunication, broadband and gas services in accordance with Council's Development Code.*

4.2.4 The proposal does not comply with the requirements of Rule 12.4.4.4 (f) (vi) or Rule 12.4.4.4 (f) (ix) (a). For subdivision that would otherwise be a controlled activity, non-compliance with activity performance standards render the application a restricted discretionary activity in respect of the standard concerned. Therefore the non-compliances with Rules 12.4.4.4 (f) (vi) and 12.4.4.4 (f) (ix) (a) are required to be assessed as a restricted discretionary activities.

4.2.5 Rule 12.4.4.4 (f) (vi) and 12.4.4.4 (f) (ix) (a) – Restricted Discretionary Activities / Assessment Criteria

The reduction in subdivision potential, and width of the private way are considered restricted discretionary activities under Rule 12.3.4.1. Pursuant to Section 104C(1) of the Resource Management Act 1991, the Council in

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determining an application under these two rules can only consider those matters prescribed under Rule 12.3.5. This rule is repeated below.

Rule 12.3.5 – Matters of Discretion

With respect to any Controlled Activity which is rendered Restricted Discretionary by virtue of non-compliance with an activity performance standard, Council's discretion is restricted to the actual or potential adverse effects arising from the particular non-compliance, having regard to the extent and nature of the noncompliance.

4.2.6 In accordance with the bundling principle of the RMA the application overall is required to be assessed as a restricted discretionary activity.

5. Statutory considerations

5.1 Section 104 of the RMA – Consideration of Applications

5.1.1 Section 104(1) of the Act states:

(1) *When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—*

(a) *any actual and potential effects on the environment of allowing the activity; and*

(b) *any relevant provisions of—*

(i) *a national environmental standard;*

(ii) *other regulations;*

(iii) *a national policy statement;*

(iv) *a New Zealand coastal policy statement;*

(v) *a regional policy statement or proposed regional policy statement;*

(vi) *a plan or proposed plan; and*

(c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

5.1.2 The requirements of Sections 104(1)(a) to 104(1)(c) are considered within Sections 5 to 8 below.

5.2 Section 104C of the RMA – Determination of Restricted Discretionary Activities

5.2.1 Section 104C of the Act states:

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

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- (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.*

6. Assessment of effects on the environment

6.1 Matters to be considered

- 6.1.1 The proposal is a Restricted Discretionary Activity. Pursuant to Section 104C of the Resource Management Act 1991, the Council can only consider those matters to which it has restricted its discretion over. These matters are identified under Rule 12.3.5, as outlined in Section 4.2.5 of this report.
- 6.1.2 The controlled activity subdivision criteria also require consideration. The matters over which control is reserved are identified under Rule 8.4.1, and Rule 17.5.2, as outlined in Section 4.2.2 of this report.
- 6.1.3 In examining the proposal and submissions received, and taking into account the matters over which discretion is restricted through Rule 12.3.5, it is considered that the primary adverse effects associated with the proposal relate to the ability of the existing privateway to accommodate an increase in users (given the non-complying carriageway width), and the reduction in subdivision potential of other lots served by the privateway because of the increase in the number of lots that are dependent on the privateway for access. These matters are considered below.

6.2 Reduction of Subdivision Potential

- 6.2.1 A total of approximately 19 lots (including the subject sites 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).

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- 6.2.2 The proposed subdivision will take the number of users of the privateway to 8 users. Following the proposed subdivision, the maximum number of lots that shall be dependent on a privateway for legal access (being 12 users) will not be reached. There will still be the potential for an additional 4 lots to be served by the privateway. Additionally, 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 the privateway 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.
- 6.2.3 The two submissions received in opposition to the proposal both addressed the fact that the proposed subdivision will reduce their ability to subdivide in the future. Each of the two lots that made submissions could be subdivided an additional two times following the proposed subdivision, and only then would the privateway reach its capacity of 12 users. However, there is nothing preventing other lots served by the privateway from subdividing before the owners of the two properties that made the submissions.
- 6.2.4 Although the proposed subdivision will reduce the subdivision potential of all other lots served by the privateway for access, the proposed subdivision will not take the privateway to full capacity. Additionally, there is the potential for more than 12 lots to be served by the privateway for legal access in the future. For these reasons it is considered that any effects associated with the reduction in subdivision potential will be acceptable.

6.3 Privateway

- 6.3.1 The carriageway width for ROW A & B is only 3 m as opposed to the required 3.5 m. This non-compliance is an existing non-compliance.
- 6.3.2 One submitter raised concerns around the negative effect of the increased use of the privateway by both cars and commercial vehicles.
- 6.3.4 Council's Development Engineer did not express any concerns surrounding the ability for ROW A & B to accommodate the two new proposed lots which would be served by ROW A & B. In the unlikely event that additional maneuvering is required, there is a wide grass berm present outside the bounds of ROW A & B.
- 6.3.3 The subject site is the property served by the ROW that is located the closest to the start of the ROW. Therefore it is only the first straight leg of the ROW (approximately 170 m in length) that the proposed lots will be required to use when obtaining access. Council's Development Engineer stated that this portion of the ROW has enough area to pull to the side for passing.

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- 6.3.4 It is important to note that the privateway can serve up to 12 lots as a permitted activity, and the proposal will result in a total of 8 lots being served by the privateway. Therefore it is expected that any effects (e.g. traffic) resulting from the increased use of the privateway will be within what is anticipated for a privateway within the Minden Lifestyle Zone.
- 6.3.5 One submitter stated that the carriageway width does not comply, and must be brought up to compliance standards by the subdivider. Council's Development Engineer does not consider that the carriageway of ROW A & B requires increasing in width.
- 6.3.6 A condition of consent has been recommended requiring the applicant to alter the water tables of ROW A & B to be more defined as per drawing W439. Council's Development Engineer has indicated that this condition is a compromise for not widening the carriageway, and will result in the positive effect of improving the drainage of the ROW.
- 6.3.7 The need for ROW A & B to be upgraded and/or widened will be assessed each time a relevant subdivision application is lodged, as has been done for this subdivision application.
- 6.3.8 Both submitters raise concerns surrounding State Highway 2 and its ability to accommodate additional traffic. It is important to note that there are lots available within the Minden 1C Structure Plan Area, and State Highway effects have already been considered.
- 6.3.9 Taking the above in account, it is considered that the adverse effects as they relate to the carriageway non-compliance of ROW A & B are considered to be Acceptable. Although the carriageway of ROW A & B is undersized, it is considered that it is of a suitable width and design to accommodate any increase in use resulting from the proposal.

6.4 Stability Area – Minden C

- 6.4.1 Proposed earthworks are limited to the establishment of the ROW and building sites, and no vegetation is to be removed apart from garden landscaping.
- 6.4.2 The proposed building sites will be set back from existing waterbodies and ephemeral flowpaths.
- 6.4.3 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.

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- 6.4.4 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.
- 6.4.5 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.
- 6.4.6 Taking the above into account, it is considered that any actual and potential effects associated with the proposal being located within Stability Area – Minden C will be acceptable.

7. Objectives and policies of the plans and policy statements

- 7.1 The relevant objectives and policies within Section 8 (Natural Hazards) of Council's Operative District Plan 2012 are as follows:

Objective 8.2.1

Minimisation of the risk of natural hazards to human life and the natural and built environment.

Policies 8.2.2

1. *Adopt the best practicable options (including the 'do nothing' option) in the management of areas actually or potentially at risk from natural hazards and where possible adopt avoidance rather than mitigation or remedial measures.*
2. *Control or prevent the establishment of activities which have the potential to increase the extent to which natural hazards have or may have an adverse effect on human life or the natural or built environment.*
3. *Enable the development or redevelopment of land already subdivided or otherwise developed for urban purposes in areas now known to be at risk from natural hazards only where any likely adverse effects can be avoided or appropriately mitigated.*

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4. *Ensure that new subdivision, land use activities or other development is located and designed so as to avoid the need for further hazard protection works.*

7.1.1 The proposed subdivision is considered to be consistent with the above objectives and policies. All of the proposed privateways and building sites are to be located within Stability Area – Minden C, and the District Plan defines this stability area as land not considered to be at risk from instability. A geotechnical report has been prepared in respect of the proposed subdivision which states that the property is suitable for the proposed development. Given these factors it is considered that the proposed subdivision will not result in a risk of natural hazards to human life or the natural and built environment.

7.2 The relevant objectives and policies within Section 12 (Subdivision and Development) of Council's Operative District Plan 2012 are as follows:

Objectives 12.2.1

1. *Subdivision and development that provides for an reinforces the existing built form and local character of the area*
2. *Subdivision and development is planned in an integrated manner and provided with the necessary infrastructure and services to ensure that the land is able to be used for its intended purpose*
3. *Infrastructure and services are designed and constructed to minimum standards which will result in improved environmental outcomes without significant additional cost to the community*

Policies 12.2.2

1. *The design of subdivision is in accordance with structure plans*
2. *Require subdivision to be undertaken in accordance with any staging requirements to ensure the effective and efficient servicing of land within the catchment*
3. *Require subdivision and development to comply with the minimum standards in the Development Code for the provision of infrastructure and services, or to an alternative standard which is as effective and efficient in the long term and results in improved environmental outcomes*
4. *Require all subdivision and development proposals submitted to Council to include a comprehensive assessment prepared in accordance with the information requirements of the Development Code.*
5. *Subdivision and development practices that take existing topography, drainage and soil conditions into consideration with the aim of minimising the effects of stormwater runoff.*

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6. *Adverse effects of traffic generation from subdivision and development on the transport network will be avoided, remedied or mitigated.*

7.2.1 Appropriate infrastructure and services are being proposed to serve the development. Council's Development Engineer has not raised any concerns surrounding the proposed methods of servicing, and appropriate conditions of consent relating to servicing have been included.

7.2.2 The proposed subdivision will be in accordance with the Minden Lifestyle Zone Structure Plan, and the staging requirements for the Minden Lifestyle Zone Structure Plan as there are still 14 lots available within the Minden 1C Structure Plan Area.

7.2.3 No more than 12 lots shall be dependent on a private way for legal vehicle access within the Minden Lifestyle Zone, and the proposal will result in 8 lots being dependent on a private way for legal access, therefore it can be determined that any effects associated with traffic resulting from the proposal will not be outside what is anticipated within the Minden Lifestyle Zone.

7.2.4 For the reasons discussed above it is considered that the proposed is considered consistent with the above objectives and policies for Section 12 (Subdivision and Development).

7.3 The relevant objectives and policies within Section 17 (Lifestyle) of Council's operative District Plan 2012 are as follows:

Objectives 17.2.1

1. *Lifestyle development is accommodated in discrete areas, and effects, particularly on the road network, are concentrated in these areas where they can be effectively managed.*
2. *To promote high quality lifestyle character in a unique environment with alternative living options for people who wish to enjoy a high level of open space amenity while retaining the benefits of living close to established town centres.*
3. *To provide for a standard of infrastructure, recreational and amenity services that will be safe for pedestrians and cyclists and that complements the lifestyle character of the area.*
4. *To provide a lifestyle living environment which takes into consideration the geotechnical constraints and other effects of increased development.*
5. *Local ecological features are protected.*

Policies 17.2.2

1. *Subdivision and development within the Lifestyle Zones shall be managed to match the capacity and functioning of the strategic roading network to accommodate additional vehicle movements likely to be generated.*

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2. *Subdivision or development shall take into account site constraints including geotechnical and ecological limitations in determining an appropriate design that delivers a quality lifestyle environment.*
3. *Lifestyle subdivision options are provided through the transferral of subdivision rights from the Rural Zone.*
4. *Subdivision, use and development of lifestyle land which has been identified as at risk to geotechnical hazards shall be undertaken in accordance with geotechnical design to minimise the risk to persons and property.*
5. *Subdivision and development shall not occur before appropriate roading and other infrastructural capacity to cater for such development is established.*
6. *To maintain the semi-rural nature of the Minden Lifestyle Structure Plan area through ensuring appropriate dwelling separation.*
7. *To ensure the effective use of geotechnical information to dispose of stormwater and wastewater in avoiding effects on the environment due to increased development.*

- 7.3.1 The site constraints including geotechnical and ecological limitations have been taken into account in determining the design of the subdivision. This is because all proposed building platforms and privateways are to be located within Stability Area – Minden C (as opposed to Stability Area – Minden A), and outside of the 'Minden Lifestyle Structure Plan Area Overland Flowpaths & Local Ecological Features' zone.
- 7.3.2 The proposed subdivision is occurring through the use of transferable subdivision rights from the Rural Zone.
- 7.3.3 It is considered that the ROW will be able to accommodate any additional vehicle movements likely to be generated by the proposal.
- 7.3.4 A geotechnical report has been prepared in respect of the subdivision which contains numerous recommendations surrounding the likes of wastewater and stormwater disposal. A consent notice is to be registered against the titles of the proposed lots requiring development (except stormwater recommendations) to be undertaken in accordance with the recommendations of this geotechnical report.
- 7.3.5 The separation distance between the proposed building platforms (and existing dwelling) is considered to be appropriate.
- 7.3.6 For the reasons discussed above, it is considered that the proposal is consistent with the above Lifestyle Zone objectives and policies.

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8. Any other matters (Section 104(1)(c))

8.1 The submission in opposition to the application has raised issues which are not within Council's matters over which discretion is restricted as prescribed by Rule 4C.1.5.2. However, to provide a clear position for the submitter and to the Committee, these matters require consideration as "other matters" under Section 104(1)(c) of the Resource Management Act 1991.

8.2 Property Values

8.2.1 It is widely accepted that property values are not considered an "effect" under the Resource Management Act 1991. Accordingly, the application cannot be determined on this matter.

8.3 Rural Nature of the Neighborhood

8.3.1 The proposed lots comply with Rule 17.4.2 (a) (ii) which specifies minimum lot sizes, and minimum average requirements. It is therefore considered that the proposed lots are to be of a size anticipated within the Lifestyle Zone, and will consequently be consistent with the rural amenity anticipated within the area. Additionally, this matter does not fall under the matters over which discretion is restricted. Accordingly, the application cannot be determined on this matter.

9. Part II of the Resource Management Act 1991

9.1 Part II of the Act provides the Purpose and Principles of the Act, principally under Section 5, which provides the overriding framework under which resource management decisions are made. The purpose is defined as:

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, **sustainable management** means 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.*

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- 9.2 The proposed activity would not result in an unsustainable use of the land. It is concluded that the adverse effects of the activity would be acceptable with the imposition of suitable consent conditions. The activity would be consistent with Section 5 of the Act.
- 9.3 Section 6 of the Act details 'Matters of National Importance' that Council shall have particular regard to. It is considered that through the imposition of appropriate resource consent conditions, the activity would not have an adverse effect on any of the stated matters.
- 9.4 Section 7 of the Act outlines 'Other Matters' that Council shall have particular regard to. Those matters deemed relevant are as follows.
- (a) *The efficient use and development of natural and physical resources:*
 - (b) *The maintenance and enhancement of amenity values:*
 - (c) *Maintenance and enhancement of the quality of the environment.*
- 9.5 As discussed earlier in this report, it is considered that the proposed activity would not result in significant adverse effects on the quality of the environment or amenity values of the locality. The proposal is considered to be consistent with Section 7 of the Act.
- 9.6 Section 8 of the Act requires all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). Regard has been had to the Treaty of Waitangi and it is determined that there are no matters of relevance.

10. Conclusion

- 10.1 The principal matters to be considered, as raised within the two opposing submissions and within information submitted by the applicant, relate to the ability of ROW A & B to accommodate an increase in users (given the non-complying carriageway width), and the reduction in subdivision potential of other lots served by the privateway because of the increase in the number of lots that are dependent on the privateway for access.
- 10.2 This report finds that the actual and potential effects associated with the proposal to undertake a three lot subdivision using transferable subdivision entitlements on a Lifestyle Zoned property are acceptable, and that it is considered the activity is not contrary to the relevant objectives and policies of the Operative District Plan, or Sections 5, 6, 7 and 8 of the Resource Management Act 1991. It is recommended that the application be granted consent.

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11. Recommendation

THAT pursuant to Sections 104, 104C and 108 of the Resource Management Act 1991, the Western Bay of Plenty District Council grants consent to the application by Kenneth & Rosemarie Thompson to undertake a three lot subdivision using transferable subdivision entitlements, being a restricted discretionary activity, located at 98a Munro Road, legally described as Lot 1 DPS 55319 subject to the following conditions:

1. *THAT the activity be carried out in accordance with the subdivision scheme plan prepared by Surveying Services entitled 'Proposed Subdivision of Lot 1 DPS 55319' dated 31/07/2017, Drawing No. 4305.1 and the information submitted as part of this application (except where modified by any conditions of this consent).*
2. *THAT the following financial contributions be paid in respect of the subdivision:*
 - (a) *Rural Roding (Kaimai Ward) 2 x \$6,937 + GST*
 - (b) *District Wide Roding 2 x \$533 + GST*
 - (c) *Water Supply (Central) 2 x \$4,284 + GST*
 - (d) *Ecological 2 x \$501 + GST*
 - (e) *Recreation and Leisure 2 x \$5996 + GST*
3. *THAT with regard to Condition 2, the financial contributions calculated in accordance with the provisions of the Operative District Plan, shall be paid within full within two years of the date of commencement of the consent provided that:*
 - (a) *Any financial contribution which is not paid in full within two years from the date of commencement of the consent shall be adjusted so that the amount of the financial contribution required by the resource consent shall be the amount calculated in accordance with the relevant formulae using the updated inputs to those formulae as set out in Council's Annual Plan current at the date of payment.*
 - (b) *Any financial contributions not paid within two years from the date of the commencement of the consent shall be (where applicable) paid prior to the issue of a Building Consent under the Building Act 2004, subject to the adjustments referred to in sub-paragraph (a) herein.*
4. *THAT the proposed private way C/F/G be constructed in accordance with Council's Standard Specification Drawing No's*

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W439 and W440. The water tables shall be well defined and potentially armoured to account for the stormwater connections from future buildings on potential Lots 2 and 3.

5. *THAT the privateway AB water tables shall be altered so as to be defined as per drawing W439.*
6. *THAT an accurate Council issued RAPID (Rural Address Property Identification) plate be displayed at the vehicle entrance for each new Lot created in accordance with Western Bay of Plenty District Council's Rural Property Numbering Bylaw 2005. This condition shall be satisfied prior to the application for 224c certification from Council.*
7. *THAT dry 20mm internal diameter water supply pipes to serve proposed Lots 2 and 3 be constructed along privateway A/B and proposed privateway C/F/G in accordance with Council's Development Code, with the alignment to be selected by the consent holder's representative and the ends capped and clearly pegged. A "paper" as-built drawing should also be provided with the off sets from the adjacent property boundaries shown. The physical connection to Council's watermain shall to be completed as a separate application to Council at the time of Building Consent.*
8. *THAT the existing stormwater system located on existing Privateway A/B shall be checked for inlet/pipe capacity and a review shall be undertaken of any scour protection required at the outlet to serve the total design flow (including the addition of two future buildings on proposed Lots 2 and 3). The design shall be detailed on engineering design documents which shall be submitted to Council for approval. Culvert upgrading may be required including a drop structure due to the grate being very susceptible to blockage from leaves.*
9. *THAT stormwater connections shall be provided within the property boundary of proposed Lots 2 and 3, to discharge into the water table of privateway C/F/G in accordance with Council's Development Code. The connections shall be detailed within the engineering design. The ends shall be clearly capped and pegged within the property boundaries for the future buildings.*
10. *THAT:*
 - a) *Letters are required from power and telecom authorities confirming that the existing power and telecom reticulation in the vicinity of the sites has the capacity to serve future development of the sites to a minimum of a domestic level of service without upgrading.*

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b) Where the power and/or telecom reticulation is confirmed not to have the capacity as described above, then the reticulation shall be upgraded by the consent holder at their expense.

- 11. THAT power and telecommunications reticulation be installed to serve the development with the capacity and ability to later provide all proposed residential/commercial lots with individual connections (lead in's). Letters are required to be provided from power and telecom authorities confirming that this condition has been met to their satisfaction.*
- 12. THAT pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the titles of the proposed Lots 2 and 3, stating: all development (except the stormwater recommendations) shall be undertaken in accordance with the recommendations contained within the report of soils engineer, Michael O'Brien, for O'Brien Geotech Ltd (Project No 622) dated March 2018 or subsequent reports by a suitably qualified geoprofessional or Chartered Professional Engineer in accordance with Council's Development Code.*
- 13. THAT pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the titles of the proposed Lots 2 and 3, stating: the discharge of stormwater shall be via the provided stormwater connection which discharges into the water table of the privateway.*
- 14. THAT the consent holder's representative submit to the Chief Executive Officer or duly authorised officer for approval, with the appropriate engineering inspection fee; construction drawings, specifications, calculations and project cost estimate; covering the stormwater system and the Lot connections into the privateway water table, which it is proposed to be built in accordance with Council's Development Code. Construction shall not commence until written approval of the plans and specification has been provided by Council.*
- 15. THAT the work required by conditions 4-11 be supervised and certified as complete in accordance with the conditions by the consent holder's representative (refer Section 12.3.9a) to the satisfaction of the Chief Executive Officer or duly authorized officer.*

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Advice Notes:

- 1. The consent holder should notify Council, in writing, of their intention to begin works prior to commencement. Such notification should be sent to the Council's Compliance & Monitoring Team and include the following details:***

- name and telephone number of the project manager and site owner***
- site address to which the consent relates***
- activity to which the consent relates***
- the expected duration of works.***

Notifying Council of the intended start date enables cost - effective monitoring to take place. The consent holder is advised that additional visits and administration required by Council officers to determine compliance with consent conditions will be charged to the consent holder on an actual and reasonable basis as provided for under the Act.

- 2. Full compliance with the conditions of consent is necessary to carry out the activity to which this consent relates. Your progress towards satisfying the conditions of consent will be monitored by a Council representative and failure to meet these conditions may result in enforcement action being taken in accordance with Council's Monitoring, Compliance and Enforcement Strategy. This may involve the issuing of an Infringement Notice (instant fine) and/or a monitoring fee.***
- 3. The consent holder or submitters may Appeal this decision, including any conditions of consent, to the Environment Court within 15 working days of receipt of this decision. Prior to doing so you are advised to engage your own legal advice. Please note, however, that pursuant to Section 116 of the Act that the consent granted and authorised by this decision cannot be given effect to until all Appeals are resolved.***
- 4. Any lack of recorded archaeological sites on the property may be due to one of two factors. This may be because there are no sites present, or there has not been an archaeological survey undertaken on the site. work that may modify, damage or destroy any archaeological site(s), such as earthworks, fencing or landscaping, is subject to a consenting process under the Heritage New Zealand Pouhere Taonga Act 2014.***

ATTACHMENT A

Project: 4305

25 May 2018

Team Leader
Consents
Western BOP District Council
Private Bag 12 803
Tauranga

LOT 1 DPS 55319 (98A MUNRO RD, WHAKAMARAMA) APPLICATION FOR SUBDIVISION RESOURCE CONSENT

1. INTRODUCTION

This application is for Restricted Discretionary subdivision consent for Lot 1 DPS 55319 at 98A Munro Road in the Lifestyle Zone, Minden 1C Structure Plan Area. The proposal is to create 3 new lots (2 additional lots). The subdivision mechanism is "Transferable Subdivision Entitlements – Transferrable Protection Lots" [District Plan 18.4.2(h)]. An assessment has been undertaken in terms of RMA S104 and Schedule 4, in relation to the Western Bay of Plenty District Plan (District Plan), and in relation to relevant regional and national documents (see Attachment 5 for detailed assessment).

Table 1.1 Site Details	
Legal description	Lot 1 DPS 55319; SA45D/833
Extent	1.4122ha
Zone	Lifestyle (District Plan Map U84); Minden 1C Structure Plan Area
Address	98A Munro Road
Owners of the site	Kenneth Hugh Thompson and Rosemarie Sarah Thompson

Table 1.2 Donor Lot Details	
Legal description	Lot 1 DP 507352
Extent	10.692ha
Zone	Rural (District Plan Maps U156 & 157)
Address	564A Pukehina Parade
Owner	Ken and Rosemarie Thompson

This report and the following attachments constitute the resource consent application:

Table 1.3 List of Attachments	
Attachment 1	Scheme Plan 4305.01
Attachment 2	Agreement for Sale and Purchase of Transferrable Subdivision(s) Entitlements
Attachment 3	Maps
Attachment 4	Geotechnical Report
Attachment 5	Assessment of Environmental Effects
Attachment 6	National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health: Historical Use Photos & Letter from Western Bay of Plenty District Council
Attachment 7	Quotations From Network Utility Providers
Attachment 8	Traffic report
Attachment 9	Notification Assessment
Attachment 10	Approval Letter for Affected Parties
Attachment 11	Affected Parties Map
Attachment 12	Proof of RC application payment to WBOPDC

2. STATUTORY CONTEXT OF THIS APPLICATION

This proposal is subject to an application for a resource consent, which must include an Assessment of Environmental Effects (AEE) under the Resource Management Act (RMA). The RMA's S104 and Schedule 4 set out matters to be addressed in an AEE. The matters relevant to this application are:

- A description of the activity and the site.
- Full name and address of each owner or occupier of the site.
- A description of any other activities that are part of the proposal.
- A description of any other resource consents required.
- An assessment of the actual and potential effects of the activity.
- An assessment of the activity against:
 - RMA Part 2
 - National Environmental Standards and National Policy Statements
 - Bay of Plenty Regional Policy Statement and regional plans
 - Western Bay of Plenty District Plan
- Identification of any persons affected by the proposal.
- RMA S104(1)(ab) "any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity".

The proposal takes into account the surrounding character, land-use and development as discussed below and in the attachments.

3. THE SITE & ITS SURROUNDINGS

The site is zoned Lifestyle Zone, as are all the adjoining properties. The site is located at 98A Munro Road, Whakamarama, in the "Minden 1C Structure Plan Area", between Katikati and Tauranga.

The soil contamination investigations have found there is nothing on the Western Bay of Plenty District Council (Council) file indicating that the site is a "Hazardous Activities and Industries List" site.

Most of the site is classified Stability Area "C"; a smaller area is Stability Area "A". Stability Area "B2" occurs in the right-of-way (ROW) near Munro Road, but it is located on an adjacent property. Map U84 identifies (along the north-eastern boundary) "overland flow paths & local ecological features", but does not identify Flood Hazard on the site. The existing driveway traverses the "overland flow paths & local ecological features".

A geotechnical assessment of the proposed subdivision has been undertaken (see attached report).

Electricity, telecommunications and water supply infrastructure are located in the vicinity of the site but Council stormwater and wastewater services are not. The site is accessed off Munro Road, a Local Road (District Plan 4B.4.1(bii)). Between the site and Munro Road the site is served by a sealed ROW (3m carriageway & 10m legal width). This portion of ROW is shared with 5 other properties. A 3m wide metal driveway exists on-site.

Easement Certificate H945626.3 covers services and access to other properties as shown in the schedule on our plan.

4. THE PROPOSAL

4.1 Proposed Lots

The owner-applicant seeks to subdivide the 1.4122ha Lifestyle Zone site (Lot 1 DPS 55319) to create 3 lots in total:

	Nett m ²	Gross m ²
Lot 1	4140	5320
Lot 2	-	4490
Lot 3	3050	3300

It is proposed to transfer 2 lot rights from Lot 1 DP 507352 as provided for by District Plan "17.4.2(b) Transferrable Subdivision Entitlements" and "18.4.2(h) Protection Lots".

House sites and easements for ROW, water supply, stormwater, electricity, telecommunications and computer media are shown on the Scheme Plan as Easements "F" and "G". The proposed house sites are set back from neighbours bordering the site.

4.2 Activity Status: Restricted Discretionary

Most of the site is classified by the District Plan as Stability Area "C", but the site contains Stability Area "A". Part of the ROW traverses the on-site Stability Area "A" and also traverses Stability Area "B2" on the adjacent property. District Plan 8.3.2 provides for subdivision as a Controlled activity where all of the proposed private ways and building sites are within Stability Area "C". The District Plan [8.3.3(d)(ii) – (iv)] provides for the following in Stability Areas "A" and "B2" as a Restricted Discretionary activity:

- (ii) subdivision
- (iii) filling, excavation & other development
- (iv) vegetation removal.

Thus, we have determined that the activity status is Restricted Discretionary. However, no building is proposed in Stability Areas "A" & "B2". The ROW traverses "A" and "B2" but no earthworks are proposed.

The proposal complies with all District Plan rules except:

- Internal boundaries <10m. Thus the subdivision is RD according to 17.3.3(a) and 17.4.1(c)(i). However, the owner-applicant gives approval, thus we understand that the reduced yards are a Permitted activity. This retains buildings away from neighbours bordering the site.
- >12 lots potentially served by private way. Thus the subdivision is RD according to 12.3.4.1 and 12.4.4.4(f)(i).

4.3 Stormwater, wastewater, earthworks & geotechnical considerations

Map U84 identifies on-site "overland flow paths & local ecological features", but no on-site flood hazard. No house site is proposed in the overland flow path. No significant vegetation removal is proposed (only small amount of 'garden landscaping' to go for access). Only minor access and building site establishment earthworks are proposed. Council stormwater and wastewater systems are not within 100m of the site, so stormwater and wastewater will be managed on-site. The proposed on-site wastewater system will comply with the Bay of Plenty On-site-Effluent Treatment Regional Plan, as discussed in the Geotechnical Report.

4.4 Water supply

The proposal is to install 2 underground dry pipes from the road frontage to the nett areas of Lots 2 and 3.

4.5 Network Utilities

Electricity and telecommunications are proposed to be extended along the ROW to Lots 2 and 3.

4.6 Access

The proposed lots are served by a single access off Munro Rd. The proposal complies with intersection and sight distances. The subdivision will result in an additional 2 (total 8) lots being served by the ROW.

Other properties on the access have potential for 11 additional lots in theory, based on average lot size 4000m². The actual number of additional lots on the other properties is likely to be much less due to design constraints. In theory then, there is potential for a total of 19 (11 + 8) lots to be developed on the existing part of the ROW to our gate. Although this does not comply with 12.4.4.4(f)(i) (thus RD), this number is not impossible to serve from a ROW that has a legal width of 10m and the ability to be upgraded with passing bays or indeed formed to 6m width.

5. NOTIFICATION

Under RMA S95A(5)(b)(ii), public notification of this Restricted Discretionary activity is precluded (see attached Notification Assessment for details). If no public notification is to occur, the consent authority must decide if any person is adversely affected by the proposal and if so, if the effects are minor or more than minor (Section 95E). The only affected parties we have identified are the neighbours at the 5 other properties that have legal rights to use the shared ROW (see attached Affected Parties Map). We have been unable to obtain written approval from these neighbours. Hence we seek the application to be limited notified.

We provided a draft Scheme Plan, draft AEE and the attached "Approval Letter for Affected Parties" to:

Lisa and Stephen Roach
98D Munro Road
5 Kaharoa Avenue
Omokora

Anthony and Simone Williams
98E Munro Road
R D 7
Tauranga

Grant and Karla Rule
98F Munro Road
R D 7
Tauranga

Janet and Paul Reid
98C Munro Road
R D 7
Tauranga

Adrianus Van Gorp and Josepha Van Gorp-Paulusse
98B Munro Road
R D 7
Tauranga 3179

Two of those persons responded. Their chief concern was that they had purchased their properties thinking that the ROW was at its maximum capacity and no more properties along it could subdivide. The neighbour immediately behind Lot 3 (Lot 1 DP 494827) is concerned that a future house will block the view. Our AEE informs us that the neighbour's view is already limited to a similar extent by trees on proposed Lot 3.

6. SUMMARY & CONCLUSIONS

This application is for consent to subdivide a 1.4122 ha lot (Lot 1 DP 507352) at 98A Munro Road in the Lifestyle Zone (Minden 1C Structure Plan Area) using 2 titles to be transferred from Rural Zone Lot 1 DP 507352. The subdivision is a Restricted Discretionary activity for the following reasons:

- Part of the ROW traverses the on-site Stability Area "A" and also traverses Stability Area "B2" on the adjacent property. Thus the subdivision is RD according to 8.3.3(d)(ii) – (iv). However, no building is proposed in Stability Areas "A" & "B2, no significant vegetation removal is proposed, only minor earthworks are proposed.
- Internal boundaries <10m. Thus the subdivision is RD according to 17.3.3(a) and 17.4.1(c)(i). However, the owner-applicant gives approval, thus we understand that the reduced yards are a Permitted activity. This retains buildings away from neighbours bordering the site.
- >12 lots potentially served by privateway. Thus the subdivision is RD according to 12.3.4.1 and 12.4.4.4(f)(i).

The District Council has advised us that there is nothing on Council's file indicating that the site is a

"Hazardous Activities and Industries List" site. We have also searched historical photos and found no evidence to inform us that the site has been used for a potentially contaminating use.

The proposal is for low-density development anticipated by, and consistent with, the Lifestyle Zone. Appropriate infrastructure and services are proposed to serve the development. Stormwater and wastewater will be managed on-site. Reticulated water supply will serve the site. The proposal comprises high-quality subdivision and infrastructure design.

The AEE leads us to conclude that the proposed lots are not in conflict with the Regional Policy Statement or regional plans. We consider that the proposal is in accordance with Part 2 of the RMA because it provides for accessible, serviced lifestyle lots that will be able to contribute to the Western Bay of Plenty housing stock in close proximity to the services, facilities and employment opportunities of nearby Katikati, Te Puna and Tauranga, enabling high-amenity, convenient living without any significant adverse environmental effect.



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



Search Copy

R W Muir
Registrar-General
of Land

Identifier SA45D/833
Land Registration District South Auckland
Date Issued 12 April 1990

Prior References

SA40B/70

Estate	Fee Simple
Area	1.4122 hectares more or less
Legal Description	Lot 1 Deposited Plan South Auckland 55319

Proprietors

Kenneth Hugh Thompson and Rosemarie Sarah Thompson

Interests

Subject to Section 8 Coal Mines Amendment Act 1950 (affects part)

Subject to a right of way over part marked A and a right to convey water, and to telephone and electricity rights over parts marked A and C on DPS 55319 specified in Easement Certificate H945626.3 - 12.4.1990 at 11.15 am

Appurtenant hereto is a right of way and a right to convey water, telephone and electricity rights specified in Easement Certificate H945626.3 - 12.4.1990 at 11.15 am

The easements specified in Easement Certificate H945626.3 are subject to Section 309 (1) (a) Local Government Act 1974

Identifier SA45D/833

APPROVED
[Signature]
REGISTERED OWNERS

The effect of the provisions of the Western BOP District Council Order 2 of the 21st day of December 1980 is hereby certified to be in accordance with the provisions of the Survey Act 1980. Also done in accordance with the provisions of the Survey Act 1980. The Registrar of Land has received the application and has been satisfied that the provisions of the Survey Act 1980 have been complied with.

