
ROTORUA DISTRICT COUNCIL
REPORT TO: Director, Environmental Services**FILE NO: P07671****FROM:****CREATEDATE: 8 March 2006****Resource Management Planner****CREATEDATE REC'D:****Non-Notified Land Use Consent for Controlled Activities in Residential B Zone****A. APPLICATION DETAILS:**

Consent No.: 7412
 Applicant: Don Thorpe
 Location: 45 Mountain Road
 Legal Description: Lot 1 DPS 68031

B. DESCRIPTION OF ACTIVITY:

Establish and occupy a subsidiary household unit.

C. PLAN DETAILS:

Zone: Residential B Activity Status: Controlled
 RMA Section: s34A, s104, and s108
 Rules: 7.1.4, 7.3

D. SECTION 93, 94A, 104 ASSESSMENT:

Do special circumstances exist which warrant the application being notified (section 94C(2)) such as that the proposal may seriously affect the relevant policies and objectives, therefore requires a wider section of the community to have the opportunity to be heard.	No
Does the District Plan require this controlled activity to be notified Section 94D(1)	N0

Assessment of effects

	Criteria or effect District Plan criteria & section 104 matters Delete and add matters to this column as appropriate to the consent	Assessment	Whether effect minor	Extent of effect
	Part II matters	Consultation with iwi: Maori consultation was not required.	n/a	n/a
	Section 104 (1) matters Any actual or potential adverse effects on the environment of allowing the activity	Section 104 of the Act requires Council to have regard to any potential adverse effects and any relevant provisions of the Operative District Plan. These are assessed below. There are no other matters considered relevant in this instance.		

R7.2	Performance Standard for permitted activities	The proposal complies with all relevant Performance Standards of the Residential B zone.		
	Financial contribution for reserves & heritage purposes	Required in accordance with Appendix U1.3.3 and U1.4.4(d). In this instance the financial contribution is the minimum contribution of \$200.00.	n/a	n/a
R7.3.2.1	Design & external appearance of buildings, & structures.	The design and external appearance of the building will be in keeping with that which exists on site and within the Residential B area.	Less than minor	Within site
R7.3.2.2.	Landscape design & site layout	It is considered that any potential adverse effects associated with the proposal will be less than minor and can be internalised on the site so as not to unduly affect activities outside the site boundary	Less than minor	Within site
R7.3.2.3	Location & design of vehicular & pedestrian access to & from the site	The subject site is located on Mountain Road. Both the existing dwelling and proposed subsidiary household unit comply with provision of Appendix F of the Plan, pertaining to onsite parking and access to both dwellings.	Less than minor	Within site
R7.3.2.4	Parking & Manoeuvring	A single car garage is provided for on the approved plan and will satisfy the parking requirements of Appendix f.	Less than minor	Within site
R7.3.2.5	Management of minor adverse effects on the environment	Conditions of consent are recommended to avoid or mitigate any adverse effects.	Less than minor	Within site
R7.3.2.6	Objectives & Policies, integrity of the plan	The proposed subsidiary household unit is considered to be consistent with the intent of all relevant Objectives and Policies of the Plan as outlined below.	n/a	n/a
R7.3.2.7	Natural Hazards	There are no known hazards associated with the subject site.	n/a	n/a

Objectives & Policies **Part Seven: Residential**

2. RESOURCE MANAGEMENT ISSUES

2.1 ISSUE ONE

RESIDENTIAL ACTIVITY AND SUSTAINABLE USE OF NATURAL AND PHYSICAL RESOURCES

2.1.2 RESOURCE MANAGEMENT OBJECTIVE

An urban environment in which natural and cultural heritage, urban amenity, access to the countryside and outstanding landscapes are maintained and which does not result in the loss of rural character or land with high productive potential

2.1.3.1 Policy:

To consolidate residential growth within the Rotorua Urban Area in order to protect the natural heritage, the natural and rural character, outstanding landscapes, indigenous vegetation and wildlife habitats, archaeological sites and Maori cultural and spiritual values of the Lake Rotorua Basin.

2.1.3.2 Policy:

To promote residential consolidation within the Rotorua Urban Area where such consolidation will not cause unacceptable adverse effects to the community.

2.1.3.3 Policy:

To protect elements of natural heritage, the natural character of Lake Rotorua and its margins, outstanding landscapes, significant indigenous vegetation and wildlife habitats, archaeological sites and Maori cultural and spiritual values in the Rotorua Urban Area.

