

Allie Dunn

From: Allie Dunn
Sent: Thursday, 12 June 2025 9:11 am
To: [REDACTED]
Subject: Response to request for consent decision documents
Attachments: LGOIMA - Consents_Redacted.pdf

Kia ora

I refer to your official information request dated 20 May 2025 for information on reasons for declining specific consent applications.

The information you have requested is outlined below, and related documentation attached.

Consent 1: 209.2024.50.1 (279 Carisbrook Road Pahiatua): we have included the decision below and attached the email

Tararua District	Existing Use Certificate	Lot: 2 DP: 428724
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Decision for declining, Please also refer to attached email

“The application is considered incomplete as it does not contain any of the following assessments under s139A:

- An assessment of the operative plan at the time of business establishment to demonstrate it was a permitted activity.
- Details of the business at the time of establishment including (but not limited to) the number of employees and the equipment owned by the company.
- Proof that establishes the scale of the operation, including character and intensity, is no different to how it is operating now including numbers of vehicle movements to and from site and ancillary materials stored on site.
- Details of the operation as it is now describing what is present on site, the area covered (which would include the new shed), the specifics of what occurs on site, employees, vehicle movements and equipment. A comparison should then be made to show that the character, intensity and scale between the above and how it is now, has not changed.

Recommendation

For the above reasons, I recommend that the application submitted by Resonant Consulting for an existing use rights application, 209.2024.50.1, at 279 Carisbrooke Road, Pahiatua be rejected under s88 of the Resource Management Act.”

Consent 2: 202.2023.134.1 (34 Burgoyne Street Woodville): we have included the decision below and attached the email, this is a long email chain and only what is listed below is relevant to the decision. **Note this consent has no payment received**

Tararua District	House Relocation with minor recession plane encroachment	Lot: 2 DP: 23847
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Decision for declining:

“We have reviewed your request to accept the application as a Deemed permitted marginal activity under 87BB of the RMA.

Section 87BB contains the criteria for deciding whether an activity should be deemed permitted.

To consider if a proposed activity might be a deemed permitted marginal or temporary activity, Council must evaluate whether the activity meets the statutory criteria set out in s87BB:

S87BB Activities meeting certain requirements are permitted activities

(1) An activity is a permitted activity if –

(a) The activity would be a permitted activity except for a marginal or temporary non-compliance with requirements, conditions, and permissions specified in this Act, regulations (including any national environmental standard), a plan, or a proposed plan; and

(b) Any adverse environmental effects of the activity are no different in character, intensity, or scale, than they would be in the absence of the marginal or temporary non-compliance referred to in paragraph (a); and

(c) Any adverse effects of the activity on a person are less than minor; and...

It is intended only activities that infringe permitted activity rules are those deemed permitted under section 87BB.

When a specific request is received by an applicant wanting to undertake an activity seeking that their application be a deemed permitted marginal or temporary activity under section 87BB. Council are required to assess if sufficient information is provided, then the consent authority could agree at its discretion to consider it on that basis.

Unfortunately in this instance Council do not agree to consider the request be assessed as a deemed permitted marginal or temporary activity.

There are two Rules that we are considering here,

Height and recession Plane 5.4.4

Natural Hazards - Flooding 5.1.7.2 (b)

In order to reduce the FFL from the approved 1m height that it is currently approved in the building consent application we would require to reassess the plans through a Building Consent Amendment.

We would need to assess if it would comply with 5.1.7.2(b) (below) . The spot heights provides some RL's but they do not help determine whether the minimum floor height should be raised 200mm + 500mm above existing GL or 500+500mm above existing GL. From a Council perspective would require the recommend 500mm + 500mm – total of 1000mm above existing ground level unless a site specific flood assessment from a suitably qualified engineer or hydrologist that proves otherwise can be provide.

As discussed previously you can use the deemed permitted boundary activity if they get their neighbours approval and they meet all other standards including 5.1.7.2(b) – if this is not able to be meet the options I discussed previously remain.

1. A flood assessment could be undertaken to determine the FFL required to mitigate the adverse effects of the identified 0.5% AEP (1 in 200 year) flood hazard.

The current FFL is based on the Horizons modelling provided which has a depth range of 200-500mm, therefore requiring the setting of the min. FFL at 1m (200-500mm Depth + 500mm freeboard).

A flood assessment provided from a suitably qualified engineer may refine this further reducing the FFL required. It will still be required to be the 500mm freeboard above the 0.5% AEP (1 in 200 year) flood hazard as required under NZS4404. However, the depth of the 0.5% AEP (1 in 200 year) flood hazard would be determined.

2. A discretionary land Use consent could be applied for under the Height and Recession Plane Standard (below) . Unlike a Deemed Permitted Boundary Activity, in this instance the front boundary can be considered. I would recommend engaging a planner to undertake this application.
3. re-orient the house to comply with the height recession plan controls as they appear to have ample room on site to facilitate this. “

Ngā mihi



Allie Dunn | Manager Democracy Services | Deputy Electoral Officer
Democracy Services | Tararua District Council

Phone: +64 6 3744080 | Mobile: +64 27 3331626
Email: Allie.Dunn@TararuaDC.govt.nz
Address: 26 Gordon Street, Dannevirke 4930, PO Box 115
Website: www.tararuaDC.govt.nz
Facebook: www.facebook.com/tararuaDC

From: Allie Dunn

Sent: Tuesday, 20 May 2025 12:00 pm

To: [REDACTED]

Subject: CM: Acknowledgement - LGOIMA request for consent decision documents

Kia ora

This email is to acknowledge receipt of your request for information, regarding reasons that resource consent applications are declined.

We will endeavour to respond to your request as soon as possible and in any event no later than 18 June 2025, being 20 working days after the day your request was received. If we are unable to respond to your request by then, we will notify you of an extension of that timeframe.

As part of our commitment to openness and accountability, we are now proactively publishing copies of requests for information and the responses provided to these requests, on our website. In doing so, we will ensure we comply with the provisions of the Privacy Act 2020 and redact any personal / identifying information from any response published.

If you have any questions about this, please don't hesitate to get in contact with me.

Ngā mihi



Allie Dunn (she / her) | Manager – Democracy Services
Tararua District Council

P 06 374 4080 | M 027 333 1626
allie.dunn@tararuaDC.govt.nz



This email and any attachments is intended for the above named recipient only and may be confidential. If you have received it in error, please take no action based on it, copy it, or show it to anyone. Please return to the sender and delete your copy. Thank you.



From: [REDACTED]
Sent: Tuesday, 20 May 2025 10:55 am
To: Info - Tararua District Council <Info@TararuaDC.Govt.NZ>
Subject: LGOIMA request for consent decision documents



Kia ora,

I'm undertaking some research on the reasons that resource consents under the RMA get declined. The research isn't aimed at assessing whether the decision to decline a consent was correct/incorrect, I'm just interested in understanding across the country the key reasons why consents are declined.

To do this research I'm using the latest [National Monitoring System](#) (NMS) data from 2023/24 to identify consents that have been declined/refused in that year. According to the NMS data, your council declined/refused the following consents:

Council	Description of activity	Legal description
Tararua District	House Relocation with minor recession plane encroachment	Lot: 2 DP: 23847
Tararua District	Existing Use Certificate	Lot: 2 DP: 428724

Under the LGOIMA, could you please provide me with the decision documents or other documents that outline the reasons why the above consents were declined.

Ngā mihi,



[REDACTED]
Principal Associate



MAHEA

From: [REDACTED]
Sent: Wednesday, 20 December 2023 11:14 am
To: [REDACTED]
Cc: Planning Office; [REDACTED]
Subject: RE: BC305241 - 34 Burgoyne Steet Woodville - Planning request for further information

Morena [REDACTED]

We have reviewed your request to accept the application as a Deemed permitted marginal activity under under 87BB of the RMA.