SCHEDULE OF HEIGHT RESTRICTION			
SECTION	HEIGHT	DATE	REMARKS
1	Not to exceed 12m	21st Dec 1980	Lot 1
2	Not to exceed 12m	21st Dec 1980	Lot 2

Urban Maturity
M100 & T200 Mixed Peak R1 x 200 200

MEMORANDUM OF EASEMENTS			
DESCRIPTION	SECTION	AREA	SUM TOTAL
Right to pass over	A	1.212 hectares	1.212 hectares
Right to pass over	B	1.212 hectares	1.212 hectares
Right to pass over	C	1.212 hectares	1.212 hectares

Total Area 9.2214 ha
Comprised in 1/408/70 (All)

I, WALLACE SWANSON SURVEYOR, who may act as a registered surveyor pursuant to section 20 of the Survey Act 1980 hereby certify that this plan has been made from surveys conducted by me or under my direction. The plan, plan and survey are correct and have been made in accordance with the Survey Regulations 1982 or any regulations made in substitution thereof. Dated at Tauranga this 19th day of December 1980.

Field Book A
Reference Plans
Exemptions
Approved as to Survey
7 13 190
Deposited this 19th day of December 1980
For Registrar
DPS 55319

LAND DISTRICT SOUTH AUCKLAND
SURVEY BLK. & DIST. 2011 TAURANGA
NZMS 261 SH1 U.D. RECORD MAP No 22,23

LOTS 1 & 2 BEING SUBDIVISION OF LOT 2 DPS 46305

TERRITORIAL AUTHORITY WESTERN BOP DISTRICT
Surveyed by SHRIMPTON & LIPINSKI LTD. FILE 230
Scale 1:1500 Date DECEMBER 1980

Transaction Id
Client Reference sran1nsd01

Search Copy Dated 1/06/17 3:07 pm, Page 2 of 2
Register Only

Approved by the District Land Registrar, South Auckland No. 351560
 Approved by the District Land Registrar, North Auckland, No. 4380/81
 Approved by the Registrar General of Land, Wellington, No. 436748.1/81

H 945626.3 EC EASEMENT CERTIFICATE

(IMPORTANT: Registration of this certificate does not of itself create any of the easements specified herein).

X/We KEITH BERNARD VINCENT of Tauranga, Orchardist and JOCELYN MARGARET VINCENT his wife

being the registered proprietor(s) of the land described in the Schedule hereto hereby certify that the easements specified in that Schedule, the servient tenements in relation to which are shown on a plan of survey deposited in the Land Registry Office at South Auckland on the day of 19 under No S.55319 are the easements which it is intended shall be created by the operation of section 90A of the Land Transfer Act 1952.

SCHEDULE DEPOSITED PLAN NO. S.55319

Nature of Easement (e.g., Right of Way, etc.)	Servient Tenement		Dominant Tenement Lot No.(s) or other Legal Description	Title Reference
	Lot No.(s) or other Legal Description	Colour, or Other Means of Identification, of Part Subject to Easement		
Right of Way and Right to convey water, telephone and electricity	Lot 1	Marked A	Lot 2 on Deposited Plan S.55319	New Title to Issue
	Lot 2	Marked B	Lot 1 on Deposited Plan S.55319	New Title to Issue
Right to convey water, telephone and electricity	Lot 1	Marked C	Lot 2 on Deposited Plan S.55319	New Title to Issue

2. Terms, conditions, covenants, or restrictions in respect of any of the above easements:

The following provisions and agreement shall apply in respect of the easements specified herein:

- a) **Electricity** - The full free uninterrupted right liberty and licence for the registered proprietor for the time being of the Dominant Tenement (hereinafter called "the Grantee") and his Tenant to enter upon the land over which the easements are granted (hereinafter called "the said land") with Engineers Surveyors servants employees agents and contractors with or without vehicles machinery equipment and materials for the purpose of laying, maintaining or renewing underground electric wires cables or other conductors of electricity in any pipes or other coverings which the Grantee may desire to enclose same. The Grantee shall ensure that on completion of any such works the land shall be returned to a reasonable order and condition. The Grantee shall further at all times repair and maintain all such underground electric wires or other conductors of electricity or any other pipes or coverings as may be constructed under or across the said land in a good and efficient state of repair for the purpose for which the same are designed.
- b) **Telephone** - The full free uninterrupted right liberty and licence for the Grantee and his Tenant to enter upon the said land with Engineers Surveyors servants employees agents and contractors with or without vehicles machinery equipment and material for the purpose of laying, maintaining or renewing underground telephone cable or cables and any other pipes or other coverings which the Grantee may desire to enclose same. The Grantee shall further at all times repair and maintain all such underground telephone cables or other conductors of telephone or any other cables or coverings as may be constructed under or across the said land in a good and efficient state of repair for the purpose for which the same are designed.
- c) **Water** - The full free uninterrupted and unrestricted right liberty and privilege for the Grantee and his Tenants from time to time and at all times to convey water in a free and unimpeded flow and in any quantity

Dated this 2nd day of April 1990

Signed by the above-named
 KEITH BERNARD VINCENT and
 SOCELYN MARGARET VINCENT

in the presence of

Witness

Occupation

Address

** consistent with the rights of other persons having the same or similar rights by a pipeline from the source of supply or point of entry as the case may be along a stipulated course along the land over which the easement is granted together with the rights set out in Clause 5 of the Seventh Schedule to the Land Transfer Act 1985.

EASEMENT CERTIFICATE

(IMPORTANT): Registration of this certificate does not of itself create any of the easements specified herein.

Correct for the purposes of the Land Transfer Act

Solicitor for the registered proprietor

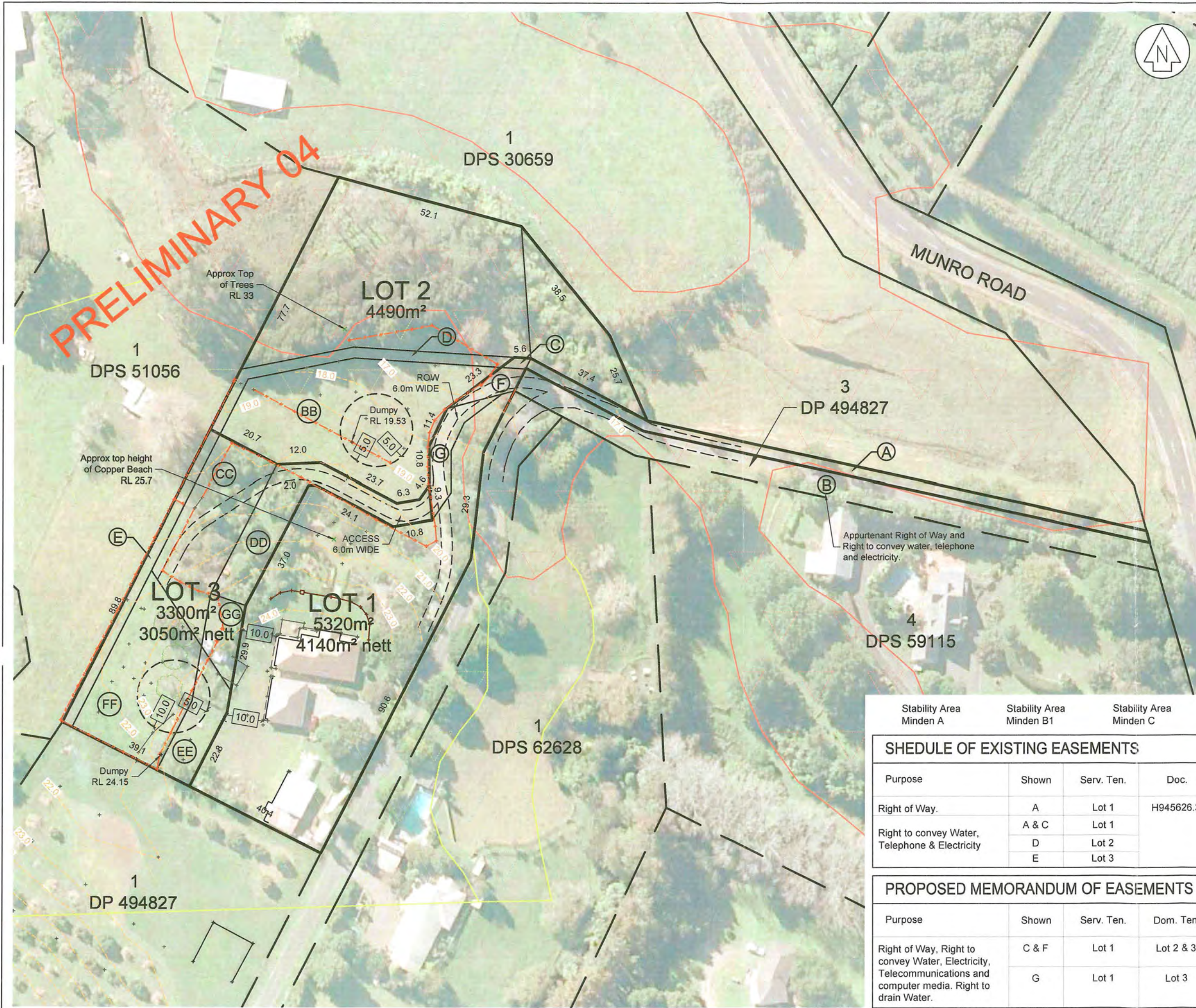
The easement referred to herein when created will be subject to Section 309 (1)(a) Local Government Act 1974

11.15 12.APR90 H 945626.3
PARTICULARS ENTERED IN REGISTER
LAND REGISTRY SOUTH
DISTRICT



REGISTER





- NOTES**
1. THIS PLAN HAS BEEN PREPARED TO ACCOMPANY AN APPLICATION FOR RESOURCE CONSENT. IT IS TO BE USED ONLY IN CONJUNCTION WITH OUR REPORT TO COUNCIL.
 2. THE CONCEPT DEPICTED HEREON IS SUBJECT TO COUNCIL APPROVAL AND CONDITIONS OF CONSENT.
 3. AREAS AND DIMENSIONS ARE PROVISIONAL ONLY AND ARE SUBJECT TO LEGAL SURVEY.
 4. AREA 'CC' AND 'DD' ARE RESTRICTED FROM ANY BUILDINGS.
 5. THE AREAS SHOWN IN THE SCHEDULE BELOW ARE SUBJECT TO RESTRICTIONS AS SHOWN.

SCHEDULE OF RESTRICTIONS

Purpose	Shown	R.L.
Height Restriction on Trees, Shrubs, Buildings & Structures.	D & BB	26m AMSL
	E & CC	28m AMSL
	FF	30m AMSL
Height Restriction on Buildings & Structures.	EE	30m AMSL
Height Restriction on Trees & Shrubs.	EE & GG	27m AMSL
	DD	26m AMSL
No Buildings or Structures.	DD & GG	

EXISTING TITLE
Lot 1 DPS 55319 - SA45D/833 - 1.4122 ha
© SURVEYING SERVICES LTD. 2017

CLIENT
KH & RS THOMPSON

PROJECT
PROPOSED SUBDIVISION OF Lot 1 DPS 55319
98A MUNRO ROAD

	Stability Area Minden A	Stability Area Minden B1	Stability Area Minden C
SCHEDULE OF EXISTING EASEMENTS			
Purpose	Shown	Serv. Ten.	Doc.
Right of Way.	A	Lot 1	H945626.3
Right to convey Water, Telephone & Electricity	A & C	Lot 1	
	D	Lot 2	
	E	Lot 3	

PROPOSED MEMORANDUM OF EASEMENTS			
Purpose	Shown	Serv. Ten.	Dom. Ten.
Right of Way, Right to convey Water, Electricity, Telecommunications and computer media. Right to drain Water.	C & F	Lot 1	Lot 2 & 3
	G	Lot 1	Lot 3

746 Cameron Road PO Box 852 TAURANGA
Telephone 07 578 2500 Facsimile 07 578 2502
www.surveyingservices.co.nz

SURVEY	DRAWN	CHECKED	DATE
	DEJ	CBT	31/07/2017

SCALE 1:1000 (A3)

DRAWING No. 4305.01 **SHEET 1 OF 1**

**AGREEMENT FOR SALE AND PURCHASE OF TRANSFERRABLE
SUBDIVISION ENTITLEMENT(s)**

Between

Pukehina Lifestyle Ltd

AND

K H & R S Thompson

ATTACHMENT AAGREEMENT dated

day of August 2017

Parties:


1. **Pukehina Lifestyle Limited**
("Vendor")
2. **Kenneth Hugh Thompson and Rosemarie Sarah Thompson**
("Purchaser")

Introduction

- A. The Vendor is the owner of a property at 564A Pukehina Parade, Pukehina Beach, being; Lot 1 DP507352 and contained in certificate of title SA770440 ("the Land") that qualifies for the creation of **four** "Transferrable Protection Lot Credits" (hereafter referred to as "PLC's") used in the subdivision of land under the provisions of the Western Bay of Plenty District Plan. The PLC's confer the right to create additional lots on subdivision of land in the Lifestyle Zones of the Western Bay of Plenty District.
- B. The Vendor has created the PLC's by registering a Conservation Covenant on the title to the Land that protects an area of Estuarine habitat in favor of the Western Bay of Plenty District Council.
- C. The Purchaser wishes to purchase **two** "PLC's" to use in the Purchaser's subdivision at 98A Minden Road, Te Puna, Tauranga (lot 1 DP55319 contained in certificate of title SA45D/833).
- D. The parties have reached agreement on the terms set out below.

Agreement

1. The Vendor agrees to sell to the Purchaser and the Purchaser agrees to purchase from the Vendor two "PLC's".
2. The Purchaser shall pay the Vendor \$44,000 Plus GST (if any) ("Purchase Price") for the PLC's. The Purchase Price shall be payable as follows:
 - (a) By payment of a deposit of \$500.00 Plus GST on signing this agreement, payable to the Vendors solicitors Trust Account, this deposit

 RST. AF

is to be held in trust until clauses 4 & 5 of this contract are satisfied;
and

- (b) By payment of a further \$43,500 Plus GST to the Vendors solicitors Trust Account, after satisfaction of clauses 4 and 5 of this agreement and upon the Vendors solicitor confirming to the Purchasers solicitor the satisfaction of clause 5 of this agreement. Settlement shall be six months from the date of issue of the Resource Consent for Subdivision of the Purchasers property or as the parties may agree.
3. Upon the execution of this Agreement the Purchaser shall with all due diligence use their best endeavors to obtain the consent of the Western Bay of Plenty District Council to the subdivision of their property incorporating the PLC's.
4. This Agreement is conditional until 4.00pm. on the 1st November 2017 upon:
- (a) The Western Bay of Plenty District Council consenting to the Allocation of the PLC's to the Purchasers subdivision and
- (b) The Western Bay of Plenty District Council consenting to the subdivision of the Purchasers property on terms and conditions acceptable to the Purchaser. The Purchaser shall be deemed to have accepted the subdivision consent if the Purchaser does not lodge an objection to the terms of the subdivision consent with the Council within the time allowed to do so under the Resource Management Act.
5. The parties will do all such things and sign such documents that are reasonable and when necessary to properly expedite the Purchasers subdivision. The Vendor has already registered a covenant on the Vendors title in favor of the Western Bay of Plenty District Council and the Vendor shall sign any paper work required to enable the Purchaser to use the PLC's for the Purchasers subdivision, PROVIDED THAT; the Vendor shall not be required to sign any document(s) that transfer(s) ownership of or any interest in the PLC's, or any entitlements or benefits arising under the PLC's to the Purchaser until the Purchase Price has been paid to the Vendor.
6. If condition 4 of this agreement has not been fulfilled by the conditional date set out herein or by any extended date as mutually agreed either party may cancel this agreement at any time by giving the other party written notice.

[Handwritten signatures] RST PF

ATTACHMENT A

Upon cancellation pursuant to this clause the deposit shall be refunded to the Purchaser and neither party shall have any right or claim against the other arising from this agreement or its cancellation.


7. If the Vendor has met his obligations hereunder and any portion of the purchase price is not paid by the due date the Purchaser shall pay to the Vendor interest on the late settlement at the rate of 12% per annum on the portion of the purchase price outstanding from the due date for payment until payment. In addition to interest on the late settlement the Vendor may take legal action or other debt recovery action in order to obtain payment of monies owing under this agreement and the Vendor shall be entitled to recover the costs of such action in full from the Purchaser.
8. Each of the parties shall bear their own costs in respect of performing their obligations under this Agreement and in respect of the negotiation and drafting of this Agreement.
9. This agreement may be executed in two or more counterparts, all of which will together be deemed to constitute one and the same agreement. A party may enter into this agreement by signing a counterpart copy and sending it to the other party, including by facsimile or e-mail.
10. This agreement is conditional until 4.00pm on the third working day after the signing of this agreement upon the Vendors and Purchasers Solicitors approval of this agreement in all respects.
11. The parties acknowledge that Independent Realty Limited is the Vendor's agent and instrumental in this transaction.
Calculations of changes to the Vendor:
Firstly, a fee of \$500.00; secondly a fee of 3.95% on the balance of consideration GST applicable on all charges.
12. GST
(1) The Vendor warrants that they are "registered" within the meaning of the Goods and Services Tax Act, the Purchasers warrant that they ~~are~~ are not registered for GST;

The Vendor's GST registration number is 083-551-508

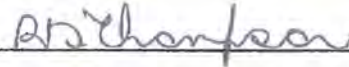
[Handwritten signature] , RST. PF

SIGNED BY:

Kenneth Hugh Thompson)



Rosemarie Sarah Thompson)



(as Purchaser)

Ph (027)4725915

Email; rosetgolf@gmail.com

Purchaser's solicitor; Brian Carter

Hammertons

Whakatane

Ph (07) 3070680

Email; a.spanhake@hamertons.co.nz

Purchaser's surveyor; Brent Trail

Surveying Services

Ph (07) 5782500

Email; btrail@surveyingservices.co.nz

SIGNED BY:

Paul Aaron Francis)



(as Director)

(as Vendor)

Email; paul@alliedmining.co.nz

Vendor's solicitor; Alasdair Christie

Sharpe Tudhope

152 Devonport Road, Tauranga

Ph (07)5782149

Email; alasdairc@st.co.nz

Agent; Robert Humphreys

Independent Realty Limited

30 Jensen Road

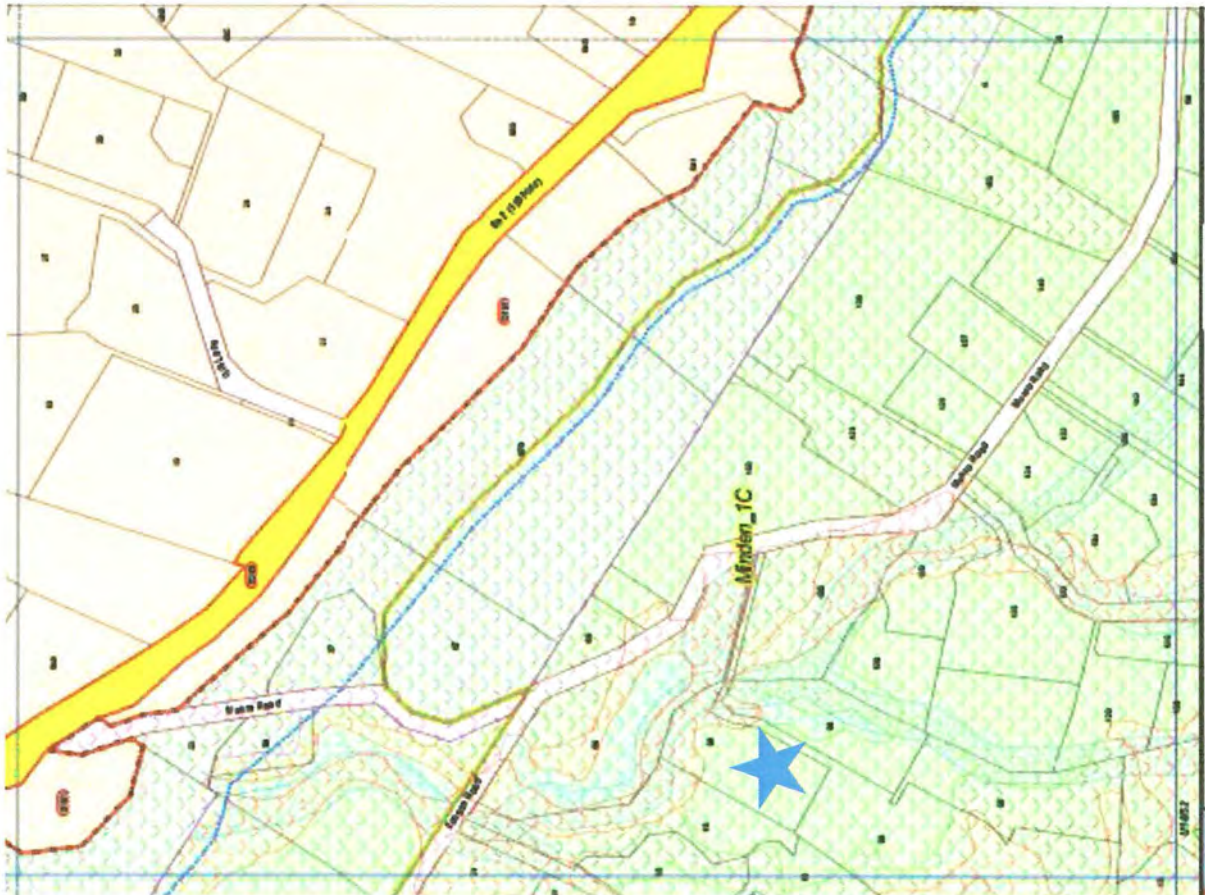
RD1 Tauranga 3171

Ph (021)413935 (07) 543 9203

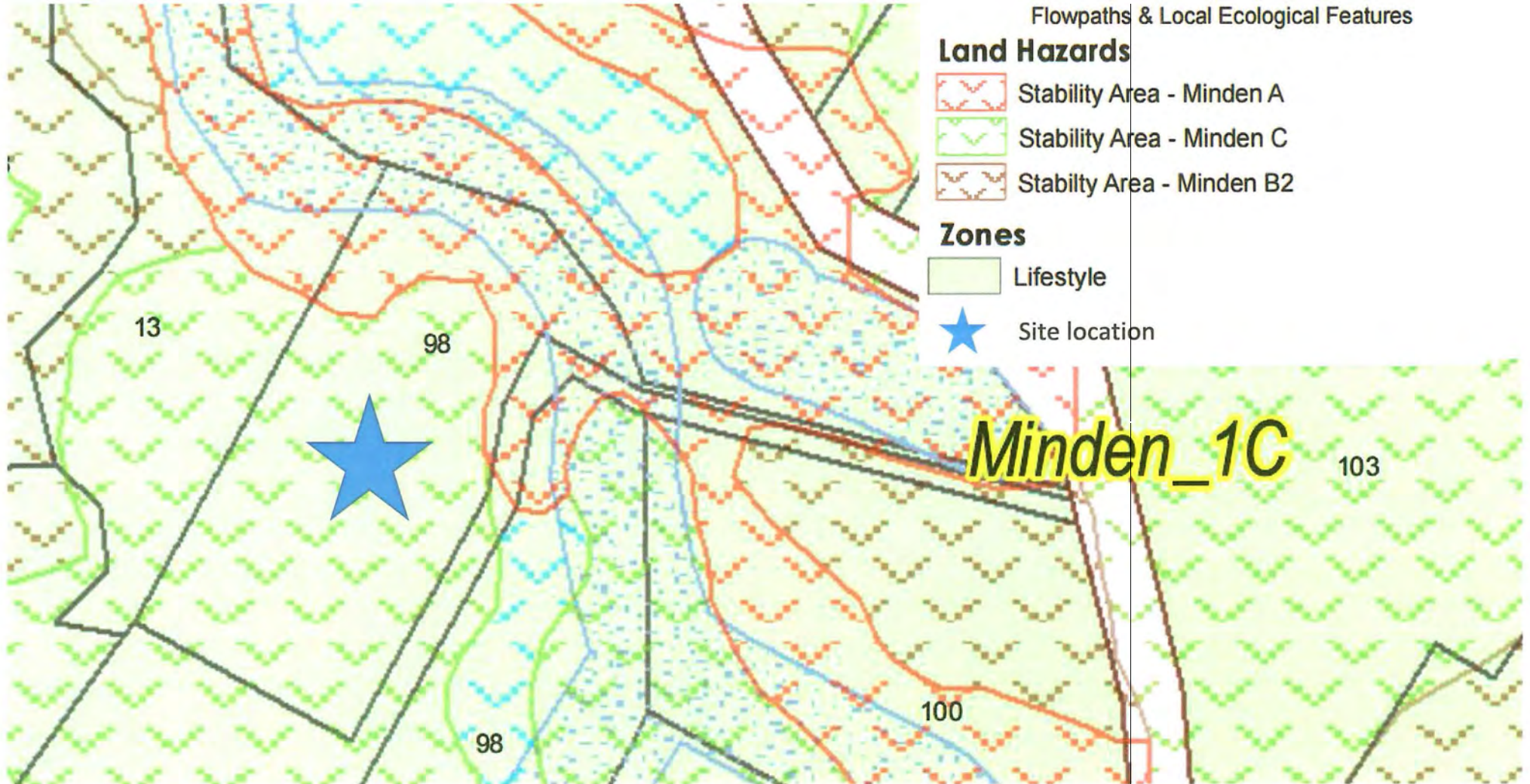
Email rhu@xtra.co.nz

Site Location & Extract From District Plan: Map U84










★ Site location
































Site Location & Extract From District Plan: Map U84 & Legend



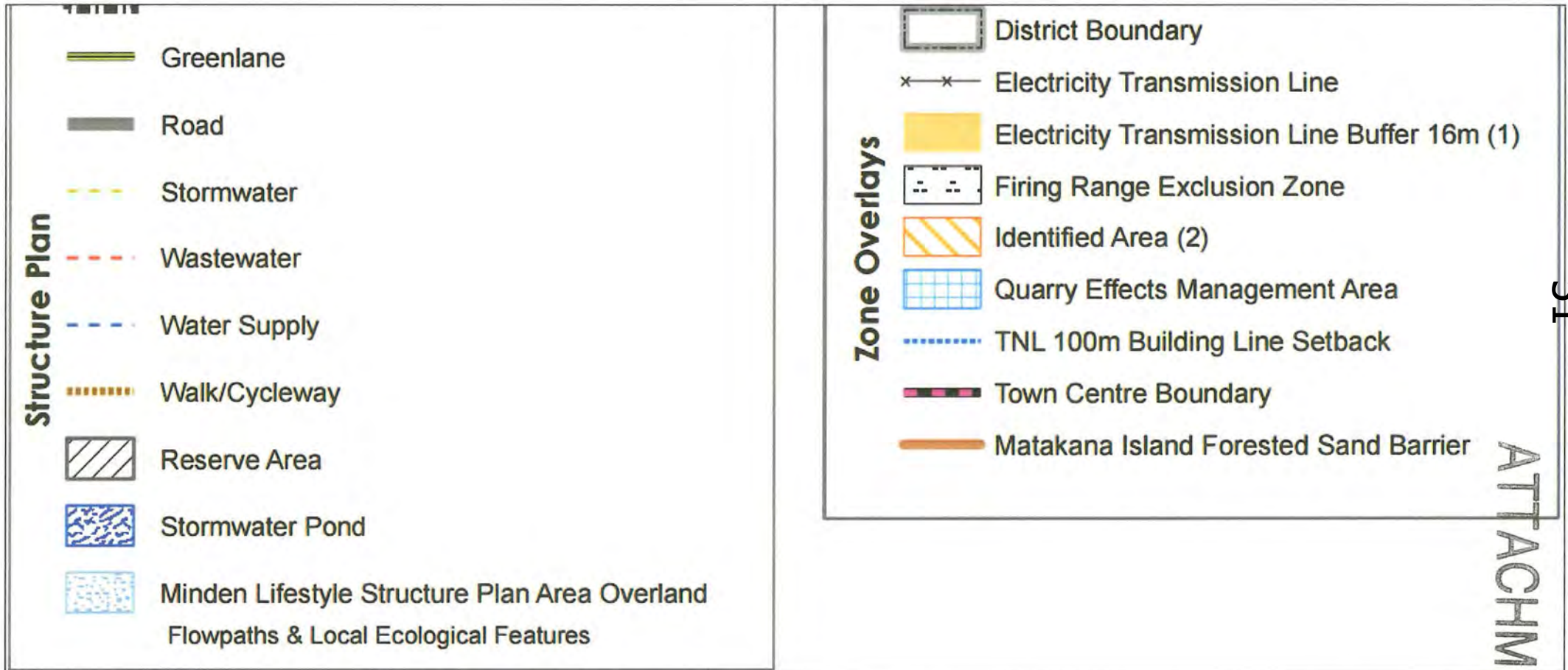
Extract From District Plan: Legend

Infrastructure	 Airport Approach Surface	Land Hazards	 Coastal Erosion Area - Primary Risk (3)
	 Designation		 Coastal Erosion Area - Secondary Risk (3)
	 Formed Roads		 Coastal Erosion Area - Access Yard
	 Limited Access		 Coastal Erosion Area - Rural
	 Stop Bank		 Coastal Inundation Area
Reserves	 Esplanade Strip		 Flood Hazard
	 Proposed Esplanade Strip / Reserve		 Stability Area - Minden A
	 Kaimai - Mamaku Forest Park Boundary		 Stability Area - Minden B1
	 Reserve		 Stability Area - Minden B2
	 Reserve, Department of Conservation		 Stability Area - Minden C
 Viewshaft	 Stability Area - Minden U		
		 Stability Area - General	
		 Stability Area - Landslip	
		 All Terrain Park (ATP)	

Extract From District Plan: Legend

 Reserve, Department of Conservation	 Stability Area - Landslip
<p>Significant Features</p> <ul style="list-style-type: none">  Viewshaft  Significant Ecological Feature / RAP  Outstanding Landscape Feature - 50m (S7a & S8a) - 40m (S9a)  Outstanding Landscape Feature  Cultural Heritage Feature Boundary  Built Heritage Feature  Cultural Heritage Feature  Notable Trees 	<p>Zones</p> <ul style="list-style-type: none">  All Terrain Park (ATP)  Commercial  Commercial Transition  Horticultural Post Harvest  Industrial  Residential  Medium Density Residential  Rural Residential  Rural  Lifestyle  Future Urban
<ul style="list-style-type: none">  Structure Plan Boundary  Greenlane  Road  Stormwater 	<p>Trays</p> <ul style="list-style-type: none">  District Boundary  Electricity Transmission Line  Electricity Transmission Line Buffer 16m (1)  Firing Range Exclusion Zone

Extract From District Plan: Legend



Extract From Council GIS: Contours

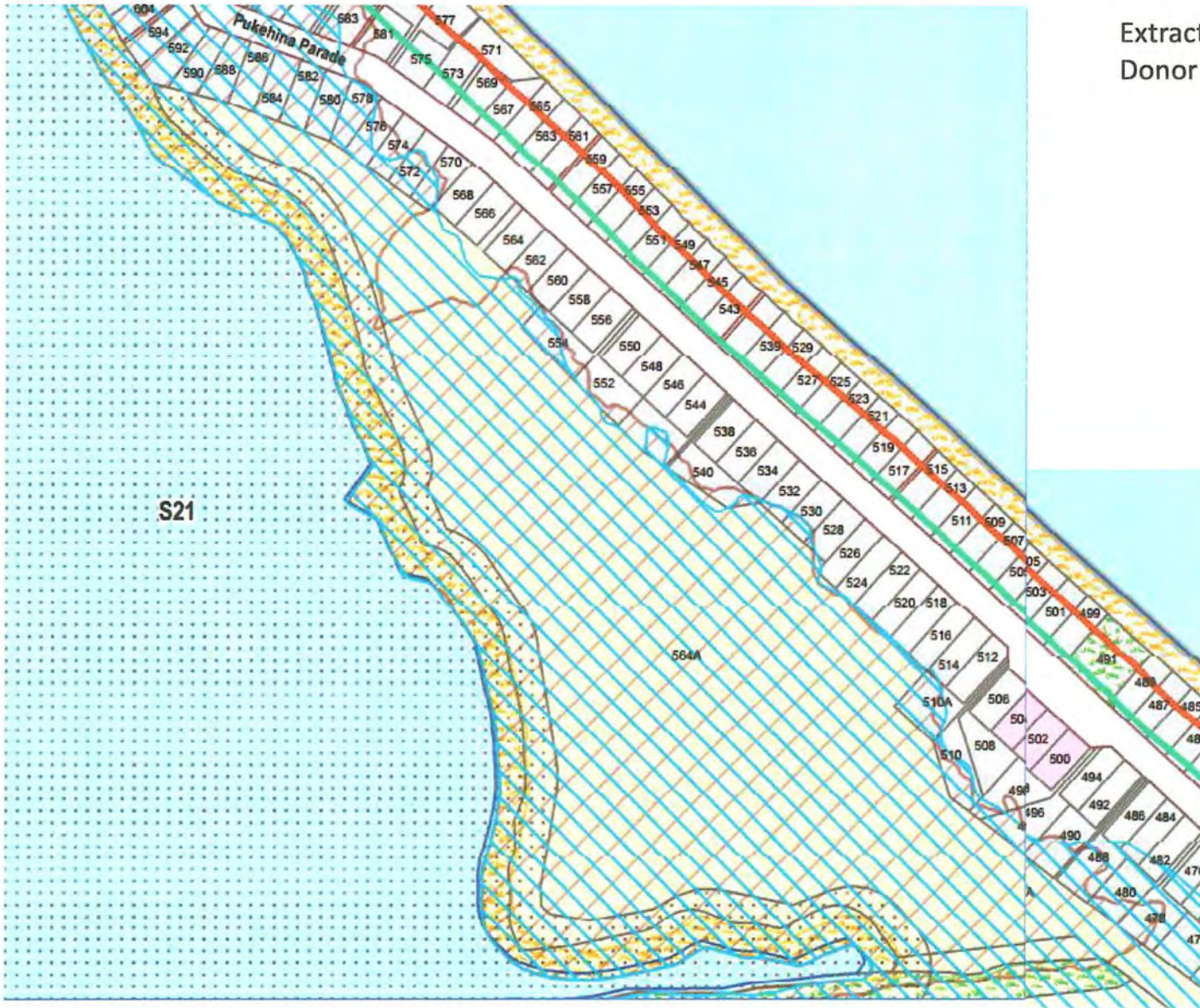


Extract from Council GIS: Water Supply Infrastructure



Extract from Council GIS: Donor Lot 564A Pukehina Parade





Extracts from District Plan Maps U156 & 157:
Donor Lot 564A Pukehina Parade

ATTACHMENT A

Extract from Western Bay of Plenty Speed Limit Bylaw Maps 2017

70km/h.



