

Name: Calder RM: 180139

Site Address: 359 Elsthorpe Road,

Application For: Certificate of Compliance

NOTES:

s7(2)(a)

- check vehicle access
- otherwise should be ok, i'll send you a COC template.



CENTRAL HAWKES BAY DISTRICT COUNCIL

RUATANIWHA STREET, PO BOX 127, WAIPAWA 4170, NEW ZEALAND

TELEPHONE: (06) 857-8060, FAX: (06) 857-7179

EMAIL: info@chbdc.govt.nz

CENTRAL HAWKE'S BAY DISTRICT COUNCIL

CONSENT NOTICE PURSUANT TO SECTION 221 RESOURCE MANAGEMENT ACT 1991

IN THE MATTER of PLAN 28446

AND

IN THE MATTER of Subdivision consent
Pursuant to 223 Resource
Management Act 1991

*Affects
all new
lots*

Pursuant to Section 252 (1) (a) of the Local Government Act 1974, I, WAYNE KIMBER, Acting Principal Administrative Officer of the Central Hawke's Bay District Council, hereby certify that, by way of a resolution passed under delegated authority on 30th June 2000, the following condition was imposed on the subdivision consent for Lot 1 (Certificate of Title Y2/335), lot 2 (Certificate of Title Y2/336) and lot 3 (Certificate of Title Y2/337) DP 22446

- That a consent notice under section 221 of the Resource Management Act 1991 be registered against Lots 1, 2 and 3, stating that:

Any development on the Lots 1, 2 and 3 may require consents for water supply and effluent disposal, and an engineering report for site stability and drainage.

DATED at Waipawa this *17* day of *November* 2000.

PRINCIPAL ADMINISTRATIVE OFFICER

wk:\n\00-01\regulatory\masters\consent notice - plan 28446.doc

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PARTICULARS ENTERED IN THE
LAND REGISTRY HAWKES BAY
FOR REGISTRAR - GENERAL



1, 2, 3

RECALL FILE LABEL



F5000002790958

Name: Calder RM: 180139

Valuation Number:

Site Address: 359 Elsthope Road BC: _____

Application For: Certificate of Comp Application Date: 7.11.18

Consent Granted: 180139 Letter Sent: _____

Bond Required: Yes / No Paid: _____

Bonded conditions of consent: _____

| Conditions to be monitored | Inspection Notes | Date completed |
|----------------------------|------------------|----------------|
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| | | |

Bond Refunded: _____

To Filing: ☐ / / : _____ Initial

**Report for a certificate of
compliance application under
section 139 of the Resource
Management Act 1991 (RMA)**



**CENTRAL
HAWKE'S BAY**
DISTRICT COUNCIL

Ruataniwha Street,
PO Box 127, Waipawa 4240
New Zealand

Phone: 06 857 8060

Fax: 06 857 7179

info@chbdc.govt.nz

www.chbdc.govt.nz

| | |
|--|----------------------------------|
| RC Number | RM180139 |
| Applicant's name: | Josh & Susan Calder |
| Site address: | 241 Elsthorpe Road, Otane |
| Legal description: | Lot 2 DP 397944 (CFR: 391113) |
| Valuation Number: | 1092004800 |
| Site area: | 12.7670 ha |
| Operative plan(s): | Central Hawkes Bay District Plan |
| Zoning: | Rural |
| Date further information requested: | N/A |
| Date further information received: | N/A |

Locality Plan



Application documents (plans and reference documents)

The following information has been provided:

- Application Form, and analysis prepared by Josh Calder, dated November 2018.

1. THE PROPOSED PERMITTED ACTIVITY

Proposal

Aircraft Airstrip 450m long and 12m wide.

Background

The applicant has applied for a Certificate of Compliance for the airstrip which is a permitted activity under the Central Hawke's Bay District Plan.

2. REASONS FOR THE APPLICATION

The applicant has requested a certificate of compliance under the following rule(s) for the activity described above:

Central Hawke's Bay District Plan (Section 2.2 Definitions)

- **Aircraft** means any machine that can derive support in the atmosphere from the reactions of the air otherwise than by reactions of the air against the surface of the earth.
- **Aerodrome** means any defined area of land or water intended or designed to be used whether wholly or partly for the landing, departure, movement or servicing of aircraft.
- **Recreational Activity** means the use of land and/or buildings for the primary purpose of recreation and/or entertainment. It includes the sale of food and beverage for consumption on the site provided it is ancillary to the recreational activity. Recreational activities includes sport clubs, art, craft and hobby clubs (i.e. painting, pottery, bridge, chess, photography clubs), aerodromes, and outdoor recreation pursuits, but excludes any recreational activity within the meaning of residential activity.
- **Commercial Activity** Means the use of land and buildings for the display, offering, provision, sale or hire of goods, equipment, or services, and includes shops, markets, showrooms, restaurants, takeaway food bars, professional, commercial and administrative offices, service stations, motor vehicle sales, the sale of liquor and associated parking areas; but excludes recreation, community and service activities, home occupations or visitor accommodation.

