



Our Ref: RC2019-52 (s127 2022) and A286113

9 May 2022

Waiotahi Residential Ltd
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Dear Toby

RESOURCE CONSENT DECISION NOTICE – RC2019-52 – S127 Waiōtahe Dunes STAGE 5B

Site address: Waiōtahe Drifts Boulevard, Ōpōtiki
Legal description: Lots 13, 14, 17, 18 and 20 of the subdivision of Lot 315 DP 363806
Project description: S127 to amend building line restriction

With regards to the above s127 resource consent application, the following decision has been made:

Decision

1. Pursuant to sections 34A, 104, 104B and 127 of the Resource Management Act 1991, the undersigned officer, acting under authority delegated from Ōpōtiki District Council, hereby **grants** consent to vary conditions 1 and 3 of resource consent 2019-52 relating to the establishment of one dwelling and non-habitable accessory building(s) on each of proposed Lots 13, 14, 17, 18 and 20 (Stage 5B) which result from the subdivision of Lot 315 DP 363806, and which are located within an Area Sensitive to Coastal Hazards (ASCH).

The varied conditions are set out below. Additions are in underline and deletions in ~~strikeout~~.

Condition 1:

1. Except as modified by the conditions of this consent, the development shall be carried out in accordance with the submitted plans and information lodged with the application ref. RC2019-52 and any supporting information including:
 - ~~i. Scheme Plan Overview, C150, Revision E dated April 2021.~~
Building Setback Plan Overview, C170 Revision B showing a 15m building setback from the northern boundary of Lot 315 DP 363806 for relocatable buildings.
 - ~~ii. Planning Assessment Overview, C160, Revision C dated April 2021.~~
 - ~~iii. Planning Assessment Specific Building Area, C161, Revision B dated April 2021.~~
 - ~~iv. Planning Assessment Specific Building Area, C162, Revision B dated April 2021.~~
 - ~~v. Planning Assessment Specific Building Area, C163, Revision B dated April 2021.~~
 - ~~vi. Scheme Plan Stage 5B, Drawing No. C150-5B-1 Revision D dated April 2021.~~

Condition 3:

3. Unless designed and constructed in full accordance with Conditions 4 and 5, buildings are only authorised to be sited on the respective lot for a period of 50 years from the date of this consent decision and must be at least 20m from the northern boundary of Lot 315 DP 363806.

REASONS FOR THE DECISION

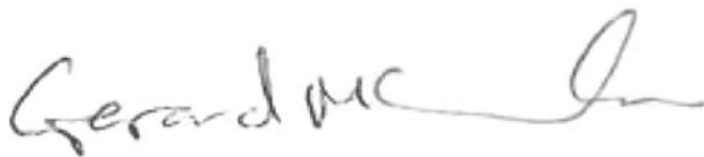
Section 113(4) of the Resource Management Act 1991 requires that every decision on a resource consent that has not been notified shall be in writing and state reasons for the decision. The reasons for the decision on this variation to resource consent conditions are listed below:

1. The actual and potential effects created by this s127 proposal, which relates to the subdivision consent and four related land use consents, are acceptable. This proposal facilitates more efficient use and development of land zoned Coastal Settlement, as anticipated by the District Plan. This decision must take into account the existing consents and the activities already authorised.
2. The proposal is consistent with the objectives and policies of the Opotiki District Plan and National and Regional documents. The site is at risk from a range of natural hazards. The risk associated with coastal erosion will continue to be addressed by requiring buildings to be relocatable and also be set-back 15m from the front boundary. Alternatively, they are only authorised for a 50 year period and must be 20m back from the front boundary.
3. The natural character of this part of the coast is influenced by the existing development to the west. The consented development for Stages 5-7 forms part of the receiving environment. The reduced setback of up to 15m will not result in additional adverse effects on natural character. The existing district plan and consent conditions will continue to ensure the form and design of built development is appropriate for this location.
4. There will be no change in terms of access to the coast as existing and proposed public reserves, the unformed road and pedestrian access points will remain. There is no difference in terms of overall amenity or quality of the environment resulting from the proposed change.
5. The proposal is in accordance with the purpose and principles of the RMA, as set out in part 2.

In accordance with Sections 357A and 357B of the Resource Management Act 1991, you have the right to submit to the Ōpōtiki District Council an objection to any of the above varied conditions of consent or any additional fees and charges. An objection must be lodged with the council within 15 working days of receipt of receiving this decision.

If you have any questions in relation to this resource consent, please contact the Planning Team.

Yours faithfully



Gerard McCormack
PLANNING AND REGULATORY GROUP MANAGER

Compiled set of conditions of land use consent RC2019-52 incorporating all decisions up to May 2022:

Conditions

1. Except as modified by the conditions of this consent, the development shall be carried out in accordance with the submitted plans and information lodged with the application ref. RC2019-52 and any supporting information including:
 - i. Building Setback Plan Overview, C170 Revision B showing a 15m building setback from the northern boundary of Lot 315 DP 363806 for relocatable buildings.
 - ii. ~~Scheme Plan Overview, C150, Revision E dated April 2021.~~
 - iii. ~~Planning Assessment Overview, C160, Revision C dated April 2021.~~
 - iv. ~~Planning Assessment Specific Building Area, C161, Revision B dated April 2021.~~
 - v. ~~Planning Assessment Specific Building Area, C162, Revision B dated April 2021.~~
 - vi. ~~Planning Assessment Specific Building Area, C163, Revision B dated April 2021.~~
 - vii. ~~Scheme Plan Stage 5B, Drawing No. C150-5B-1 Revision D dated April 2021.~~

Advice Note: Condition as varied in May 2022

2. No buildings shall be constructed prior to issue of the new Record of Title for the lot.
3. Unless designed and constructed in full accordance with Conditions 4 and 5, buildings are only authorised to be sited on the respective lot for a period of 50 years from the date of this consent decision and must be at least 20m from the northern boundary of Lot 315 DP 363806.