O'BRIEN GEOTECH LTD

Geotechnical Report for Subdivision of
98A Munro Road, Te Puna, Tauranga

For Ken Thompson

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Appendix A	Certificate of Suitability for Subdivision
Appendix B	Scheme Plan and Figures
Appendix C	Investigation Data
Appendix D	Liquefaction Assessment

1 Introduction

O'Brien Geotech Ltd has been engaged by the Ken Thompson to undertake a geotechnical assessment of two proposed lots at his property at 98A Munro Road, Te Puna, Tauranga. The purpose of the investigation is to confirm the geotechnical viability of the proposed lots. This report outlines the investigations which have been carried out and provides recommendations regarding suitable construction at the site.

2 Site Location & Description

The site is located approximately 10km west of Tauranga. The site location is shown on Figure A below.



Figure A: Site Location

Map from WBOPDC GIS System

The entire property is legally described as Lot 1 DPS 55319. It is proposed to create three lots, including the balance lot. The areas of the three lots vary from 3050m² to 5320m². The proposed scheme plan for subdivision is included in Appendix B.

The site topography is shown on Figure B below. The contours indicate that the topography is gently sloping at the proposed house locations. There is a wetland to the north of the Lot 2 house site.

The site is located in the Minden Hazard area. In the council District Plan the Minden area has been divided into four stability hazard zones, A, B1, B2 and C, with Zone A being the most severe and Zone C being the less severe. As indicated by Figure C below, the subject site is designated Hazard Zone C. The District Plan indicates that "Area C is land not considered to be at risk from instability. A stability analysis or stability assessment would not generally be required".



Figure B: Site Topography

Photograph from WBOPDC GIS System contours at 1m intervals



Figure C: Stability Classification

Photograph from WBOPDC GIS System

3 Ground Conditions

3.1 Published Geology

The published geology for the area¹ indicates that the site is underlain by Rhyolite. This is likely to be overlain by re-worked and airfall ash soils. The expected ground profile is summarised in Table 1 below.

Table 1: Expected Geological Sequence

Layer	Description	Typical Thickness m	Age Years
Younger Ash	Typically, stiff sandy SILT or silty SAND, airfall	3	<50,000
Rotoehu Ash	Typically, loose coarse SAND, or stiff SILT; airfall	1 to 2	50,000 – 65,000
Hamilton Ash	Stiff plastic SILT often with very stiff dark brown paleosol at the top known locally as 'The Chocolate Layer' airfall	2 to 3	100,000-350,000
Matua Subgroup	Fluviatile sands and gravels, lignites, estuarine sands, lacustrine silts and airfall tephra older than the Hamilton Ash	varies	Older than 100,000

3.2 Investigations Carried Out

A ground investigation consisting of eight handaugers, ranging in depth from 2 to 4m, and one Cone Penetration Test (CPT) to 6.5m depth was undertaken. The CPT investigation was undertaken at the Lot 2 house site because of the proximity of the wetland. The investigation locations are shown in Figures 1 and 2 in Appendix B. 20m diameter house sites have been assumed. The investigation data is included in Appendix C.

3.3 Ground Conditions Encountered

Lot 2: Generally stiff to very stiff low plasticity silt, becoming high plasticity below 2.5m depth was encountered in the handaugers, with some medium dense sand layers. Some of the silt was in the firm to stiff range. At Ha1 buried topsoil was encountered at 0.4m depth. The silt between 0.5 and 1m in Ha1 was mottled and had the appearance of fill. In the CPT firm to stiff silt was indicated between 2 and 4m depth. This was underlain by, what appears to be, 1m of very loose sand, underlain by dense sand. Up to 300mm topsoil was encountered.

Ground water was encountered at 3.1 to 3.3m depth at Ha1/CPT1 location.

Lot 3: Generally stiff to very stiff low plasticity silt was encountered, with medium dense sand being present below 1.5m depth at two locations. High plasticity silt was encountered below the sand at 2.3m depth in Ha 1. Up to 500mm of topsoil was encountered. No ground water was encountered in the Lot 3 investigation.

¹ Geology of the Tauranga Area Briggs et al Occasional Report No 22 University of Waikato 1996

4 Geotechnical Assessment

4.1 Liquefaction Assessment

4.1.1 Introduction

Saturated recent alluvial soils are known to be potentially vulnerable to liquefaction. Liquefaction is the term used to describe the severe strength loss which can occur when loose to medium dense granular soils and non plastic silts are subject to seismic shaking. As well as strength loss, liquefaction also results in post seismic settlement and in lateral movement toward free edges such as rivers or streams know as lateral spreading.

The soils encountered at this site are volcanic in origin and are not recent alluvium soils. Because of their age and origin, soils such as these are generally considered to be resistant to liquefaction. However, because of the relatively high ground water level encountered at the Lot 2 house site, an assessment of the liquefaction potential has been undertaken using the CPT results and the computer software CLiq. This software determines the liquefaction potential of the ground based on a database from sites around the world. A number of analysis methods are available. For this assessment, the method of Boulanger & Idriss (2014) has been used. This approach addresses both the issue of liquefaction of sands and silts and seismic softening of cohesive soils. Liquefaction induced settlement has been calculated using the method of Zang et al (2002). A water table depth of 3.1m has been adopted in the analysis.

4.1.2 Seismic Environment

Te Puna is located in an area of moderate seismic activity. The available information on fault line locations² indicates that the major local source of seismic activity is the Kerepehi Central Fault (M 6.9, return interval 5350 years) and the Keraphi South Fault (M 6.6, return interval 3430 years), which are located approximately 15km to the west. In addition, there are numerous off shore faults in the Harve Trough-Central Taupo Rift, which are located approximately 50km to the north east.

4.1.3 Seismic Parameters

The proposed building is Importance Level (IL) 2 as defined by NZS 1170.0 2004 'New Zealand Standard for Structural Design Action'. The code requires that IL 2 structures must avoid collapse as a result of an Ultimate Limit State Level (ULS) of shaking (500 year return period for IL 2 structures – i.e. 10% risk of occurrence within 50 years). They must be readily repairable after a Serviceability Limit State (SLS) level of shaking (25 year return period for IL2 structures – i.e. 87% risk of occurrence within 50 years).

The site has been assessed as being Class D 'Deep Soil Site' in accordance with NZS 1170.5 2004. From the New Zealand Bridge Manual³ a Peak Ground Acceleration (PGA) of 0.26g and an earthquake magnitude of 5.9 has been adopted for ULS shaking. For SLS shaking, a PGA of 0.07g has been used.

² National Seismic Hazard Model for New Zealand 2010 Update: Stirling et al, Bulletin of the Seismological Society of America Vol 102 No. 4 pp 1514-1542, August 2012

³ The New Zealand Transport Bridge Manual SP/M/022, Third Edition, Amendment 1, Sept 2014

4.1.4 Results of Liquefaction Assessment

The results of the analysis are included in Appendix C. Liquefaction is identified between 4 and 5m m depth. Surface settlements of up to 40mm were estimated, with a Liquefaction Severity Number (LSN) of 8.

It should be noted that it is not possible to accurately predict the actual settlement that will occur. The predicted settlement should therefore be considered as an indicator of relative severity rather than as a definitive prediction of settlement.

The Liquefaction Severity Number (LSN) has been developed following the Canterbury earthquakes as a way of predicting the level of vertical settlement related land and building damage which will occur from liquefaction. The LSN highlights the degree of liquefaction occurring close to the surface, which has been found to be a major contributor to land damage in Canterbury. A LSN value of 0 to 20 indicates little or no expression of liquefaction, minor sand boils, and minor damage to homes. A value between 20 and 40 indicates moderate expression of liquefaction, undulations and cracking of ground surface (there are occasional instances of severe damage). A value in excess of 40 indicates widespread damage, extensive expression of liquefaction, severe settlement of buildings and damage to services.

The calculated LSN value for ULS shaking is 8, indicating a low level of surface damage can be expected. No specific measures to address potential liquefaction are considered to be necessary.

4.2 Settlement Assessment

The firm to stiff silt and very loose sand encountered between 2 and 5m depth in CPT 1 at the Lot 2 house site are considered to be moderately compressible. A settlement analysis was undertaken using the computer program 'GE05 Settlement'. Stiffness parameters deduced from the CPT plot were used, with a 25kPa (10m wide) load (to model 1m of fill and a house load. A maximum consolidation settlement of approximately 40mm was calculated. It should be appreciated that the calculated value is approximate and that time dependant (creep) settlement may also occur.

The analysis highlights that settlements at the Lot 2 house site may be above the acceptable level for some forms of construction. This issue needs to be carefully considered during the detailed design of the proposed house. Some general recommendations are outlined below.

Because of its location and the results of the investigation, the Lot 3 house site is not considered to be vulnerable to excessive settlement.

4.3 Foundation & Earthworks

4.3.1 Lot 2

The ground conditions encountered can generally be considered to be 'Good Ground' as defined by NZS 3604:2011 'Code of Practice for Timber Framed Housing', however excessive settlement could occur if filling is undertaken.

At the Lot 2 house site, a one or two storey lightweight building, with a suspended timber floor and no more than 400mm of filling, can be constructed without any specific design, provided foundations extend through any non-engineered fill and bear at least 300mm into natural ground. If a brick clad building or more than 400mm of filling is proposed, additional assessment (and possibly additional investigation) by a

geotechnical engineer will be required. For some types of construction settlement monitoring and possibly surcharging (i.e. the placing of additional fill, allowing settlement to occur and removing fill before construction commences) may be required, before a house can be constructed.

4.3.2 Lot 3

The ground conditions encountered can generally be considered to be 'Good Ground' as defined by NZS 3604:2011 'Code of Practice for Timber Framed Housing'. Specific design of foundations is not considered to be required. If cutting or filling is proposed, the work shall be carried out in accordance with the Western Bay of Plenty District Council 'Code of Practice for Development'.

For design purposes the following batter slopes can be assumed:

Cut: less than 1.5m high - 1V:1H
1.5 to 2.5m high - 1V:1.5
>2.5m - 1V:2H
Fill: 1V:2H

The cut batters shall be examined on site by a geotechnical engineer to confirm the batter slopes required or any retention required. The filling shall be specified, observed and tested by a geotechnical engineer. There shall be a gap of at least 2m between the house and the bottom of a cut batter or the top of a fill batter.

4.3.3 General

Because of the presence of sand which could be of variable density, it is recommended that the exposed subgrade and foundation excavations should be examined by a geotechnical engineer. Any loose to very loose sand or firm to soft silt encountered shall be removed and replaced by site concrete or compacted hardfill.

4.4 Effluent and Stormwater Disposal

The investigation suggests that the sites are suitable for the disposal of domestic effluent by ground soakage.

The onsite effluent disposal system shall be designed by a suitably qualified and experienced person, who is acceptable to the district council. This work falls outside the scope of this assessment. It is recommended that the effluent disposal system designer should review the borehole information to confirm the appropriate soil category and to determine if additional investigation is required.

It is recommended that the stormwater runoff from the roof and any hard surfaces shall be collected and piped to a location remote from, and downslope of, the houses and effluent fields. Erosion protection and water spreading measures will be required to reduce discharge scour energy and to prevent concentrated water flows. This is to be assessed by an appropriately experienced professional.

5 Conclusions and Recommendations

The property is considered to be suitable for the proposed development. A Certificate of 'Suitability for Subdivision' signed by a Category 1 geotechnical engineer is included in Appendix A.

The results of the investigation indicate that soils at the locations investigated are generally 'Good Ground' as defined by NZS3604:2011, however, potentially compressible soils were encountered at the Lot 2 house site. Recommendations regarding the foundations and earthworks are outlined in Section 4.3 above.

Cut platforms, fill compaction and foundation excavations shall be inspected by a geotechnical engineer.

Though some liquefaction may occur at the Lot 2 house site, the risk of damage is low and no specific measures are considered to be necessary.

If the locations of the proposed buildings change, the proposed locations shall be reviewed by a geotechnical engineer. Additional investigation and assessment may be required.

The site appears to be suitable for onsite effluent disposal. The effluent disposal system shall be designed by a suitably qualified person.

Stormwater from roofs and any hard surfaces shall be collected and piped to locations remote from the houses and effluent fields. Erosion protection and energy reduction measures will be required.

6 Applicability

This report has been prepared for the benefit of Ken Thompson with respect to the particular brief given to us and it may not be relied upon in other contexts or for any other purpose without our prior review and agreement.

Recommendations and opinions in this report are based on data obtained from a limited number of investigation locations. The nature and continuity of the ground away from these locations is inferred but it must be appreciated that actual conditions may vary from the assumed model.

O'Brien Geotech Ltd can accept no responsibility for the accuracy of data obtained from independent contractors such as Geotechnics Ltd and Drillcore.

During excavation and construction, the site should be examined by an engineer or engineering geologist competent to judge whether the exposed subsoils are compatible with the inferred conditions on which this and subsequent reports have been based. It is important that the geotechnical designer for the project should be contacted if there is any variation in subsoil conditions from those described in the reports

For O'Brien Geotech Ltd,



Michael O'Brien
MSC DIC MIPENZ (Geotechnical) CPEng, IntPE(NZ)
Category 1 Geotechnical Engineer

O'Brien Geotech Ltd
43 B Brookfield Terrace,
Tauranga 3110
07 576 7575
029 777 9059
michael@obriengeotech.co.nz

Appendix A Certificate of Suitability for Subdivision



To: Western Bay of Plenty District Council

STATEMENT OF PROFESSIONAL OPINION AS TO THE GEOTECHNICAL
SUITABILITY OF LAND FOR DEVELOPMENT

Development: 48A Munro Road, Te Puna
 Owner: Ken Thompson
 Location: Michael O'Brien of O'Brien Geotech Ltd
 (full name)
 43 B Brookfield Terrace, Tauranga
 (name and address of firm)

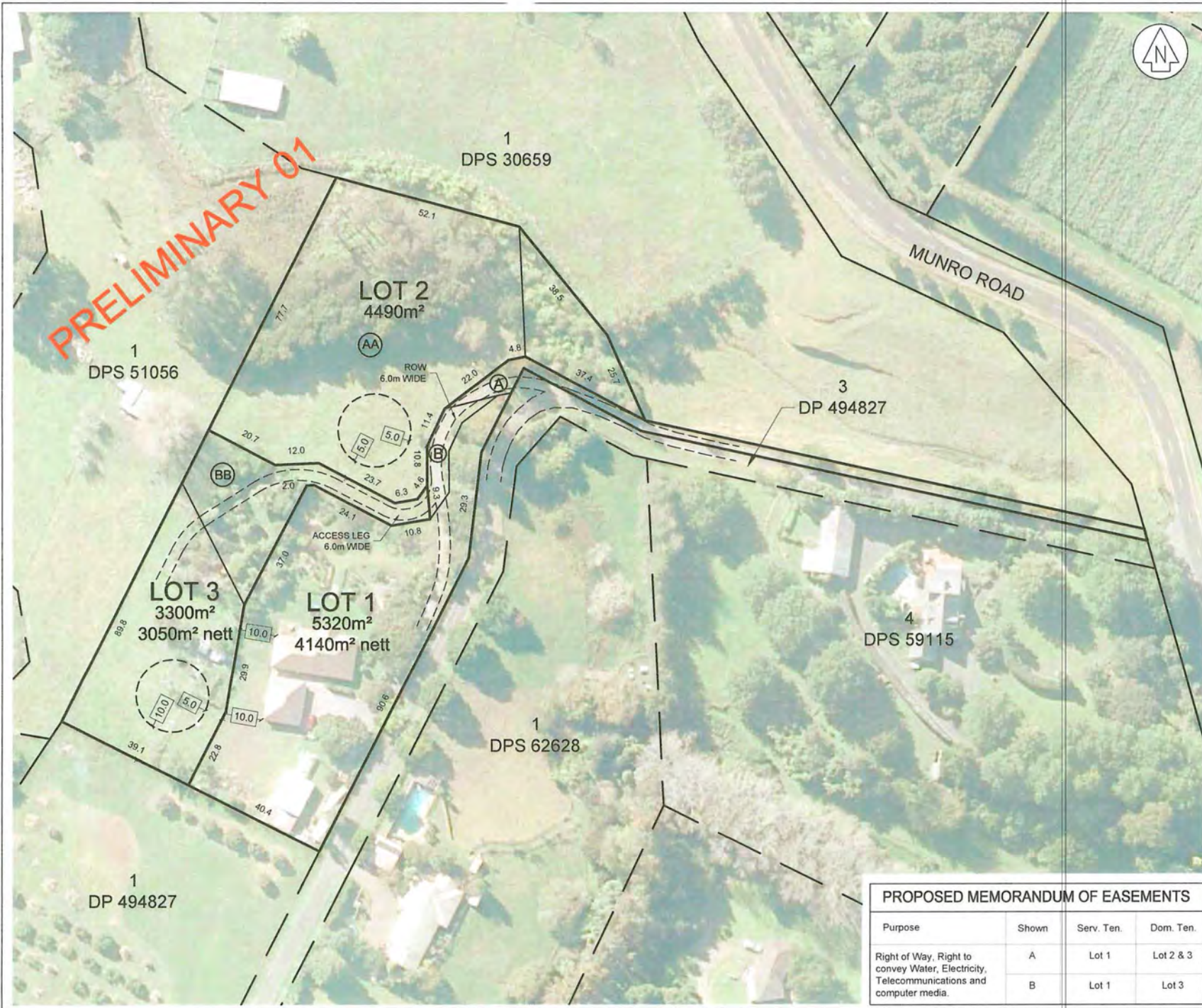
Hereby confirm that:

1. I am a professional person, appropriately qualified and experienced in geotechnical engineering to ascertain the suitability of the land for building development.
2. An appropriate level of site investigation has been carried out under my direction and is described in my report dated: March 2018
3. I am aware of the details of the proposed plan of development and of the general nature of the proposed engineering works as shown on the following drawings.
 Sub-Region Services Scheme Plan 4305 01
4. In my professional opinion, not to be construed as a guarantee, I consider that the proposed works give due regard to land slope and foundation stability considerations and that the land is suitable for the proposed development provided that:
 - a) The recommendations contained in the
 - b) report are followed in full
 - c)
5. This professional opinion is furnished to the Council and the owner for the purpose alone, on the express condition that it will not be relied upon by any other person and does not remove the necessity for further inspection during the course of the works.

Signed: Michael O'Brien Date: 12/3/2018

Appendix B

Scheme Plan and Figures



- NOTES**
1. THIS PLAN HAS BEEN PREPARED TO ACCOMPANY AN APPLICATION FOR RESOURCE CONSENT. IT IS TO BE USED ONLY IN CONJUNCTION WITH OUR REPORT TO COUNCIL.
 2. THE CONCEPT DEPICTED HEREON IS SUBJECT TO COUNCIL APPROVAL AND CONDITIONS OF CONSENT.
 3. AREAS AND DIMENSIONS ARE PROVISIONAL ONLY AND ARE SUBJECT TO LEGAL SURVEY.
 4. AREA 'AA' IS SUBJECT TO A HEIGHT RESTRICTION ON TREES AND SHRUBS LIMITED TO 15M ABOVE GROUND LEVEL.
 5. AREA 'BB' IS SUBJECT TO A BUILDING RESTRICTION AND A HEIGHT RESTRICTION ON TREES AND SHRUBS LIMITED TO 10m ABOVE GROUND LEVEL.

EXISTING TITLE
 Lot 1 DPS 55319 - SA45D/833 - 1.4122 ha

© SURVEYING SERVICES LTD. 2017

CLIENT
THOMPSON

PROJECT
**PROPOSED SUBDIVISION
 OF Lot 1 DPS 55319
 ... MUNRO ROAD**

746 Cameron Road PO Box 852 TAURANGA
 Telephone 07 578 2500 Facsimile 07 578 2502
 www.surveyingservices.co.nz

SURVEY	DRAWN	CHECKED	DATE
	DEJ	CBT	31/07/2017

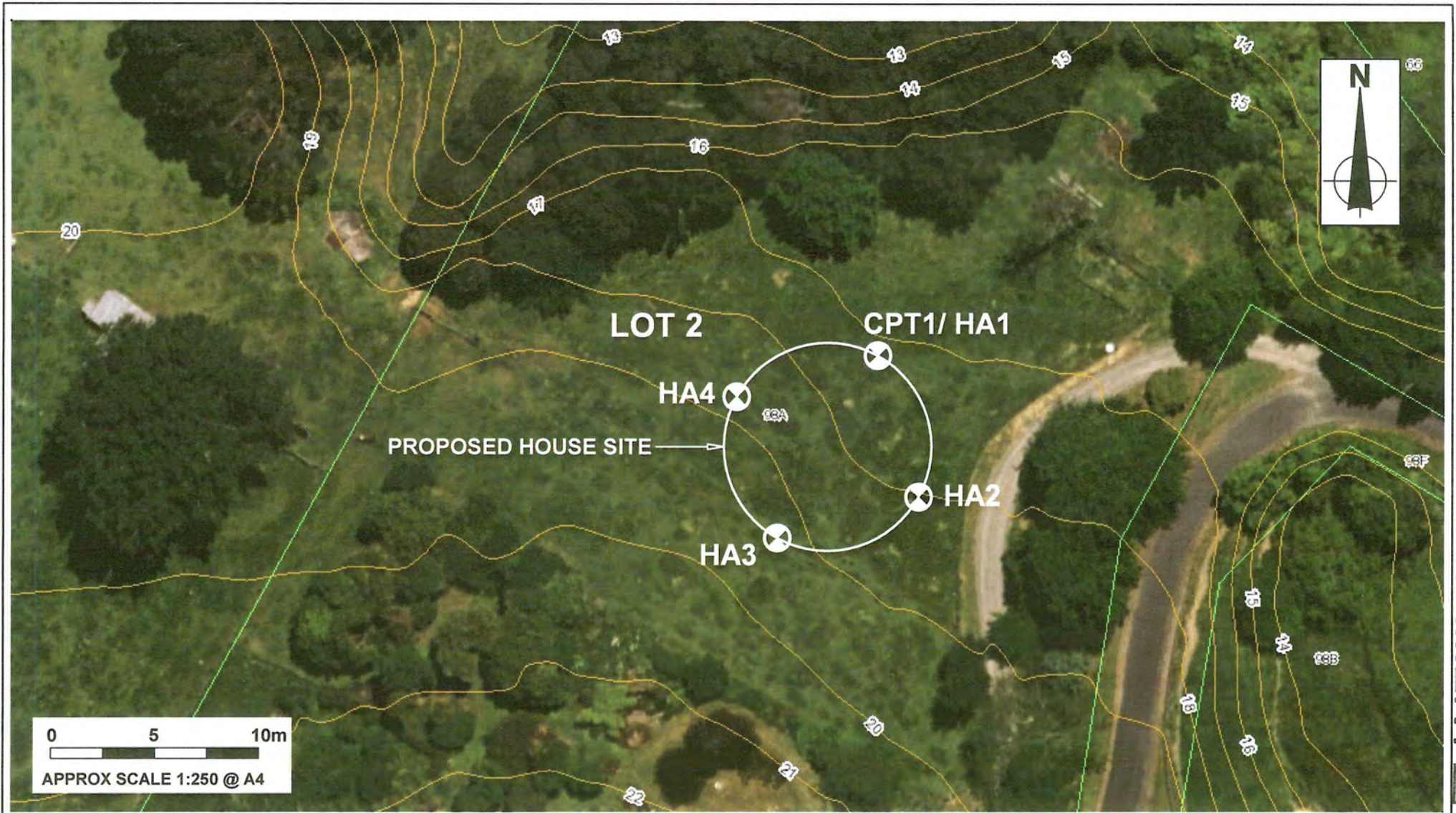
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DRAWING No. **4305.01** SHEET 1 OF 1

PROPOSED MEMORANDUM OF EASEMENTS

Purpose	Shown	Serv. Ten.	Dom. Ten.
Right of Way, Right to convey Water, Electricity, Telecommunications and computer media.	A	Lot 1	Lot 2 & 3
	B	Lot 1	Lot 3

A70 ATTACHMENT A



CONTOURS APPROXIMATE ONLY
& AT 1m INTERVALS

Base drawing sourced from © Western Bay of Plenty District Council On-line GIS Maps

LEGEND

- CPT1 Cone Penetration Test
- HA1 Hand Auger

O'BRIEN GEOTECH LTD

43 B Brookfield Terrace
Tauranga 3110
07 576 7575
029 777 9059
michael@obriengeotech.co.nz

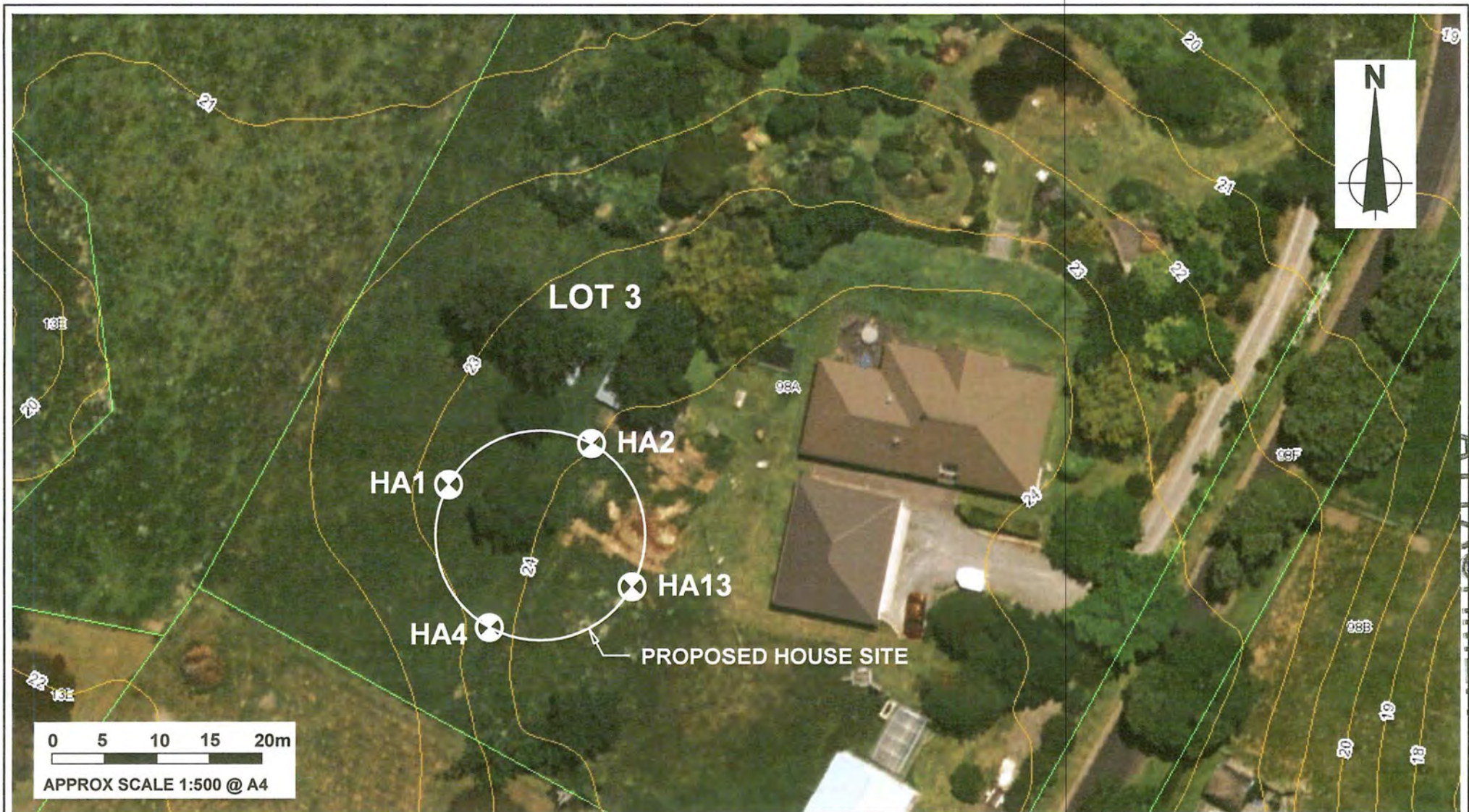
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DRAFTING CHECKED	M.O'B.	12-03-2018
APPROVED	M.O'B.	12-03-2018
CADFILE:	622-1	
SCALES (AT A4 SIZE)	APPROX 1:250	
PROJECT No.	622	

**98A MUNRO ROAD, TE PUNA,
FOR KEN THOMPSON**

Investigation Location Plan - Lot 2

FIGURE No. **Figure 1**

REV. **0**



72 ATTACHMENT A

CONTOURS APPROXIMATE ONLY
& AT 1m INTERVALS

Base drawing sourced from © Western Bay of Plenty District Council On-line GIS Maps

LEGEND	
	CPT1 Cone Penetration Test
	HA1 Hand Auger

O'BRIEN GEOTECH LTD
 43 B Brookfield Terrace
 Tauranga 3110
 07 576 7575
 029 777 9059
michael@obriengeotech.co.nz

DRAWN	R.M.	12-03-2018
DRAFTING CHECKED	M.O'B.	12-03-2018
APPROVED	M.O'B.	12-03-2018
CADFILE:	622-2	
SCALES (AT A4 SIZE)	APPROX 1:500	
PROJECT No.	622	

**98A MUNRO ROAD, TE PUNA,
FOR KEN THOMPSON**

Investigation Location Plan - Lot 3

FIGURE No.	Figure 1	REV.	0
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Appendix C Investigation Data



Our Ref: 1004574.0.0.0/REP01
Customer Ref: 622
30 September 2017

O'Brien Geotech Ltd
43b Brookfield Terrace
Otumoetai
Tauranga
3110

Attention: Michael O'Brien

Dear Michael,

98a Munro Road - Site Investigation Site Report

Introduction

Geotechnics was engaged to complete Hand Auger (HA) investigations at the above mentioned location.

Date of Procedures

22 September 2017

Determining the Test Locations

A location plan illustrating proposed investigation locations was provided to Geotechnics by Michael O'Brien of O'Brien Geotech Ltd. Investigation locations were positioned on site using a measuring tape and dimensions from the plan provided.

Location Plan

The attached plan provides indicative locations only and is not to scale.

Customer's Instructions

We were instructed to:

- Complete Hand Auger investigations at the locations and depths indicated on the provided plan.
- Carry out Shear Vane testing at 300mm centres in cohesive soil.

Specifications

None Issued

Methods

NZGS 8:2001 - Test method for determining the vane shear strength of a cohesive soil using a hand held shear vane.

Material Description

Material descriptions are provided in the attached results.

Results

Results are attached.

Photos can be downloaded from the following link:

<https://transfer.tonkinandtaylorgroup.com/message/271Fes82ZuSDn7uRCACL2e>

This link will expire on 29 December 2017.

Test Remarks

Material Logging

Material logging and descriptions in the field are in general accordance with the New Zealand Geotechnical Society Inc in 'Guideline for the Field Classification of Soil and Rock for Engineering Purposes' (December 2005), excluding geological information and are based on the observational behaviour of the material.

The logs represent our best assessment of the sub-surface conditions, but due to the subjective nature of material logging, we take no responsibility for any inaccuracies or misinterpretations.

Shear Vane

Shear Vane tests are potentially unsuitable for material described in the borehole logs as 'non-plastic', 'sandy SILT' or 'silty SAND'. Tests in these materials may not be compliant with the stated test method. Results are provided for your own interpretation and inference.

General Remarks

We provide the results and logs for your interpretation and inference.

Please reproduce this report in full when transmitting to others or including in internal reports.

If we can be of any further assistance, feel free to get in touch. Contact details are provided at the bottom of the letterhead page.

GEOTECHNICS LTD

Report prepared by:



Troy Robertson
Geotechnician

Authorised for Geotechnics by:



Paul Burton
I have reviewed this
document
2017.10.12 15:31:46 +13'00'

Paul Burton
Project Director

Report checked by:



Ryan Milligan
Project Manager

10-Oct-17

t:\geotechnicsgroup\projects\1004574\workingmaterial\20170930.tasr.98a munro rd, te puna.rep01.docx



ATTACHMENT 77

LOCATION PLAN

98a Munro Road, Te Puna - Site Investigation

Locations are indicative only



15C Amber Crescent
Judea
Tauranga 3110

Site Lot 2 - 98a Munro Road

Our Ref 1004574.0.0.0/REP01

Drawn SREI

Date 26/09/2017

Location Te Puna

Your Ref 622

Checked *hll*

Date 02/10/2017

Project O'Brien Geotech Ltd

Lab Ref N/A

Scale

Not to Scale



Drawing supplied by O'Brien Geotech Ltd



LOCATION PLAN

98a Munro Road, Te Puna - Site Investigation

Locations are indicative only



15C Amber Crescent
Judea
Tauranga 3110

Site Lot 2 - 98a Munro Road
Location Te Puna
Project O'Brien Geotech Ltd

Our Ref 1004574.0.0.0/REP01
Your Ref 6622
Lab Ref N/A

Drawn SREI
Checked *[Signature]*
Scale Not to Scale
Date 26/09/2017
Date 02/10/2017



Drawing supplied by O'Brien Geotech Ltd

78 ATTACHMENT A



BOREHOLE LOG

BOREHOLE No.: Lot-2 HA01

Hole Location: Te Puna

SHEET: 1 OF 1

PROJECT: GTG MOB 98A Munro Rd, Te Puna - SI	LOCATION: Te Puna	JOB No.: 1004574
CO-ORDINATES: (NZTM)	DRILL TYPE:	HOLE STARTED: 22/09/2017
R.L.:	DRILL METHOD: HA	HOLE FINISHED: 22/09/2017
DATUM	DRILL FLUID:	DRILLED BY: Geotechnics
		LOGGED BY: SREI CHECKED: <i>MLL</i>

GEOLOGICAL	ENGINEERING DESCRIPTION															
BIOLOGICAL INFO REMARKS ORIGIN MATRIAL COMPOSITION	FLUID LOSS (%)	WATER	CORE RECOVERY (%)	METHOD	TAGGING	TESTS	SAMPLES	RL (m)	DEPTH (m)	GRAPHIC LOG	MOISTURE / WEATHERING	STRENGTH / CLASSIFICATION	SHEAR STRENGTH (kPa)	COMPRESSIVE STRENGTH (kPa)	DEFECT SPACING (mm)	Description and Additional Observations
						● 81/23 kPa			1	S	M	St				SILT, with trace sand, trace rootlets; blackish dark brown. Stiff, non-plastic; moist; sand, fine.
						● 146/36 kPa				S		VSt				SILT, with trace sand; orange brown, with minor dark brown mottling. Stiff; non-plastic; moist; sand, fine.
						● 84/29 kPa				S		St				SILT, with trace sand; blackish dark brown. Stiff, non-plastic; moist; sand, fine.
						● 194/39 kPa				S	M	VSt				SILT, with minor sand; dark brown, with minor orange brown mottling. Very stiff, non-plastic; moist; sand, fine.
						● 178/32 kPa				S						0.90m - stiff
						● 130/32 kPa			2	S						SILT, with trace sand; orange brown, with minor dark brown mottling. Very stiff; low plasticity; moist; sand, fine.
						● 194/42 kPa				S	M-W	St				SILT, with trace sand; light yellowish brown, with minor light greyish brown mottling. Very stiff; low plasticity; moist; sand, fine.
						● 65/32 kPa				S						SILT, with minor sand; light yellowish brown. Stiff; low plasticity; moist to wet; sand, fine.
						● 194/42 kPa				S		VSt				SILT, with some clay, minor sand; light grey. Very stiff; high plasticity; moist to wet; sand, fine. 2.75m - some dark orange brown mottling
						● 149/32 kPa				S						
						● 113/36 kPa			3	S	W					Clayey SILT, with trace sand; light grey, with some dark orange brown mottling. Very stiff; high plasticity; wet; sand, fine.
						● 107/32 kPa				S						3.45m - wet to saturated
						● 123/23 kPa				S	W-S					
						● 65/29 kPa				S		St				SILT, with trace sand; light brown, with minor brownish orange mottling. Very stiff; non-plastic; wet; sand, fine. 3.90m - stiff
									4	S						End of borehole at 4.0 mbgl. Groundwater encountered at 3.36 mbgl.