Central Hawke's Bay District Plan (Section 4 Rural Zone)

- **4.8.1 Permitted Activities:**

- g. Recreational Activities (other than on the surface of rivers and lakes)

- f. Commercial Activities

- **4.9.11 Noise:** On any site, activities, shall be conducted such that the following noise levels are not exceeded at nor within the notional boundary of any residential unit, other than residential units on the same site as the activity:
 - 55dBA L10 – 6.00am – 11.00pm Monday to Saturday
 - 45dBA L10 – at all other times
 - 75dBA L10 – at all other times

Central Hawke's Bay District Plan (Section 8 Transport)

- **8.5.1 Parking and Loading:** There is sufficient space for parking available.
- **8.5.2 Vehicle Access:** The activity utilises the existing vehicle access to the site.

Central Hawke's Bay District Plan (Section 11 Signs)

- **11.4.6 Signs in the Rural Zone:** a. The total area of signs on any site shall not exceed 3.0m² in the Rural Zone.
b. Signs shall not exceed the highest point of the roof and the height of a free standing sign shall not exceed 10m in the Rural Zone.
c. Maximum number of signs on any site shall not exceed 2; except that:
this does not apply to:
 - Traffic directional signs, provided that each individual sign does not exceed 1m²; and does not advertise any activity;
 - Signs that are not visible from a public road or place.

Central Hawke's Bay District Plan (Section 13 Hazardous Substances)

- **13.5.1 Permitted Activities:** The following activities shall be Permitted Activities, provided that they comply with all of the Performance Standards specified below.
b. The use and/or storage of hazardous substances identified in quantities not exceeding those specified in Column A of Table 1 for the relevant zone.

CONSIDERATION OF THE APPLICATION

3. STATUTORY CONSIDERATIONS

Section 139 of the Resource Management Act 1991 (RMA) sets out the circumstances under which a consent authority may issue a certificate of compliance.

A certificate must be issued if the activity referred to in the application can be done lawfully in a particular location without a resource consent, and the applicant pays the appropriate administrative charge.

Any certificate which is issued must describe the activity and the location, and state that the activity can be done lawfully in the particular location without a resource consent, as at the date on which the consent authority received the request (section 139(7)).

Under section 139(8), a consent authority must not issue a certificate if the request has been made after a proposed plan has been notified, and the activity referred to in the application could not be done lawfully in a particular location without a resource consent, under the proposed plan.

4. ANALYSIS OF PLAN PROVISIONS

The proposal has been described in the application material. The information submitted by the applicant is considered against the permitted activity rules of the relevant plan below.

| Provision / rule | Analysis / Conclusion |
|--|--|
| 4.8.1 Permitted Activity: g. Recreational Activities (other than on the surface of rivers or lakes) f. Commercial activity | The definition of Recreational Activity includes aerodromes. |
| 4.9.11 Noise: | The activity will not exceed the noise requirements of the District Plan. |
| 11.4.6 Signs in the Rural Zone: | The activity does not have a sign that the total area is of greater than 3.0m ² . Nor does the activity have a sign that exceeds the highest point of the roof and any height of a free standing sign does not exceed 10m. The number of signs on the site does not exceed 2. |
| 11.4.2 Signs in the Zones: | The activity will not exceed any of the performance standards outlined in this rule. |
| 13.5.1 Permitted Activities: b. The use and/or storage of hazardous substances identified in quantities not exceeding those specified in Column A of Table 1 for the relevant zone. | The activity will store no more than the permitted amount of hazardous substances (as identified in Column A of Table 1) on site. |

5. CONCLUSION

Overall the proposal is compliant with all relevant Rules in the Rural Zone.

6. RECOMMENDATION

Under s139 of the RMA, I recommend that the Council issue a certificate of compliance as:

- a) The activity complies with all relevant Rules in the Rural Zone.

This report and recommendation prepared by:

Name: s7(2)(a)

Title: Resource Consents Planner

Signed:

Date:

**Certificate of compliance issued
under section 139 of the
Resource Management Act 1991**



**CENTRAL
HAWKE'S BAY**
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RC Number RM180139
Applicant's name: Josh & Susan Calder
Site address: 241 Elsthorpe Road, Otane
Legal description: Lot 2 DP 397944 (CFR: 391113)
Valuation Number: 1092004800
Site area: 12.7670 ha
Operative plan(s): Central Hawkes Bay District Plan
Zoning: Rural

To operate an airstrip, considered to be a recreational/commercial activity in the Rural Zone.