Section 87BB contains the criteria for deciding whether an activity should be deemed permitted.

To consider if a proposed activity might be a deemed permitted marginal or temporary activity, Council must evaluate whether the activity meets the statutory criteria set out in s87BB:

S87BB Activities meeting certain requirements are permitted activities

(1) An activity is a permitted activity if –

(a) The activity would be a permitted activity except for a marginal or temporary non-compliance with requirements, conditions, and permissions specified in this Act, regulations (including any national environmental standard), a plan, or a proposed plan; and

(b) Any adverse environmental effects of the activity are no different in character, intensity, or scale, than they would be in the absence of the marginal or temporary non-compliance referred to in paragraph (a); and

(c) Any adverse effects of the activity on a person are less than minor; and...

It is intended only activities that infringe permitted activity rules are those deemed permitted under section 87BB.

When a specific request is received by an applicant wanting to undertake an activity seeking that their application be a deemed permitted marginal or temporary activity under section 87BB. Council are required to assess if sufficient information is provided, then the consent authority could agree at its discretion to consider it on that basis.

Unfortunately in this instance Council do not agree to consider the request be assessed as a deemed permitted marginal or temporary activity.

There are two Rules that we are considering here,

Height and recession Plane 5.4.4

Natural Hazards - Flooding 5.1.7.2 (b)

In order to reduce the FFL from the approved 1m height that it is currently approved in the building consent application we would require to reassess the plans through a Building Consent Amendment.

We would need to assess if it would comply with 5.1.7.2(b) (below) . The spot heights provides some RL's but they do not help determine whether the minimum floor height should be raised 200mm + 500mm above existing GL or 500+500mm above existing GL. From a Council perspective would require the recommend 500mm + 500mm – total of 1000mm above existing ground level unless they a site specific flood assessment from a suitably qualified engineer or hydrologist that proves otherwise can be provide.

(b) Natural Hazard Area (Flooding)

The permitted and controlled activities on land falling within the definition of a 'Natural Hazard Area (Flooding)' are those specified in Part 4 of this Plan for the Management Area concerned, subject to meeting one or more of the following standards:

- (i) the adverse effects of the identified 0.5% AEP (1 in 200 year) flood hazard are able to be avoided or mitigated; or
- (ii) the activity, including any non-habitable structure, is on farming (production) land; or
- (iii) there is a functional necessity to locate the activity or structure within the identified area.

As discussed previously you can use the deemed permitted boundary activity if they get their neighbours approval and they meet all other standards including 5.1.7.2(b) – if this is not able to be meet the options I discussed previously remain.

1. A flood assessment could be undertaken to determine the FFL required to mitigate the adverse effects of the identified 0.5% AEP (1 in 200 year) flood hazard.

The current FFL is based on the Horizons modelling provided which has a depth range of 200-500mm, therefore requiring the setting of the min. FFL at 1m (200-500mm Depth + 500mm freeboard).

A flood assessment provided from a suitably qualified engineer may refine this further reducing the FFL required. It will still be required to be the 500mm freeboard above the 0.5% AEP (1 in 200 year) flood hazard as required under NZS4404. However, the depth of the 0.5% AEP (1 in 200 year) flood hazard would be determined.

2. A discretionary land Use consent could be applied for under the Height and Recession Plane Standard (below) . Unlike a Deemed Permitted Boundary Activity, in this instance the front boundary can be considered. I would recommend engaging a planner to undertake this application.
3. re-orient the house to comply with the height recession plan controls as they appear to have ample room on site to facilitate this.

Nga mihi



Planning Officer

Corporate Group - Regulatory Services | Tararua District Council



26 Gordon Street, Dannevirke 4930, PO Box 115

www.tararua.govt.nz

www.facebook.com/tararuadc

From:

Sent: Thursday, 14 December 2023 3:32 pm

To: [REDACTED]@Taranuadc.govt.nz>

Cc: Planning Office <Planning@Taranuadc.govt.nz>; [REDACTED]

[REDACTED]>

Subject: RE: BC305241 - 34 Burgoyne Steet Woodville - Planning request for further information

EXTERNAL EMAIL ALERT: Caution advised. This message is from an external sender. Verify the sender's identity and use caution with attachments and links.

Hi [REDACTED]

Thank you for your reply. Yes could you please talk to your team leader.

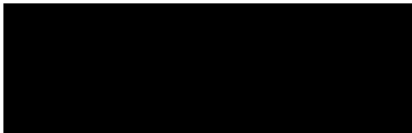
We have dealt with similar instances with PNCC and they have processed these as a Marginal Instant Resource Consent Application.

As outlined in earlier email the only standard that is not meet is building envelope encroachment and the encroachment is minor being 390mm below the envelope line and triangular in shape.

We look forward to your reply.

Many thanks

Kind Regards,



mhcconsulting
ARCHITECTURE AND BUILDING CONSULTANTS

Licensed Building Practitioner - Design Level 2



From: [REDACTED]@Taranuadc.govt.nz>

Sent: Thursday, December 14, 2023 12:09 PM

To: [REDACTED]

Cc: Planning Office <Planning@Taranuadc.govt.nz>; [REDACTED]

[REDACTED]

Subject: RE: BC305241 - 34 Burgoyne Steet Woodville - Planning request for further information

Hi [REDACTED]

Thank you for your email, I will raise this with my team leader,

Unfortunately, without the ability to assess the consent through the deemed permitted boundary activity process the consent does then require to be assessed as a discretionary activity under the below rule:

5.4.4.3 Non-compliance with standards

Where an activity cannot meet the standards specified above, the activity shall be deemed to be a discretionary activity, requiring a resource consent.

My email below is to provide you with as much information as possible to add to the current application prior to lodgement.



[REDACTED] | Planning Officer

Corporate Group - Regulatory Services | Tararua District Council



[REDACTED]



[REDACTED]



26 Gordon Street, Dannevirke 4930, PO Box 115



www.tararua.govt.nz



www.facebook.com/tararua.govt.nz

From: [REDACTED]

Sent: Thursday, 14 December 2023 11:59 am

To: [REDACTED] [@Tararua.govt.nz](mailto:[REDACTED]@tararua.govt.nz)>

Cc: [REDACTED]

Subject: FW: BC305241 - 34 Burgoyne Steet Woodville - Planning request for further information

EXTERNAL EMAIL ALERT: Caution advised. This message is from an external sender. Verify the sender's identity and use caution with attachments and links.

Hi [REDACTED]

Sam has forwarded me your response to the application that has been made for the minor height encroachment at the above address.

It seems unreasonable that you require assessment against criteria is irrelevant.

The only non compliance is the height encroachment which is minor and is the only non compliance that requires assessment. If the height encroachment did not exist there would be no issue.

We would ask that council be fair and reasonable about this to allow this project to keep moving forward based on the application we have provided.

Many thanks

Kind Regards,

[REDACTED]

[REDACTED]



From: [REDACTED] >
Sent: Thursday, December 14, 2023 11:45 AM
To: [REDACTED]
Subject: FW: BC305241 - 34 Burgoyne Steet Woodville - Planning request for further information

Thanks,
[REDACTED]

From: [REDACTED] <[\[REDACTED\]@Tararua.govt.nz](mailto:[REDACTED]@Tararua.govt.nz)>
Sent: Thursday, December 14, 2023 11:42 AM
To: [REDACTED]
Cc: [REDACTED] Planning Office <Planning@Tararua.govt.nz>
Subject: RE: BC305241 - 34 Burgoyne Steet Woodville - Planning request for further information

Good afternoon [REDACTED]

Thank you for your application, we would require the payment for the discretionary land use consent prior to accepting the application for lodgement.

