

20 May 2021

Please Quote: 6321016
Your Ref: 2036 005
Doc No: RDC-1133855
Enquiries to: **Rebecca Burton**SURVEYONE LIMITED
22 GRAND VUE ROAD
KAWAHA POINT
ROTORUA 3010

Attn: Paul Andrews

Dear Paul,

NOTICE OF SUBDIVISION CONSENT DECISION

Consent No:	RC17400
Property file No:	P07093
Applicant:	FRANCINE ANATASIA MURAAHI LEAH KANIHANA TARATU
Type of application:	SUBDIVISION CONSENT – DISCRETIONARY
Proposal:	TO SUBDIVIDE 1 INTO 2 LOTS CREATING A VACANT LOT IN THE RESIDENTIAL 1 ZONE
Site address:	21 ISLAND VIEW ROAD
Legal description:	LOT 179 DPS 1083

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

- (a) Pursuant to Section 95A of the Resource Management Act 1991, the Rotorua District Council has decided in its discretion not to publicly notify the application. Council is satisfied after due consideration of Section 95D that the adverse effects on the wider environment will be or are likely to be no more than minor. Council is also satisfied that no special circumstances exist that require notification of the consent application in accordance with Section 95A(4).
- (b) The Council has decided after taking into due consideration the requirements of Sections 95B and 95E of the Resource Management Act 1991 that the adverse effects of the activity on the owners and occupiers of adjacent land are less than minor and no persons are considered affected therefore limited notification is not required.
- (c) Pursuant to Sections 34A, 104, 104B, 108, 220 and 221 of the Resource Management Act 1991, the Rotorua District Council resolves to GRANT consent for a two lot subdivision in the Residential 1 Zone that will result in the existing household unit breaching the common boundary at 21 Island View Road, Rotorua (Lot 179 DPS 1083), subject to the following conditions:

CONDITIONS OF CONSENT

General

1. That the Land Transfer Plan shall be prepared in general accordance with the proposed plan of the subdivision prepared by SurveyOne Limited referencing as 2036-1 and dated December 2020, unless otherwise modified by conditions of this consent.
2. The existing carport shall be removed to facilitate the subdivision.

Financial Contribution

3. That a financial contribution for reserves and heritage purposes of \$6,521.74 (excluding GST) be paid to Council. This amount has been assessed at 5% of the value of Proposed Lot 2 in accordance with Part 14 of the Operative Rotorua District Plan.

Engineering

4. That all engineering works required to be undertaken to satisfy the conditions of this consent shall be carried out in accordance with the requirements of the Waikato Local Authority Shared Service, Regional Infrastructure Technical Specifications (RITS), and any agreed OR conditioned departures to the satisfaction of the General Manager Infrastructure, Rotorua District Council, or their delegate.

Sediment and Erosion Control

5. That in carrying out the proposed works no run off, silt, sediment, dust or other materials shall be permitted to discharge off-site that could damage or disturb neighbouring properties, public roads, drains or waterways. This shall be achieved by installing and maintaining appropriate erosion, sediment and dust controls (in accordance with the Bay of Plenty Regional Council Sediment and Erosion Control Guidelines) prior to and during the works until the site is stabilised.

Easements

6. That appropriate easements for all proposed and existing services shall be created and shown on the Land Transfer Plan as a Memorandum of Easements.

Three Waters

7. That the proposed Lot 2 shall be provided with new water and wastewater connections to the reticulated network.
8. That the wastewater drainage for the existing household unit on Lot 1 shall be re-laid to ensure a clear building area in accordance with the application.
9. That prior to application for section 223 the exact location of the existing stormwater soakholes serving the existing household unit on Lot 1 shall be confirmed. If they are located over the proposed lot boundary, they shall be relocated to be fully sited within the boundary of Lot 1; or appropriate easements shall be provided.

10. That any private pipes connected to the public water supply and which cross the boundary between the proposed lots shall be cut and plugged.

Electricity, Telecommunication and Gas Services

11. That adequate provision shall be made for the supply and installation of electricity, telecommunication and gas (where available within 100m of the subdivision) services up to the boundary of proposed Lot 2. The applicant shall meet all costs for provision of the services including any payable upgrading cost of the existing networks and written confirmation of the provision shall be provided.