COMMENTS

Hole Depth 4m
Scale 1:23

BoreLog - 2/10/2017 5:39:04 p.m. --Produced with Core-GS by GeRic



BOREHOLE LOG

BOREHOLE No.: Lot-2 HA03

Hole Location: Te Puna

SHEET: 1 OF 1

PROJECT: GTG MOB 98A Munro Rd, Te Puna - SI LOCATION: Te Puna JOB No.: 1004574

CO-ORDINATES: (NZTM) DRILL TYPE: HOLE STARTED: 22/09/2017

R.L.: DRILL METHOD: HA HOLE FINISHED: 22/09/2017

DATUM DRILL FLUID: LOGGED BY: SREI CHECKED: *hll*

GEOLOGICAL				ENGINEERING DESCRIPTION													
DEPTH (m)	FLUID LOG (%)	WATER	CORE RECOVERY (%)	METHOD	CLASS	TESTS	SAMPLES	R.L. (m)	DEPTH (m)	GRAPHIC LOG	MOISTURE CONDITION	WEATHERING	STRENGTH CLASSIFICATION	10 SHEAR STRENGTH (kPa)	1 COMPRESSIVE STRENGTH (kPa)	DEFECT SPACING (mm)	Description and Additional Observations
						● 81/29 kPa				IS	W		St				SILT, with trace sand; blackish dark brown. Stiff, non-plastic; wet; sand, fine.
						● 120/29 kPa					M-W		M-W				SILT, with minor sand; orange brown, with minor dark brown mottling. Stiff; non-plastic; moist to wet; sand, fine. 0.45m - dark brown
						● 172/36 kPa					M		VSI				SILT, with minor sand; orange brown. Very stiff; non-plastic; moist; sand, fine.
						● 168/32 kPa											1.00m - low plasticity
						● 175/16 kPa											SILT, with some sand; orange brown, with trace light yellowish brown mottling. Very stiff; non-plastic; moist; sand, fine to medium.
						● (178/32 kPa)							MD				Silty, fine to coarse SAND; brownish orange. Medium dense; moist; well graded.
						● (UTP)							MD				Fine SAND, with minor silt; light yellowish brown. Medium dense; moist; poorly graded.
						● 52/19 kPa					M		MD				Fine to medium SAND, with minor silt; light greyish brown, with minor orange brown mottling. Medium dense; moist; poorly graded.
						● 178/49 kPa					W		St				SILT, with some clay, with minor sand; brown, with minor light greyish brown mottling. Stiff; high plasticity; wet; sand, fine.
											M-W		VSI				SILT, with some clay, trace sand; reddish orange, with some orange brown and light yellowish brown mottling. Very stiff; high plasticity; moist to wet; sand, fine.
																	End of borehole at 3.0 mbgl. No standing groundwater encountered. Shear vane test results in SAND are denoted with brackets. The material is possibly unsuitable for the test method, results are provided for customer interpretation and inference.

COMMENTS

Hole Depth 3m

Scale 1:18

BoreLog - 2/10/2017 5:39:04 p.m. - Produced with Core-GS by GeRoc



BOREHOLE LOG

BOREHOLE No.: Lot-3 HA01
Hole Location: Te Puna
SHEET: 1 OF 1

PROJECT: GTG MOB 98A Munro Rd, Te Puna - SI		LOCATION: Te Puna		JOB No.: 1004574												
CO-ORDINATES: (NZTM)		DRILL TYPE:		HOLE STARTED: 22/09/2017												
R.L. DATUM		DRILL METHOD: HA		HOLE FINISHED: 22/09/2017												
		DRILL FLUID:		DRILLED BY: Geotechnics												
				LOGGED BY: SREI												
				CHECKED: <i>MU</i>												
GEOLOGICAL		ENGINEERING DESCRIPTION														
GEOLOGICAL UNIT GENERIC NAME ORIGIN MATERIAL COMPOSITION	FLUID LOSS (%)	WATER	CORE RECOVERY (%)	METHOD	CASING	TESTS	SAMPLES	RL (m)	DEPTH (m)	GRAPHIC LOG	MOISTURE / WEATHERING CONDITION	STRENGTH DENSITY CLASSIFICATION	SHEAR STRENGTH (kPa)	COMPRESSIVE STRENGTH (kPa)	DEFECT SPACING (mm)	Description and Additional Observations
						<ul style="list-style-type: none"> ● 130/32 kPa ● 100/29 kPa ● 178/36 kPa ● 214/42 kPa ● (>227 kPa) ● (>227 kPa) ● (>227 kPa) ● 130/32 kPa ● 97/23 kPa 	1 2 3								<p>SILT, with trace rootlets, trace sand; blackish dark brown. Stiff, non-plastic; moist; sand, fine.</p> <p>SILT, with trace sand; orange brown. Very stiff, non-plastic; moist; sand, fine.</p> <p style="text-align: center;">1.20m - hard</p> <p>Silty, fine to coarse SAND; orange brown. Medium dense; moist to wet; poorly graded.</p> <p>Fine SAND, with minor silt; light yellowish brown. Medium dense; moist; poorly graded.</p> <p>Fine to coarse SAND, with minor silt; light greyish brown. Medium dense; moist; well graded.</p> <p>Clayey SILT, with trace sand; brown, with minor light yellowish brown mottling. Very stiff; high plasticity; wet</p> <p style="text-align: center;">2.70m - stiff</p> <p>End of borehole at 3.0 mbgl.</p> <p>No standing groundwater encountered.</p> <p>Shear vane test results in SAND are denoted with brackets. The material is possibly unsuitable for the test method, results are provided for customer interpretation and inference.</p>	

BoreLog - 2/10/2017 5:39:04 p.m. - Produced with Core-GS by GeRec

COMMENTS

Hole Depth
3m
Scale 1:18



BOREHOLE LOG

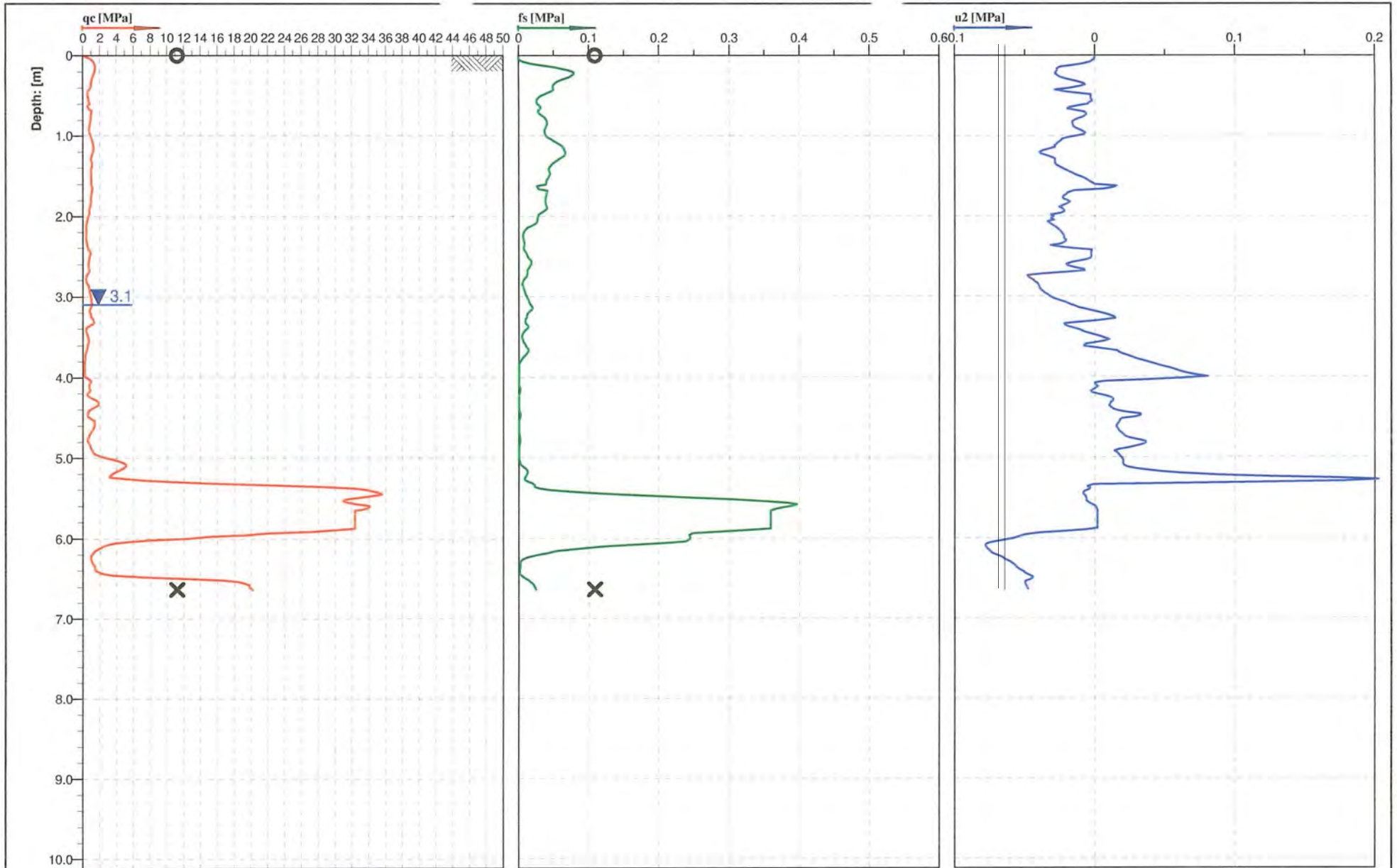
BOREHOLE No.: Lot-3 HA04

Hole Location: Te Puna

SHEET: 1 OF 1

PROJECT: GTG MOB 98A Munro Rd, Te Puna - SI		LOCATION: Te Puna		JOB No.: 1004574				
CO-ORDINATES: (NZTM)		DRILL TYPE:		HOLE STARTED: 22/09/2017				
R.L.: DATUM		DRILL METHOD: HA		HOLE FINISHED: 22/09/2017				
		DRILL FLUID:		DRILLED BY: Geotechnics				
				LOGGED BY: SREI				
				CHECKED: <i>hll</i>				
GEOLOGICAL		ENGINEERING DESCRIPTION						
GEOLOGICAL UNIT GENERIC NAME DRIGH MATERIAL COMPOSITION	FLUID LOSS (%) WATER	CORE RECOVERY (%) METHOD CASING	TESTS	SAMPLES RL (m) DEPTH (m)	GRAPHIC LOG	MOISTURE / WEATHERING CONDITION STRENGTH / SAFETY CLASSIFICATION	SHEAR STRENGTH (kPa) COMBRESIVE STRENGTH (kPa) DEFECT SPACING (mm)	Description and Additional Observations
			● 113/23 kPa		M	St		SILT, with trace rootlets and sand; dark blackish brown. Stiff, non-plastic; moist; sand, fine.
			● 130/29 kPa			Vst		SILT, with minor sand; orange brown. Very stiff; non-plastic; moist; sand, fine.
			● 130/26 kPa			M-W		0.85m - low plasticity, moist to wet
			● 120/29 kPa		1			
			● 162/32 kPa			MD		Silty, fine to medium SAND; orange brown, with minor light yellowish brown mottling. Medium dense; moist to wet; poorly graded, pumiceous.
			● (113/36 kPa)					
					2			End of borehole at 2.0 m bgl.
								No standing groundwater encountered.
								Shear vane test results in SAND are denoted with brackets. The material is possibly unsuitable for the test method, results are provided for customer interpretation and inference.
COMMENTS								
Hole Depth 2m								
Scale 1:13								

BoreLog - 21/10/2017 5:35:04 p.m. - Produced with Core-GS by GeRoc

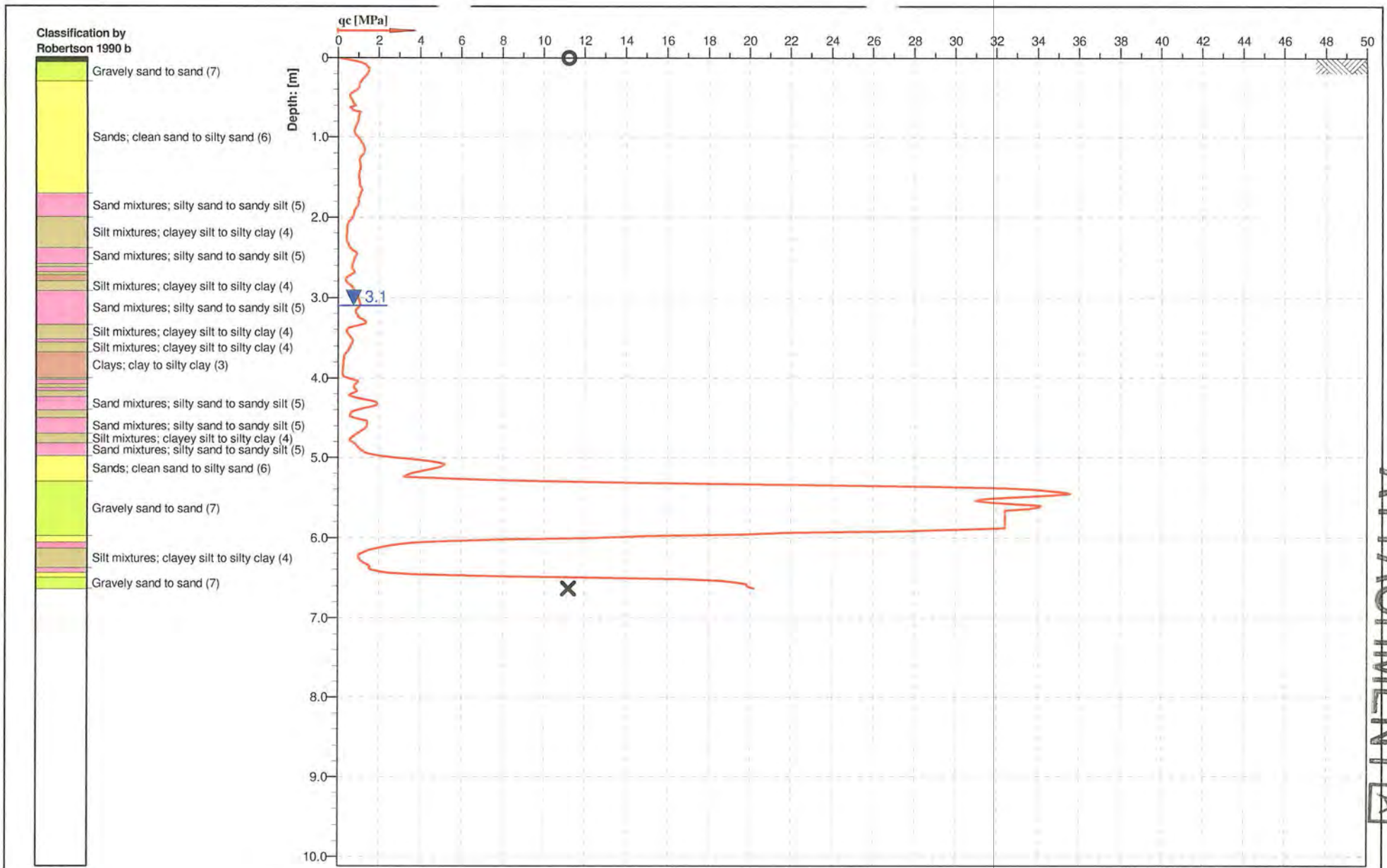


A87 ATTACHMENT A




 Cone No: 4530
 Tip area [cm²]: 10
 Sleeve area [cm²]: 150

Location:	Te Puna	Position:	X: 0.00 m, Y: 0.00 m	Ground level:	0.00	Test No.:	CPT01
Project ID:		Client:	Michael O'Brien	Date:	12/02/2018	Scale:	1 : 64
Project:	98A MUNRO RD			Page:	1/2	Fig.:	
Refusal @ 6.64m anchors pulled out at 5.40m, 35MPa tip resistance				File:	CPT001.cpt		

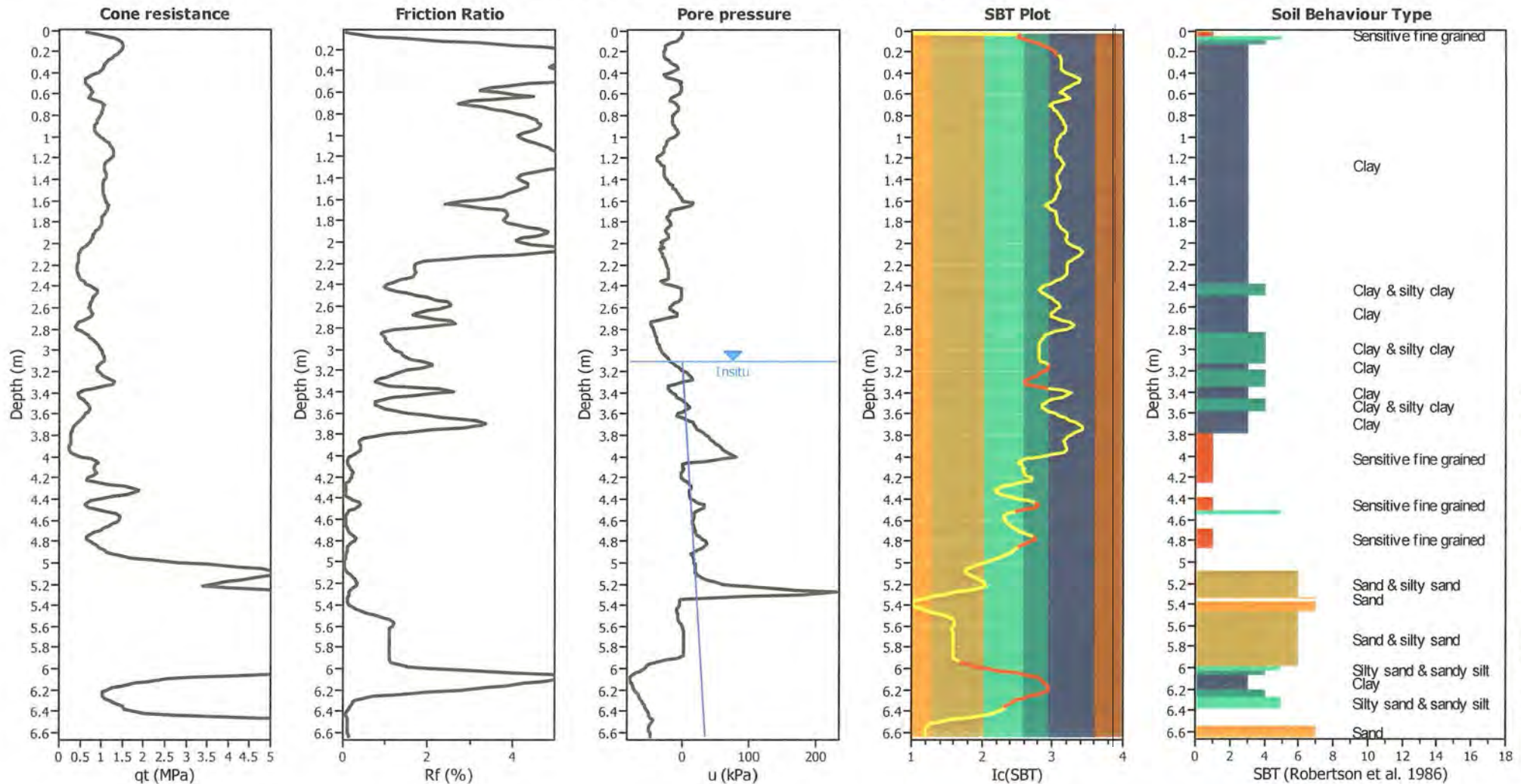



 Cone No: 4530
 Tip area [cm²]: 10
 Sleeve area [cm²]: 150

Location:	Te Puna	Position:	X: 0.00 m, Y: 0.00 m	Ground level:	0.00	Test No.:	CPT01
Project ID:		Client:	Michael O'Brien	Date:	12/02/2018	Scale:	1 : 64
Project:	98A MUNRO RD			Page:	2/2	Fig.:	
Refusal @ 6.64m anchors pulled out at 5.40m, 35MPa tip resistance				File:	CPT001.cpt		

Appendix D Liquefaction Assessment

CPT basic interpretation plots



ATTACHMENT 90

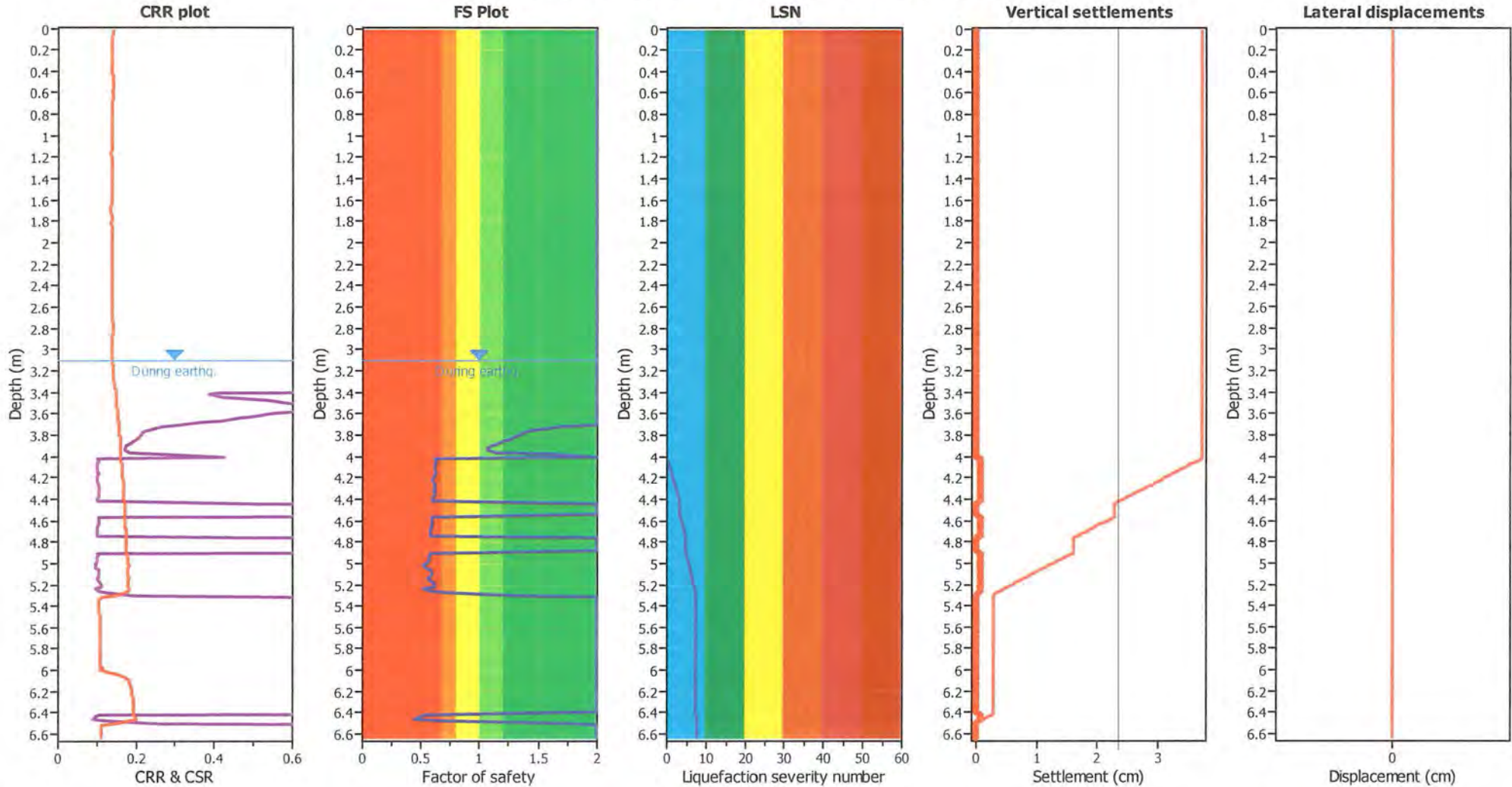
Input parameters and analysis data

Analysis method:	B&I (2014)	Depth to GWT (erthq.):	3.10 m	Fill weight:	N/A
Fines correction method:	B&I (2014)	Average results interval:	3	Transition detect. applied:	Yes
Points to test:	Based on Ic value	Ic cut-off value:	2.60	K_{σ} applied:	Yes
Earthquake magnitude M_w :	5.90	Unit weight calculation:	16.00 kN/m ³	Clay like behavior applied:	Sand & Clay
Peak ground acceleration:	0.26	Use fill:	No	Limit depth applied:	No
Depth to water table (insitu):	3.10 m	Fill height:	N/A	Limit depth:	N/A

SBT legend

1. Sensitive fine grained	4. Clayey silt to silty	7. Gravely sand to sand
2. Organic material	5. Silty sand to sandy silt	8. Very stiff sand to
3. Clay to silty clay	6. Clean sand to silty sand	9. Very stiff fine grained

Liquefaction analysis overall plots



Input parameters and analysis data

Analysis method:	B&I (2014)	Depth to GWT (earthq.):	3.10 m	Fill weight:	N/A
Fines correction method:	B&I (2014)	Average results interval:	3	Transition detect. applied:	Yes
Points to test:	Based on Ic value	Ic cut-off value:	2.60	K_v applied:	Yes
Earthquake magnitude M_w :	5.90	Unit weight calculation:	16.00 kN/m ³	Clay like behavior applied:	Sand & Clay
Peak ground acceleration:	0.26	Use fill:	No	Limit depth applied:	No
Depth to water table (insitu):	3.10 m	Fill height:	N/A	Limit depth:	N/A

F.S. color scheme

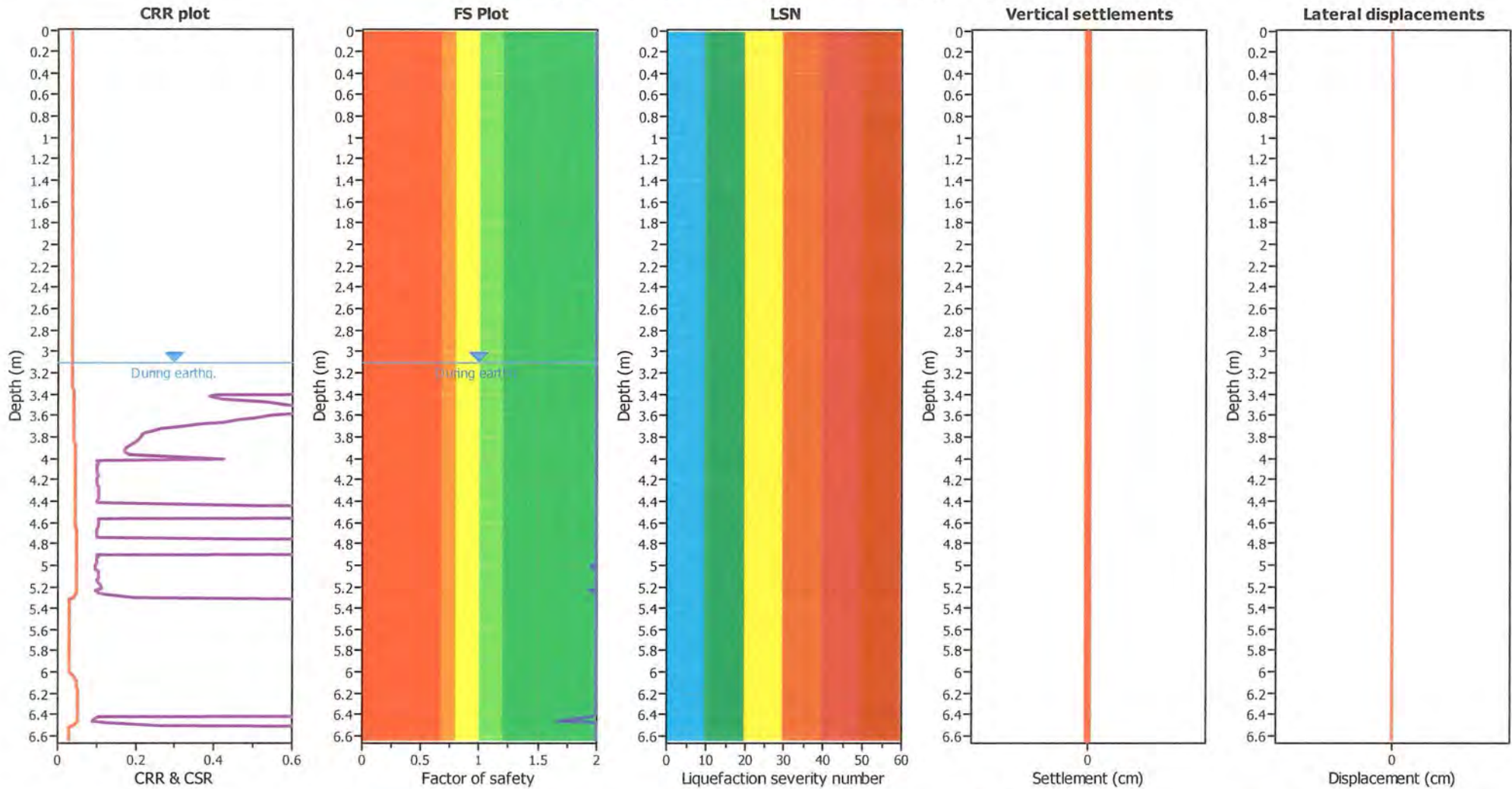
- Almost certain it will liquefy
- Very likely to liquefy
- Liquefaction and no liq. are equally likely
- Unlike to liquefy
- Almost certain it will not liquefy

LSN color scheme

- Severe damage
- Major expression of liquefaction
- Moderate to severe exp. of liquefaction
- Moderate expression of liquefaction
- Minor expression of liquefaction
- Little to no expression of liquefaction

ATTACHMENT A

Liquefaction analysis overall plots



Input parameters and analysis data

Analysis method:	B&I (2014)	Depth to GWT (erthq.):	3.10 m	Fill weight:	N/A
Fines correction method:	B&I (2014)	Average results interval:	3	Transition detect. applied:	Yes
Points to test:	Based on Ic value	Ic cut-off value:	2.60	K_v applied:	Yes
Earthquake magnitude M_w :	5.90	Unit weight calculation:	16.00 kN/m ³	Clay like behavior applied:	Sand & Clay
Peak ground acceleration:	0.07	Use fill:	No	Limit depth applied:	No
Depth to water table (insitu):	3.10 m	Fill height:	N/A	Limit depth:	N/A

F.S. color scheme

- Almost certain it will liquefy
- Very likely to liquefy
- Liquefaction and no liq. are equally likely
- Unlike to liquefy
- Almost certain it will not liquefy

LSN color scheme

- Severe damage
- Major expression of liquefaction
- Moderate to severe exp. of liquefaction
- Moderate expression of liquefaction
- Minor expression of liquefaction
- Little to no expression of liquefaction

ATTACHMENT 5 ASSESSMENT OF ENVIRONMENTAL EFFECTS:

SUBDIVISION

LOT 1 DPS 55319

(98A MUNRO ROAD, WHAKAMARAMA) ABBREVIATIONS

Table 1.1 Abbreviations used	
BOPRC	Bay of Plenty Regional Council
Council	Western Bay of Plenty District Council
District Plan	Western Bay of Plenty District Plan
DevCo	Council's Development Code 2009
NC	Non Complying
OSET Plan	On-Site Effluent Treatment Regional Plan
TPLC	Transferrable Protection Lot Credit
Rd	Road
RD	Restricted Discretionary
RMA	Resource Management Act
SA	stability area
SH	State highway
SP	structure plan
SPA	structure plan area
SW	stormwater
Telecomm	telecommunication
The site	LOT 1 DPS 55319
TN	transport network
WS	water supply
WW	wastewater

1. AEE IN RELATION TO WESTERN BAY OF PLENTY DISTRICT PLAN

1.1 ACCESS

Table 1.1.1 AEE – Access (4B.2 - 4B.10; 12.4.4 & 12.4.9)
District Plan Extracts
4B.2 Objectives & Policies
<ul style="list-style-type: none"> • TN: Integration, safety, efficiency, sustainability, capacity. • Subdivision: efficiency; recognises & integrates with TN; parking, manoeuvring & access. • Alternative modes (e.g. cycling, walking). • Reverse-sensitivity effect on TN.
4B.3.2 Restricted Discretionary: (a) Non-compliance with 4B.4 (unless otherwise stated).
4B.4.1(bii) Local roads
4B.4.3 Rural roads other than strategic roads
(a) No vehicle entrance within:
(i) 30m of a rural road intersection
(ii), (iii), (iv) 45m or 60m of SH intersection (rural road posted speed limit ≤ 70km/hr or > 70 km/hr); measured from intersection of legal road boundaries, or edge of road formation, whichever is closer to the entrance.
(b) Visibility for motorists entering & leaving the property - Dev Code.
(c) All new rural entrances & entrances which are in a 'fixed location' at subdivision consent stage on District roads shall be designed & constructed so that heavy vehicles can enter & leave the property in a safe & convenient manner without damaging the edge of seal. 'Fixed location': an entrance serving a private way, access leg or a property limited to complying and practical road frontage for entrance construction of 30m or less.