[Applying For Resource Consent | Tararua District Council \(tararua.govt.nz\)](#)

I have had a quick look over the application and we would require more information. Please let me know if you wish this to be treated as a draft that could be added to.

The land use consent would be discretionary so it would also require the follow assessment criteria to be considered.

7.3.10 RESOURCE CONSENT PROCEDURES

(a) Criteria for Assessing Discretionary Activities

*The criteria for assessing discretionary activities are specified in **Part 4** of this Plan (for each Management Area) and, in some instances, additional criteria for assessment are included in **Part 5** of the Plan in relation to specific standards.*

4.2.5 DISCRETIONARY ACTIVITIES

4.2.5.1 The following are discretionary activities in the Residential Management Area:

(a) Any activity not listed in this Plan as a permitted or controlled activity.

(b) Any permitted or controlled activity listed in this Plan which does not meet the environmental standards specified in Part 5 of this District Plan.

(c) Any other activity specifically listed in Part 5 of this Plan as a "discretionary activity".

4.2.5.2 Criteria for Assessment

In assessing any application under section 4.2.5.1 above for a discretionary activity, the Council shall have regard to the following matters:

(i) the purpose and principles in Part II of the RMA;

(ii) other relevant provisions of the RMA;

(iii) relevant provisions of this District Plan, including:

- *the objectives, policies and anticipated environmental results in Part 2 of this Plan;*
- *the desired characteristics for the relevant Management Area in Part 3 of this Plan;*
- *the rules and standards in Part 5 of this Plan.*
- *where any activity is proposed within a Future Residential or Future Industrial Management overlay area, whether the proposed activity is likely to pre-empt or prevent the land on which the activity is proposed to occur from being rezoned and/or used for the stated purpose of the particular Future Management Area.*
- (iv) where an activity is deemed to be a discretionary activity due to non-compliance with an environmental standard in Part 5 of this Plan, regard shall be had to any additional "criteria for assessment" specified in Part 5 of this Plan in relation to that environmental standard;*
- (v) any other matters the Council considers relevant and reasonably necessary to determine the application. Relevant matters include:*
 - *the degree of non-compliance and the practicality of achieving any specified standard;*
 - *details of any proposed mitigation measures;*
 - *whether there are particular circumstances existing which justify the alteration of any standards relating to the proposed activity.*

An example of some of the information that would also need to be supplied,

To complete your application you need to write an application which has all of the information prescribed in Schedule 4 of the RMA [Resource Management Act 1991 No 69 \(as at 03 November 2021\), Public Act Schedule 4 Information required in application for resource consent – New Zealand Legislation](#). Broadly you need to outline (and this may need to be done as a separate document) the following:

- A detailed description of your proposal and the site and surrounding area
- An assessment against the rules in the District Plan [Tararua District Plan | Tararua District Council \(tararuadc.govt.nz\)](#) – see section 4.2. Consent is required under rule 4.2.5.1
- An assessment against the matters set out in section 4.2.5.2 including the Objective and Policies in the District Plan – see Part 2 of the District Plan
- An assessment of environmental effects (AEE) (visual effects, noise, hours of operation, traffic etc)
- Any written approval of any affected persons [Application for Written Approval of Affected Persons \(tararuadc.govt.nz\)](#) along with the accompanying signed plans

Here are a couple of guides which may be helpful in preparing your AEE

- [A guide to preparing a basic assessment of environmental effects | Ministry for the Environment](#)
- [Assessing the Application and Assessment of Environmental Effects | Quality Planning](#)

I have attached an example of part of an application that includes and assessment of the environmental standard of the District Plan (Part 5), and the objective and policies. (Part 2) – please note this is not a recent application as most come in now as unfortunately most come in as a deemed permitted boundary activity.

Please let me know if you have any further questions,



██████████ | Planning Officer
Corporate Group - Regulatory Services | Tararua District Council



██
26 Gordon Street, Dannevirke 4930, PO Box 115

www.tararua.govt.nz

www.facebook.com/tararuadc

From: ██████████ >
Sent: Monday, 11 December 2023 11:55 am
To: ██████████ @Tararuadc.govt.nz>
Cc: ██████████ Planning Office <Planning@Tararuadc.govt.nz>
Subject: RE: BC305241 - 34 Burgoyne Steet Woodville - Planning request for further information

EXTERNAL EMAIL ALERT: Caution advised. This message is from an external sender. Verify the sender's identity and use caution with attachments and links.

Morning ██████████ and Planning team,

Please find attached a Resource Consent Application for this project. Included in the attachments are...
Resource consent application
Assessment of Effects
Plans with site plan, floor plans and elevations
Surveyors topographical and workings showing 390mm above the allowable 1/3rd of a gable.

Please let me know if there is any further information needed

Thanks,

██████████

mhcconsulting
ARCHITECTURE AND BUILDING CONSULTANTS

From: ██████████ @Tararuadc.govt.nz>
Sent: Monday, December 11, 2023 9:43 AM
To: ██████████
Cc: ██████████ >; Planning Office <Planning@Tararuadc.govt.nz>
Subject: RE: BC305241 - 34 Burgoyne Steet Woodville - Planning request for further information

Morena ██████████

If there is an issue with completing the approved party forms required to apply for a deemed permitted boundary activity for the height and recession plane breach, then a discretionary land Use consent could be applied for under the Height and Recession Plane Standard (below) . Unlike a Deemed Permitted Boundary Activity, in this instance the front boundary can be considered. I would recommend engaging a planner to undertake this application.

5.4.4 HEIGHT AND RECESSION PLANE CONTROLS

5.4.4.1 Introduction

Height and recession plane controls are physical standards which aim to ensure that the height of buildings is compatible with the landscape, amenity and character of the area concerned, having regard to the activities permitted in each Management Area. The recession plane controls aim to ensure that no building or structure unreasonably overshadows any neighbouring residential property so that all residential properties can have access to reasonable sunlight for passive solar heating and outdoor living areas. This contributes to reducing the use of non-renewable energy sources. In the Residential and Settlement Management Areas, the height and recession plane controls also aim to ensure that properties may maintain a reasonable degree of privacy.

The Council considers it unnecessary to have additional "yard" requirements in the District Plan as the application of the recession plane control in Residential, Rural and Settlement Management Areas serves to achieve a setback of buildings in most cases (i.e. any building more than 2 metres high). This does mean that some buildings/structures can be built up to a boundary if they are 2 metres or less in height at the boundary and have a roof pitch which meets the recession plane control, but they will still have to comply with any fire rating, structural or other requirements of the Building Regulations under the Building Act 2004. By using the recession plane as the sole control over the setback for buildings, the Council is enabling more creative and effective layout of sites and less "wasted" space. The Plan's height and recession plane controls apply to buildings and structures, but not to trees. The Council recognises that trees do cause shading but is of the opinion that in the event of any disputes between neighbours over such matters, civil remedies should be sought in the first instance. Should such problems repeatedly arise, the Council will consider changing the Plan to apply a recession plane control to trees, particularly evergreen trees.

5.4.4.2 Standards

(a) In Residential, Settlement and Rural Management Areas, the maximum height of any building or structure shall be 10 metres;

(b) In Commercial and Industrial Management Areas, the maximum height of any building or structure shall be 15 metres;

(c) In addition to the above height controls, all new buildings and structures, and additions to existing buildings and structures, shall be designed and constructed to fit within a recession plane (or height-to-boundary plane) which begins at 2 metres above the existing ground level at all site boundaries (including front boundaries) and then projects from this line inwards at a 45 degree angle, except that:

- In Commercial and Industrial Management Areas, this control shall only apply in relation to any site boundary which is adjacent to a Residential, Settlement or Rural Management Area.

(d) The following structures are exempt from the above height and recession plane controls in this section: [Note: the standards in section 5.3.6 (network utilities) shall apply (as applicable).]