I have read the application, supporting documents, and the report and recommendations on the application for certificate of compliance. I am satisfied that I have sufficient information to consider the matters required by the Resource Management Act 1991 (RMA) and make a decision under delegated authority on the application.

The activity is permitted under the relevant rules of the Central Hawke's Bay District Plan Rule 4.8.1 permitting the use of the land for a Recreational Activity and/or Commercial Activity and Rule 4.9.11 permitting an activity that does not exceed the noise levels of the Rural Zone.

Acting under delegated authority, I certify that the proposal described above and at the above location can be done lawfully without a resource consent as of 10 December 2018.

Delegated decision maker:

Name: Alison Francis
Title: Customer and Consent Manager
Signed:
Date:

Advice notes

1. *This certificate is deemed a resource consent under section 139(10) of the Resource Management Act 1991 (RMA) and is issued subject to on-going compliance with any conditions or performance standards specified in the relevant plans referred to above. It is issued without erasure or alteration.*
2. *Section 125 of the RMA applies to this deemed resource consent (refer section 139(12)). Accordingly, this consent will expire five years after the date of the commencement of this deemed consent unless, before the deemed consent lapses:*

- b) It is given effect to; or*
 - c) An application is made to the council to extend the period of the deemed consent, and the council decides to grant an extension after taking into account the statutory considerations set out in section 125(1A)(b) of the RMA.*
3. *The activity must comply with all relevant council bylaws, the Building Act 2004 and any other relevant laws and regulations. This certificate does not constitute building consent approval. All necessary consents under other legislation must be obtained.*

8 November 2018

359 Elsthorpe Road
RD 2
Otane 4277

Dear Joshua and Susan

Resource Consent Application – RM180139

Receipt is acknowledged of the Resource Consent Application received on 7 November 2018.

Applicant: **Joshua & Susan Calder Partnership**
Address: **Elsthorpe Road, Elsthorpe**
Attached is the receipt for **\$500.00**

Your application has been checked and has been accepted as a complete application.

We are now currently checking your application to ensure we have all the information we require to properly assess your proposal. We will contact you when we need to make a site visit.

Further information

We may require further information or may want to commission a report:

- To help us understand and/or clarify any aspect of your proposal;
- To help us understand how you propose to mitigate any adverse effects that might arise; and/or
- Where we consider you have not adequately assessed all the potential effects.

If we require further information, the processing of your application will stop until you provide the information required in the first request. If the application is notified, the processing of your application may also be stopped a second time if another further information request is made after the close of submissions. If we want to commission a report then we will write to advise you about the costs of that report and request your permission to proceed.

If a further information request or request to commission a report is ignored or refused then the application may be publically notified.

Additional/Discounted Fees

Please note that additional fees may be charged for the processing of your application.

However, if your application is not processed within statutory time frames and council is deemed to be responsible, you may be eligible for discount on your administrative fees subject to Regulations which came into force in July 2010.

Processing your application

Once we are satisfied we have all the information we require, we will decide how your application will be processed. Either your application will be publicly notified (notified), notified to affected parties only (limited notification) or will be processed without public notification (non-notified).

If it is to be publicly or limited notified, we will advise you of this and notify it in the Central Hawkes Bay Mail &/or the HB Today or notify the identified affected parties in writing within 20 working days from the date you lodged your application, if we did not request further information. If further information is requested then the processing 'clock' can be stopped once before submissions close and will not start again until the initial further information requested has been supplied to the Council. Notification will still be no longer than 20 working days from the date of lodgement excluding the first time that the clock may be stopped.

If your application is to proceed on a non-notified basis, you will receive a decision on your application within 20 working days from the date you lodged your application provided no further information was requested. If further information was requested then the decision on the application will be issued within 20 working days excluding the first time the clock may be stopped to deal with the provision of any further information.

Your application has now been passed to a Council Officer/Consultant for further assessment and processing. If further information is required then a formal request will be forwarded to you in writing. If you have any questions about any part of these processes, please contact the Planning Team on 8578060.

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|-------------------------------|------------------------------|
| GST Registered No. 52-710-944 | Central Hawke's Bay District |
| Cash Transaction Date | 7/11/18 13:57 |
| Run Unit | w0 |
| Cashier | s7(2)(a) |
| Receipt Number | 468604 |
| Runfile & Cash Sequence No | CSNOV4996 2 |
| Ledger & Account Posted To | GL 9279 |
| Amount | \$500.00- |

Payment Details

| | |
|---------------|-----------|
| Payment Type | EF Eftpos |
| Bank & Branch | EFT EFT |
| Drawer | J CALDER |
| Payment Total | \$500.00 |

Yours faithfully

s7(2)(a)
Consents Support Officer