(e) & (f) Access & existing road: Dev Code & Council access standards.															
4B.4.5 Loading Path and Space Dimensions Activities requiring loading facilities or servicing from heavy vehicles: 90 percentile design 2-axled truck swept path & min loading space dimensions or > dimension where articulated vehicles or trucks & trailers are anticipated.															
4B.4.6 - 4B.4.10 Manoeuvring, enter/exit without reversing to/off road; 2 parks/dwelling; parking area: min. metal.															
4B.9.1(a) Manoeuvring, parking: Controlled by Building Code.															
12.4.4.2 Proposed Roads															
Table 2: Rural Roads (Lifestyle Zone)															
<p><u>Privateway, sealed or unsealed, without kerb & channel 1- 3 lots</u></p> <p>Road reserve: 6m</p> <p>Carriageway width: 3m.</p> <p>Max length lots ≤1ha: 250m; >1ha: 500m.</p> <p>Max gradient permanent hard sealed surface: 20%; unsealed surface: 16.7%.</p>															
12.4.4.4 Property Access															
(a) Lots to be served by formed legal roads.															
<p>(f) Minden Lifestyle Zone – Privateways</p> <p>(i) Max 12 lots; Council may allow other lots, up to a max. of 2 (subject to criteria).</p> <p>(ii) Max 3 lots - 12.4.4.4(e)(iv) applies: metal surface sufficient.</p> <p>(vi) If negate or reduce subdivision potential of any other existing lot: written approvals of owners.</p> <p>(vii) Max 1 privateway/road as access to the subdivision/site.</p> <p>(ix) Construction & Design:</p> <p>(a) Formed, metalled & sealed (DevCo). 4 – 14 lots:</p> <ul style="list-style-type: none"> • Max length & gradient: 1200m & 20%. • Carriageway 3.5m excl kerb & channel • Sealed without kerb & channel: road reserve 8m. • Sealed with kerb & channel: road reserve 6m. <p>(b, c) Serve ≥4 lots: certified professional (or geotech) engineer's report & Council requirements.</p> <p>(d) Where along the privateway alignment, proposed lot building platform locations are 'confined' &/or likely access points are known or sight-distances are limited to ≤ 30m, sealed entrances shall be provided to these lots at the time of subdivision (to minimise the impacts of later poor construction that may affect the longevity & overall safety of that section of privateway). The entrances shall as a min. be constructed in accordance with DevCo.</p> <p>(e) Council may require specific design.</p> <p>(f) Where culverts discharge onto private property not subject to the consent application, SW discharge consents &/or easements shall be obtained from the affected landowners.</p>															
Structure Plans in General (12.4.9)															
All subdivision and development in the identified structure plan areas shown on the Planning Maps shall provide for the following in the general locations shown on the structure plans: ecological areas.															
AEE															
Munro Rd, intersections & site distances															
<p>The proposed lots are served (by only 1 access) off Munro Rd, which is a formed legal road [it is a local road according to 4B.4.1(bii)]. From the proposed site entrance, the closest rural road intersection is about 195m away (I'anson Rd) and SH intersection is about 650m away. Our traffic survey has produced the following comparisons:</p>															
<table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr> <th style="width: 20%;"></th> <th style="width: 20%;"></th> <th style="width: 20%;">Measured Speed</th> <th style="width: 20%;">Available Sight Distance</th> <th style="width: 20%;">Required Sight Distance</th> </tr> </thead> <tbody> <tr> <td>Eastbound</td> <td></td> <td>57 kph</td> <td>95m</td> <td>85m</td> </tr> <tr> <td>Westbound</td> <td></td> <td>55 kph</td> <td>110m</td> <td>85m</td> </tr> </tbody> </table>			Measured Speed	Available Sight Distance	Required Sight Distance	Eastbound		57 kph	95m	85m	Westbound		55 kph	110m	85m
		Measured Speed	Available Sight Distance	Required Sight Distance											
Eastbound		57 kph	95m	85m											
Westbound		55 kph	110m	85m											
Therefore the entrance qualifies.															

Other users involved & ROW dimensions

The new ROW that serves only the 3 new lots is relatively flat, less than 250m long and will have a 3m carriageway & 6m legal width. There is a slope of less than 1:6 up to Lot 3.

The portion of ROW that the 3 new lots will share with other users has a 3m wide, well-constructed, sealed width and has a 10m legal width. That shared portion of ROW currently serves 6 lots (including the site). The subdivision will add 2 lots to the number of lots served. Thus the subdivision will result in 8 lots being served by that existing portion of ROW. This portion has no kerb & channel and we do not consider that it requires any upgrade.

Other properties on the access have potential for 11 additional lots in theory, based on average lot size 4000m². The actual number of additional lots on the other properties is likely to be much less due to design constraints. In theory then, there is potential for a total of 19 (11 + 8) lots to be developed on the existing part of the ROW to our gate.

Although this does not comply with 12.4.4.4(f)(i) (thus RD), it is not impossible to serve 19 lots from a ROW with 10m legal width & potential for 6m formed width & passing bays.

The only affected parties we have identified are the neighbours at the 5 other properties that have legal rights to use the shared ROW (see attached Affected Parties Map). We have been unable to obtain written approval from these neighbours. Hence we seek the application to be limited notified.

See Scheme Plan & Geotech Report for further access details.

1.2 EARTHWORKS

Table 1.2.1 AEE - Earthworks (4A.5)	
District Plan	AEE
4A.5 Earthworks Permitted, except if listed as requiring resource consent or as matter of control/discretion or associated with Discretionary/NC activity.	<p>Only minor access & building site establishment earthworks are proposed. The proposed subdivision is RD:</p> <ul style="list-style-type: none"> • 2 dwelling sites in SA "C"; access in SA "A" & "B2" [8.3.3(d)(ii) – (iv)]. • Internal boundaries <10m [17.4.1(c)(i)], but owner-applicant gives approval, thus we understand that the reduced yards are a Permitted activity. This retains buildings away from neighbours bordering the site. • >12 lots potentially served by private way [12.4.4.4(f)(i)].

1.3 ECOLOGY, LANDSCAPE & HERITAGE

Table 1.3.1 AEE – Ecology, Landscape & Heritage (5, 6 & 7)
AEE
Map U84 identifies (along the north-eastern boundary) "overland flowpaths & local ecological features". No building is proposed in this area. ROW traverses this area. See Geotech Report.

1.4 NATURAL HAZARDS

Table 1.4.1 AEE - Natural Hazards: Objectives, Policies & Activity Status (8.2 – 8.3)	
District Plan	AEE
8.2 Objs & Pols Minimise threat to environment; best practicable option; avoid rather than mitigate or remedy; enable development if effects can be avoided or mitigated; avoid need for further works; form & location.	Most of the site is classified SA "C", i.e. land not considered to be at risk from instability. Stability analysis/assessment not generally required for SA "C".

	A smaller area is SA "A". SA "B2" occurs in the ROW near Munro Rd, but is located on the adjacent property.
8.3.1 Permitted (b)(i) Buildings/s - Stability Area C.	2 dwelling sites are proposed in SA "C".
<p>8.3.1 Permitted (c) Floodable Areas</p> <p>(i) Buildings/structures where evidence establishes:</p> <ul style="list-style-type: none"> • Building/structure will be clear of floodable area irrespective of extent of floodable area by Planning Maps; or • Building/structure will not be affected by floodable area. <p>Explanatory Note Suitable evidence (not limited to): aerial photos, site inspections from Council engineers, & engineering assessments (suitably qualified person).</p>	Map U84 identifies (along the north-eastern boundary) "overland flowpaths & local ecological features", but does not identify Flood Hazard on the site. No building is proposed in this area. The ROW traverses this area.
8.3.2 Controlled (b)(i) Subdivision where all proposed privateways & building sites are in SA "C".	2 dwelling sites proposed in SA "C". Access in SA "A" & "B2". Activity status RD – 8.3.3(d)(ii) – (iv).
<p>8.3.3 RD Activities</p> <p>(c) Floodable Areas</p> <p>(i) Buildings/Structures not within an Approved Building Site – Natural Hazards.</p> <p>(ii) Earthworks over 5m³ (except for maintenance, operation, upgrade & development of above ground lineal network utility structures & underground network utilities where the ground is reinstated to the same contour as existed immediately prior to the works being undertaken).</p> <p>(iii) Closed board fences, retaining walls, raised gardens, concrete & block walls.</p> <p>(d) Stability Areas – A, B2</p> <p>(i) Buildings/Structures not within an Approved Building Site – Natural Hazards.</p> <p>(ii) Subdivision.</p> <p>(iii) Filling, excavation & other development.</p> <p>(iv) Vegetation removal.</p> <p>(v) Disposal of stormwater and wastewater</p>	<p>(c) Floodable Areas Map U84 identifies on-site "overland flowpaths & local ecological features", but no on-site Flood Hazard.</p> <p>(ci) No building is proposed in this area but the ROW lies partially within the overland flowpath.</p> <p>(cii) Only minor access & building site establishment earthworks are proposed.</p> <p>(ciii) Closed board fences, retaining walls, raised gardens, concrete & block walls: not proposed.</p> <p>(d) Stability Areas – A, B2</p> <p>(di) No buildings/structures proposed in SA "A" or "B2".</p> <p>(dii) The site contains SA "A". Part of the ROW traverses SA "B2" on the adjacent property.</p> <p>(diii & iv) No significant vegetation removal - only small amount of 'garden landscaping' to go for access. Only minor access & building site establishment earthworks.</p> <p>(dv) SW & WW disposal: See Geotech Report.</p>
8.3.4 Discretionary (c) Floodable Areas: Subdivision	Map U84 identifies on-site "overland flowpaths & local ecological features", but no on-site Flood Hazard.

Table 1.4.2 AEE - Natural Hazards: Matters of Control & Discretion (8.4 – 8.5)	
District Plan	AEE
8.4.1 Matters of Control – Subdivision & buildings - Stability Area C: Protect lots & surrounding lots; earthworks, roads, accessways, tracks or privateways, WW, SW, planting, vegetation, building sites set back (water & flowpaths), matters in 8.6.	2 house sites proposed in SA "C". See Geotech Report.

<p>8.5.1.3 Matters of Discretion – Floodable Areas Capacity of ponding areas and function of overland flow paths. Min finished floor level of the proposed building/structure. Combination of the flood level plus an additional freeboard height as stipulated in DevCo.</p>	<p>Map U84 identifies on-site “overland flowpaths & local ecological features”, but no on-site Flood Hazard. No house site is proposed in overland flowpath. See Geotech Report.</p>
<p>8.5.1.4 Matters of Discretion – Stability Areas A, B2 Geotech report by suitably qualified person showing a building site capable of being approved & confirming as a minimum that:</p> <p>i. Earthworks required in forming each building site & access roads &/or privateways in the subdivision: avoid or mitigate adverse effects on the stability of the land within the site & will have no adverse effects on the stability of adjacent land.</p>	<p>ROW traverses these areas. No significant vegetation removal - only small amount of 'garden landscaping' to go for access. Only minor access & building site establishment earthworks. See Geotech Report.</p>
<p>ii. Each building site will be required to be set back an appropriate distance, as recommended by a geotechnical engineer, from any terraces or steep slopes to the extent that there are no adverse effects on the stability of the land or any adjacent land.</p>	<p>The land is flat to minor sloping. See Geotech Report.</p>
<p>iii. SW and WW systems can be constructed & operated within each lot with no adverse effects on the stability of the adjacent land.</p>	<p>On-site SW & WW proposed. See Geotech Report.</p>

<p>Table 1.4.3 AEE - Natural Hazards: Stability Requirements (8.6)</p>
<p>District Plan</p>
<p>8.6 Stability Requirements: SA “A”</p>
<p>Description Past or active erosion or mass movement is evident or likely to occur; presents or may present identifiable hazard to buildings/structures within the delineated area. Summary: subject to or likely to be subject to instability.</p>
<p>Stability Assessment Buildings/structures, subdivision or other development including excavation, filling, removal of vegetation (excluding noxious plants), SW/WW disposal into or over the area delineated will not be permitted unless the following documentation is produced to the satisfaction of the Council. Geomorphological & geological evidence & a 'stability analysis' (i - vi in District Plan) demonstrating that the proposed development area will not be subject to instability or be inundated by debris from upslope, & how the proposed development will ensure that any building/structure will not become damaged by land slippage arising on or off the site.</p>
<p>8.6 Stability Requirements: SA “B2”</p>
<p>Description Gradient is such that instability is not considered likely; no mass movement is evident but is similar to land where instability & erosion have occurred due to cutting &/or filling &/or on site SW disposal. Summary: potentially subject to instability but less so if there is no on-site disposal of sewage or SW concentration, no significant vegetation removal, no significant cutting or filling.</p>
<p>Stability Assessment Buildings/structures, subdivision or other development such as excavation, filling, removal of vegetation (excluding noxious plants), disposal of stormwater or domestic wastewater into or over the area delineated will be allowed to proceed only if supported by the following documentation to the satisfaction of the Council. A 'stability assessment' (i - vi in District Plan) demonstrating that the proposed development will not result in the risks of instability or damage being at an unacceptable level.</p>
<p>8.6 Stability Requirements: SA “C”</p>

Description SA C is land not considered to be at risk from instability. Stability analysis or stability assessment not generally required. Council reserves control over a number of matters relating to subdivision & development to ensure protection of each lot & surrounding lots from potential instability or erosion.

AEE

No building is proposed in SA "A" & "B2. ROW traverses them but no significant vegetation removal is proposed (only a small amount of 'garden landscaping' to go for access) and only minor earthworks are proposed. See Geotech Report.

Table 1.4.4 AEE - Natural Hazards: Building Act & Regional Council (8.7)

District Plan	AEE
8.7.1 Building Act Council may grant a building consent subject to the title being notated re. slippage (Building Act 2004, S72).	See Geotech Report.

1.5 INFRASTRUCTURE, NETWORK UTILITIES, DESIGNATIONS & FINANCIAL CONTRIBUTIONS

Table 1.5.1 AEE - Infrastructure, Utilities, Designations & Financial Contributions (10 & 11)

District Plan	AEE
<p>10.2 Objectives & associated policies.</p> <ul style="list-style-type: none"> • Development, operation, maintenance & upgrading of infrastructure & network utilities. • Recognise infrastructure & network utility benefits. • Protection of water supply sources. • Avoid, remedy or mitigate potential reverse sensitivity effects (safe, effective, efficient operation). 	<p>Potential effects can be managed so as not to compromise infrastructure & network utilities. Scheme Plan shows easement for WS, SW, electricity, telecomm & computer media. Electricity will be underground to Lots 2 & 3 via Easements A & B. WS proposal: install 2 underground dry pipes from the road frontage to the nett areas of Lots 2 & 3.</p>
<p>11. Financial Contributions Protection, wellbeing, efficient utilisation of infrastructure, cover community costs, community needs, timing of infrastructure.</p>	<p>Financial contributions can be conditions of consent.</p>

1.6 SUBDIVISION & DEVELOPMENT

Table 1.6.1 AEE – Subdivision & Development Objectives & Policies (12.2)

District Plan	AEE
<ul style="list-style-type: none"> • Existing built form & local character. • Integrated subdivision & development. • Infrastructure & services: <ul style="list-style-type: none"> ○ land can be used for intended purpose ○ min. standards (improved environmental outcomes without significant additional cost to community) ○ efficient & equitable services ○ minimise effects from SW run-off. • Take optimum energy efficiency into account. 	<p>The proposal is for low-density development anticipated by, & consistent with, the Lifestyle Zone. Complies with all rules except 2:</p> <ul style="list-style-type: none"> • Internal boundaries <10m [17.4.1(c)(i)], but owner-applicant gives approval, thus we understand that the reduced yards are a Permitted activity. This retains buildings away from neighbours bordering the site. • >12 lots potentially served by private way [12.4.4.4(f)(i)]. <p>Appropriate infrastructure & services are proposed to serve the development.</p>

	Subdivision design provides for optimum dwelling orientation.
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Table 1.6.2 AEE – Subdivision & Development Activity Status (12.3.4.1)

District Plan	AEE
<p>Subdivision or land development that would otherwise be Controlled Activity: non-compliance with activity performance standard shall render the application RD in respect of the standard concerned. Where non-compliance relates to SP or 12.4.3.3: NC unless otherwise stated.</p>	<p>The subdivision is RD according to 8.3.3(d)(ii) – (iv). It complies with all rules except 2:</p> <ul style="list-style-type: none"> • Internal boundaries <10m [17.4.1(c)(i)], but owner-applicant gives approval, thus we understand that the reduced yards are a Permitted activity. This retains buildings away from neighbours bordering the site. • >12 lots potentially served by private way [12.4.4(f)(i)]. <p>Complies with SP. Complies with 12.4.3.3:</p> <ul style="list-style-type: none"> • connection to Council WS - 2 underground dry pipes from road frontage to nett areas of Lots 2 & 3 • on-site WW & SW management.

Table 1.6.3 AEE – Subdivision & Development Rules: Site Suitability (12.4.1)

District Plan
<p>(a) Building site free from inundation, erosion, subsidence, slippage. (b) & (c) Building site suitable for conventional residential development (NZS 3604:1999); identified on subdivision plan; suitability certified (12.3.9). (d) Geotech reports required: specific foundation design & other issues affecting land stability (including for neighbour properties) assessed as requiring geotech investigation. (e) Underground SW/WW system may be located in yards: certification from registered surveyor or geotech engineer (Building Code). Separation distances & measures to avoid effects on neighbouring properties.</p>
AEE
See Geotech Report.

Table 1.6.4 AEE – Subdivision & Development Rules: Contaminants in Soil (12.4.2)

<p>Letter (attached) from Council saying that there is nothing on Council's file indicating a HAIL site.</p> <p>We have also searched historical photos & found no evidence to inform us that the site has been used for a potentially contaminating use (photos attached).</p>

Table 1.6.5 AEE – Subdivision & Development Rules: Extension of Services (12.4.3)

District Plan	AEE
<p>12.4.3.3 (a & b) Utility services within 100m of existing Council service: service shall be extended, otherwise the development shall be able to sustain the lack of service in its own right. WS is subject to other criteria. Refer to DevCo. (c) 100m proximity: measured from nearest boundary point of land or titles being subdivided. (d) Council discretion: developments > 100m from services may be provided on a cost sharing basis.</p>	<p>WS proposal: install 2 underground dry pipes from road frontage to nett areas of Lots 2 & 3 (connection to Council WS); on-site WW & SW management. See Geotech Report.</p>
<p>12.4.3.4 Easements Where existing or proposed public services cross private property, the owner shall grant easements in favour of Council.</p>	<p>No public services cross the site. Existing easements shown on plan.</p>

Table 1.6.6 AEE – Subdivision & Development Rules: Stormwater, Wastewater, Water supply (12.4.5 – 12.4.7)	
District Plan	
<p>SW: Each site shall be individually connected to the reticulated system (DevCo). Where a dwelling is to be built in an area that is not possible to be serviced with a SW system, a SW disposal system shall be provided exclusive of any identified natural hazard area. Discharge to ground soakage may be allowed subject to DevCo.</p>	
<p>WW: Each site shall be individually connected to the reticulated WW system (DevCo). Where an extension to reticulation system or provision of a new system is not possible in accordance with DP or DevCo: treatment & disposal to be contained within property boundaries (BOPRC where necessary). Connections to Council pressurised systems: Discretionary. Where a dwelling is to be built in an area that is not possible to be serviced by WW system: area for disposal of effluent & foul water shall be provided exclusive of any identified natural hazard area. Effluent disposal by way of soak holes or bores are not permitted.</p>	
<p>WS: Enable each lot to be connected to Council system (DevCo). Where existing potable &/or firefighting compliant WS is available or can be extended:</p> <ul style="list-style-type: none"> • provide potable water (DevCo & Public Health Act) & reticulation system compliant for fire-fighting & consumption • all lots shall be able to be serviced by connections from water mains within the adjacent berm & not by connections crossing road carriageways; lots & dwellings: separately serviced. <p>Where existing potable WS is available or can be extended but may not be able to provide sufficient pressures or flows: DevCo Section 4 DS7.2.</p>	
AEE	
<ul style="list-style-type: none"> • WS proposal: install 2 underground dry pipes from road frontage to nett areas of Lots 2 & 3. • SW & WW will be managed on-site. • The site contains SA "A" & overland flowpath/ecological feature. SA "B2" is located in the ROW (on neighbouring site), but no significant vegetation removal is proposed (only small amount of 'garden landscaping' to go for access) & only minor access & building site establishment earthworks are proposed. • See Geotech Report for discussion of servicing. 	

Table 1.6.7 AEE – Subdivision & Development Rules: Network utilities (12.4.8)	
District Plan	AEE
12.4.8.1 & 12.4.8.2 Electricity, telecomm, gas: meet with operator's approval. DevCo.	Scheme Plan shows easement for electricity, telecomm, computer media. Electricity will be underground to Lots 2 & 3 via Easements F & G.

Table 1.6.8 AEE – Subdivision & Development Rules: Structure Plan (Stormwater) (12.4.10)	
District Plan	
12.4.10.1 Combination of reticulated pipes, swales or open channels. Treatment shall generally be provided in identified SW management reserves.	
12.4.10.4 Attenuation to pre-development levels.	
12.4.10.5 Treat SW for removal of sediment to a standard ≥75% gross removal (TP10 methods or equivalent). Where not achieved, or combined approach more effective, financial contribution towards comprehensive facility by Council.	
12.4.10.6 Demonstrate how to address (on or adjacent to the site) surface flows, protection of houses, improvement of SW quality, runoff peaks, flow concentration at outlets. Comply with "Erosion & Sediment Control Guidelines No 2001/3".	
AEE	
See Geotech Report.	

1.7 LIFESTYLE ZONE

Table 1.7.1 AEE - Lifestyle Zone Objectives & Policies (17.2)	
District Plan	AEE
<ul style="list-style-type: none"> • High quality lifestyle, unique environment, alternative living options, high level of open space, close to town centre. • Infrastructure & services match capacity & functioning of rd network; complement lifestyle character. • Consider geotech constraints & other effects of development. • Ecological features protected. 	<p>The proposed subdivision provides for lifestyle character. It encompasses high-quality subdivision & infrastructure design. The existing ROW crosses local ecological feature (Map U84) but no significant vegetation removal is proposed (only small amount of 'garden landscaping' to go for access) & only minor access & building site establishment earthworks are proposed. See Geotech Report.</p>

Table 1.7.2 AEE - Lifestyle Zone Activity Lists (17.3)	
District Plan	AEE
17.3.1 Permitted activities	
c. One dwelling per lot.	Complies.
d. Accessory buildings (except dwellings) <200m ² .	No accessory buildings proposed.
l. Earthworks ancillary to Permitted Activities.	RD subdivision. Only minor access & building site establishment earthworks are proposed.
17.3.2 Controlled activities	
b. One minor dwelling. c. Dwellings on titles where a minor dwelling exists which was constructed after 9 Feb 2009. e. All proposed privateways & building sites are in SA "C" as provided for 8.3.2(b)(i).	b & c No minor dwellings existing or proposed. e. ROW in SA "A" & "B1". Activity status RD – 8.3.3(d)(ii) –(iv).
17.3.3 Restricted Discretionary activities	
a. Permitted or Controlled Activity that fails to comply with 17.4. b. Subdivision in Minden Lifestyle SPA (SA "A" & "B2") as provided for by 8.3.3(d)(ii) - RD.	a. RD according to 8.3.3(d)(ii) – (iv). Does not comply with 10m yards [17.4.1(c)(i)], but non-compliances are internal to the subdivision and owner gives approval, thus we understand that the reduced yards are a Permitted activity. This retains buildings away from neighbours bordering the site. b. Proposal is RD. ROW traverses SA "A" & "B2". Only minor access & building site establishment earthworks are proposed.
17.3.5 Non Complying activities	
(c) Subdivision not in accordance with a SP.	Complies with SP.
(d) Subdivision not meeting 17.4.2: - Proposed lots: shape factor 20m & lot size. - 103 New lots allowed - Donor lots: 18.4.2(h) Protection Lots.	- Proposed lots comply with shape factor & lot size & number of new lots allowed (33 available at 10 May 2018) - Donor lots: According to the attached draft agreement for sale & purchase of transferrable subdivision entitlement(s), Lot 1 DP 507352 qualifies for the creation of 4 TPLCs. The vendor created the TPLCs by registering a conservation covenant on the title to the land that protects an

	<p>area of estuarine habitat in favour of Council. The applicant wishes to purchase 2 TPLCs to use in the subdivision of 98A Minden Road. The agreement does not state which District Plan rules were used to create the TPLCs but the agreement indicates that "18.4.2(h) Protection Lots" was used because an area is to be protected. The agreement states that the agreement is conditional until 4pm on 1 November 2017, but it has been extended.</p>
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Table 1.7.3 AEE - Lifestyle Zone Standards: General (17.4.1)

District Plan	AEE
a Height of buildings: max 8m	Does not comply with 10m yards, but non-compliances are internal to the subdivision & owner gives approval, thus we understand that the reduced yards are a Permitted activity. This retains buildings away from neighbours bordering the site.
b. Daylighting: 2m + 45°. Can encroach with written approval.	
<p>c. Yards</p> <p>(i) Dwellings, minor dwellings min 10m</p> <p>(ii) Other buildings/structures: Front – min 10m. Side & rear – min 5m.</p> <p>Building/structure may be located in a side or rear yard, up to side or rear boundary, where written approval of owner of the immediately adjoining property to a specified lesser distance.</p>	

Table 1.7.4 AEE - Lifestyle Zone Standards: General Subdivision Standards (17.4.2(a))

District Plan	AEE
(i) 20m min diameter circle exclusive of yards to contain building site.	Council planner advised that lot size refers to gross, not nett. Proposal complies: Lot 1: 5320m ² Lot 2: 4490m ² Lot 3: 3300m ² Gross average: 4370m ²
(ii) Minden SPA lot size: min 3000m ² ; average 4000m ² .	
(iii) All subdivision - in general accordance with SP; Council has full discretion.	

Table 1.7.5 AEE - Lifestyle Zone Standards: Transferable Subdivision Entitlements (17.4.2(b))

District Plan	AEE
Additional lots from Rural Zone on a 1 to 1 basis: Transferable Protection Lots: 18.4.2(h).	<p>According to the attached draft agreement for sale & purchase of transferrable subdivision entitlement(s), Lot 1 DP 507352 qualifies for the creation of 4 TPLCs. The vendor created the TPLCs by registering a conservation covenant on the title to the land that protects an area of estuarine habitat in favour of Council. The applicant wishes to purchase 2 TPLCs to use in the subdivision of 98A Minden Road. The agreement does not state which District Plan rules were used to create the TPLCs but the agreement indicates that "18.4.2(h) Protection Lots" was used because an area is to be protected. The agreement states that the agreement is conditional until 4pm on 1 November 2017, but it has been extended.</p>

Table 1.7.6 AEE - Lifestyle Zone Standards: Minden Lifestyle Structure Plan Staging Requirements (17.4.2(d))

District Plan	AEE
(i) New lots: those approved by subdivision consent for which an application was lodged on or after 25 Sept 2010.	Additional 2 lots are proposed. Lots available: 33 (10 May '18).
(ii) New lots allowed: 103.	

Table 1.7.7 AEE - Lifestyle Zone Matters of Control (17.5.2)	
District Plan	AEE
(a) Protecting & enhancing scheduled Significant Ecological Features, other prominent areas of indigenous vegetation which contribute to the Zone's wider amenity, existing waterways, providing ecological linkages & improving landscape by requiring planting along riparian corridors, on steep erosion prone land, the retirement of some land from grazing activity & avoidance of discharge to such areas.	ROW is proposed in SA "A" & "B2" & flowpath/ecological feature. No significant vegetation removal - only small amount of 'garden landscaping' to go for access.
(c) Building sites & associated earthworks blend in with existing contours & do not compromise significant topographical features. Pump houses, fences & masts may be located outside building site.	Building sites are shown on Scheme Plan. Lifestyle Zone is a development zone. The house sites are not exposed to public viewing. Buildings will blend in with existing contour & are not on any prominent ridgeline.
(d) Building sites set back from ephemeral flowpaths: avoid risks to buildings/structures, ecological features.	See Scheme Plan & Geotech Report.

Table 1.7.8 AEE - Lifestyle Zone Discretionary Matters (17.6)	
District Plan	AEE
17.6.1 RD: Non compliance with activity performance standards: actual or potential adverse effects. 17.6.2 Fail to meet 17.4.1(c) Min Yard.	Does not comply with 10m yards, but non-compliances are internal to the subdivision & owner gives approval, thus we understand that the reduced yards are a Permitted activity.

2. AEE IN RELATION TO REGIONAL DOCUMENTS

Only minor access and building site establishment earthworks are proposed. No significant vegetation removal is proposed; only a small amount of 'garden landscaping' to go for access.

Due to the size of the lots, on-site WW disposal can be made to comply with the OSET Plan – see Geotech Report.

3. AEE IN RELATION TO NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH

Letter (attached) from Council saying that there is nothing on Council's file indicating a HAIL site.

We have also searched historical photos and found no evidence to inform us that the site has been used for a potentially contaminating activity (photos attached).

4. AEE IN RELATION TO THE RMA

We consider that the proposal is in accordance with Part 2 of the RMA because it promotes the sustainable management of natural and physical resources, i.e.

- the proposal will enable people to provide for their social, economic and cultural well-being and their health and safety
- potential adverse effects on the environment can be avoided, remedied or mitigated

- the proposal promotes the following:
 - sustaining the potential of natural and physical resources to meet needs of future generations
 - maintenance and enhancement of amenity values and quality of the environment
 - efficient use and development of resources.

The proposal is able to achieve the above because:

- the proposal provides for lifestyle lots that will be able to contribute to the Western Bay of Plenty housing stock
- the lots are easily accessible from the road network and can be serviced efficiently for the 3 waters, electricity and telecommunications
- the subdivision enables high-amenity, convenient living in close proximity to the services, facilities and employment opportunities of nearby Katikati, Te Puna and Tauranga.

Paul Atkinson

From: Jody Schuurman <Jody.Schuurman@westernbay.govt.nz>
Sent: Monday, 25 September 2017 9:53 AM
To: 'Jennie Campbell, Surveying Services'
Subject: RE: Land use register enquiry (to BOP reg Council)

Hi Jennie

This is nothing on council's file indicating a hail site.
Looking at the site, the southern boundary has orchard and if this site has been in orchard prior then this may trigger a PSI report for the soils

Kind regards

Jody Schuurman

Consents Technician, Policy, Planning & Regulatory Services

P 07 571 8008 **DD** 07 579 6604
Barkes Corner, Greerton, Tauranga
Private Bag 12803, Tauranga Mail Centre, Tauranga 3143
E jody.schuurman@westernbay.govt.nz
www.westernbay.govt.nz



**Western Bay of Plenty
District Council**



Te Kaunihera a rohe mai i nga Kuri-a-Whare ki Otamarakau ki te Uru

Please consider the environment before printing this email.

From: Jennie Campbell, Surveying Services [mailto:reception@surveyingservices.co.nz]
Sent: Friday, 22 September 2017 1:59 PM
To: info@boprc.govt.nz; Customer Service
Subject: Land use register enquiry (to BOP reg Council)

Hello

We are currently investigating subdivision options for our client. Could you please check your register and advise of any information held:

SITE CONTAMINATION ENQUIRY – INFORMATION REQUEST

Enquiry from:

Name: Surveying Services Ltd – Jennie Campbell

Postal address: PO Box 852, Tauranga 3140

Phone: 07 578 2500

Email: reception@surveyingservices.co.nz

Street Address: 98A Munro Road

Site Owner: K Thompson

Legal Descriptions: Lot 1 DPS 55319 Title SA45D/833

Site location map: Attached

We look forward to your response in due course.

Kind regards

Trish Voelkerling
Customer Services/Administrator



SURVEYING SERVICES LIMITED

PO Box 852, Tauranga 3140

Tel: 0800 268 632

www.surveyingservices.co.nz

reception@surveyingservices.co.nz

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Chorus Network Services

PO Box 9405
Waikato Mail Centre
Hamilton 3200
Telephone: 0800 782 386
Email: tsg@chorus.co.nz



Sub Div Ref: TA42376

5 September 2017

Your Ref:

SURVEYING SERVICES LIMITED

Attention: Trish Voelkerling
Dear Sir / Madam

SUBDIVISION RETICULATION – TA: 98A Munro Road, Whakamarama. 3 Lots 1 Existing, (Lots 2 & 3) Simple Estimate

Thank you for your enquiry regarding the above subdivision.

Chorus is pleased to advise that, as at the date of this letter, we would be able to provide COPPER telephone reticulation for this subdivision. In order to complete this reticulation, we require a contribution from you to Chorus' total costs of reticulating the subdivision. Chorus' costs include the cost of network design, supply of telecommunications specific materials and supervising installation. At the date of this letter, our estimate of the contribution we would require from you is \$3,680.00 (including GST).

We note that (i) the contribution required from you towards reticulation of the subdivision, and (ii) our ability to connect the subdivision to the Chorus network, may (in each case) change over time depending on the availability of Chorus network in the relevant area and other matters.

If you decide that you wish to undertake reticulation of this subdivision, you will need to contact Chorus (see the contact details for Chorus Network Services above). We would recommend that you contact us at least 3 months prior to the commencement of construction at the subdivision. At that stage, we will provide you with the following:

- confirmation of the amount of the contribution required from you, which may change from the estimate as set out above;
- a copy of the Contract for the Supply and Installation of Telecommunications Infrastructure, which will govern our relationship with you in relation to reticulation of this subdivision; and
- a number of other documents which have important information regarding reticulation of the subdivision, including - for example - Chorus' standard subdivision lay specification.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'S/Hault', with a long, sweeping flourish extending to the right.

Shaun Hault
Network Services Coordinator

14/12/2017

To Trish Voelking

Surveying Services
746 Cameron Road

Dear Trish

RE: 98 Munro Road Whakamarama

NPE-Tech has pleasure in presenting our quotation for the following Electrical Services.