- Activities permitted under standards 5.3.6.2(a) and (b).
- Flagpoles
- Wires
- Television and radio antennae
- Chimneys
- Vertical ventilation shafts
- Solar heating devices
- Up to one-third of the height of gable end roofs, and dormer windows not more than 3 metres wide.

[Note: Any structures over 60 metres in height may require approval from the Civil Aviation Authority of New Zealand.]

(e) Where garages, carports and other accessory buildings are proposed to be constructed up to the boundary of a site in the Residential or Settlement Management Area, the recession plane controls shall not apply where the owner(s) and occupier(s) of the adjacent property have given their written consent.

5.4.4.3 Non-compliance with standards

Where an activity cannot meet the standards specified above, the activity shall be deemed to be a discretionary activity, requiring a resource consent.

5.4.4.4 Criteria for Assessment

In addition to the criteria specified in section 7.3.10(a) of this Plan, the Council shall have regard to the following in respect of any application under section 5.4.4.3 above for a discretionary activity:

- (a) Topographical or other site constraints;
- (b) The desirability of maintaining consistency in design and appearance with existing buildings on the site;
- (c) The desirability of protecting existing trees, vegetation or other significant physical feature on the site;

- (d) Whether the boundary to which the standard relates is a common boundary with an area of permanent open space, the use of which will not be detrimentally affected by any increased shading;
- (e) The extent to which the neighbouring property will be affected by increased shading, loss of daylight (having regard to the orientation of the boundary in relation to the sun), amenity value and privacy;
- (f) The extent to which the building or structure visually intrudes on any significant ridgeline or skyline or significant landscape, the degree of necessity for the location due to operational and technical requirements, and what measures are proposed to reduce the visual impact of that intrusion;
- (g) In relation to front boundaries, the extent to which the development will be compatible with the existing character of the streetscape;
- (h) Details of any other mitigation measures proposed.

Please let me know if you have any questions.



██████████ | Planning Officer
Corporate Group - Regulatory Services | Tararua District Council



██



██



26 Gordon Street, PO Box 115, Dannevirke 4930



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From: ██████████ >
Sent: Wednesday, 6 December 2023 12:00 pm
To: ██████████ [@Tararuadc.govt.nz](mailto:██████████@Tararuadc.govt.nz)>
Cc: ██████████
Subject: RE: BC305241 - 34 Burgoyne Steet Woodville - Planning request for further information

EXTERNAL EMAIL ALERT: Caution advised. This message is from an external sender. Verify the sender's identity and use caution with attachments and links.

Hi ██████████

As mentioned previously, my client has engaged a surveyor to get a better understanding of the heights on the site to try minimise the non-compliant recession plane through the gable and to confirm where boundaries are.

We updated the elevations to the heights provided and there is a significant improvement to this non-compliance as we have been able to set the FFL more accurately.

The FFL has been set 1m above the lowest point on site (500mm flooding + 500mm freeboard), the Horizons flooding information has a flooding depth of 200-500mm which makes a lot more sense now as the site actually slopes upwards 300mm, therefore the FFL is 720mm above GL at the boundary in question (200mm flooding + 500mm freeboard).

The surveyor has provided heights of the gable and what is allowable and the gable has a 390mm breach through the allowable 1/3rd of a gable recession plane.

We have made a fair and reasonable effort to contact the neighbour about the improvement to see if they would sign off on this and have been unable to get a response.

Email sent on Wednesday 29/11/23 and a follow up text on Tuesday 05/12/23 (this was the way we were responded to originally).

What is the process of getting council to approve this non-compliance? The non-compliance is 390mm above the allowable 1/3rd of a gable, this on the south boundary of the affected neighbour so there is no shadow effect what so ever on their property. We have also included an elevation of the proposed fencing and planting to help reduce any bulk effect.

Please find attached the surveyors plan and the updated elevations

Thanks in advance, really appreciate your help.

Thanks,



mhconsulting
ARCHITECTURE AND BUILDING CONSULTANTS

From: [REDACTED] <[\[REDACTED\]@Taranuadc.govt.nz](mailto:[REDACTED]@Taranuadc.govt.nz)>

Sent: Friday, November 3, 2023 1:09 PM

To: [REDACTED]

Subject: RE: BC305241 - 34 Burgoyne Steet Woodville - Planning request for further information

Thanks [REDACTED]

I will get this done and I have let the building officer known that it can be granted with a section 37.

I have included the access and service Standards in the section 37 as they haven't been paid yet and therefore are not considered submitted. We do have the application for these and they are awaiting payment.

Have a good afternoon

Ngā mihi,



[REDACTED] | Planning Officer |
Taranua District Council

P: 06 374 4080 | [REDACTED] [REDACTED]

www.taranuadc.govt.nz



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It is the applicant's responsibility to take their own professional Planning, Surveying and/or Legal advice, and to rely solely on that advice in making any application for consents, permits or licences.

From: [REDACTED] >
Sent: Thursday, 2 November 2023 4:46 pm
To: [REDACTED] <[\[REDACTED\]@Tararua.govt.nz](mailto:[REDACTED]@Tararua.govt.nz)>; [REDACTED]
Cc: Planning Office <Planning@Tararua.govt.nz>; Building Admin Team <BuildingAdmin@Tararua.govt.nz>; [REDACTED]
Subject: RE: BC305241 - 34 Burgoyne Steet Woodville - Planning request for further information

EXTERNAL EMAIL ALERT: Caution advised. This message is from an external sender. Verify the sender's identity and use caution with attachments and links.

Hi [REDACTED]

Sorry meant to email you earlier today,

Are we able to have the consent granted please with the section 37 in place?

We have engaged a surveyor to provide a more accurate topo etc, from this they will then help with the resource application if needed. After some quick levels taken onsite there is a natural contour on site that will potentially push the recession breach into the acceptable 1/3 or closer to something the neighbour will be happy with. We are dealing with their south boundary so shadow effect isn't there its just trying to limit the bulk effect on them and potentially the recession plane is approx. 400mm too low for the contour of the land at the boundary currently shown.

So in summary, we are getting more accurate information to then work with NZVD2016 and more clarity from Horizons on their flooding information as a range of 200-500mm has a significant difference in the FFL.

Apologies for the delays but we will have this sorted ASAP as my client is keen to get the house down and get their exciting project underway

Thanks,
[REDACTED]

mhc  **nsulting**
ARCHITECTURE AND BUILDING CONSULTANTS

From: [REDACTED] <[\[REDACTED\]@Tararua.govt.nz](mailto:[REDACTED]@Tararua.govt.nz)>
Sent: Thursday, November 2, 2023 4:19 PM
To: [REDACTED]
Cc: Planning Office <Planning@Tararua.govt.nz>; Building Admin Team <BuildingAdmin@Tararua.govt.nz>; [REDACTED]
Subject: RE: BC305241 - 34 Burgoyne Steet Woodville - Planning request for further information

Good afternoon,

Can I please follow up on this email.

Ngā mihi,



██████████ | Planning Officer |
Tararua District Council

P: 06 374 4080 | ██████████ ██████████

www.tararuadc.govt.nz



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It is the applicant's responsibility to take their own professional Planning, Surveying and/or Legal advice, and to rely solely on that advice in making any application for consents, permits or licences.

From: ██████████
Sent: Thursday, 26 October 2023 4:17 pm
To: ██████████
Cc: Planning Office <Planning@Tararuadc.govt.nz>; Building Admin Team <BuildingAdmin@Tararuadc.govt.nz>;
██████████
Subject: RE: BC305241 - 34 Burgoyne Steet Woodville - Planning request for further information

Good afternoon ██████████

Thank you for your time on the phone ██████████

Regrading the deemed permitted boundary activity if there is an issue with completing the approved party forms required to apply for a deemed permitted boundary activity for the height and recession plane breach there are a few options,

- 1) A flood assessment could be undertaken to determine the FFL required to mitigate the adverse effects of the identified 0.5% AEP (1 in 200 year) flood hazard.