2.2 ISSUE TWO

INCREASING HOUSING DENSITY AND PRESERVATION OF AMENITY, AND RANGE OF RESIDENTIAL OPPORTUNITIES TO SUIT THE LIFESTYLES OF ROTORUA RESIDENTS

2.2.2 RESOURCE MANAGEMENT OBJECTIVE

The amenity values and environmental quality of residential areas are maintained and enhanced and not unacceptably affected by higher density residential activity

2.2.3.1 Policy:

To protect all elements of the amenity value of residential components of the Rotorua Urban Area.

2.2.3.2 Policy:

To direct the process of residential consolidation occurring in the Rotorua Urban Area to those areas where infrastructure capacity will not be compromised.

2.2.3.3 Policy:

To provide a range of residential opportunities for Rotorua residents, reflecting their wide variety of lifestyles.

2.2.3.4 Policy:

To promote activities that do not adversely affect the amenity values of the residential areas in which they are intended to be located.

2.2.3.5 Policy:

To restrict activities in residential areas where the adverse effects of stormwater and sewage cannot be remedied or mitigated.

2.2.3.6 Policy:

To enhance the natural character and water quality of Lake Rotorua by the appropriate treatment and disposal of stormwater from Residential Zones.

2.3 ISSUE THREE**HERITAGE & AMENITY VALUES IN MAORI VILLAGES****2.3.2 RESOURCE MANAGEMENT OBJECTIVE**

Residential amenity and heritage values of the Maori villages in the Rotorua Urban Area are maintained and not adversely affected by tourist and other non-residential activities

2.3.3.1 Policy:

Non-residential activities in the Maori villages should not adversely affect residential amenity and heritage protection values.

2.4 ISSUE FOUR**MAINTENANCE OF RESIDENTIAL AMENITY****2.4.2 RESOURCE MANAGEMENT OBJECTIVE**

Amenity values and environmental quality of residential areas that are not adversely affected by non-residential activities

2.4.3.1 Policy:

To protect all elements of the amenity values and environmental quality of residential areas from potentially adverse effects arising from non-residential activities, particularly where these activities tend to concentrate.

2.4.3.2 Policy:

To direct the location of appropriate types of non-residential activities towards those residential areas in the Urban Area where amenity values are more resilient and have the capacity to absorb change.

Assessment as to who may be adversely affected by the proposed activity –	Reason why considered affected	Written approval given?
Owners & occupiers who may be adversely affected by the activity.	None.	n/a
The reason why owners and occupiers of adjoining or abutting properties are not considered adversely affected in this case are:	No persons considered potentially adversely affected.	n/a
Other affected parties Any other parties considered may be affected more than the general public Iwi	The proposed subsidiary household unit complies with all relevant Performance Standards of the Residential B zone and will result in a density permitted by the Plan.	n/a
Are there any parties to District Plan appeals that Council considered may be adversely affected by the activity? (only applicable to Lakes A)	n/a	n/a
Is it unreasonable in the circumstances to seek the written approval of any of the affected parties? Sect 94B(3)(c)	n/a	n/a

Section 93 & 94A assessment conclusion

The application be processed **without notice**, pursuant to Section 93 of the Act, because:

1. The application is for a controlled activity which the District Plan does not expressly require notification (section 93(1)(a) & 94D (1))

2. The consent authority is satisfied that the adverse effects of the activity on the environment will be minor; (section 93(1)(b))
3. There are no persons, in the opinion of Council, that may be adversely affected by the activity; or
4. And no special circumstances exist which would require the application to be notified. (section 94C(2))

F.	<u>CONCLUSION</u> Controlled activity land use resource consent is sought to establish and utilise a subsidiary household unit. The proposal has been assessed against relevant District Plan Objectives, Policies and Rules. The proposal is considered to comply with all relevant Performance Standards and has been found to be consistent with the Objectives and Policies of Part Seven, and therefore consistent with Part II of the Act. The adverse effects are considered to be less than minor and no persons are considered adversely affected by the proposal. Comment has been received from Council's Resource Engineer and conditions recommended to mitigate any potential adverse effects have been set. Taking into account the assessment above, it is recommended that approval to the proposal be granted subject to conditions.
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RECOMMENDATION:

Date: 09 March 2006

Please Quote: P07671

Enquiries to: Anna Heap

Mr D Thorpe
45 Mountain Road
ROTORUA

Dear Mr Thorpe,

**NON-NOTIFIED APPLICATION FOR RESOURCE CONSENT
NOTICE OF DECISION**

I wish to advise that the following decision has been made under authority delegated to staff in respect of the above application:

- (a) That pursuant to Section 93(1) of the Resource Management Act 1991, the Rotorua District Council resolves that as the application is for a controlled activity and the adverse effects of the proposal will be minor the application need not be notified. The Council is satisfied after taking into due consideration the requirements of Section 94, 94A(a) and Section 94B, that in the opinion of Council no persons are considered adversely affected by the proposal. Council is also satisfied that no special circumstances exist that require notification of the consent application in accordance with Section 94C(2) of the Resource Management Act 1991.
- (b) That pursuant to Sections 34A, 104, 104A and 108 of the Resource Management Act 1991, the Rotorua District Council resolves to grant consent to the application by Don Thorpe to establish and occupy a subsidiary household unit at 45 Mountain Road legally described as Lot 1 DPS 68031.