Scope of Works:

- Install three pillars
- Install 185mm 4c XLPE

Our offer includes

- Hours of work Monday to Friday 8am to 4.30pm inclusive
- Install two EP3 pillars with 2 x 63A fuse ways in each
- Install 94m of 185mm 4c XLPE in trench dug by others
- Replace one high top pillar with an EP4 Pillar

Our offer does not include:

- Civil/trenching/backfilling/earth compaction testing
- Customer service cable connection, and Electrical Inspection
- Builders work, any marking/setting out and/or levels on site. Levels (finished levels), this mark will include the final layer of top-soil and grass cover. (Refer to attached documents regarding trenching requirements and preferred layout)
- Digging/drilling through rock/chalk/sand or sandstone.
- GPS Location and as-built of new assets/service cables.
- The customer shall ensure levels and boundaries are clearly marked prior to work commencing.
- Repairs of underground services encountered during install.
- Powerco utility charges, or Electrical retailer utility charges for tariff metering.
- No allowance to supply, connect or install meters.
- No allowance for working in river beds or tidal areas
- In case of need to easement, it would be excluded of this quotation and would be the responsibility of the customer

QUOTATION FOR THE ABOVE (all prices exclude GST):

LV Supply and Distribution	\$ 11,949.27
Powerco Contribution factor	\$ 1600.00

Total price for the above \$10,349.27 excludes GST.



Head Office
116 Rifle Range Road
PO Box 289
New Plymouth 4340
NEW ZEALAND
Phone: 06- 758 7755
Fax: 06- 758 7846
Web: www.npe-tech.co.nz

Validity:

This quotation is valid for the period of 30 days from the above date. It is also subject to NPE-Tech being able to fully commence the works within 60 days from receipt of your signed agreement, unless agreed otherwise, thereafter the quoted price could be adjusted by NPE-Tech, based on material and wage increases.

Should you wish to proceed or have any queries please don't hesitate to contact the undersigned.

Terms and Conditions:

See attached as per our terms and conditions.

Special Conditions of Offer:

The proposed "Powerco Network Extension" has been approved by Powerco Ltd based on the following:

- All Works and equipment will be owned by Powerco, signed Ownership Agreement requirement.
 - Any works not located in legal road reserve will require easement in gross favour of Powerco-Agreement for easement to be completed.
 - Provisions made for one standard connection per lot
 - Lead times for certain materials such as Transformers and 11kV switchgear can be up to ten weeks from our receipt of Tender Acceptance form, and deposit being paid.
 - Where NPE-Tech are required to leave any equipment on-site during the course of the works, the customer shall be responsible (at your expense) for:
 - Ensuring the protection of all such NPE-Tech equipment from any interference and/or damage.
 - Before NPE-Tech can carry out any work on-site. It will be the responsibility of the Civil Contractor, Surveyor, or the main contractor, to supply finished levels
 - Levels (finished levels), this mark will include the final layer of top-soil and grass cover.
- For any pillar box/link box/Transformer/network equipment that results in a non-conformance, due to incorrect heights, there will be an additional charge to the customer for the time taken to carry out the height adjustment.

Powerco Approval Conditions:

- Works will be owned by Powerco.
- All construction to be Powerco Standards.
- Easement in gross in favour of Powerco required for Powerco assets located within private property- agreement for easement to be completed.
- In the event of future additional connections there will be no reimbursement of costs.
- Provision for one standard connection per lot.
- Approval based on design submitted only. Any changes or amendments to design will require re-approval prior to work commencing.

Please note:

Before contract works begin, a 50% deposit is required

This design is subject to Powerco's approval process, any design changes required by Powerco or the customer, will result in NPE-Tech reviewing the offer.

This Line construction on the Powerco network, will be treated as one installation. The customer shall ensure access to all areas of the site, for the installation works to be completed in a timely fashion agreed with NPE-Tech

Yours Faithfully



Peter Dell
Project Manager / Designer

Upon acceptance of this quote and on agreement of terms and conditions as attached please print, sign and return if you wish to proceed with this quotation.

NPE-Tech Limited – Terms & Conditions of Trade

1. **Definitions**
 - 1.1 "Supplier" means NPE-Tech Limited its successors and assigns or any person acting on behalf of and with the authority of NPE-Tech Limited
 - 1.2 "Customer" means the person/s buying the Goods as specified in any invoice, document or order, and if there is more than one Customer it is a reference to each Customer jointly and severally.
 - 1.3 "Goods" means all Goods or Services supplied by the Supplier to the Customer at the Customer's request from time to time (where the context so permits the terms "Goods" or "Services" shall be interchangeable for the other)
 - 1.4 "Price" means the Price payable for the Goods as agreed between the Supplier and the Customer in accordance with clause below
2. **Acceptance**
 - 2.1 The Customer is taken to have exclusively accepted and irrevocably bound, jointly and severally, by these terms and conditions if the Customer places an order for or accepts delivery of the Goods.
 - 2.2 These terms and conditions may only be amended with the Supplier's consent in writing and shall prevail to the extent of any inconsistency with any other document or agreement between the Customer and the Supplier.
3. **Change in Control**
 - 3.1 The Customer shall give the Supplier not less than fourteen (14) days prior written notice of any proposed change of ownership of the Customer and/or any other change in the Customer's details (including but not limited to, changes in the Customer's name, address, contact phone or fax numbers, or business practices). The Customer shall be liable for any loss incurred by the Supplier as a result of the Customer's failure to comply with this clause.
4. **Price and Payment**
 - 4.1 All the Supplier's sole discretion the Price shall be either:
 - (a) as indicated on any invoice provided by the Supplier to the Customer, or
 - (b) the Price as at the date of delivery of the Goods according to the Supplier's current price list, or
 - (c) the Supplier's quoted price (subject to clause 4.2) which will be valid for the period stated in the quotation or otherwise for a period of thirty (30) days.
 - 4.2 The Supplier reserves the right to change the Price if a variation to the Supplier's quotation is requested. Any variation from the date of scheduled works or specifications (including, but not limited to, any variation as a result of additional works required due to unforeseen circumstances such as poor weather conditions, limitations to accessing the site, availability of machinery, safety considerations, prerequisite work by any third party not being completed or as a result of any increase to the Supplier's in the cost of materials and labour) will be charged for on the basis of the Supplier's quotation and will be shown as variations on the invoice. Payment for all variations must be made in full at the time of completion. The Supplier may submit a detailed payment claim at intervals not less than one (1) month for work performed up to the end of each month. The value of work so performed shall include the reasonable value of authorised variations, whether or not the value of such variations has been finally agreed between the parties, and the value of materials delivered to the site but not installed. Progress payment shall be made within twenty (20) working days of each monthly payment claim.
 - 4.4 Time for payment for the Goods being of the essence, the Price will be payable by the Customer on the date/s determined by the Supplier, which may be:
 - (a) by way of instalment/progress payments in accordance with the Supplier's payment schedule;
 - (b) for certain approved Customer, due on the twentieth day of the month following the date of the invoice/s issued being posted or e-mailed to the Customer's address or address for notices;
 - (c) the date specified on any invoice or other form as being the date for payment, or
 - (d) failing any notice to the contrary, the date which is seven (7) days following the date of any invoice given to the Customer by the Supplier.
 - 4.5 Payment may be made by cash, cheque, bank cheque, electronic/bank banking, O Card, credit card (plus a surcharge of up to two percent (2%) of the Price) or by any other method as agreed to between the Customer and the Supplier.
 - 4.6 Unless otherwise stated the Price does not include GST. In addition to the Price the Customer must pay to the Supplier an amount equal to any GST the Supplier must pay for any supply by the Supplier under this or any other agreement for the sale of the Goods. The Customer must pay GST, without deduction or set off of any other amounts, at the same time and on the same basis as the Customer pays the Price. In addition the Customer must pay any other taxes and duties that may be applicable in addition to the Price except where they are expressly included in the Price.
5. **Delivery**
 - 5.1 Subject to clause 5.2 it is the Supplier's responsibility to ensure that the Services start as soon as it is reasonably possible.
 - 5.2 The Services commencement date will be put back and the completion date extended by whatever time is reasonable in the event that the Supplier deems an extension of time (by giving the Customer written notice) where completion is delayed by an event beyond the Supplier's control, including but not limited to any failure by the Customer to:
 - (a) make a selection, or
 - (b) have the site ready for the Services, or
 - (c) notify the Supplier that the site is ready.
 - 5.3 Delivery ("Delivery") of the Goods is taken to occur at the time that the Supplier (or the Supplier's nominated carrier) delivers the Goods to the Customer's nominated address even if the Customer is not present at the address.
 - 5.4 At the Supplier's sole discretion the cost of delivery is either included in the Price, is in addition to the Price, or is the Customer's account.
 - 5.5 The Customer must take delivery by receipt or collection of the Goods wherever they are tendered for delivery. In the event that the Customer is unable to take delivery of the Goods as arranged then the Supplier shall be entitled to charge a reasonable fee for re-delivery and/or storage.
 - 5.6 The Customer shall take delivery of the Goods tendered notwithstanding that the quantity so delivered shall be either greater or lesser than the quantity purchased provided that:
 - (a) such discrepancy in quantity shall not exceed five percent (5%); and
 - (b) the Price shall be adjusted pro rata to the discrepancy.
 - 5.7 The Supplier may deliver the Goods in separate instalments. Each separate instalment shall be invoiced and paid in accordance with the provisions in these terms and conditions.
 - 5.8 Any time or date given by the Supplier to the Customer is an estimate only. The Customer must still accept delivery of the Goods, even if late and the Supplier will not be liable for any loss or damage incurred by the Customer as a result of the delivery being late.
6. **Risk**
 - 6.1 Risk of damage to or loss of the Goods passes to the Customer on Delivery and the Customer must insure the Goods on or before Delivery.
 - 6.2 If any of the Goods are damaged or destroyed following delivery but prior to ownership passing to the Customer, the Supplier is entitled to receive all insurance proceeds payable for the Goods. The production of these terms and conditions by the Supplier is sufficient evidence of the Supplier's rights to receive the insurance proceeds without the need for any person dealing with the Supplier to make further enquiries.
 - 6.3 Where the Customer is to supply the Supplier with any design specifications (including, but not limited to CAD drawings) the Customer shall be responsible for providing accurate data. The Supplier shall not be liable whatsoever for any errors in the Goods that are caused by incorrect or inaccurate data being supplied by the Customer.
7. **Electrical Risk**
 - 7.1 All work will be issued to ensure that it is electrically safe and is in accordance with the wiring rules and other standards applying to the electrical installation under the Electrical Safety Regulations. All of the cabling work will comply with the Australian and New Zealand Wiring standards.
 - 7.2 The Customer warrants that any structures to which the Goods are to be affixed are able to withstand the installation of the Goods and that any electrical connections (including, but not limited to meter boxes, main switches, circuit breakers, and electrical cables) are of suitable capacity to handle the Goods once installed. If, for any reason (including the discovery of asbestos, defective or unsafe wiring, or dangerous access to roofing), the Supplier reasonably forms the opinion that the Customer's premises is not safe for the installation of the Goods to proceed then the Supplier shall be entitled to delay installation of the Goods (in accordance with the provisions of clause 3.2 above) until the Supplier is satisfied that it is safe for the installation to proceed.
 - 7.3 Where the Customer has supplied materials for the Supplier to complete the Services, the Customer acknowledges that he accepts responsibility for the suitability, purpose, quality and any faults inherent in the materials. The Supplier shall not be responsible for any defects in the materials, any loss or damage to the Goods (or any part thereof), however arising from the use of materials supplied by the Customer.
 - 7.4 The Customer acknowledges that the Supplier is only responsible for parts that are replaced by the Supplier, and in the event that other parts/Goods, subsequently fail, the Customer agrees to indemnify the Supplier against any loss or damage to the Goods, or caused by the Goods or any part thereof however arising (including, but not limited to, loss of perishables, flooding and/or damage to clothing).
8. **Air Conditioning Risk**
 - 8.1 Whilst the final location of the conditioning unit is at the discretion of the Customer, a charge will apply as a variation as per clause 4.2, if the Customer requests the unit to not be located adjacent to its external wall, due to the underground piping required.
 - 8.2 The final location of the wall, window or floor unit must be determined on site by the Customer.
 - 8.3 The Supplier shall upon installation ensure that all installed Goods meet current industry standards applicable to noise levels; however the Supplier cannot guarantee that noise levels will remain constant post installation as the Goods may be impacted by many factors such as the weather, lack of maintenance, tampering etc.
 - 8.4 In the event that any of the equipment needs to be relocated due to complaints from neighbours or local authorities, then the Customer shall be responsible for any and all costs involved.
 - 8.5 The Customer acknowledges and agrees that it is their responsibility to insure any equipment partly or completely installed on site, against theft, or damage.
 - 8.6 In the event that the electrical wiring is required to be re-positioned at the request of any third party contracted by the Customer then the Customer agrees to notify the Supplier immediately upon any proposed changes. The Customer agrees to indemnify the Supplier against any additional costs incurred with such a relocation of electrical wiring. All such variations shall be invoiced in accordance with clause 4.2.
9. **Dimensions, Plans and Specifications**
 - 9.1 All customary electrical industry tolerances shall apply to the dimensions and measurements of the Goods unless the Supplier and the Customer agree otherwise in writing.
 - 9.2 The Supplier shall be entitled to rely on the accuracy of any plans, specifications and other information provided by the Customer.
 - 9.3 If the giving of an estimate or quotation for the supply of Goods involves the Supplier estimating measurements and quantities, it shall be the responsibility of the Customer to verify the accuracy of the Supplier's estimated measurements and quantities, before the Customer places an order based on such estimate or accepts such quotation.
 - 9.4 Should the Customer require any changes to the Supplier's estimated measurements and quantities, the Customer shall request such changes in writing, in the case of an estimate before placing an order based on that estimate and in the case of a quotation before acceptance of that quotation.
10. **Installation**
 - 10.1 Where the Supplier is to install Goods, installation will be carried out on the basis that the Customer will:
 - (a) provide clear and free access to the worksite in order for the Supplier to complete the installation; and
 - (b) provide all necessary services and amenities to enable the Supplier to carry out the installation; and
 - (c) ensure that the worksite, including all foundations, are structurally sound and in a proper condition for the installation to proceed; and
 - (d) provide all plant, materials, and services at such a time and in such a manner as to cause the Supplier no delay carrying out the installation.
11. **Underground Locations**
 - 11.1 Prior to the Supplier commencing any work the Customer must advise the Supplier of the precise location of all underground services on the site and clearly mark the same. The underground mains & services the Customer must identify include, but are not limited to, electrical services, gas services, sewer services, pumping services, sewer connections, sewer sludge mains, water mains, irrigation pipes, telephone cables, fibre optic cables, oil pumping mains, and any other services that may be on site.
 - 11.2 Whilst the Supplier will take all care to avoid damage to any underground services the Customer agrees to indemnify the Supplier in respect of all and any liability claims, loss, damage, costs and fines as a result of damage to a service not precisely located and notified as per clause 11.1.
12. **Title**
 - 12.1 The Supplier and the Customer agree that ownership of the Goods shall not pass until:
 - (a) the Customer has paid the Supplier all amounts owing to the Supplier; and
 - (b) the Customer has met all of its other obligations to the Supplier.
 - 12.2 Receipt by the Supplier of any form of payment other than cash shall not be deemed to be payment until that form of payment has been honoured, cleared or recognised.
 - 12.3 It is further agreed that:
 - (a) until ownership of the Goods passes to the Customer in accordance with clause 12.1 that the Customer is only a bailee of the Goods and must return the Goods to the Supplier on request;
 - (b) the Customer holds the benefit of the Customer's insurance of the Goods on trust for the Supplier and must pay to the Supplier the proceeds of any insurance in the event of the Goods being lost, damaged or destroyed;
 - (c) the Customer must not sell, dispose, or otherwise part with possession of the Goods other than in the ordinary course of business and for market value; if the Customer sells, disposes or parts with possession of the Goods then the Customer must hold the proceeds of any such act on trust for the Supplier and must pay or deliver the proceeds to the Supplier on demand;
 - (d) the Customer should not convert or process the Goods or interfere with other goods but if the Customer does so then the Customer holds the resulting product on trust for the benefit of the Supplier and must sell, dispose or return the resulting product to the Supplier as it directs;
 - (e) the Customer irrevocably authorises the Supplier to enter any premises where the Supplier believes the Goods are kept and recover possession of the Goods;
 - (f) the Supplier may recover possession of any Goods in transit whether or not delivery has occurred;
 - (g) the Customer shall not charge or grant an encumbrance over the Goods nor grant or otherwise give away any interest in the Goods while they remain the property of the Supplier;
 - (h) the Supplier may commence proceedings to recover the Price of the Goods sold notwithstanding that ownership of the Goods has not passed to the Customer.
13. **Personal Property Securities Act 1999 ("PPSA")**
 - 13.1 Upon assenting to these terms and conditions in writing the Customer acknowledges and agrees that:
 - (a) these terms and conditions constitute a security agreement for the purposes of the PPSA; and
 - (b) a security interest is taken in all Goods previously supplied by the Supplier to the Customer (if any) and all Goods that will be supplied in the future by the Supplier to the Customer.
 - 13.2 The Customer undertakes to:
 - (a) sign any further documents and/or provide any further information (such information to be complete, accurate and up-to-date in all respects) which the Supplier may reasonably require to register a financing statement or financing change statement on the Personal Property Securities Register;
 - (b) indemnify, and upon demand reimburse, the Supplier for all expenses incurred in registering a financing statement or financing change statement on the Personal Property Securities Register or releasing any Goods charged hereby;
 - (c) not register a financing change statement or a charge demand without the prior written consent of the Supplier; and
 - (d) immediately advise the Supplier of any material change in its business practices of selling the Goods which would result in a change in the nature of proceeds derived from such sales.
 - 13.3 The Supplier and the Customer agree that nothing in sections 114(1)(a), 133 and 134 of the PPSA shall apply to these terms and conditions.
 - 13.4 The Customer waives its rights as a debtor under sections 115, 120(2), 121, 125, 126, 127, 129, 131 and 132 of the PPSA.
 - 13.5 Unless otherwise agreed to in writing by the Supplier, the Customer waives its right to receive a verification statement in accordance with section 146 of the PPSA.

13.6 The Customer shall unconditionally ratify any actions taken by the Supplier under clauses 13.1 to 13.5.

NPE-Tech Limited – Terms & Conditions of Trade

- 14. Security and Charge**
 14.1 In consideration of the Supplier agreeing to supply the Goods, the Customer charges all of its rights, title and interest (whether joint or several) in any land, realty or other assets capable of being charged, owned by the Customer either now or in the future, to secure the performance by the Customer of its obligations under these terms and conditions (including, but not limited to, the payment of any money).
 14.2 The Customer indemnifies the Supplier from and against all the Supplier's costs and disbursements including legal costs on a solicitor and own Customer basis incurred in exercising the Supplier's rights under this clause.
 14.3 The Customer irrevocably appoints the Supplier and each director of the Supplier as the Customer's true and lawful attorney/s to perform all necessary acts to give effect to the provisions of this clause 0 including, but not limited to, signing any document on the Customer's behalf.
- 15. Customer's Disclaimer**
 15.1 The Customer hereby disclaims any right to rescind, or cancel any contract with the Supplier or to sue for damages or to claim restitution arising out of any inadvertent misrepresentation made to the Customer by the Supplier and the Customer acknowledges that the Goods are bought relying solely upon the Customer's skill and judgment.
- 16. Defects**
 16.1 The Customer shall inspect the Goods on delivery and shall within fourteen (14) days of delivery (time being of the essence) notify the Supplier of any alleged defect, shortage in quantity, damage or failure to comply with the description or quote. The Customer shall afford the Supplier an opportunity to inspect the Goods within a reasonable time following delivery if the Customer believes the Goods are defective in any way. If the Customer shall fail to comply with these provisions the Goods shall be presumed to be free from any defect or damage. For defective Goods, which the Supplier has agreed in writing that the Customer is entitled to reject, the Supplier's liability is limited to either (at the Supplier's discretion) replacing the Goods or repairing the Goods.
 16.2 Goods will not be accepted for return other than in accordance with 16.1 above.
- 17. Warranty**
 17.1 Subject to the conditions of warranty set out in clause 17.2 the Supplier warrants that if any defect in any workmanship of the Supplier becomes apparent and is reported to the Supplier within twelve (12) months of the date of delivery (time being of the essence), then the Supplier will either (at the Supplier's sole discretion) replace or remedy the workmanship.
 17.2 The conditions applicable to the warranty given by clause 17.1 are:
 (a) the warranty shall not cover any defect or damage which may be caused or partly caused by or arise through:
 (i) failure on the part of the Customer to properly maintain any Goods; or
 (ii) failure on the part of the Customer to follow any instructions or guidelines provided by the Supplier; or
 (iii) any use of any Goods otherwise than for any application specified on a quote or order form; or
 (iv) the continued use of any Goods after any defect becomes apparent or would have become apparent to a reasonably prudent operator or user; or
 (v) fair wear and tear, any accident or act of God.
 (b) the warranty shall cease and the Supplier shall nevertheless in no circumstances be liable under the terms of the warranty if the workmanship is repaired, altered or overhauled without the Supplier's consent
 (c) in respect of all claims the Supplier shall not be liable to compensate the Customer for any delay in either replacing or remedying the workmanship or in properly assessing the Customer's claim.
 17.3 For Goods not manufactured by the Supplier, the warranty shall be the current warranty provided by the manufacturer of the Goods. The Supplier shall not be bound by nor be responsible for any term, condition, representation or warranty other than that which is given by the manufacturer of the Goods.
- 18. Consumer Guarantees Act 1993**
 18.1 If the Customer is acquiring Goods for the purposes of a trade or business, the Customer acknowledges that the provisions of the Consumer Guarantees Act 1993 do not apply to the supply of Goods by the Supplier to the Customer.
- 19. Intellectual Property**
 19.1 Where the Supplier has designed, drawn or developed Goods for the Customer, then the copyright in any designs and drawings and documents shall remain the property of the Supplier.
 19.2 The Customer warrants that all designs, specifications or instructions given to the Supplier will not cause the Supplier to infringe any patent, registered design or trademark in the execution of the Customer's order and the Customer agrees to indemnify the Supplier against any action taken by a third party against the Supplier in respect of any such infringement.
 19.3 The Customer agrees that the Supplier may (at no cost) use for the purposes of marketing or entry into any competition any documents, designs, digital or photographic images, drawings or Goods which the Supplier has created for the Customer.
- 20. Default and Consequences of Default**
 20.1 Interest on overdue invoices shall accrue daily from the date when payment becomes due, until the date of payment, at a rate of two and a half percent (2.5%) per calendar month (and at the Supplier's sole discretion such interest shall compound monthly at such a rate) after as well as before any judgment.
 20.2 If the Customer owes the Supplier any money the Customer shall indemnify the Supplier from and against all costs and disbursements incurred by the Supplier in recovering the debt (including but not limited to interest administration fees, legal costs on a solicitor and own Customer basis, the Supplier's collection agency costs, and bank dishonour fees).
 20.3 If any account remains overdue after thirty (30) days then an amount of the greater of \$20.00 or 10.00% of the amount overdue (up to a maximum of \$200) shall be levied for administration fees which sum shall become immediately due and payable.
 20.4 Without prejudice to any other remedies the Supplier may have, if at any time the Customer is in breach of any obligation (including those relating to payment) under these terms and conditions the Supplier may suspend or terminate the supply of Goods to the Customer. The Supplier will not be liable to the Customer for any loss or damage the Customer suffers because the Supplier has exercised its rights under this clause.
 20.5 Without prejudice to the Supplier's other remedies at law the Supplier shall be entitled to cancel all or any part of any order of the Customer which remains unfulfilled and all amounts owing to the Supplier shall, whether or not due for payment, become immediately payable if:
 (a) any money payable to the Supplier becomes overdue, or in the Supplier's opinion the Customer will be unable to make a payment when it falls due,
 (b) the Customer becomes insolvent, commences a meeting with its creditors or proposes or enters into an arrangement with creditors, or makes an arrangement for the benefit of its creditors, or
 (c) a receiver, manager, liquidator (provisional or otherwise) or similar person is appointed in respect of the Customer or any asset of the Customer.
- 21. Cancellation**
 21.1 The Supplier may cancel any contract to which these terms and conditions apply or cancel delivery of Goods at any time before the Goods are delivered by giving written notice to the Customer. On giving such notice the Supplier shall repay to the Customer any money paid by the Customer for the Goods. The Supplier shall not be liable for any loss or damage whatsoever arising from such cancellation.
 21.2 In the event that the Customer cancels delivery of Goods the Customer shall be liable for any and all loss incurred (whether direct or indirect) by the Supplier as a direct result of the cancellation (including, but not limited to, any loss of profits).
 21.3 Cancellation of orders for Goods made to the Customer's specifications, or for non-stocked items, will definitely not be accepted once production has commenced, or an order has been placed.
- 22. Privacy Act 1993**
 22.1 The Customer authorises the Supplier or the Supplier's agent to:
 (a) access, collect, retain and use any information about the Customer,
 (i) (including any overdue fines balance information held by the Ministry of Justice) for the purpose of assessing the Customer's creditworthiness; or
 (ii) for the purpose of marketing products and services to the Customer;
 (b) disclose information about the Customer, whether collected by the Supplier from the Customer directly or obtained by the Supplier from any other source, to any other credit provider or any credit reporting agency for the purposes of providing or obtaining a credit reference, debt collection or notifying a default by the Customer.
 22.2 Where the Customer is an individual the authorities under clause 22.1 are authorised or consented to for the purposes of the Privacy Act 1993.
 22.3 The Customer shall have the right to request the Supplier for a copy of the information about the Customer retained by the Supplier and the right to request the Supplier to correct any incorrect information about the Customer held by the Supplier.
- 23. Unpaid Seller's Rights**
 23.1 Where the Customer has left any item with the Supplier for repair, modification, exchange or for the Supplier to perform any other service in relation to the item and the Supplier has not received or been tendered the whole of any moneys owing to it by the Customer, the Supplier shall have, until all moneys owing to the Supplier are paid:
 (a) a lien on the item; and
 (b) the right to retain or sell the item, such sale to be undertaken in accordance with any legislation applicable to the sale or disposal of uncollateralised goods.
 23.2 The lien of the Supplier shall continue despite the commencement of proceedings, or judgment for any moneys owing to the Supplier having been obtained against the Customer.
- 24. Dispute Resolution**
 24.1 All disputes and differences between the Customer and the Supplier touching and concerning this agreement shall be referred to arbitration under a single arbitrator agreed upon by both parties, or failing agreement, by two arbitrators (one to be appointed by each party) and their umpire (appointed by them prior to arbitration), such arbitration to be carried out in accordance with provisions of the Arbitration Act 1996.
- 25. Compliance with Laws**
 25.1 The Customer and the Supplier shall comply with the provisions of all statutes, regulations and bylaws of government, local and other public authorities that may be applicable to the works.
 25.2 The Customer shall obtain (at the expense of the Customer) all licenses and approvals that may be required for the works.
 25.3 The Customer agrees that the site will comply with any occupational health and safety laws relating to building/construction sites and any other relevant safety standards or legislation.
- 26. Construction Contracts Act 2002**
 26.1 The Customer hereby expressly acknowledges that:
 (a) the Supplier has the right to suspend work within five (5) working days of written notice of its intent to do so if a payment claim is served on the Customer, and:
 (i) the payment is not paid in full by the due date for payment and no payment schedule has been given by the Customer; or
 (ii) a scheduled amount stated in a payment schedule issued by the Customer in relation to the payment claim is not paid in full by the due date for its payment; or
 (iii) the Customer has not complied with an adjudicator's notice that the Customer must pay an amount to the Supplier by a particular date; and
 (iv) the Supplier has given written notice to the Customer of its intention to suspend the carrying out of construction work under the construction contract.
 (b) if the Supplier suspends work, it:
 (i) is not in breach of contract; and
 (ii) is not liable for any loss or damage whatsoever suffered, or alleged to be suffered, by the Customer or by any person claiming through the Customer; and
 (iii) is entitled to an extension of time to complete the contract; and
 (iv) keeps its rights under the contract including the right to terminate the contract; and may at any time lift the suspension, even if the amount has not been paid or an adjudicator's determination has not been complied with.
 (c) if the Supplier exercises the right to suspend work, the exercise of that right does not:
 (i) affect any rights that would otherwise have been available to the Supplier under the Contractual Remedies Act 1979; or
 (ii) enable the Customer to exercise any rights that would otherwise have been available to the Customer under that Act as a direct consequence of the Supplier suspending work under this provision.
- 27. General**
 27.1 The failure by the Supplier to enforce any provision of these terms and conditions shall not be treated as a waiver of that provision, nor shall it affect the Supplier's right to subsequently enforce that provision. If any provision of these terms and conditions shall be invalid, void, illegal or unenforceable the validity, existence, legality and enforceability of the remaining provisions shall not be affected, prejudiced or impaired.
 27.2 These terms and conditions and any contract to which they apply shall be governed by the laws of New Zealand and are subject to the jurisdiction of the courts of New Zealand.
 27.3 The Supplier shall be under no liability whatsoever to the Customer for any indirect and/or consequential loss and/or expense (including loss of profit) suffered by the Customer arising out of a breach by the Supplier of these terms and conditions (alternatively the Supplier's liability shall be limited to damages which under no circumstances shall exceed the Price of the Goods).
 27.4 The Customer shall not be entitled to set off against, or deduct from the Price, any sums owed or claimed to be owed to the Customer by the Supplier nor to withhold payment of any invoice because part of that invoice is in dispute.
 27.5 The Supplier may license or sub-contract all or any part of its rights and obligations without the Customer's consent.
 27.6 The Customer agrees that the Supplier may amend these terms and conditions at any time. If the Supplier makes a change to these terms and conditions, then that change will take effect from the date on which the Supplier notifies the Customer of such change. The Customer will be taken to have accepted such changes if the Customer makes a further request for the Supplier to provide Goods to the Customer.
 27.7 Neither party shall be liable for any default due to any act of God, war, terrorism, strike, lock-out, industrial action, fire, flood, steam or other event beyond the reasonable control of either party.
 27.8 The Customer warrants that it has the power to enter into this agreement and has obtained all necessary authorisations to allow it to do so, it is not insolvent and that this agreement creates binding and valid legal obligations on it.

Please note that a larger print version of these terms and conditions is available from the Supplier on request.

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Offer acceptance

I/we have read and accept the terms and conditions of offer and authorize NPE-Tech the work as per scope of work of this offer as detailed herein, to proceed:

The customer:

Signed for and on behalf of

Signature: _____ Date: _____

Name: _____

Postal address: _____

Tel: _____

Billing Details:

Name: _____

Postal address: _____

Tel: _____

Email Address (If digital invoices are preferred) _____

Please use reference CIWR number 157313 __ when making a deposit

From:

Re:

Attention Accounts Payable:

For payments made directly to our bank account, our details are as follows:

Account Name: NPE-TECH LIMITED

Bank and Branch: ANZ
CNR GILL AND CURRIE STREETS
NEW PLYMOUTH

Account Number: 01-0707-0156973-00

Please identify your payment by stating your name and reference number in the 'other party' reference fields.

The contractor:

Signed for and on behalf of NPE-Tech

Signature:  _____ Date: 14/12/17

Name: Peter Dell

Postal address: 86 Maleme St, Greerton, Tauranga 3112, NEW ZEALAND

Tel: (07) 578-1424 Email: peter@npe-tech.co.nz

17 CHESTER STREET
TAURANGA
NEW ZEALAND

TELEPHONE 64-7-578 9511
FACSIMILE 64-7-571 8467
EMAIL datatraf@datatraffic.co.nz



19th September 2017

SURVEYING SERVICES LTD
746 Cameron Road
PO Box 852
TAURANGA

Attention: Brent Trail

VEHICLE SPEED ASSESSMENT – 98A MUNRO ROAD, TE PUNA

Attached please find the vehicle speed assessment report carried out in Munro Rd – Te Puna

The surveys were undertaken with MetroCount vehicle classifier data logger to measure the vehicle speeds approaching approx 50m from west of the existing ROW at number 98A

The survey lasted for 7 days started on Saturday 09/09/2017 at 00:00am and ended on Friday 15/09/2017 at midnight.

EAST BOUND

699 vehicles were detected - **85th percentile speed** was **57kph**.

WEST BOUND

1049 vehicles were detected - **85th percentile speed** was **55kph**.

Please contact me if you have any queries

Kind regards

A handwritten signature in blue ink that reads 'Aquila Rakoia'.