The current FFL is based on the Horizons modelling provided which has a depth range of 200-500mm, therefore requiring the setting of the min. FFL at 1m (300-500mm Depth + 500mm freeboard).

A flood assessment provided from a suitably qualified engineer may refine this further reducing the FFL required. It will still be required to be the 500mm freeboard above the 0.5% AEP (1 in 200 year) flood hazard as required under NZS4404. However, the depth of the 0.5% AEP (1 in 200 year) flood hazard would be determined.

- 2) A discretionary land Use consent could be applied for under the Height and Recession Plane Standard (below) . Unlike a Deemed Permitted Boundary Activity, in this instance the front boundary can be considered. I would recommend engaging a planner to undertake this application.
- 3) If you wish to apply to put the Building Consent on hold, please contact the Building Admin team in writing on BuildingAdmin@Taranuadc.govt.nz you would be required to supply a reason and a timeframe and they will determine if they are happy for it to be placed on hold. Alternatively, the Consent could be granted with a section 37 requiring the non-compliant standards to be resolved prior to any works being undertaken or inspections being booked. Any changes would then require an amendment to the Building Consent.

5.4.4 HEIGHT AND RECESSION PLANE CONTROLS

5.4.4.1 Introduction

Height and recession plane controls are physical standards which aim to ensure that the height of buildings is compatible with the landscape, amenity and character of the area concerned, having regard to the activities permitted in each Management Area. The recession plane controls aim to ensure that no building or structure unreasonably overshadows any neighbouring residential property so that all residential properties can have access to reasonable sunlight for passive solar heating and outdoor living areas. This contributes to reducing the use of non-renewable energy sources. In the Residential and Settlement Management Areas, the height and recession plane controls also aim to ensure that properties may maintain a reasonable degree of privacy.

The Council considers it unnecessary to have additional "yard" requirements in the District Plan as the application of the recession plane control in Residential, Rural and Settlement Management Areas serves to achieve a setback of buildings in most cases (i.e. any building more than 2 metres high). This does mean that some buildings/structures can be built up to a boundary if they are 2 metres or less in height at the boundary and have a roof pitch which meets the recession plane control, but they will still have to comply with any fire rating, structural or other requirements of the Building Regulations under the Building Act 2004. By using the recession plane as the sole control over the setback for buildings, the Council is enabling more creative and effective layout of sites and less "wasted" space. The Plan's height and recession plane controls apply to buildings and structures, but not to trees. The Council recognises that trees do cause shading but is of the opinion that in the event of any disputes between neighbours over such matters, civil remedies should be sought in the first instance. Should such problems repeatedly arise, the Council will consider changing the Plan to apply a recession plane control to trees, particularly evergreen trees.

5.4.4.2 Standards

(a) In Residential, Settlement and Rural Management Areas, the maximum height of any building or structure shall be 10 metres;

(b) In Commercial and Industrial Management Areas, the maximum height of any building or structure shall be 15 metres;

(c) In addition to the above height controls, all new buildings and structures, and additions to existing buildings and structures, shall be designed and constructed to fit within a recession plane (or height-to-boundary plane) which begins at 2 metres above the existing ground level at all site boundaries (including front boundaries) and then projects from this line inwards at a 45 degree angle, except that:

- *In Commercial and Industrial Management Areas, this control shall only apply in relation to any site boundary which is adjacent to a Residential, Settlement or Rural Management Area.*

(d) The following structures are exempt from the above height and recession plane controls in this section: [Note: the standards in section 5.3.6 (network utilities) shall apply (as applicable).]

- *Activities permitted under standards 5.3.6.2(a) and (b).*
- *Flagpoles*
- *Wires*
- *Television and radio antennae*
- *Chimneys*
- *Vertical ventilation shafts*
- *Solar heating devices*
- *Up to one-third of the height of gable end roofs, and dormer windows not more than 3 metres wide.*

[Note: Any structures over 60 metres in height may require approval from the Civil Aviation Authority of New Zealand.]

(e) Where garages, carports and other accessory buildings are proposed to be constructed up to the boundary of a site in the Residential or Settlement Management Area, the recession plane controls shall not apply where the owner(s) and occupier(s) of the adjacent property have given their written consent.

5.4.4.3 Non-compliance with standards

Where an activity cannot meet the standards specified above, the activity shall be deemed to be a discretionary activity, requiring a resource consent.

5.4.4.4 Criteria for Assessment

In addition to the criteria specified in section 7.3.10(a) of this Plan, the Council shall have regard to the following in respect of any application under section 5.4.4.3 above for a discretionary activity:

- (a) Topographical or other site constraints;
- (b) The desirability of maintaining consistency in design and appearance with existing buildings on the site;
- (c) The desirability of protecting existing trees, vegetation or other significant physical feature on the site;
- (d) Whether the boundary to which the standard relates is a common boundary with an area of permanent open space, the use of which will not be detrimentally affected by any increased shading;
- (e) The extent to which the neighbouring property will be affected by increased shading, loss of daylight (having regard to the orientation of the boundary in relation to the sun), amenity value and privacy;
- (f) The extent to which the building or structure visually intrudes on any significant ridgeline or skyline or significant landscape, the degree of necessity for the location due to operational and technical requirements, and what measures are proposed to reduce the visual impact of that intrusion;
- (g) In relation to front boundaries, the extent to which the development will be compatible with the existing character of the streetscape;
- (h) Details of any other mitigation measures proposed.

Ngā mihi,



██████████ | Planning Officer |
Tararua District Council

P: 06 374 4080 | ██████████ ██████████ ██████████

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It is the applicant's responsibility to take their own professional Planning, Surveying and/or Legal advice, and to rely solely on that advice in making any application for consents, permits or licences.

From: [REDACTED]
Sent: Wednesday, 18 October 2023 1:36 pm
To: [REDACTED] <[\[REDACTED\]@Tararua.govt.nz](mailto:[REDACTED]@Tararua.govt.nz)>
Cc: Planning Office <Planning@Tararua.govt.nz>
Subject: RE: BC305241 - 34 Burgoyne Steet Woodville - Planning request for further information

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Hi [REDACTED]

Please find attached an updated site plan with the modelling map and FFL noted.
You are correct with Elevation 2, attached is updated elevations referencing the FFL and grant street on elevation 2
Sheet 6 is also attached with the FFL on the detail amended.

The FFL is now referenced on the
Site plan
Proposed Floor Plan
Elevations
Pile layout plan (detail)
And Section S01

Thanks,
[REDACTED]

mhc  **nsulting**
ARCHITECTURE AND BUILDING CONSULTANTS

From: [REDACTED] <[\[REDACTED\]@Tararua.govt.nz](mailto:[REDACTED]@Tararua.govt.nz)>
Sent: Wednesday, October 18, 2023 12:48 PM
To: [REDACTED]
Cc: Planning Office <Planning@Tararua.govt.nz>
Subject: RE: BC305241 - 34 Burgoyne Steet Woodville - Planning request for further information

Hi [REDACTED]

Could I please confirm what Plans have the Flood level and the FFL referenced.
Page 6 refers to an FFL of 600mm however.
Could we please have this detailed on the site plan as well, can we have the Horizons modelling depth of 300-500mm referenced and the FFL level mitigation.

Can I confirm that 'elevation 2' shows the road boundary on the right hand side with the recession plane

I will follow up with our customer services with regard to the application for a vehicle crossing and services.