Advice Note: Condition as varied in May 2022

4. All other buildings not subject to Condition 3 shall be designed and constructed so that they are 'relocatable' or able to be 'practicably moved' from the site.

For the purposes of this resource consent, the term 'relocatable' shall mean that the building utilises lightweight construction techniques and shall be able to be 'practicably moved' from the site to another building site in one or multiple parts.

For the purposes of this consent notice, the term 'practicably moved' shall mean that the building (including foundations) shall be able to be physically moved within a five day period, upon commencement of the relocation activity, by way of a removal truck, a roller or rail system, or crane and that access can be gained to the site to relocate the building as proposed, to the satisfaction of Council. For the avoidance of doubt, abandonment or demolition of the building does not meet the definition of 'relocatable'.

5. Written confirmation from a Registered Architect, Chartered Professional Engineer or house removal company that the building is able to be relocated, including the proposed methodology and access arrangements, shall be provided to Council prior to issue of any building consent.
6. All costs associated with complying with the conditions of this consent notice shall be met by the landowner(s) of each respective lot.
7. All conditions shall be met to the satisfaction of an officer of the Ōpōtiki District Council with

delegated authority to approve resource consents.

8. Upon receipt of a Coastal Hazard Assessment report for Waiōtahe Beach by a suitably qualified coastal hazard specialist, the Council may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice of its intention to review conditions of this resource consent for the purpose of assessing the risk posed to buildings from coastal inundation or erosion of the dunes due to coastal processes.

The review may consider whether, since the granting of this consent, new information about coastal processes should be considered, or if alternatives to the removal or removal of dwellings in coastal hazard areas have been identified by national or regional government which are viable and acceptable alternatives for the site. The review will enable the actual risk to be considered at the time based on the best information available and the appropriate mitigation measures to be implemented through varied consent conditions.

9. The full cost of the s128 review and any required works shall be met by the consent holder.
10. All buildings shall comply with all other provisions in the Ōpōtiki District Plan unless a separate resource consent is obtained for an infringement. *Refer to Advice Note 2.*
11. A monitoring fee of \$130.00 (inclusive of GST) shall be paid to the Council for the monitoring and supervision of this resource consent. Notwithstanding the above, where there is good and reasonable cause for un-programmed monitoring and additional site inspections, the costs of that will be charged to the consent holder. Such costs are recovered on an actual and reasonable basis as defined in the Fees and Charges Schedule as approved by the Council in terms of Section 36 of the Resource Management Act 1991.

Advice notes

1. If you do not understand any conditions of this consent, please contact the Ōpōtiki District Council Planning Department for clarification before starting work.
2. All rules in the District Plan, or subsequent versions of the District Plan, continue to apply to any development on each lot. This resource consent only authorises construction or placement of buildings within the Area Sensitive to Coastal Hazards. It does not authorise any other infringement of a District Plan rule.

All buildings must therefore currently comply with the Coastal Settlement Zone Standards in Chapter 8 and the Coastal Environment Overlay provisions in Chapter 19 of the Ōpōtiki District Plan, unless a separate resource consent is obtained for any infringement. For example, the aforementioned chapters currently include a height limit of 7m (Rule 19.5.1.1), reflectivity (colour) controls (Rule 19.5.3.1), a minimum floor level requirement (Rule 10.6.6.1), building coverage (Rule 10.6.1.1) and yard setbacks (Rule 10.6.2).

The earthworks provisions in Chapter 13 also apply to any works after Record of Title has been issued. Rule 13.6.2.2 currently permits up to 400m² and 200m³ of earthworks in a 12 month period.

3. Under section 125 of the RMA, this resource consents will lapse in five years, unless it is given effect to within that time.
4. In accordance with section 127(1) of the RMA, the consent holder may apply to the consent authority for a change or cancellation of any condition of this consent.

5. It is the consent holder's responsibility to comply with any conditions imposed on this resource consent prior to and during (as applicable) exercising this resource consent.
6. Please note that resource consent is not a consent to build. A building consent must be issued prior to any building work being undertaken.
7. A consent notice will be registered on the Records of Title as part of the subdivision process (2003-10 s127). The requirements of that consent notice must also be met when each lot is developed, in addition to the requirements of this resource consent and the District Plan.
8. As the land itself is subject to a hazard, the Council must consider the provisions of Sections 71-75 of the Building Act as part of the building consent process.
9. In relation to condition 3, at the end of the 50 year period, if a review under Condition 8 confirms risk to the buildings from coastal erosion, the owner(s) of the lot shall completely remove or demolish all buildings, including foundations, on the lot, unless a new resource consent has been obtained to authorise the siting and occupation of the building beyond the 50 year period.

END