Aquila Rakoia
DATA TRAFFIC LTD

17 CHESTER STREET
TAURANGA
NEW ZEALAND

TELEPHONE 64-7-578 9511
FACSIMILE 64-7-571 8467
EMAIL datatraf@datatraffic.co.nz



**SPEED SURVEYS
PROPERTY NO.98A – MUNRO ROAD
TE PUNA**

(September 2017)

**Prepared for
SURVEYING SERVICES - TAURANGA**

**By
DATA TRAFFIC LTD - TAURANGA**

TRAFFIC DATA COLLECTION, PROCESSING AND ANALYSIS

TRAFFIC VOLUME SURVEYS • TURNING MOVEMENTS • VEHICLE CLASSIFICATION • TRAFFIC SIGNAL TIMINGS • CONFLICT STUDIES
FLOATING CARS SURVEY • QUEUE AND DELAY STUDIES • ORIGIN AND DESTINATION STUDIES • SPEED SURVEYS - 85 PERCENTILE
PARKING SURVEYS • PEDESTRIAN SURVEYS • VIDEO RECORDING

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3. Weekly Volumes

4. Daily Speed Report

WEST BOUND REPORT

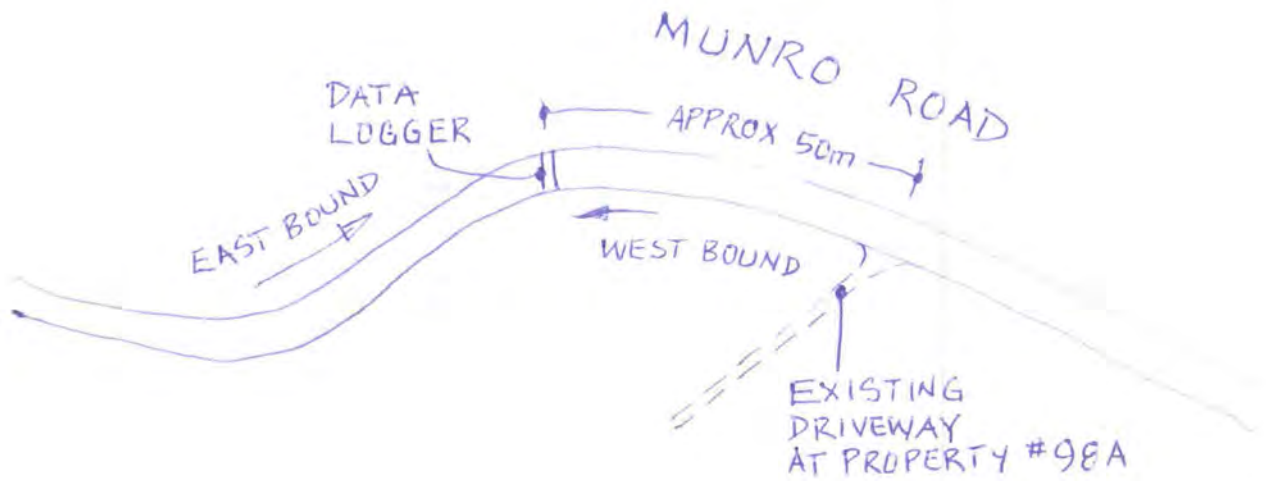
5. Speed Summary Report

6. Weekly Volumes

7. Daily Speed Report

**SPEED SURVEYS
PROPERTY NO.98A MUNRO ROAD
TE PUNA**

Site Plan - Not To Scale
(September 2017)



Speed Summary Report

Road Name: MUNRO RD - TE PUNA (WEST #98A)
Location: Approx 50m west of existing driveway at property #98A <70kph>
GPS Location: E1868285 N5823643
Road Authority: Western Bay of Plenty District Council
Direction: East bound
Separation: All - (Headway)
Scheme: NZTA Classification Scheme 2011
Data for week ending: Fri 15-Sep-17

Date	Speed Range																Daily Total
	< 10 kph	11-20 kph	21-30 kph	31-40 kph	41-50 kph	51-60 kph	61-70 kph	71-80 kph	81-90 kph	91-100 kph	101-110 kph	111-120 kph	121-130 kph	131-140 kph	141-150 kph	151-160 kph	
Mon 11-Sep-17	0	0	0	11	37	54	1	0	0	0	0	0	0	0	0	0	103
Tue 12-Sep-17	0	0	1	7	55	55	9	1	0	0	0	0	0	0	0	0	128
Wed 13-Sep-17	0	0	2	11	56	54	8	0	0	0	0	0	0	0	0	0	131
Thu 14-Sep-17	0	2	2	9	45	51	4	0	0	0	0	0	0	0	0	0	113
Fri 15-Sep-17	0	0	1	6	31	50	9	1	0	0	0	0	0	0	0	0	98
Sat 09-Sep-17	0	0	2	4	28	38	2	0	0	0	0	0	0	0	0	0	74
Sun 10-Sep-17	0	0	2	4	24	20	2	0	0	0	0	0	0	0	0	0	52
Total	0	2	10	52	276	322	35	2	0	0	0	0	0	0	0	0	699

<<< SPEED STATISTICS SUMMARY >>>

Direction: East bound

Posted Speed	70 kph	Total Vehicles Surveyed	699
Mean Speed	49.50 kph	Vehicles Exceeding Posted Speed	2
Standard Deviation	7.39 kph	Percentage Exceeding Posted Speed	0.3%
85th Percentile Speed	57 kph	5/Day (Av) =	115
95th Percentile Speed	60 kph	7/Day (Av) =	100

Weekly Volumes Report

Road Name: MUNRO RD - TE PUNA (WEST #98A)
Location: Approx 50m west of existing driveway at property #98A <70kph>
GPS Location: E1868285 N5823643
Road Authority: Western Bay of Plenty District Council
Data for week ending: Fri 15-Sep-17
Separation: All - (Headway)
Direction: East bound

Period Starting	Mon 11-Sep-17	Tue 12-Sep-17	Wed 13-Sep-17	Thu 14-Sep-17	Fri 15-Sep-17	Sat 09-Sep-17	Sun 10-Sep-17	W/Day (Av)	7/Day (Av)
00:00	0	0	0	0	0	0	0	0	0
01:00	0	0	0	0	0	0	0	0	0
02:00	0	0	0	1	0	0	0	0	0
03:00	0	0	0	0	0	1	0	0	0
04:00	0	0	0	0	0	0	0	0	0
05:00	1	0	0	0	0	0	1	0	0
06:00	4	6	4	4	3	1	0	4	3
07:00	2	4	5	5	4	2	1	4	3
08:00	8	22	16	11	10	4	0	13	10
09:00	9	17	12	3	6	14	3	9	9
10:00	4	6	5	11	6	6	5	6	6
11:00	11	7	11	13	9	3	5	10	8
12:00	8	7	4	10	8	3	6	7	7
13:00	6	6	4	10	8	8	3	7	6
14:00	5	12	9	5	6	8	2	7	7
15:00	15	9	11	9	13	5	6	11	10
16:00	10	12	20	10	9	4	7	12	10
17:00	13	10	15	9	9	6	6	11	10
18:00	4	7	10	7	2	3	0	6	5
19:00	2	2	1	1	0	0	0	1	1
20:00	0	1	1	1	1	3	1	1	1
21:00	1	0	3	1	1	0	4	1	1
22:00	0	0	0	1	3	1	0	1	1
23:00	0	0	0	1	0	2	2	0	1
12, 16, 18 & 24 Hour Totals									
12Hr 7-19	99	125	126	107	93	67	44	110	94
16Hr 6-22	102	128	131	110	95	70	49	113	98
18Hr 6-24	102	128	131	112	98	73	51	114	99
24Hr 0-24	103	128	131	113	98	74	52	115	100
AM PEAK									
Time	11:00	8:00	8:00	11:00	8:00	9:00	10:00		
Volume	11	22	16	13	10	14	5		
PM PEAK									
Time	15:00	14:00	16:00	12:00	15:00	13:00	16:00		
Volume	15	12	20	10	13	8	7		

Speed Daily Report

Road Name: MUNRO RD - TE PUNA (WEST #98A)
 Location: Approx 50m west of existing driveway at property #98A <70kph>
 GPS Location: E1868285 N5823643
 Road Authority: Western Bay of Plenty District Council
 Direction: East bound
 Separation: All - (Headway)
 Scheme: NZTA Classification Scheme 2011
 Data for: Mon 11-Sep-17

Period	Total	< 10	11-20	21-30	31-40	41-50	51-60	61-70	71-80	81-90	91-100	101-110	111-120	121-130	131-140	141-150	151-160	MSPD	85%tile		
Starting	Volume	kph	kph	kph	kph	kph	kph	kph	kph	kph	kph	kph	kph	kph	kph	kph	kph		SPD		
00:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-	-	
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-	-
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-	-
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-	-
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-	-
05:00	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	46.1	-	-
06:00	4	0	0	0	0	0	4	0	0	0	0	0	0	0	0	0	0	0	57	-	-
07:00	2	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	47.7	-	-
08:00	8	0	0	0	1	4	3	0	0	0	0	0	0	0	0	0	0	0	47.5	-	-
09:00	9	0	0	0	4	2	3	0	0	0	0	0	0	0	0	0	0	0	44.1	-	-
10:00	4	0	0	0	0	1	3	0	0	0	0	0	0	0	0	0	0	0	51.8	-	-
11:00	11	0	0	0	1	4	6	0	0	0	0	0	0	0	0	0	0	0	50	-	56.6
12:00	8	0	0	0	0	3	5	0	0	0	0	0	0	0	0	0	0	0	50.8	-	-
13:00	6	0	0	0	0	2	3	1	0	0	0	0	0	0	0	0	0	0	52.8	-	-
14:00	5	0	0	0	0	2	3	0	0	0	0	0	0	0	0	0	0	0	50.4	-	-
15:00	15	0	0	0	3	4	8	0	0	0	0	0	0	0	0	0	0	0	48	-	55.1
16:00	10	0	0	0	0	5	5	0	0	0	0	0	0	0	0	0	0	0	50.4	-	-
17:00	13	0	0	0	2	3	8	0	0	0	0	0	0	0	0	0	0	0	49.3	-	55.7
18:00	4	0	0	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	45.9	-	-
19:00	2	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	50.2	-	-
20:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-	-	-
21:00	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	54.3	-	-
22:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-	-	-
23:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-	-	-
12Hr 7-19	95	0	0	0	11	35	48	1	0	0	0	0	0	0	0	0	0	0	49	-	55.7
16Hr 6-22	102	0	0	0	11	36	54	1	0	0	0	0	0	0	0	0	0	0	49.4	-	56
18Hr 6-24	102	0	0	0	11	36	54	1	0	0	0	0	0	0	0	0	0	0	49.4	-	56
24Hr 0-24	103	0	0	0	11	37	54	1	0	0	0	0	0	0	0	0	0	0	49.3	-	56

121 ATTACHMENT A

Speed Daily Report

Data for: Tue 12-Sep-17

Period Starting	Total Volume	< 10 kph	11-20 kph	21-30 kph	31-40 kph	41-50 kph	51-60 kph	61-70 kph	71-80 kph	81-90 kph	91-100 kph	101-110 kph	111-120 kph	121-130 kph	131-140 kph	141-150 kph	151-160 kph	MSPD	85%tile SPD		
00:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-	-	
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-	-
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-	-
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-	-
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-	-
05:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-	-
06:00	6	0	0	0	0	0	1	3	2	0	0	0	0	0	0	0	0	0	57.1	-	
07:00	4	0	0	0	0	0	0	4	0	0	0	0	0	0	0	0	0	0	52.2	-	
08:00	22	0	0	0	0	11	10	1	0	0	0	0	0	0	0	0	0	0	51.6	58.5	
09:00	17	0	0	0	1	9	5	1	1	0	0	0	0	0	0	0	0	0	50.7	59.8	
10:00	6	0	0	0	0	1	4	3	0	0	0	0	0	0	0	0	0	0	53	-	
11:00	7	0	0	0	0	4	3	0	0	0	0	0	0	0	0	0	0	0	48.7	-	
12:00	7	0	0	1	0	4	2	0	0	0	0	0	0	0	0	0	0	0	45.4	-	
13:00	6	0	0	0	0	2	3	1	0	0	0	0	0	0	0	0	0	0	51.5	-	
14:00	12	0	0	0	0	4	6	2	0	0	0	0	0	0	0	0	0	0	53.4	62.8	
15:00	9	0	0	0	0	4	5	0	0	0	0	0	0	0	0	0	0	0	52.4	-	
16:00	12	0	0	0	2	4	5	1	0	0	0	0	0	0	0	0	0	0	49.1	57.7	
17:00	10	0	0	0	1	7	2	0	0	0	0	0	0	0	0	0	0	0	48.1	-	
18:00	7	0	0	0	3	3	1	0	0	0	0	0	0	0	0	0	0	0	44.3	-	
19:00	2	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	50.4	-	
20:00	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	52.7	-	
21:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-	-	
22:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-	-	
23:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-	-	
12Hr 7-19	119	0	0	1	7	53	50	7	1	0	0	0	0	0	0	0	0	0	50.3	57.3	
16Hr 6-22	128	0	0	1	7	55	55	9	1	0	0	0	0	0	0	0	0	0	50.6	57.9	
18Hr 6-24	128	0	0	1	7	55	55	9	1	0	0	0	0	0	0	0	0	0	50.6	57.9	
24Hr 0-24	128	0	0	1	7	55	55	9	1	0	0	0	0	0	0	0	0	0	50.6	57.9	

122 ATTACHMENT A

Speed Daily Report

Data for: Wed 13-Sep-17

Period	Total	< 10	11-20	21-30	31-40	41-50	51-60	61-70	71-80	81-90	91-100	101-110	111-120	121-130	131-140	141-150	151-160	MSPD	85%tile
Starting	Volume	kph	kph	kph	kph	kph	kph	kph	kph	kph	kph	kph	kph	kph	kph	kph	kph		SPD
00:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0 -	-
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0 -	-
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0 -	-
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0 -	-
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0 -	-
05:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0 -	-
06:00	4	0	0	0	0	0	0	2	2	0	0	0	0	0	0	0	0	59.9 -	-
07:00	5	0	0	0	0	0	2	3	0	0	0	0	0	0	0	0	0	52.4 -	-
08:00	16	0	0	0	0	0	7	9	0	0	0	0	0	0	0	0	0	51.8	57.1
09:00	12	0	0	0	0	4	2	5	1	0	0	0	0	0	0	0	0	46.7	54.2
10:00	5	0	0	0	0	0	2	2	1	0	0	0	0	0	0	0	0	52.1 -	-
11:00	11	0	0	0	0	1	2	5	3	0	0	0	0	0	0	0	0	54	62.8
12:00	4	0	0	0	0	0	1	3	0	0	0	0	0	0	0	0	0	51.4 -	-
13:00	4	0	0	0	0	1	2	1	0	0	0	0	0	0	0	0	0	44.7 -	-
14:00	9	0	0	0	0	0	5	3	1	0	0	0	0	0	0	0	0	51.7 -	-
15:00	11	0	0	0	0	1	8	2	0	0	0	0	0	0	0	0	0	45.7	56.8
16:00	20	0	0	0	1	2	12	5	0	0	0	0	0	0	0	0	0	46.4	52.1
17:00	15	0	0	0	1	0	7	7	0	0	0	0	0	0	0	0	0	47.8	53.5
18:00	10	0	0	0	0	1	5	4	0	0	0	0	0	0	0	0	0	48.6 -	-
19:00	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	31.8 -	-
20:00	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	52.3 -	-
21:00	3	0	0	0	0	0	1	2	0	0	0	0	0	0	0	0	0	50.9 -	-
22:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0 -	-
23:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0 -	-
12Hr 7-19	122	0	0	0	2	10	55	49	6	0	0	0	0	0	0	0	0	49.1	56.2
16Hr 6-22	131	0	0	0	2	11	56	54	8	0	0	0	0	0	0	0	0	49.3	56.4
18Hr 6-24	131	0	0	0	2	11	56	54	8	0	0	0	0	0	0	0	0	49.3	56.4
24Hr 0-24	131	0	0	0	2	11	56	54	8	0	0	0	0	0	0	0	0	49.3	56.4

123 ATTACHMENT A

Speed Daily Report

Data for Thu 14-Sep-17

Period Starting	Total Volume	< 10 kph	11-20 kph	21-30 kph	31-40 kph	41-50 kph	51-60 kph	61-70 kph	71-80 kph	81-90 kph	91-100 kph	101-110 kph	111-120 kph	121-130 kph	131-140 kph	141-150 kph	151-160 kph	MSPD	85%tile SPD		
00:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-	-	
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-	-
02:00	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	43.7	-	-
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-	-
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-	-
05:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-	-
06:00	4	0	0	0	0	0	0	4	0	0	0	0	0	0	0	0	0	0	56.9	-	-
07:00	5	0	0	0	0	0	4	1	0	0	0	0	0	0	0	0	0	0	46.9	-	-
08:00	11	0	0	0	0	0	6	5	0	0	0	0	0	0	0	0	0	0	50	56.8	-
09:00	3	0	0	0	0	1	0	2	0	0	0	0	0	0	0	0	0	0	48.4	-	-
10:00	11	0	2	1	2	3	3	0	0	0	0	0	0	0	0	0	0	0	37.5	53.9	-
11:00	13	0	0	1	2	7	2	1	0	0	0	0	0	0	0	0	0	0	45	56.3	-
12:00	10	0	0	0	0	3	6	1	0	0	0	0	0	0	0	0	0	0	53.3	-	-
13:00	10	0	0	0	1	6	3	0	0	0	0	0	0	0	0	0	0	0	46.7	-	-
14:00	5	0	0	0	0	1	4	0	0	0	0	0	0	0	0	0	0	0	51.8	-	-
15:00	9	0	0	0	1	2	5	1	0	0	0	0	0	0	0	0	0	0	52.6	-	-
16:00	10	0	0	0	0	2	8	0	0	0	0	0	0	0	0	0	0	0	51	-	-
17:00	9	0	0	0	2	4	3	0	0	0	0	0	0	0	0	0	0	0	46.2	-	-
18:00	7	0	0	0	0	4	3	0	0	0	0	0	0	0	0	0	0	0	47.4	-	-
19:00	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	53.2	-	-
20:00	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	45.2	-	-
21:00	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	41.2	-	-
22:00	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	54.2	-	-
23:00	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	64.1	-	-
12Hr 7-19	103	0	2	2	9	42	45	3	0	0	0	0	0	0	0	0	0	0	47.7	55.6	-
16Hr 6-22	110	0	2	2	9	44	50	3	0	0	0	0	0	0	0	0	0	0	48	56.2	-
18Hr 6-24	112	0	2	2	9	44	51	4	0	0	0	0	0	0	0	0	0	0	48.2	56.3	-
24Hr 0-24	113	0	2	2	9	45	51	4	0	0	0	0	0	0	0	0	0	0	48.2	56.2	-

124 ATTACHMENT A

Speed Daily Report

Data for: Fri 15-Sep-17

Period Starting	Total Volume	< 10 kph	11-20 kph	21-30 kph	31-40 kph	41-50 kph	51-60 kph	61-70 kph	71-80 kph	81-90 kph	91-100 kph	101-110 kph	111-120 kph	121-130 kph	131-140 kph	141-150 kph	151-160 kph	MSPD	85%tile SPD
00:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-
05:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-
06:00	3	0	0	0	0	0	0	3	0	0	0	0	0	0	0	0	0	0	55.3 -
07:00	4	0	0	0	0	0	2	2	0	0	0	0	0	0	0	0	0	0	51.1 -
08:00	10	0	0	0	0	0	3	6	1	0	0	0	0	0	0	0	0	0	52.1 -
09:00	6	0	0	0	0	0	0	6	0	0	0	0	0	0	0	0	0	0	53.9 -
10:00	6	0	0	0	0	1	1	4	0	0	0	0	0	0	0	0	0	0	50.1 -
11:00	9	0	0	0	0	1	1	6	1	0	0	0	0	0	0	0	0	0	51.8 -
12:00	8	0	0	0	0	2	3	3	0	0	0	0	0	0	0	0	0	0	47.9 -
13:00	8	0	0	0	0	0	2	5	1	0	0	0	0	0	0	0	0	0	53 -
14:00	6	0	0	0	0	1	1	1	3	0	0	0	0	0	0	0	0	0	53.4 -
15:00	13	0	0	1	0	0	8	3	1	0	0	0	0	0	0	0	0	0	46.2 53.8
16:00	9	0	0	0	0	0	3	5	1	0	0	0	0	0	0	0	0	0	53.1 -
17:00	9	0	0	0	0	1	5	2	1	0	0	0	0	0	0	0	0	0	48.2 -
18:00	2	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	49.7 -
19:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-
20:00	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	44.8 -
21:00	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	50.9 -
22:00	3	0	0	0	0	0	0	2	0	1	0	0	0	0	0	0	0	0	61.3 -
23:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-
12Hr 7-19	90	0	0	1	6	30	44	9	0	0	0	0	0	0	0	0	0	0	50.6 56.6
16Hr 6-22	95	0	0	1	6	31	48	9	0	0	0	0	0	0	0	0	0	0	50.7 56.3
18Hr 6-24	98	0	0	1	6	31	50	9	1	0	0	0	0	0	0	0	0	0	51 56.9
24Hr 0-24	98	0	0	1	6	31	50	9	1	0	0	0	0	0	0	0	0	0	51 56.9

125 ATTACHMENT A

Speed Daily Report

Data for: Sat 09-Sep-17

Period Starting	Total Volume	< 10 kph	11-20 kph	21-30 kph	31-40 kph	41-50 kph	51-60 kph	61-70 kph	71-80 kph	81-90 kph	91-100 kph	101-110 kph	111-120 kph	121-130 kph	131-140 kph	141-150 kph	151-160 kph	MSPD	85%tile SPD
00:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0 -	-
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0 -	-
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0 -	-
03:00	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0 -	50.6 -
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0 -	-
05:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0 -	-
06:00	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	50.7 -
07:00	2	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	51.7 -
08:00	4	0	0	0	0	0	1	2	1	0	0	0	0	0	0	0	0	0	56.4 -
09:00	14	0	0	0	0	1	6	7	0	0	0	0	0	0	0	0	0	0	50.1
10:00	6	0	0	0	0	0	3	3	0	0	0	0	0	0	0	0	0	0	50.2 -
11:00	3	0	0	0	0	0	2	1	0	0	0	0	0	0	0	0	0	0	47.2 -
12:00	3	0	0	0	0	0	1	2	0	0	0	0	0	0	0	0	0	0	50.1 -
13:00	8	0	0	0	1	0	4	2	1	0	0	0	0	0	0	0	0	0	48 -
14:00	8	0	0	0	0	2	2	4	0	0	0	0	0	0	0	0	0	0	46.8 -
15:00	5	0	0	0	0	0	2	3	0	0	0	0	0	0	0	0	0	0	50.9 -
16:00	4	0	0	0	0	0	1	3	0	0	0	0	0	0	0	0	0	0	52.4 -
17:00	6	0	0	0	0	0	3	3	0	0	0	0	0	0	0	0	0	0	49.4 -
18:00	3	0	0	0	0	0	1	2	0	0	0	0	0	0	0	0	0	0	53.4 -
19:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-
20:00	3	0	0	0	0	1	0	2	0	0	0	0	0	0	0	0	0	0	49.5 -
21:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-
22:00	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	29.8 -
23:00	2	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	45 -
12Hr 7-19	66	0	0	0	1	3	26	34	2	0	0	0	0	0	0	0	0	0	50.1
16Hr 6-22	70	0	0	0	1	4	26	37	2	0	0	0	0	0	0	0	0	0	50
18Hr 6-24	73	0	0	0	2	4	28	37	2	0	0	0	0	0	0	0	0	0	49.6
24Hr 0-24	74	0	0	0	2	4	28	38	2	0	0	0	0	0	0	0	0	0	49.6

126 ATTACHMENT A

Speed Daily Report

Data for: Sun 10-Sep-17

Period Starting	Total Volume	< 10 kph	11-20 kph	21-30 kph	31-40 kph	41-50 kph	51-60 kph	61-70 kph	71-80 kph	81-90 kph	91-100 kph	101-110 kph	111-120 kph	121-130 kph	131-140 kph	141-150 kph	151-160 kph	MSPD	85%tile SPD
00:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-
05:00	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	43.8
06:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-
07:00	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	54.3
08:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-
09:00	3	0	0	0	0	0	3	0	0	0	0	0	0	0	0	0	0	0	46.6
10:00	5	0	0	0	0	1	2	2	0	0	0	0	0	0	0	0	0	0	44.6
11:00	5	0	0	0	1	1	0	2	1	0	0	0	0	0	0	0	0	0	47.3
12:00	6	0	0	0	0	0	4	2	0	0	0	0	0	0	0	0	0	0	47.1
13:00	3	0	0	0	0	0	1	2	0	0	0	0	0	0	0	0	0	0	50.5
14:00	2	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	49.9
15:00	6	0	0	0	0	0	3	3	0	0	0	0	0	0	0	0	0	0	51.4
16:00	7	0	0	0	0	1	3	3	0	0	0	0	0	0	0	0	0	0	48
17:00	6	0	0	0	1	0	4	1	0	0	0	0	0	0	0	0	0	0	43.9
18:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-
19:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-
20:00	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	38.9
21:00	4	0	0	0	0	0	0	3	1	0	0	0	0	0	0	0	0	0	57.7
22:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-
23:00	2	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	41.1
12Hr 7-19	44	0	0	0	2	3	21	17	1	0	0	0	0	0	0	0	0	0	47.6
16Hr 6-22	49	0	0	0	2	4	21	20	2	0	0	0	0	0	0	0	0	0	48.3
18Hr 6-24	51	0	0	0	2	4	23	20	2	0	0	0	0	0	0	0	0	0	48
24Hr 0-24	52	0	0	0	2	4	24	20	2	0	0	0	0	0	0	0	0	0	47.9
																			55.6
																			55.8
																			48
																			55.7
																			55.7

127 ATTACHMENT A

Speed Summary Report

Road Name: MUNRO RD - TE PUNA (WEST #98A)
Location: Approx 50m west of existing driveway at property #98A <70kph>
GPS Location: E1868285 N5823643
Road Authority: Western Bay of Plenty District Council
Direction: West bound
Separation: All - (Headway)
Scheme: NZTA Classification Scheme 2011
Data for week ending: Fri 15-Sep-17

Date	Speed Range																Daily Total
	< 10 kph	11-20 kph	21-30 kph	31-40 kph	41-50 kph	51-60 kph	61-70 kph	71-80 kph	81-90 kph	91-100 kph	101-110 kph	111-120 kph	121-130 kph	131-140 kph	141-150 kph	151-160 kph	
Mon 11-Sep-17	0	0	0	25	82	47	3	0	0	0	0	0	0	0	0	0	157
Tue 12-Sep-17	0	0	1	13	70	70	8	0	0	0	0	0	0	0	0	0	162
Wed 13-Sep-17	0	1	0	18	92	66	5	0	0	0	0	0	0	0	0	0	182
Thu 14-Sep-17	0	2	3	24	104	50	5	0	0	0	0	0	0	0	0	0	188
Fri 15-Sep-17	0	0	1	15	70	54	8	0	0	0	0	0	0	0	0	0	148
Sat 09-Sep-17	0	0	0	8	61	38	4	0	0	0	0	0	0	0	0	0	111
Sun 10-Sep-17	0	0	0	8	51	38	4	0	0	0	0	0	0	0	0	0	101
Total	0	3	5	111	530	363	37	0	0	0	0	0	0	0	0	0	1049

<<< SPEED STATISTICS SUMMARY >>>

Direction: West bound

Posted Speed	70 kph	Total Vehicles Surveyed	1049
Mean Speed	48.00 kph	Vehicles Exceeding Posted Speed	0
Standard Deviation	6.90 kph	Percentage Exceeding Posted Speed	0.0%
85th Percentile Speed	55 kph	5/Day (Av) =	167
95th Percentile Speed	59 kph	7/Day (Av) =	150

Weekly Volumes Report

Road Name: MUNRO RD - TE PUNA (WEST #98A)
Location: Approx 50m west of existing driveway at property #98A <70kph>
GPS Location: E1868285 N5823643
Road Authority: Western Bay of Plenty District Council
Data for week ending: Fri 15/09/17
Separation: All - (Headway)
Direction: West bound

Period	Mon	Tue	Wed	Thu	Fri	Sat	Sun	W/Day	7/Day
Starting	11-Sep-17	12-Sep-17	13-Sep-17	14-Sep-17	15-Sep-17	09-Sep-17	10-Sep-17	(Av)	(Av)
00:00	0	0	0	0	0	0	0	0	0
01:00	0	0	0	0	0	1	0	0	0
02:00	0	0	0	1	0	0	0	0	0
03:00	0	0	0	0	0	0	0	0	0
04:00	0	0	0	0	0	0	0	0	0
05:00	1	1	1	0	0	0	0	1	0
06:00	6	3	2	3	3	4	1	3	3
07:00	16	12	19	20	16	4	4	17	13
08:00	8	17	18	13	14	7	2	14	11
09:00	9	9	11	9	12	8	4	10	9
10:00	6	6	14	10	5	9	10	8	9
11:00	10	15	10	15	14	8	8	13	11
12:00	16	8	13	18	9	9	11	13	12
13:00	10	9	12	16	8	8	8	11	10
14:00	17	15	13	16	14	9	13	15	14
15:00	20	18	19	21	12	10	12	18	16
16:00	6	17	26	21	8	7	13	16	14
17:00	13	12	8	11	14	10	5	12	10
18:00	9	11	7	7	11	7	4	9	8
19:00	4	5	5	3	2	5	0	4	3
20:00	3	3	3	1	3	1	2	3	2
21:00	1	0	1	2	1	3	4	1	2
22:00	1	1	0	1	1	1	0	1	1
23:00	1	0	0	0	1	0	0	0	0
12, 16, 18 & 24 Hour Totals									
12Hr 7-19	146	152	172	180	140	100	95	158	141
16Hr 6-22	154	160	181	186	146	109	101	165	148
18Hr 6-24	156	161	181	187	148	110	101	167	149
24Hr 0-24	157	162	182	188	148	111	101	167	150
AM PEAK									
Time	7:00	8:00	7:00	7:00	7:00	10:00	10:00		
Volume	16	17	19	20	16	9	10		
PM PEAK									
Time	15:00	15:00	16:00	15:00	14:00	15:00	14:00		
Volume	20	18	26	21	14	10	13		

Speed Daily Report

Road Name: MUNRO RD - TE PUNA (WEST #98A)
 Location: Approx 50m west of existing driveway at property #98A <70kph>
 GPS Location: E1868285 N5823643
 Road Authority: Western Bay of Plenty District Council
 Direction: West bound
 Separation: All - (Headway)
 Scheme: NZTA Classification Scheme 2011
 Data for: Mon 11-Sep-17

Period Starting	Total Volume	< 10 kph	11-20 kph	21-30 kph	31-40 kph	41-50 kph	51-60 kph	61-70 kph	71-80 kph	81-90 kph	91-100 kph	101-110 kph	111-120 kph	121-130 kph	131-140 kph	141-150 kph	151-160 kph	MSPD	85%tile SPD		
00:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-	-	
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-	-
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-	-
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-	-
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-	-
05:00	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	59.1	-
06:00	6	0	0	0	2	3	1	0	0	0	0	0	0	0	0	0	0	0	0	44.8	-
07:00	16	0	0	0	2	10	4	0	0	0	0	0	0	0	0	0	0	0	0	46.3	52.9
08:00	8	0	0	0	1	5	2	0	0	0	0	0	0	0	0	0	0	0	0	47.3	-
09:00	9	0	0	0	2	6	1	0	0	0	0	0	0	0	0	0	0	0	0	44.5	-
10:00	6	0	0	0	0	3	3	0	0	0	0	0	0	0	0	0	0	0	0	50	-
11:00	10	0	0	0	4	5	1	0	0	0	0	0	0	0	0	0	0	0	0	43.9	-
12:00	16	0	0	0	2	10	4	0	0	0	0	0	0	0	0	0	0	0	0	45.6	52.4
13:00	10	0	0	0	2	3	5	0	0	0	0	0	0	0	0	0	0	0	0	48	-
14:00	17	0	0	0	3	9	4	1	0	0	0	0	0	0	0	0	0	0	0	47.4	54.8
15:00	20	0	0	0	3	8	9	0	0	0	0	0	0	0	0	0	0	0	0	48	55.7
16:00	6	0	0	0	1	2	3	0	0	0	0	0	0	0	0	0	0	0	0	49.3	-
17:00	13	0	0	0	1	8	2	2	0	0	0	0	0	0	0	0	0	0	0	49.5	59.8
18:00	9	0	0	0	1	4	4	0	0	0	0	0	0	0	0	0	0	0	0	49.1	-
19:00	4	0	0	0	1	3	0	0	0	0	0	0	0	0	0	0	0	0	0	45.6	-
20:00	3	0	0	0	0	2	1	0	0	0	0	0	0	0	0	0	0	0	0	49.5	-
21:00	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	45.3	-
22:00	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	51.6	-
23:00	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	55.4	-
12Hr 7-19	140	0	0	0	22	73	42	3	0	0	0	0	0	0	0	0	0	0	0	47.2	54.7
16Hr 6-22	154	0	0	0	25	82	44	3	0	0	0	0	0	0	0	0	0	0	0	47.1	54.1
18Hr 6-24	156	0	0	0	25	82	46	3	0	0	0	0	0	0	0	0	0	0	0	47.2	54.3
24Hr 0-24	157	0	0	0	25	82	47	3	0	0	0	0	0	0	0	0	0	0	0	47.3	54.6

130 ATTACHMENT A

Speed Daily Report

Data for: Tue 12-Sep-17

Period Starting	Total Volume	< 10 kph	11-20 kph	21-30 kph	31-40 kph	41-50 kph	51-60 kph	61-70 kph	71-80 kph	81-90 kph	91-100 kph	101-110 kph	111-120 kph	121-130 kph	131-140 kph	141-150 kph	151-160 kph	MSPD	85%tile SPD					
00:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-	-				
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-	-			
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-	-		
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-	-	
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-	-
05:00	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	53.6	-	
06:00	3	0	0	0	0	2	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	50.2	-	
07:00	12	0	0	0	3	8	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	44.9	49.6	
08:00	17	0	0	0	4	8	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	45.1	53	
09:00	9	0	0	0	1	2	3	3	0	0	0	0	0	0	0	0	0	0	0	0	0	53.4	-	
10:00	6	0	0	0	0	3	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	49.5	-	
11:00	15	0	0	0	1	5	8	1	0	0	0	0	0	0	0	0	0	0	0	0	0	49.2	56	
12:00	8	0	0	0	1	3	3	1	0	0	0	0	0	0	0	0	0	0	0	0	0	50.5	-	
13:00	9	0	0	0	0	3	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	51.3	-	
14:00	15	0	0	0	1	5	8	1	0	0	0	0	0	0	0	0	0	0	0	0	0	50.2	58.4	
15:00	18	0	0	1	2	8	5	2	0	0	0	0	0	0	0	0	0	0	0	0	0	48.2	59.8	
16:00	17	0	0	0	0	8	9	0	0	0	0	0	0	0	0	0	0	0	0	0	0	49.8	57.2	
17:00	12	0	0	0	0	5	7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	50.7	53.7	
18:00	11	0	0	0	0	5	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	50.8	56	
19:00	5	0	0	0	0	3	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	50.8	-	
20:00	3	0	0	0	0	1	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	51.2	-	
21:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-
22:00	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	47.1	-	
23:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-
12Hr 7-19	149	0	0	1	13	63	64	8	0	0	0	0	0	0	0	0	0	0	0	0	0	49.1	55.6	
16Hr 6-22	160	0	0	1	13	69	69	8	0	0	0	0	0	0	0	0	0	0	0	0	0	49.2	55.5	
18Hr 6-24	161	0	0	1	13	70	69	8	0	0	0	0	0	0	0	0	0	0	0	0	0	49.2	55.4	
24Hr 0-24	162	0	0	1	13	70	70	8	0	0	0	0	0	0	0	0	0	0	0	0	0	49.3	55.4	