Ngā mihi,



██████████ | Planning Officer |
Taranua District Council

P: 06 374 4080 | ██████████ ██████████

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It is the applicant's responsibility to take their own professional Planning, Surveying and/or Legal advice, and to rely solely on that advice in making any application for consents, permits or licences.

From: ██████████
Sent: Thursday, 28 September 2023 5:00 pm
To: ██████████ <██████████@Taranuadc.govt.nz>
Subject: RE: BC305241 - 34 Burgoyne Steet Woodville - Planning request for further information

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Hi ██████████

The portal will not let me add more than 1 file to your RFI, so just emailing the info through.
Attached are the Vehicle and Stormwater connection applications,

Horizons have provided the modelling and we have a depth of 300-500mm, therefore we have set the min. FFL at 1m (300-500mm Depth + 500mm freeboard). Plans have been updated, just waiting on info from engineer to be able to answer all the RFI's. These will be in the portal tomorrow hopefully.

With the new FFL another recession plane hits the spouting, my client has reached out to the neighbours to get the plans signed and the deemed permitted boundary forms filled out. Will get these to you ASAP.

The natural hazard on the title will be a condition of the consent, and CCC wont be issued until this has been sorted.

Thanks,
██████████

From: [REDACTED]@Tararua.govt.nz>

Sent: Friday, September 15, 2023 2:03 PM

To: [REDACTED]

Cc: Planning Office <Planning@Tararua.govt.nz>; BuildingAdmin <BuildingAdmin@Tararua.govt.nz>

Subject: RE: BC305241 - 34 Burgoyne Steet Woodville - Planning request for further information

Hi [REDACTED]

1. The Regional Plan One Plan Policy 9-2 and District Plan requires 0.5% AEP be used as the minimum level of flood protection for development in flood-prone areas in the Region.
2. There is the ability to apply for a deemed permitted boundary activity if all other pert standards are able to be complied with, including mitigating the flood hazard as per the below rule,

5.1.7.2 Standards

(b) Natural Hazard Area (Flooding)

The permitted and controlled activities on land falling within the definition of a 'Natural Hazard Area (Flooding)' are those specified in Part 4 of this Plan for the Management Area concerned, subject to meeting one or more of the following standards:

(i) the adverse effects of the identified 0.5% AEP (1 in 200 year) flood hazard are able to be avoided or mitigated;

or

(ii) the activity, including any non-habitable structure, is on farming (production) land; or

(iii) there is a functional necessity to locate the activity or structure within the identified area.

Please find attached the relevant forms below to apply for a deemed permitted boundary activity, the only issue with this is that it does not apply to a public boundary, please see the attached document for further information.

[PBA-approval-form.pdf \(tararua.govt.nz\)](#)

[PBA-application-form.pdf \(tararua.govt.nz\)](#)

Note the height and recession plane rule below:

5.4.4.2 Standards – Height and Recession Plane,

(a) In Residential, Settlement and Rural Management Areas, the maximum height of any building or structure shall be 10 metres;

(b) In Commercial and Industrial Management Areas, the maximum height of any building or structure shall be 15 metres;

(c) In addition to the above height controls, all new buildings and structures, and additions to existing buildings and structures, shall be designed and constructed to fit within a recession plane (or height-to-boundary plane) which begins at 2 metres above the existing ground level at all site boundaries (including front boundaries) and then projects from this line inwards at a 45 degree angle, except that:

- In Commercial and Industrial Management Areas, this control shall only apply in relation to any site boundary which is adjacent to a Residential, Settlement or Rural Management Area.

(d) The following structures are exempt from the above height and recession plane controls in this section: [Note: the standards in section 5.3.6 (network utilities) shall apply (as applicable).]

- Activities permitted under standards 5.3.6.2(a) and (b).
- Flagpoles
- Wires
- Television and radio antennae
- Chimneys
- Vertical ventilation shafts

- Solar heating devices

- Up to one-third of the height of gable end roofs, and dormer windows not more than 3 metres wide.

[Note: Any structures over 60 metres in height may require approval from the Civil Aviation Authority of New Zealand.]

(e) Where garages, carports and other accessory buildings are proposed to be constructed up to the boundary of a site in the Residential or Settlement Management Area, the recession plane controls shall not apply where the owner(s)

I have followed up with the building team regarding your last question.

Ngā mihi,



██████████ | Planning Officer |
Tararua District Council

P: 06 374 4080 | ██████████ ██████████

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It is the applicant's responsibility to take their own professional Planning, Surveying and/or Legal advice, and to rely solely on that advice in making any application for consents, permits or licences.

From: ██████████ >

Sent: Tuesday, 12 September 2023 2:26 pm

To: ██████████ @Tararua.govt.nz>

Cc: Planning Office <Planning@Tararua.govt.nz>; BuildingAdmin <BuildingAdmin@Tararua.govt.nz>; ██████████

Subject: FW: BC305241 - 34 Burgoyne Steet Woodville - Planning request for further information

EXTERNAL EMAIL ALERT: Caution advised. This message is from an external sender. Verify the sender's identity and use caution with attachments and links

Afternoon ██████████

We have downloaded the vehicle crossing and connection forms and will have these filled out and back to you soon.

We have got the water depth back from Horizon for a 0.5% AEP which is 200-500mm. This is a big range but assume we need to be at worst case scenario of 500mm + 500mm freeboard = 1m FFL. This means the dwelling needs to be 400mm higher than what is shown.

Can I just confirm which AEP it needs to be? Section 4.3.5.2 Freeboard from the info below states 1% (1 in 100 year) 4.3.5.2 Freeboard

The minimum freeboard height additional to the computed top water flood level of the 1 % AEP design storm should be as follows or as specified in the district or regional plan:

Freeboard

Habitable dwellings (including attached garages) 0.5m

Commercial and industrial buildings 0.3m

Non-habitable residential buildings and detached garages 0.2m

Lifting the house another 400mm for a 0.5% AEP now has recession planes cutting through spouting, what is the process now? Can we get neighbours signatures for approval and be treated as marginal or does this become a resource consent?

We have also received an RFI from the building team saying a section 72 needs to be completed so that hazard is listed on the title. We cannot find anywhere where this application form is on your website, are you able to provide this please?

Thanks for your help,

■

mhcconsulting
ARCHITECTURE AND BUILDING CONSULTANTS

From: ■ >

Sent: Thursday, September 7, 2023 3:47 PM

To: ■ <■@Tararua.govt.nz>

Cc: Planning Office <Planning@Tararua.govt.nz>; BuildingAdmin <BuildingAdmin@Tararua.govt.nz>; ■

■ >

Subject: RE: BC305241 - 34 Burgoyne Steet Woodville - Planning request for further information

Hi ■

Thank you for your email. It would be helpful to us if you could provide the level of the flooding so we can adjust our floor level accordingly.

The map provided does not provide any levels.