This consent is subject to the following conditions:

- 1. All conditions relating to this resource consent must be met in full and a Planning Compliance Certificate issued unless otherwise specified.
- 2. That all engineering works required to be undertaken to satisfy the conditions of this consent shall be carried out in accordance with the Rotorua Civil Engineering Industry Standard (RCEIS) and the District Plan, to the satisfaction of the District Engineer.
- 3. That the location of the septic tank and soakage area shall be confirmed on-site as the proposed dwelling appears to be in the same location. If necessary the confirmation of the removal of the tank and soakage area shall be required along with certification of a suitable building platform.
- 4. That all stormwater runoff from buildings and impermeable hard surfaces resulting from a 10% AEP (10 year) storm event, shall be collected and disposed of to the base of the slope to the drain within the drainage easement.
- 5. That a new water supply connection shall be installed for the second dwelling.
- 6. That in carrying out the proposed works no run off, silt, sediment or other materials shall be permitted to discharge off-site that could damage or disturb neighbouring properties, public roads or drains by installing and maintaining appropriate erosion and sediment controls, prior to and during the works and until the site is stabilised. The temporary stormwater control is required to achieve control of a 2% AEP storm event.
- 7. That the proposal proceeds in accordance with the application submitted, and number 7412 by Council, and the plans stamped "Approved Plan".

Financial contribution

1. **That a financial contribution of \$200.00 (GST inclusive) for reserves and heritage purposes be paid to Council within one month of receiving this consent. This amount has been assessed in accordance with Appendix U.**

The reasons for this decision are that:

1. **The site is zoned Residential B in the District Plan where a subsidiary household unit is a Controlled Activity. As a controlled activity the Council is satisfied that any adverse effects of the proposal are minor have been avoided or can be remedied or mitigated by the conditions of the consent.**
2. **The proposal is considered to be consistent with the relevant Objectives & Policies of the District Plan and the purposes and principles of the Resource Management Act 1991. This is because it meets all of the performance standards**
3. **A financial contribution is payable in accordance with Appendix U of the District Plan towards the development of existing, and purchase of additional, land to enhance the amenity and heritage value of reserves.**

The applicants are advised that:

- (a) Fulfilment of the conditions of this consent within the timeframe specified below is necessary to carry out the proposal for which this consent relates. Please contact the Monitoring & Compliance Officer to schedule a final inspection when you have completed the conditions of consent so that a Planning Compliance Certificate can be issued.
- (b) The stormwater disposal pipe is required to be continuous to the base of the slope.
- (c) Application for a new water supply connection for the new dwelling will need to be made to Council, along with the appropriate fee.
- (d) If a future subdivision is proposed then a separate connection should be installed to the sewer main. The connection is required to meet the Rotorua Civil Engineering Industry Standard and to be inspected by Council. Contact Mr Bob Gray 027 4982 598 for inspection.
- (e) Council has no records of an archaeological site on this property. This may be due to one of two factors. Either, there are no sites present or there has not been an archaeological survey undertaken. Please be advised that both known and unknown archaeological sites are protected under the Historic Places Act 1993. If during the exercising of this consent any archaeological site is uncovered work must stop and permission be obtained from the Historic Places Trust under the provisions of either Section 11 or 12 of the Historic Places Act 1993.
- (f) If you are dissatisfied with any aspect of the decision, you have a right of objection to Council under section 357 of the Resource Management Act 1991. Please advise Council in writing stating the reasons for the objection and the preferred outcome within 15 working days of receiving this decision. If no objection is received it will be assumed that the applicant accepts this decision.
- (g) The above consent lapses on the expiry of 5 years after the date of receiving this letter, unless the consent is given effect to.

If you have any questions regarding this consent, please contact, Resource Management Planner or the Duty Planner.

Yours faithfully

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Nigel Wharton
Director, Environmental Services

RECOMMENDATION

It is recommended that the above decision be approved.

Signed:..... Date:
Resource Consent Planner

APPROVAL

Pursuant to section 34A of the Resource Management Act 1991 and in accordance with the powers delegated to me under the Rotorua District Council Delegation Manual, I approved the above application.

Signed for and on behalf of the
Rotorua District Council

..... Date:
Nigel Wharton
Director, Environmental Services