

## RESOURCE CONSENT DECISION - RC100043

Pursuant to Sections 104, 104A, and 108 of the Resource Management Act 1991, Buller District Council **GRANTS** the application by Punakaiki Farm Ltd, **subject to the Conditions below.**

### **The approved Activity:**

To subdivide Lot 3 DP 306878 into seven fee simple allotments, and to hold the ½ share of Lot 2 DP 306878 as to 6 undivided 1/12 shares by the owners of proposed Lots 1 to 6.

### **Location:**

Address:	SH6, Punakaiki
Legal Description:	Lot 3 DP 306878 with half interest in Lot 2 DP 306878
Computer Freehold Register:	26859
Valuation Roll Number:	18860 31505

### **Approved Plans:**

The plans titled "*Lots 1-7 being subdivision of Lot 3 DP 306878*" and "*Plan of Easements*", both dated November 2011 and prepared by Chris J Coll Surveying Ltd.

*Please note that the plans which are approved are stamped Approved Plan and attached to this consent.*

### **CONDITION(S):**

Pursuant to Section 108 of the Resource Management Act 1991 this consent is granted subject to the following conditions:

1. The activity shall proceed in accordance with the submitted application received by Council on 1 June 2010, the further information received on 13 December 2010 and 7 November 2011, and the relevant plans as detailed above and stamped as approved, except where the following conditions take precedence.
2. The schedule of easements shown on the subdivision plan shall be granted and reserved as a memorandum.
3. A right of way for pedestrian access only in favour of Lots 1-6, measuring no less than 1.4m in width, shall be provided for, granted and reserved as a memorandum within and along the entire length of the areas shown as "U", "H", "I", "J", "K", "L" and "M" on the approved scheme plan.
4. A right of way area in favour of Lots 1-6, measuring 6m x 6m and extending west from the area shown as "F" on the approved scheme plan, shall be provided for, granted and reserved as a memorandum within Lot 6.

***Advice Note:*** *This additional right of way area is required to provide for vehicle turning.*

5. That Lot 2 DP 306878 be held as to six undivided 1/12 shares by the owners of Lots 1 to 6 hereon as tenants in common in the said shares and that individual Certificates of Title be issued. See Document 925181.

6. A reserve contribution of 7.5% plus GST of the value of newly created Lots 1 to 6 shall be payable to Council.
7. The rights of way shown on the approved plan as "A", "B", "C", "D", "E" and "F", shall be designed and constructed in accordance with NZS4404:2004.
8. The pedestrian access right of way referred to in Condition 3 above shall be designed and constructed in accordance with NZS4404:2004.
9. The 'vehicle turning area' right of way referred to in Condition 4 above shall be designed and constructed in accordance with NZS4404:2004.
10. Prior to any works being undertaken in accordance with Conditions 7-9, the consent holder shall submit 'proposed' engineering designs of the right of way layout, pedestrian access and vehicle turning area, and certification from a chartered professional engineer practising in civil engineering that all proposed works comply with NZS 4404:2004. (The applicant will seek approval from Council's Manager of Operations for any variation to the requirements of NZS 4404:2004. Any variation approved will be recorded in writing and must be confirmed prior to construction). The designs are to be approved by Council's Manager of Operations prior to physical works being undertaken.
11. Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be imposed on Lots 1-7 to ensure that the following conditions are met on a continuing basis. The consent holder is required to pay the costs of the consent notice.
  - (i) The owner of the lot shall retain and maintain the rock protection wall extending along the seaward side of the lot and shown on the OCEL Consultants NZ Ltd plan dated 11/10/10 and submitted to the Buller District Council with resource consent RC10/43.
  - (ii) The land in Lots 1 – 7 to the seaward side, and to the south, of the existing rock protection wall is subject to sea inundation. The land seaward of the rock wall functions as an overwash drainage path and is to remain clear and obstructed at all times. No land modification is to take place within the overwash drainage path that would adversely affect its drainage purpose.
  - (iii) Building and development on Lots 1 - 7 shall only be permitted landward of the rock protection wall. The minimum building platform level on Lots 1 – 7 is 5.5m (MSL), and the foundations of any future buildings shall be designed by a Chartered Professional Engineer practising in Civil Engineering on the basis that the site contains uncertified fill.
  - (iv) Effluent disposal systems on Lots 1 -7 shall be designed taking into account the findings and recommendations of the EcoEng Limited report dated 20 December 2010, prepared by Andrew Dakers and submitted to the Buller District Council with resource consent RC10/43.
12. The existing Consent Notice 5498454.4 pertaining to Lot 3 DP 306878 shall be cancelled.

13. Prior to the issue of Section 224(c) certification, the consent holder shall supply the Council with a report from a chartered professional engineer practising in civil engineering to address the design of stormwater disposal from the sites, including the capacity of stormwater infrastructure and the stormwater retention area to cater for anticipated stormwater loading from existing sources as well as the additional loading from the subdivision proposal. The report shall detail any stormwater upgrade works that are required to ensure that the disposal of stormwater will not have any adverse cross-boundary effects.
14. Prior to the issue of Section 224(c) certification, the consent holder shall complete any upgrade works highlighted by the report referred to in Condition 13 above.
15. Prior to the issue of Section 224(c) certification, a suitably experienced chartered professional engineer practising in civil engineering shall provide Council with written certification that Conditions 7-9 and 14 (if applicable) have been completed.
16. All actual and reasonable costs incurred by this Council in monitoring, enforcement and administration of this consent shall be met by the consent holder.

**NOTE(S):**

1. This consent is for subdivision purposes only and does not constitute a land use consent for the future use of any of the proposed lots. Further land use consent will be required from the Council for the establishment of activities on the new lots where compliance with the Buller District Plan cannot be achieved.
2. Please advise Council's Planning Department when all conditions have been complied with and Council's Planning Department will monitor the consent.
3. If you do not understand any or all conditions of this consent, please contact Council's Planning Department for clarification before starting work.
4. Pursuant to Section 127(1) of the Resource Management Act 1991, the consent holder may apply to the consent authority for a change or cancellation of any condition of this consent within five years from the date of issue.
5. Pursuant to Section 128(1)(a) and 128(1)(c) of the Resource Management Act 1991, the Consent Authority may review any condition of this consent within eight years from the date of issue for any of the following purposes: (a) To deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or (b) To deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions; or (c) To assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly.
6. This consent shall lapse five years after the decision date if not given effect to.

## REASONS FOR DECISION

Section 113(4) of the Resource Management Act 1991, requires that every decision on a resource consent that has not been notified shall be in writing and state reasons for the decision.

1. The proposed lots are capable of being serviced and accessed to an acceptable level which will have no more than minor environmental effects. The applicant has also provided a coastal hazard assessment to address the coastal hazard risks associated with the subject site.
2. All affected party approvals, being those of Punakaiki Rocks Hotel and Villas (who hold the other half interest in Lot 2 DP 306878) and the New Zealand Transport Agency (NZTA), have been received.

Please note that a copy of the Planning Officer's Report, which explains further the reasons given above, can be forwarded to you on request and is also available at the Council office to view.

A handwritten signature in black ink, appearing to read 'Michael', is written on the page.

Dated at Westport this 17<sup>th</sup> day of November 2011