Kind Regards,

■



From: [REDACTED] <[@Taranuadc.govt.nz](mailto:[REDACTED]@Taranuadc.govt.nz)>

Sent: Thursday, September 7, 2023 3:29 PM

To: [REDACTED]

Cc: Planning Office <Planning@Taranuadc.govt.nz>; BuildingAdmin <BuildingAdmin@Taranuadc.govt.nz>; [REDACTED]

Subject: BC305241 - 34 Burgoyne Steet Woodville - Planning request for further information

Good afternoon

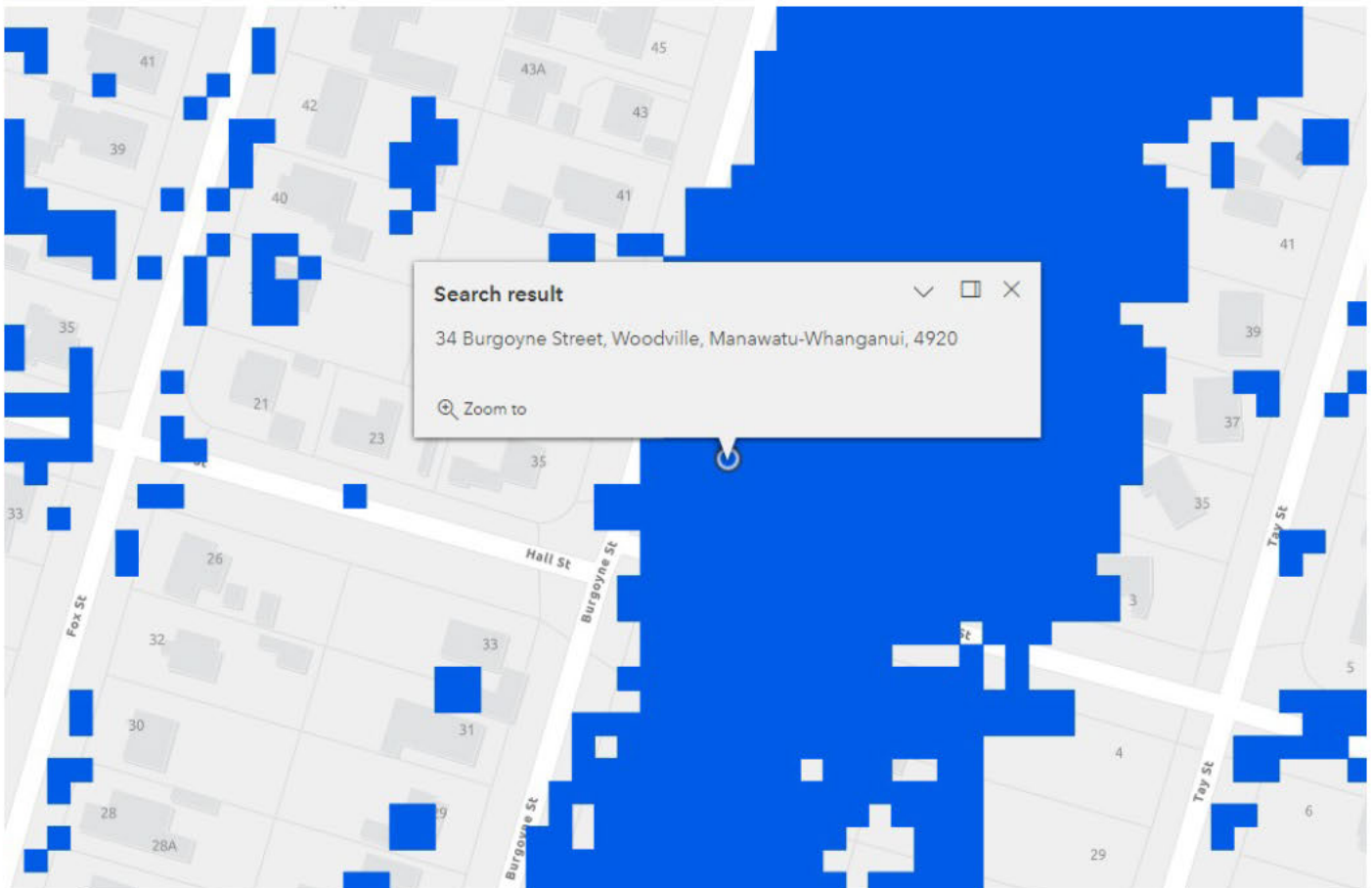
I am completing a planning check against the District Plan for BC305241 - 34 Burgoyne Steet Woodville. Can I please request the following further information:

1. Flood modelling

34 Burgoyne Street is located in the Horizons region modelled wet extents from flood plain mapping analysis for 0.5% AEP (1 in 200 year) flood hazard

[Horizons regional modelled and inferred wet extents from FPM analysis \(arcgis.com\)](#)

[Horizons Maps | Public Viewer](#)



The Natural Hazard Area (Flooding) Standard (below) require this is be avoided or mitigated. As the modelling cover the entire site it will not be able to be avoided an therefore will require mitigation.

5.1.7.2 Standards

(b) Natural Hazard Area (Flooding)

The permitted and controlled activities on land falling within the definition of a 'Natural Hazard Area (Flooding)' are those specified in Part 4 of this Plan for the Management Area concerned, subject to meeting one or more of the following standards:

(i) the adverse effects of the identified 0.5% AEP (1 in 200 year) flood hazard are able to be avoided or mitigated; or

(ii) the activity, including any non-habitable structure, is on farming (production) land; or

(iii) there is a functional necessity to locate the activity or structure within the identified area.

Tararua District Council and NZS4404 (below) requires a freeboard of 0.5m above 0.5% AEP (1 in 200 year) flood hazard (detailed below)

4.3.5.2 Freeboard

The minimum freeboard height additional to the computed top water flood level of the 1 % AEP design storm should be as follows or as specified in the district or regional plan:

Freeboard

Habitable dwellings (including attached garages) 0.5m

Commercial and industrial buildings 0.3m

Non-habitable residential buildings and detached garages 0.2m

Please provide a FFL for the dwelling that complies with the above Standard and is supported by an assessment of the height of the 0.5% AEP (1 in 200 year) flood hazard.

2. **Height & Recession Plane** - encroachment of gable end appears to be greater than the exemption. Please show compliance with the height and recession plane Standard.

Please see the standard for Height and recession plane below, the encroachment appears to be greater the then 1/3 of gable end exemption under 5.4.4.2(d)

5.4.4 HEIGHT AND RECESSION PLANE CONTROLS

5.4.4.2 Standards

(a) In Residential, Settlement and Rural Management Areas, the maximum height of any building or structure shall be 10 metres;

(c) In addition to the above height controls, all new buildings and structures, and additions to existing buildings and structures, shall be designed and constructed to fit within a recession plane (or height-to-boundary plane) which begins at 2 metres above the existing ground level at all site boundaries (including front boundaries) and then projects from this line inwards at a 45 degree angle, except that:

(d) The following structures are exempt from the above height and recession plane controls in this section: [Note: the standards in section 5.3.6 (network utilities) shall apply (as applicable).]

- *Activities permitted under standards 5.3.6.2(a) and (b).*

- *Flagpoles*

- *Wires*

- *Television and radio antennae*

- *Chimneys*

- *Vertical ventilation shafts*

- *Solar heating devices*

- ***Up to one-third of the height of gable end roofs, and dormer windows not more than 3 metres wide.***

[Note: Any structures over 60 metres in height may require approval from the Civil Aviation Authority of New Zealand.]

(e) Where garages, carports and other accessory buildings are proposed to be constructed up to the boundary of a site in the Residential or Settlement Management Area, the recession plane controls shall not apply where the owner(s) and occupier(s) of the adjacent property have given their written consent.

3. **Service connections** application are required to be applied for with Council for water/ wastewater and stormwater overflow (attenuated)

Please see find further information regarding service connection here: [Service Connections | Tararua District Council \(tararua.govt.nz\)](https://www.tararua.govt.nz/service-connections)

4. **Vehicle crossing** - a vehicle crossing is required to applied for at building consent stage and then constructed prior to Code Compliance Certificate

I have attached a vehicle crossing application form. Can we please have this completed and the associated fee returned to Council,

Please find further information on the application process on our website [Vehicle & Stock Crossings | Tararua District Council \(tararua.govt.nz\)](https://www.tararua.govt.nz/vehicle-stock-crossings)

Please find the fees and charges here [Engineering Fees & Charges | Tararua District Council \(tararua.govt.nz\)](https://www.tararua.govt.nz/engineering-fees-charges)

Please contact Tararua Alliance before forming the vehicle crossing. The vehicle crossing will be required to be installed in accordance with Appendix 11 of the District Plan. – Construction standards for access to road in the Rural Management Area. [Tararua-District-Council-Operative-District-Plan-Appendices-Updated-July-2021.pdf \(tararua.govt.nz\)](https://www.tararua.govt.nz/tararua-district-council-operative-district-plan-appendices-updated-july-2021.pdf)

5. Please note that driveways in the residential management area are required to be sealed.

Please let me know if you have any questions.