Consent Notice

The following shall be registered as a consent notice on the relevant Record of Title.

12. The owners and subsequent owners of Lot 2 DP XXXXX are advised of the following:
 - i. That the geotechnical investigations undertaken by Stratum Consultants as part of the subdivision process has identified that the soils on this lot do not meet the definition of 'good ground' as specified by NZS3604:2011 due to insufficient bearing capacity of surficial material. A specific engineered foundation design by a suitably qualified chartered professional engineer shall be required for any future household unit in general accordance with the recommendations of the Stratum Consultants Geotechnical Assessment Report (233840-M-E-C003 GAR V2, 14 April 2021).
 - ii. That all stormwater runoff from the roof of any future household unit and any impermeable hard standing surfaces on this lot resulting from a 10% AEP (10 year) storm event shall be collected and disposed of via a stormwater soakage system in general accordance with the Stratum Consultants Soakage Report (233840-R-E-C001, 18 February 2021).

REASONS FOR COUNCIL DECISION:

Principal Issues

1. Subdivision of a residential site has the potential to adversely affect the residential character and amenity, traffic generation, access to the remaining residential lot and the effects of intensification of the use on the land and adjoining zones.

Main Findings of Fact

2. The site is zoned Residential 1 in the Operative Rotorua District Plan where a subdivision that would otherwise be a controlled activity in accordance with 13.5.1.2 and that does not comply with one or more of the relevant performance standards in 4.6, and/or relevant site design performance standards stated in 13.5.2, the subdivision is a Discretionary Activity in accordance with Rule 13.5.1.3. In this case, the existing household unit on Lot 1 breaches performance standard 4.6.2 in relation to the yard setback with the common boundary of Lot 2.
3. The proposal involves subdividing one lot into two, with the resultant lots complying with the lot size criteria for the Residential 1 zone. The proposal therefore aligns with the density

intended for the Residential 1 zone of the Plan and will be consistent with the character and amenity of the surrounding environment.

4. It is considered that any adverse effects from the intrusion of the existing household unit into the proposed side yard would be less than minor with this being internalised within the subdivision.
5. In coming to its decision Council has had regard to the provisions of the Operative District Plan in particular the provisions of Part 13.5.1, 13.5.1.2 and the relevant parts of 13.12 through to 13.17 (residential activity criteria). The Council is satisfied that the proposed activity will not have, or is unlikely to have, any adverse effects that are more than minor subject to meeting the conditions of consent.
6. Proposed Lot 1 contains an existing household unit. For proposed Lot 2 the geotechnical investigation undertaken by Stratum Consultants has identified that the lot is suitable to build on subject to the recommendations presented in their report, a specific engineering foundation design by a suitably qualified chartered professional engineer will be required. Both Lots 1 and 2 will be provided with legal and physical access to Island View Road and Ross Road respectively.
7. The existing household unit on Lot 1 has water and wastewater connections to the reticulated networks. Lot 2 will require a separate water and wastewater connection to the reticulated networks prior to s224c. The applicant have proposed to redirect the existing sewer connection and provide an easement over Lot 2. A new connection is proposed for Lot 2 from the existing manhole SH007198. The new water connection for Lot 2 requires a road crossing therefore shall be installed by the developer.
8. Any private water supply pipes connected to the public reticulated network that cross the new lot boundaries should be located and disconnected.
9. The existing household unit on Lot 1 has one or more soakholes; they must be located to ensure no infrastructure required for one lot exists within another.
10. The existing vehicle crossings on Island View Road and Ross Road are in a satisfactory condition. The existing household unit has an on-site car park within the garage.
11. The existing household unit on proposed Lot 1 has electrical and telecommunication connections. Proposed Lot 2 will require a provision for separate electrical and telecommunication connections to the frontage prior to s224c. Connections for proposed Lot 2 can be provided at the time of building.
12. The proposal is also considered to be consistent with the relevant objectives and policies Part 4 - Residential and Part 13 - Subdivision of the Operative District Plan
13. A financial contribution is payable for each additional lot created as part of a subdivision in accordance with Part 14 of the Operative District Plan. This is a contribution towards the development of existing, and purchase of additional, land to enhance the amenity and heritage value of reserves and is at the time of building consent as per the amount calculated for RC17254 or prior to s224C certification, whichever is the earlier. A copy of the valuation this amount has been assessed on is enclosed for your information.
14. No persons are considered adversely affected by the proposal.