131 ATTACHMENT A

Speed Daily Report

Data for: Wed 13-Sep-17

Period Starting	Total Volume	< 10 kph	11-20 kph	21-30 kph	31-40 kph	41-50 kph	51-60 kph	61-70 kph	71-80 kph	81-90 kph	91-100 kph	101-110 kph	111-120 kph	121-130 kph	131-140 kph	141-150 kph	151-160 kph	MSPD	85%tile SPD		
00:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-	-	
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-	-
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-	-
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-	-
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-	-
05:00	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	48.8	-	-
06:00	2	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	46.1	-	-
07:00	19	0	0	0	0	1	12	6	0	0	0	0	0	0	0	0	0	0	47.2	-	54.6
08:00	18	0	0	0	0	1	7	10	0	0	0	0	0	0	0	0	0	0	50.3	-	57.5
09:00	11	0	0	0	0	2	5	4	0	0	0	0	0	0	0	0	0	0	45	-	53.9
10:00	14	0	0	0	0	5	5	2	2	0	0	0	0	0	0	0	0	0	45.9	-	60.4
11:00	10	0	0	0	0	0	6	4	0	0	0	0	0	0	0	0	0	0	47.4	-	-
12:00	13	0	1	0	0	1	6	5	0	0	0	0	0	0	0	0	0	0	44.8	-	54.1
13:00	12	0	0	0	0	0	6	6	0	0	0	0	0	0	0	0	0	0	49.7	-	56.7
14:00	13	0	0	0	0	1	4	8	0	0	0	0	0	0	0	0	0	0	50.1	-	56.4
15:00	19	0	0	0	0	3	13	3	0	0	0	0	0	0	0	0	0	0	44.6	-	50
16:00	26	0	0	0	0	3	12	9	2	0	0	0	0	0	0	0	0	0	49.2	-	58
17:00	8	0	0	0	0	1	3	3	1	0	0	0	0	0	0	0	0	0	50.4	-	-
18:00	7	0	0	0	0	0	3	4	0	0	0	0	0	0	0	0	0	0	49.1	-	-
19:00	5	0	0	0	0	0	5	0	0	0	0	0	0	0	0	0	0	0	47.9	-	-
20:00	3	0	0	0	0	0	2	1	0	0	0	0	0	0	0	0	0	0	46.2	-	-
21:00	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	55.7	-	-
22:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-	-	-
23:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-	-	-
12Hr 7-19	170	0	1	0	0	18	82	64	5	0	0	0	0	0	0	0	0	0	47.8	-	54.9
16Hr 6-22	181	0	1	0	0	18	91	66	5	0	0	0	0	0	0	0	0	0	47.8	-	54.9
18Hr 6-24	181	0	1	0	0	18	91	66	5	0	0	0	0	0	0	0	0	0	47.8	-	54.9
24Hr 0-24	182	0	1	0	0	18	92	66	5	0	0	0	0	0	0	0	0	0	47.8	-	54.9

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Speed Daily Report

Data for: Thu 14-Sep-17

Period Starting	Total Volume	< 10 kph	11-20 kph	21-30 kph	31-40 kph	41-50 kph	51-60 kph	61-70 kph	71-80 kph	81-90 kph	91-100 kph	101-110 kph	111-120 kph	121-130 kph	131-140 kph	141-150 kph	151-160 kph	MSPD	85%tile SPD
00:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-
02:00	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	47.7
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-
05:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-
06:00	3	0	0	0	0	0	1	2	0	0	0	0	0	0	0	0	0	0	50
07:00	20	0	0	0	0	3	14	3	0	0	0	0	0	0	0	0	0	0	44.8
08:00	13	0	0	0	0	1	8	4	0	0	0	0	0	0	0	0	0	0	47
09:00	9	0	0	0	0	1	7	1	0	0	0	0	0	0	0	0	0	0	46.8
10:00	10	0	0	0	0	3	4	3	0	0	0	0	0	0	0	0	0	0	45.1
11:00	15	0	0	0	1	2	9	3	0	0	0	0	0	0	0	0	0	0	44.2
12:00	18	0	0	2	0	2	8	4	2	0	0	0	0	0	0	0	0	0	44.7
13:00	16	0	0	0	1	1	9	5	0	0	0	0	0	0	0	0	0	0	46.4
14:00	16	0	0	0	0	2	8	6	0	0	0	0	0	0	0	0	0	0	48.3
15:00	21	0	0	0	0	6	13	2	0	0	0	0	0	0	0	0	0	0	43.4
16:00	21	0	0	0	1	0	12	7	1	0	0	0	0	0	0	0	0	0	48.2
17:00	11	0	0	0	0	1	5	4	1	0	0	0	0	0	0	0	0	0	50.2
18:00	7	0	0	0	0	1	3	3	0	0	0	0	0	0	0	0	0	0	49.5
19:00	3	0	0	0	0	1	0	1	1	0	0	0	0	0	0	0	0	0	52.4
20:00	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	51.4
21:00	2	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	47.9
22:00	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	52.3
23:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-
12Hr 7-19	177	0	0	2	3	23	100	45	4	0	0	0	0	0	0	0	0	0	46.2
16Hr 6-22	186	0	0	2	3	24	103	49	5	0	0	0	0	0	0	0	0	0	46.5
18Hr 6-24	187	0	0	2	3	24	103	50	5	0	0	0	0	0	0	0	0	0	46.5
24Hr 0-24	188	0	0	2	3	24	104	50	5	0	0	0	0	0	0	0	0	0	46.5

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Speed Daily Report

Data for: Fri 15-Sep-17

Period Starting	Total Volume	< 10 kph	11-20 kph	21-30 kph	31-40 kph	41-50 kph	51-60 kph	61-70 kph	71-80 kph	81-90 kph	91-100 kph	101-110 kph	111-120 kph	121-130 kph	131-140 kph	141-150 kph	151-160 kph	MSPD	85%tile SPD		
00:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-	-	
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-	-
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-	-
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-	-
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-	-
05:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-	-
06:00	3	0	0	0	0	1	0	2	0	0	0	0	0	0	0	0	0	0	0	47.6	-
07:00	16	0	0	0	1	3	11	0	1	0	0	0	0	0	0	0	0	0	0	43.6	49.1
08:00	14	0	0	0	0	2	8	4	0	0	0	0	0	0	0	0	0	0	0	45.6	52.5
09:00	12	0	0	0	0	2	7	3	0	0	0	0	0	0	0	0	0	0	0	47.2	52.4
10:00	5	0	0	0	0	0	1	4	0	0	0	0	0	0	0	0	0	0	0	52.8	-
11:00	14	0	0	0	0	1	7	6	0	0	0	0	0	0	0	0	0	0	0	49.5	57.1
12:00	9	0	0	0	0	1	5	2	1	0	0	0	0	0	0	0	0	0	0	49.3	-
13:00	8	0	0	0	0	0	3	5	0	0	0	0	0	0	0	0	0	0	0	52.1	-
14:00	14	0	0	0	0	0	4	6	4	0	0	0	0	0	0	0	0	0	0	53.6	61.5
15:00	12	0	0	0	0	1	4	7	0	0	0	0	0	0	0	0	0	0	0	49.7	58.9
16:00	8	0	0	0	0	2	1	5	0	0	0	0	0	0	0	0	0	0	0	48.3	-
17:00	14	0	0	0	0	1	7	5	1	0	0	0	0	0	0	0	0	0	0	49.6	57.1
18:00	11	0	0	0	0	0	8	2	1	0	0	0	0	0	0	0	0	0	0	48.7	53.6
19:00	2	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	52.6	-
20:00	3	0	0	0	0	0	1	2	0	0	0	0	0	0	0	0	0	0	0	52.1	-
21:00	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	45.2	-
22:00	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	39.7	-
23:00	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	40.8	-
12Hr 7-19	137	0	0	0	1	13	66	49	8	0	0	0	0	0	0	0	0	0	0	48.8	55.8
16Hr 6-22	146	0	0	0	1	14	69	54	8	0	0	0	0	0	0	0	0	0	0	48.9	55.8
18Hr 6-24	148	0	0	0	1	15	70	54	8	0	0	0	0	0	0	0	0	0	0	48.7	55.8
24Hr 0-24	148	0	0	0	1	15	70	54	8	0	0	0	0	0	0	0	0	0	0	48.7	55.8

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ATTACHMENT A

Speed Daily Report

Data for: Sat 09-Sep-17

Period Starting	Total Volume	< 10 kph	11-20 kph	21-30 kph	31-40 kph	41-50 kph	51-60 kph	61-70 kph	71-80 kph	81-90 kph	91-100 kph	101-110 kph	111-120 kph	121-130 kph	131-140 kph	141-150 kph	151-160 kph	MSPD	85%tile SPD
00:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-
01:00	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	49.9
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-
05:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-
06:00	4	0	0	0	0	0	4	0	0	0	0	0	0	0	0	0	0	0	45.1
07:00	4	0	0	0	0	1	1	2	0	0	1	0	0	0	0	0	0	0	48.9
08:00	7	0	0	0	0	0	3	4	0	0	0	0	0	0	0	0	0	0	50.9
09:00	8	0	0	0	0	1	5	2	0	0	0	0	0	0	0	0	0	0	46.2
10:00	9	0	0	0	0	0	2	6	1	0	0	0	0	0	0	0	0	0	53.2
11:00	8	0	0	0	0	1	5	1	1	0	0	0	0	0	0	0	0	0	47.1
12:00	9	0	0	0	0	1	6	2	0	0	0	0	0	0	0	0	0	0	46.5
13:00	8	0	0	0	0	0	5	3	0	0	0	0	0	0	0	0	0	0	48.4
14:00	9	0	0	0	0	0	6	2	1	0	0	0	0	0	0	0	0	0	49.3
15:00	10	0	0	0	0	0	7	2	1	0	0	0	0	0	0	0	0	0	49.4
16:00	7	0	0	0	0	1	5	1	0	0	0	0	0	0	0	0	0	0	44.6
17:00	10	0	0	0	0	2	3	5	0	0	0	0	0	0	0	0	0	0	48.5
18:00	7	0	0	0	0	0	5	2	0	0	0	0	0	0	0	0	0	0	48.9
19:00	5	0	0	0	0	0	2	3	0	0	0	0	0	0	0	0	0	0	48.8
20:00	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	45
21:00	3	0	0	0	0	1	0	2	0	0	0	0	0	0	0	0	0	0	48
22:00	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	59.2
23:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-
12Hr 7-19	96	0	0	0	0	7	53	32	4	0	0	0	0	0	0	0	0	0	48.5
16Hr 6-22	109	0	0	0	0	8	60	37	4	0	0	0	0	0	0	0	0	0	48.4
18Hr 6-24	110	0	0	0	0	8	60	38	4	0	0	0	0	0	0	0	0	0	48.5
24Hr 0-24	111	0	0	0	0	8	61	38	4	0	0	0	0	0	0	0	0	0	48.5

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Speed Daily Report

Data for: Sun 10-Sep-17

Period Starting	Total Volume	< 10 kph	11-20 kph	21-30 kph	31-40 kph	41-50 kph	51-60 kph	61-70 kph	71-80 kph	81-90 kph	91-100 kph	101-110 kph	111-120 kph	121-130 kph	131-140 kph	141-150 kph	151-160 kph	MSPD	85%tile SPD
00:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-
05:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-
06:00	1	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	62.3
07:00	4	0	0	0	0	0	3	1	0	0	0	0	0	0	0	0	0	0	45.8
08:00	2	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	53.5
09:00	4	0	0	0	0	0	2	2	0	0	0	0	0	0	0	0	0	0	47
10:00	10	0	0	0	0	3	4	3	0	0	0	0	0	0	0	0	0	0	45.6
11:00	8	0	0	0	0	0	7	1	0	0	0	0	0	0	0	0	0	0	47.9
12:00	11	0	0	0	0	0	7	3	1	0	0	0	0	0	0	0	0	0	50.9
13:00	8	0	0	0	0	0	4	4	0	0	0	0	0	0	0	0	0	0	59.3
14:00	13	0	0	0	0	1	7	5	0	0	0	0	0	0	0	0	0	0	54.3
15:00	12	0	0	0	0	3	4	5	0	0	0	0	0	0	0	0	0	0	58.2
16:00	13	0	0	0	0	0	7	6	0	0	0	0	0	0	0	0	0	0	54
17:00	5	0	0	0	0	1	1	3	0	0	0	0	0	0	0	0	0	0	49
18:00	4	0	0	0	0	0	3	0	1	0	0	0	0	0	0	0	0	0	49.7
19:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	47.2
20:00	2	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	-
21:00	4	0	0	0	0	0	0	3	1	0	0	0	0	0	0	0	0	0	47.9
22:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	55.1
23:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-
12Hr 7-19	94	0	0	0	0	8	50	34	2	0	0	0	0	0	0	0	0	0	48.3
16Hr 6-22	101	0	0	0	0	8	51	38	4	0	0	0	0	0	0	0	0	0	55.2
18Hr 6-24	101	0	0	0	0	8	51	38	4	0	0	0	0	0	0	0	0	0	55.5
24Hr 0-24	101	0	0	0	0	8	51	38	4	0	0	0	0	0	0	0	0	0	55.5

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2018-05-16 98A Munro Rd Attachment 9 Notification Assessment – Restricted Discretionary Subdivision

1. RMA S95 - Determination of whether the consent authority must give public or limited notification

This S95 assessment leads us to conclude that public notification is precluded and limited notification is required. The process whereby we came to this conclusion is set out below.

RMA S95 requires that a consent authority must, within the time limit specified in subsection (2), decide, in accordance with [sections 95A](#) and [95B](#), whether to give public or limited notification of an application for a resource consent and notify the application if it decides to do so. Subsection 2 sets out the following:

The time limit is,
 (a) in the case of a fast-track application, 10 working days after the day the application is first lodged; and
 (b) in the case of any other application, 20 working days after the day the application is first lodged.

According to RMA S87AAC, this application is not a fast-track application because:

- the application is **not** for a controlled activity
- the activity is **not** prescribed, or identified in the manner prescribed, under [RMA S360G\(1\)\(a\)](#).

2. RMA S95A - Determination of whether the consent authority must give public notification

RMA S95A sets out the following process for public notification of consent applications:

(1) A consent authority must follow the steps set out in this section, in the order given, to determine whether to publicly notify an application for a resource consent.

STEP 1: mandatory public notification in certain circumstances

(2) Determine whether the application meets any of the criteria set out in subsection (3) and,
 (a) if the answer is yes, publicly notify the application
 (b) if the answer is no, go to **STEP 2** (*the answer is "no"*).

(3) The criteria for **STEP 1** are as follows:

- (a) the applicant has requested that the application be publicly notified
- (b) public notification is required under [section 95C](#)
- (c) the application is made jointly with an application to exchange recreation reserve land under [section 15AA](#) of the Reserves Act 1977.

The answer is "no", so we go to **STEP 2** as instructed by (2)(b) above.

STEP 2: if not required by STEP 1, public notification precluded in certain circumstances

(4) Determine whether the application meets either of the criteria set out in subsection (5)
 (a) if the answer is yes, go to **STEP 4** [*the answer is "yes" to (5)(b)(ii) below*]
 (b) if the answer is no, go to **STEP 3**.

(5) The criteria for **STEP 2** are as follows:

- (a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes public notification (*the answer is "no"*)
- (b) the application is for a resource consent for 1 or more of the following, but no other, activities:

Project: 4305

22 January 2018

Mr A Van Gorp and Mrs J Van Gorp – Paulusse
98B Munro Road
R D 7
Tauranga 3179

Dear Andrianus and Josepha

1. Introduction

Our clients, Ken and Rosemarie Thompson, are proposing to subdivide their lot at 98A Munro Road. The proposal is to create 3 lots (2 additional lots). The Western Bay of Plenty District Plan (District Plan) provides for subdivision and sets rules for subdivision. As we explain in this letter, we are seeking your written approval for the additional 2 lots.

2. What we are asking your approval for

The District Plan contains the following rule:

Rule 12.4.4(f)(vi) 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 necessary written approvals are not submitted, the application shall undergo limited notification.

The number of privateway users before and after the Thompson's proposed subdivision are as follows:

- The shared portion of the privateway currently serves 6 lots, including your lot, the Thompson's lot and 5 other lots (please refer to the attached plan).
- The Thompson subdivision will add 2 lots to the number of lots served.
- Thus, after the subdivision a total of 8 lots will be served by the shared portion of privateway.

District Plan Rule 12.4.4(f)(i) provides for 12 lots to have access from the privateway

We have calculated the extra capacity for lots both prior to our subdivision and following it based as follows:

Without the Thompson subdivision	With the Thompson subdivision
<ul style="list-style-type: none"> • Number of lots allowed to access the privateway: 12 • Number of lots currently accessing the privateway: 6 • Number of additional lots that can access the privateway: 6 	<ul style="list-style-type: none"> • Number of lots allowed to access the privateway: 12 • Number of lots currently accessing the privateway: 6 • Number of lots that will access the privateway after the Thompson subdivision: 8 • Number of additional lots that can access the privateway: 4

3. Summary and conclusions

The District Plan provides for 12 lots to use the private way that is used by our clients (the Thompsons), yourself and other lots (6 lots in total).

Without the Thompson's proposed subdivision, the District Plan provides for 6 additional lots to be created and to use the private way.

The Thompson's are proposing to create 2 additional lots. Therefore, after the Thompson's proposed subdivision, the District Plan provides for 4 additional lots to be created and to use the private way.

So the effect of the Thompson's proposed subdivision is that 2 lots that could be created on the private way will be negated. This is what we are asking your written approval for.

The District Plan does not specifically prohibit more than 12 lots having access off the private way, but additional assessments would need to be undertaken and provided to Council if more than 12 lots have access from the private way. In response to any application, Council could specify an increased standard of construction, widening, users consent or decline to give consent for the additional lots.

We have attached an approval form for you to sign if you are satisfied with the situation described above. Please note that the documents have to be signed by all owners, including trustees. If you have trouble contacting all parties please let us know so that we can be aware of the potential time frames required.

Would you please also sign a copy of the proposed subdivision plan and return to us along with your 'affected person' form.

Please contact us if you would like to discuss this further.

Yours faithfully

SURVEYING SERVICES LTD



Brent Trail

MANAGING DIRECTOR

tel: 07 578 2500

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email: btrail@surveyingservices.co.nz

office: 746 Cameron Rd, Tauranga 3112

post: PO Box 852, Tauranga 3140

encl: Draft application plan
Plan of affected properties
Authority form for signing
Assessment of Environment effects

Written Approval of Affected Persons

Resource Management Act 1991, Section 94

Applicant Details	
Full Name(s)	Ken and Rosemarie Thompson
Address of Proposed Activity	98A Munro Road Whakamarama
Brief Description of Proposed Activity	Subdivide adding 2 lots

Affected Persons	
Full Name(s)	Andrianus Antionis Van Gorp Josepha Maria Paulina Catherina Van Gorp – Paulusse
Address for Service	98B Munro Road Whakamarama
Address of Property (if not as above)	
Owner(s)/Occupier(s) <input type="checkbox"/>	Owner(s) <input type="checkbox"/> Occupier(s) <input type="checkbox"/> (tick as applicable)
Legal Description	Lot 1 DPS 62628 Title SA50C/568

Please note:

Council will require the separate approval from the occupiers of the affected property as well as from the legal owners. Evidence of ownership/authority to sign may be required.

All owners are required to sign this form or for multiple owned properties Council requires all trustees to sign unless written evidence is provided that authorises a trustee on behalf of the trustees.

2018-05-16 98A Munro Rd Attachment 9 Notification Assessment – Restricted Discretionary Subdivision

- (i) a controlled activity (*the answer is "no"*)
 (ii) a restricted discretionary or discretionary activity, but only if the activity is a subdivision of land or a residential activity (*the answer is "yes"*)
 (iii) a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity (*the answer is "no"*)
 (iv) a prescribed activity [see [section 360H\(1\)\(a\)\(i\)](#)] (*the answer is "no"*).

The answer is "yes" to (5)(b)(ii) above, so we go to **STEP 4** as instructed by (4)(a) above.

Step 4: public notification in special circumstances

- (9) Determine whether special circumstances exist in relation to the application that warrant the application being publicly notified
 (a) if the answer is yes, publicly notify the application (*the answer is "no"*)
 (b) if the answer is no, do not publicly notify the application, but determine whether to give limited notification of the application under [section 95B](#).

The answer to **STEP 4** (9) is "no", so (9)(b) of **STEP 4** applies. Thus do not publicly notify the application.

3. RMA S95B - determination of whether to give limited notification

RMA S95B sets out the following process for limited notification of consent applications:

- (1) A consent authority must follow the steps set out in this section, in the order given, to determine whether to give limited notification of an application for a resource consent, if the application is not publicly notified under [section 95A](#).

Step 1: certain affected groups and affected persons must be notified

- (2) Determine whether there are any:
 (a) affected protected customary rights groups
 (b) affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity).

- (3) Determine
 (a) whether the proposed activity is on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11
 (b) whether the person to whom the statutory acknowledgement is made is an affected person under [section 95E](#).

Notify the application to each affected group identified under subsection (2) and each affected person identified under subsection (3).

The answer is "no" to (2) and (3) in **STEP 1**, so we go to **STEP 2**.

Step 2: if not required by Step 1, limited notification precluded in certain circumstances

- (5) Determine whether the application meets either of the criteria set out in subsection (6)
 (a) if the answer is yes, go to **STEP 4**
 (b) if the answer is no, go to **STEP 3** (*the answer is "no"*).

(6) The criteria for **STEP 2** are as follows:

- (a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes limited notification (*the answer is "no"*)
 (b) the application is for a resource consent for either or both of the following, but no other, activities:

2018-05-16 98A Munro Rd Attachment 9 Notification Assessment – Restricted Discretionary Subdivision

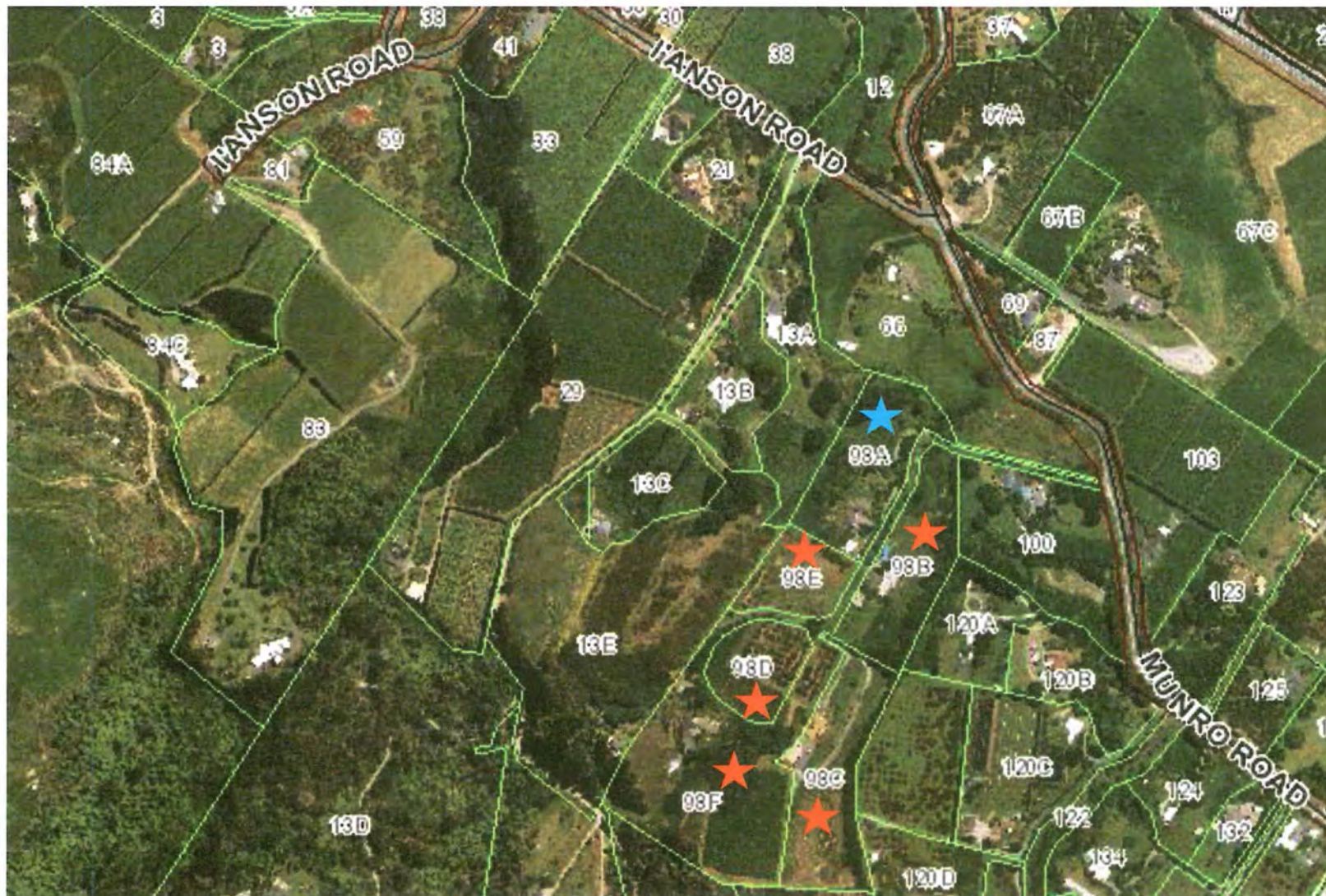
<p>(i) a controlled activity that requires consent under a district plan (other than a subdivision of land) <i>(the answer is "no")</i></p> <p>(ii) a prescribed activity (see section 360H(1)(a)(ii)) <i>(the answer is "no")</i>.</p>
<p>The answer is "no" to (6)(a) and (6)(b) of STEP 2, so we go to STEP 3 as instructed by (5)(b) above.</p>
<p>STEP 3: if not precluded by STEP 2, certain other affected persons must be notified</p> <p>(7) Determine whether, in accordance with section 95E, the following persons are affected persons: (a) in the case of a boundary activity, an owner of an allotment with an infringed boundary; and (b) in the case of any activity prescribed under section 360H(1)(b), a prescribed person in respect of the proposed activity.</p>
<p>The answer is "no" to (7)(a) and (7)(b) of STEP 3.</p>
<p>(8) In the case of any other activity, determine whether a person is an affected person in accordance with section 95E.</p>
<p>We seek limited notification because we have identified affected parties, i.e. the neighbours at 5 other properties that have legal rights to use the shared ROW (see attached Affected Parties Map). We have been unable to obtain written approval from them.</p>
<p>(9) Notify each affected person identified under subsections (7) and (8) of the application.</p>
<p>There is no affected person identified under STEP 3 subsection (7). Notify each affected person identified under STEP 3 subsection (8).</p>
<p>STEP 4: further notification in special circumstances</p> <p>(10) Determine whether special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined to be eligible for limited notification under this section (excluding persons assessed under section 95E as not being affected persons), and (a) if the answer is yes, notify those persons; and (b) if the answer is no, do not notify anyone else.</p>
<p>The answer is "no" to STEP 4 (special circumstances do not exist).</p>

4. Conclusion

In light of the foregoing S95 assessment, we conclude that:

- public notification is not required
- notify each affected person identified under **STEP 3** subsection (8).

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



- ★ The Site
- ★ Neighbouring properties

**Western Bay of Plenty District Council
Sections 95A to 95E
Resource Management Act 1991**

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

Application Number:	RC11043S
Applicant:	Kenneth & Rosemarie Thompson
Site address:	98A Munro Road, Whakamarama
Legal Description of Site:	Lot 1 DPS 55319
Description of Application:	Creation of two additional lots on the site using transferable subdivision entitlements

Planning Framework

- Relevant Plan: Operative District plan 2012
- Zoning: Lifestyle (Planning Map U84)
- Limitations: Stability Area – Minden A
Stability Area – Minden C
Minden 1C Structure Plan Area
Minden Lifestyle Structure Plan Area Overland Flowpaths and Local Ecological Features' zone
- Relevant Rules: 8.3.2 (b) (i)
12.3.4.1
17.3.2 (e)
- Activity Status: Restricted Discretionary Activity

Introduction

Proposal

1. The applicant seeks subdivision consent to subdivide the property located at 98A Munro Road, legally described as Lot 1 DPS 55319, into two additional lots, which are to be comprised as follows:
 - Lot 1, 5,320 m² (Nett 4,140 m²)
 - Lot 2, 4,490 m²
 - Lot 3, 3,300 m² (Nett 3,050 m²)

2. The method by which this subdivision is to be undertaken is via transferable subdivision entitlements in the form of transferable protection lots, which are to be transferred from 564A Pukehina Parade to the subject site. The transferable subdivision entitlements were created via protection lot credits, where a conservation covenant was registered on the title of 564A Pukehina Parade to the land that protects an area of estuarine habitat in favour of the Western Bay of Plenty District Council.
3. The proposed house sites on Lots 2 and 3 will not be able to meet the relevant yard setback requirements. This non-compliance is however internal to the site.
4. The applicant is proposing that the two additional lots to be created through the subdivision are to be accessed via an existing private way which currently serves 6 lots (including the subject site). Following the proposed subdivision, the private way will serve a total of 8 lots.

Planning Framework

Site and Surrounds

5. The subject site is located at 98A Munro Road, Whakamarama, is legally described as Lot 1 DPS 55319 and has an area of 1.4122 ha. The site is zoned Lifestyle under the Western Bay of Plenty District Plan (District Plan Map U84) and is within the Minden 1C Structure Plan Area.
6. The majority of the site is within Stability Area – Minden C, with a northern portion of the site (including an area of the existing private way) located within Stability Area – Minden A.
7. An area of approximately 1,700 m² located in the northern portion of the site is located within the 'Minden Lifestyle Structure Plan Area Overland Flowpaths and Local Ecological Features' overlay.
8. An existing residential dwelling and associated garages/sheds are located on the site.
9. The site is relatively flat, sloping up approximately 10 m from the north to the south.
10. The site is surrounded by other land zoned Lifestyle, along with land used for horticultural purposes.

District Plan

11. I have undertaken an assessment of the proposal against the relevant District Plan provisions as outlined in Table 1 below. The reasons for consent are summarised below.

Table 1 - District Plan Provisions

Rule	Requirement	Complies / Does not Comply
Section 17 - Lifestyle Zone		
17.3.2 (e) – Controlled Activities	Classifies subdivision within the Minden Lifestyle Structure Plan area where all of the proposed privateways and building sites are within Stability Area – Minden C (as provided for 8.3.2 (a) (i)) as a controlled activity.	Complies Controlled Activity All of the proposed privateways and building sites are to be located within Stability Area – Minden C.
17.4.2 (a) (i) – Shape Factor	Each lot which will qualify for the erection of a dwelling as a permitted activity shall be capable of accommodating a 20 m minimum diameter circle that complies with yard requirements and 12.4.1 (b).	Complies The proposed house sites on Lots 2 and 3 will not be capable of accommodating a 20 m minimum diameter circle that complies with yard requirements. This is because the applicant is proposing yard reduction from the required 10 m as specified through Rule 17.4.1 (c), to 5 m for Lots 2 and 3. <i>Rule 17.4.1 (c) states: a building/structure may be located within a side or rear yard and up to a side or rear boundary where the written approval of the owner of the immediately adjoining property to a specified lesser distance is obtained.</i> In this instance, the proposed yard reductions for both Lots 2 and 3 are to be internal to the subject site. The applicant is therefore the owner of the immediately adjoining property and consequently provides themselves with written approval for this non-compliance. Consequently, resource consent is not required under this rule.

17.4.2 (a) (ii) – Lot Size	Minimum lot size of 3000 m ² , with a minimum average of 4000 m ² for the Minden Lifestyle Structure Plan area.	Complies Each of the lots are to be of a complying lot size, ranging from 3050 m ² (nett) to 4140 m ² (nett). The minimum average of the proposed lots is 4,370 m ² .
17.4.2 (b) (i) – Transferable Subdivision Entitlements	Additional lots shall be created from following entitlements obtained from the rural zone on a one to one basis: - Transferable protection lots: 18.4.2 (h)	Complies The proposed subdivision is to be created via the use of transferable subdivision entitlements in the form of transferable protection lots which are to be transferred from the property at 564A Pukehina Parade to the subject site.
17.4.2 (d) (ii) Minden Lifestyle Structure Plan Staging Requirements	Sets out the total number of new lots allowed in the Minden 1 C Structure Plan area, being 103 lots.	Complies It has been confirmed on the Western Bay of Plenty District Council's website, that as of 27 June 2018 there are 13 of the 103 lots within the Minden 1C Structure Plan Area remaining. Sufficient lots are remaining within the Minden 1C Structure Plan Area to undertake the proposed subdivision.
Section 4A - Earthworks		
4A.5(b) Earthworks	Earthworks are not permitted where they are associated with a discretionary activity.	Complies Minor access and building site establishment earthworks are proposed, and the application is to be assessed a restricted discretionary activity, as opposed to a discretionary activity.
Section 8 – Natural Hazards		
8.3.2 (b) (i) – Controlled Activities	Classifies subdivision where all of the proposed privateways and building sites are within Stability Area – Minden C as a controlled activity.	Controlled Activity The applicant is proposing that all parts of the proposed building sites are to be within Stability Area – Minden C.
Section 12 - Subdivision		

<p>12.3.8 (q) - Information Requirements – Application Report</p>	<p>For subdivisions using Transferable Subdivision Entitlements the subdivision consent shall include:</p> <ul style="list-style-type: none"> - A copy of the sale and purchase agreement for the transferable subdivision entitlement(s), dated and signed by all parties 	<p>Complies</p> <p>The applicant has provided the agreement for sale and purchase of transferable subdivision entitlement(s) with the application. This agreement confirms that 98A Minden Road purchased two protection lot credits from Pukehina Lifestyle Ltd.</p>
<p>12.4.1 - Site Suitability</p>	<p>Sets out requirements surrounding site suitability.</p>	<p>Complies</p> <p>The geotechnical report prepared By O'Brien Geotech Ltd (Attachment 4 of the application) has been provided for the site based on the proposed scheme plan and associated proposed building platforms. This geotechnical report demonstrates that the property is considered to be suitable for the proposed development, and contains appropriate recommendations.</p>
<p>12.4.2 – Contaminants in Soil</p>	<p>Any resource consent application for land subdivision or development shall demonstrate compliance with the applicable provisions of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS).</p>	<p>Complies</p> <p>It is clear from current and historic photographs of the site, including both those on Council's GIS system and those provided with the application (Attachment 6), there is no evidence to inform that the site is being, or has been used in the past for HAIL activities.</p> <p>Additionally, I undertook a site visit, which provided no evidence to inform that the site is being, or has been used in the past for HAIL activities.</p> <p>Further, there is nothing on Council's file indicating a HAIL site.</p> <p>I have therefore determined that the site is not considered a "piece of land" under the NESCS.</p>

<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.</p> <p>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</p> <p>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;*

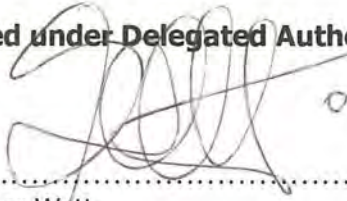
Reported and Recommended by:



.....
 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