Ngā mihi,



██████████ | Planning Officer |
Tararua District Council

P: 06 374 4080 | ██████████ ██████████ ██████████

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Allie Dunn

From: [REDACTED]
Sent: Monday, 10 June 2024 1:15 pm
To: [REDACTED]
Cc: Planning Office; [REDACTED]; [REDACTED]
Subject: Return of s139A application - 279 Carisbrook Road, Pahiatua
Importance: High

EXTERNAL EMAIL ALERT: Caution advised. This message is from an external sender. Verify the sender's identity and use caution with attachments and links.

Hi [REDACTED]

I understand TDC followed up with you on Friday regarding the below and we expected to hear back from you by close of business.

Unfortunately, due to the time taken and the need for TDC to progress the consent we have decided the application is to be rejected.

As advised in the below email your application is considered incomplete as it does not contain any of the following assessments under s139A:

- An assessment of the operative plan at the time of business establishment to demonstrate it was a permitted activity.
- Details of the business at the time of establishment including (but not limited to) the number of employees and the equipment owned by the company.
- Proof that establishes the scale of the operation, including character and intensity, is no different to how it is operating now including numbers of vehicle movements to and from site and ancillary materials stored on site.
- Details of the operation as it is now describing what is present on site, the area covered (which would include the new shed), the specifics of what occurs on site, employees, vehicle movements and equipment. A comparison should then be made to show that the character, intensity and scale between the above and how it is now, has not changed.

Recommendation

For the above reasons, I recommend that the application submitted by Resonant Consulting for an existing use rights application, 209.2024.50.1, at 279 Carisbrooke Road, Pahiatua be rejected under s88 of the Resource Management Act.

Next Steps

To progress from here, you can find further details about the information requirements for resource consent applications (including existing right applications) on our website www.tararuaadc.govt.nz

If you decide to re-lodge this application or make a new application including the above information, it will be treated as if it were a new application.

To date we have spent 3.0 hours checking your application, and a total of \$460.00 inc GST of your initial fee has been used. If you re-lodge the application, please include an additional \$460.00. If you decide not to resubmit your application, please contact us, to receive a refund of the portion of the initial fee not used.

If you disagree with our decision that your application is incomplete you can lodge an official objection. Further information about this process is on the Ministry for the Environment website www.mfe.govt.nz.

Many thanks

[REDACTED]
Senior Planner, on behalf of Tararua District Council

[REDACTED]
Senior Planner (BRP Hons, Int.NZPI)
Evergreen Consulting Limited
Phone: [REDACTED]



From: [REDACTED]
Sent: Thursday, June 6, 2024 8:52 AM
To: [REDACTED]
Cc: Planning Office <Planning@TararuaDC.govt.nz>; [REDACTED]
Subject: RE: s139A application - 279 Carisbrook Road, Pahiatua

Morning [REDACTED]

Are you able to advise on the below ASAP please?

Many thanks

[REDACTED]
Senior Planner (BRP Hons, Int.NZPI)
Evergreen Consulting Limited
Phone: [REDACTED]



From: [REDACTED]
Sent: Wednesday, May 29, 2024 12:35 PM
To: [REDACTED]
Cc: Planning Office <Planning@TararuaDC.govt.nz>; [REDACTED]
Subject: s139A application - 279 Carisbrook Road, Pahiatua

Hi [REDACTED]

Further to our discussions I have been asked to review the s139A application you have lodged on behalf of [REDACTED] for their earthmoving company at 279 Carisbrook Road, Pahiatua. A review of the

companies register confirmed the company “Macdonald Earthmoving Limited” was incorporated on 24 November 1998, around the time that the first district plan was made operative.

As you will be aware s139A places the onus on the applicant to prove existing use rights factoring in matters such as the character intensity and scale of the operation. To support this, I would expect to see information such as:

- An assessment of the operative plan at the time of business establishment to demonstrate it was a permitted activity.
- Details of the business at the time of establishment including (but not limited to) the number of employees and the equipment owned by the company.
- Proof that establishes the scale of the operation, including character and intensity, is no different to how it is operating now including numbers of vehicle movements to and from site and ancillary materials stored on site.

In addition, to issue the certificate, I would also expect to see details of the operation as it is now describing what is present on site, the area covered (which would include the new shed), the specifics of what occurs on site, employees, vehicle movements and equipment. A comparison should then be made to show that the character, intensity and scale between the above and how it is now, has not changed.

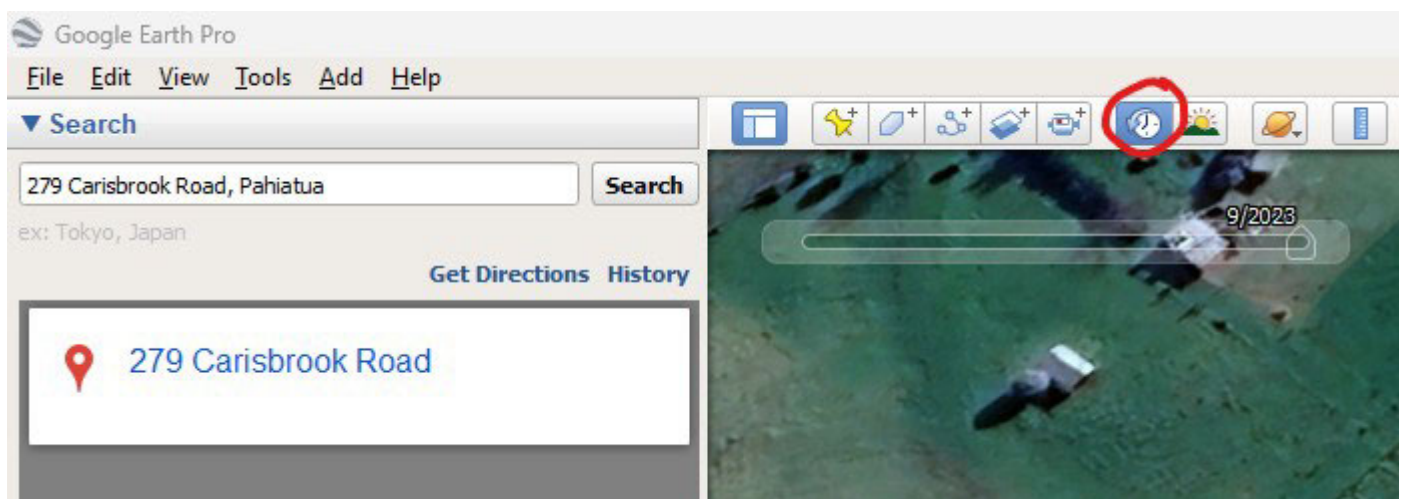
As part of my initial review, I have looked at aerial photos on google earth. The first photo below shows the site in December 2003, with the second showing the site 20 years later in March 2023. In my opinion the character and intensity of the site itself, has increased between these two images with large areas of development on the northern portion of the site (I have also included a snip of how I do this on google earth)

The above is only my initial review of the application and not a formal request for further information under s139A(3). However, I understand the alternative proposed between a meeting with your client and council was to apply for a controlled activity for a rural industry per rule 4.1.3.1.

Please let me know if you would like us to continue processing the s139A application and formally request any further information council has. It would be good if we could hear from you by next **Tuesday 4 June**.

Many thanks

[Redacted signature]







██████████
Senior Planner (BRP Hons, Int.NZPI)
Evergreen Consulting Limited
Phone: ██████████