The applicants are advised that:

(a) Timeframe for Giving Effect to this Consent

The above consent lapses on the expiry of 5 years after the date of receiving this letter, unless the consent is given effect to. A subdivision is given effect to when the survey plan in respect of the subdivision has been submitted to Council under Section 223. Certification that all conditions of the subdivision consent have been complied pursuant to Section 224 must be obtained by the applicant within a period of less than 3 years from the date the survey plan was approved.

(b) Right of Objection

If you are dissatisfied with any aspect of the decision, you have a right of objection to Council under section 357A 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 and compliance with the conditions of consent will be expected. In addition, to the right of objection there is a right of appeal to the Environment Court under section 120 of the Resource Management Act 1991.

(c) Obligations under the Heritage New Zealand Pouhere Taonga Act 2014

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 Heritage New Zealand Pouhere Taonga Act 2014. If during the exercising of this consent any archaeological site is uncovered work must stop and permission be obtained from Heritage New Zealand under section 44 of the Heritage New Zealand Pouhere Taonga Act 2014.

(d) Works within the Road Reserve

Prior to any works being undertaken within the road reserve (including vehicle crossings) a Corridor Access Request must be lodged with Council and a Works Access Permit issued. This is available free of charge by going online to the website www.beforeudig.co.nz or by contacting Council's Corridor Access Administrator on 07 351 8085.

(e) Works on Council's Services

Any works to be undertaken on Council's services must be by a Council approved contractor and in accordance with the RITS.

(f) Infrastructure Standards

The Regional Infrastructure Technical Specifications is a guide for design compliance however the Rotorua Civil Engineering Industry Standards is also an acceptable guide and compliance with either of these documents will be satisfactory.

(g) Building Consent

A building consent is required for the private wastewater drainage modifications. If the existing garage is to be relocated off site a building consent will need to be obtained prior to this removal, if the intent is to simply demolish the building then no building consent is necessary.

The alteration to the private onsite drainage system (Extending from the existing house to the Council invert that is required to re-routed which includes any on-site drainage for the new proposed lot) must not be undertaken without firstly obtaining a building consent, failure to do so will result in the need to apply for a "certificate of acceptance" and the Drainlayer may be reported to the Plumbing, Gasfitters and Drainlayers Board for undertaking illegal building work.

Site works undertaken in preparation to a new building must not be undertaken until the building consent is issued in accordance with section 7 of the NZ Building Act 2004.

- (h) Application for new Water and Wastewater Connection
Application for a new water and wastewater connection will need to be made to Council with the payment of appropriate fees.
- (i) Location of Water Connections
The consent holder is advised that the water connection (Toby Box) should not be installed within a vehicle crossing.
- (j) Electricity and Telecommunication Services
Electricity and telecommunication services to any future buildings must be installed underground unless it is demonstrated to be impractical.
All land use activities, including the construction of new buildings/structures, earthworks, fences, any operation of mobile plant and/or persons working near exposed lines parts shall comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) or any subsequent revision of the code.
- (k) Stratum Consultants Geotechnical Assessment Report
A copy of Stratum Consultants Geotechnical Assessment Report (233840-M-E-C003 GAR V2, 14 April 2021) will be placed on the relevant property file for future reference.
- (l) Stratum Consultants Soakage Report
A copy of Stratum Consultants Soakage Report (233840-R-E-C001, 18 February 2021) will be placed on the relevant property file for future reference.
- (m) Other consents may be required
To avoid doubt; except as otherwise allowed by this resource consent, all land uses must comply with all remaining standards and terms of the Operative Rotorua District Plan. The proposal must also comply with the Waikato Regional Plans. All necessary consents and permits shall be obtained prior to development.

If you have any questions, please contact **Rebecca Burton**, or the duty planner.

Yours faithfully



Rebecca Burton
Consultant Planner

