

FILE



18 November 1997

Please Quote: P00858
Your Ref: 96393/P

Doc No: 74416

Martin McCaulay Morton Ltd
Surveyors
PO Box 878
ROTORUA

Attention: Luke Martin

Dear Sir,

RESOURCE MANAGEMENT ACT 1991
NON-NOTIFIED APPLICATION FOR RESOURCE CONSENT
APPLICANT - BOSTAN CORPORATION LTD

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

That pursuant to Sections 94, 104, 105 and 108 of the Resource Management Act 1991, the Rotorua District Council grants conditional consent to the application by Bostan Corporation Ltd to construct and use 14 two-storey units at 96-100 Pukuatua Street, Rotorua, legally described as Lot 1 DPS 19165.

This consent is subject to the following conditions:

1. *That vehicle access and manoeuvring areas are designed and constructed so that all egress from the property is to be in a forward motion.*
2. *That the existing unused vehicle crossing be removed and the kerb and channel to be reinstated in accordance with the requirements of the Engineering Code of Practice and to the satisfaction of the District Engineer.*
3. *That all parking and manoeuvring areas shall be formed, sealed and drained in accordance with the District Plan and Engineering Code of Practice to the satisfaction of the District Engineer.*
4. *That all storm water disposal from the site is in accordance with the Engineering Code of Practice and to the satisfaction of the District Engineer. Plans shall be submitted as part of the Building Consent for Engineering Approval.*
5. *That all vegetation and debris be removed from site, prior to any works commencing.*
6. *That the existing fill is certified as suitable for the proposed development. That all additional filling is to be in accordance with the District Plan and Engineering Code of Practice to the satisfaction of the District Engineer.*

7. *That an as built plan for the filling, in accordance with the requirements of the Engineering Code of Practice, be submitted to the Council at completion of the works.* X
8. *That there shall be no off-site deposit of sediment or detritus from the area of works or into any water course or storm water drain.*
9. *That engineering plans and specifications of all connections to the public mains are submitted for approval of the District Engineer in accordance to the requirements of the District Plan and Engineering Code of Practice.* X
10. *That there is adequate storm water control during the earthworks and during the period of reinstatement in accordance with the requirements of the Engineering Code of Practice and District Plan to the satisfaction of the District Engineer.*
11. *That the proposed development meets the requirements in terms of sewerage disposal in accordance with the District Plan and Engineering Code of Practice to the satisfaction of the District Engineer.* X
12. *That during the construction phase of the proposal, the builders shall operate their plant and equipment in accordance with NZS6803p Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work.*
13. *That a financial contribution for reserves and heritage purposes calculated at 13/14 of 5% of the land value of proposed Lot 1 DPS 19165 to be paid to the Council.*
14. *That all landscaping for the proposal shall comply with the landscaping plan submitted to the Council on 7 November 1997 and to the Council's Landscape Architect's satisfaction.*
15. *That all costs associated with complying with the conditions shall be met by the consent holder.*

The reasons for this decision are that:

- *The site is zoned Residential D and the proposal is a Discretionary activity.*
- *The proposal is located in an area where the existing residential amenity values will not be adversely effected.*
- *The adverse effects of the proposal on the environment are minor, and the proposal is not be contrary to the objectives and policies of the Proposed District Plan.*
- *It is considered that the proposed activity will have no more than a minor potential adverse effect having regard to a complying activity development, and on this basis no person is deemed to be adversely affected.*
- *The Council is satisfied under Rule 7.4.2.1 that the 6 metre access width is adequate to deal with traffic movements in and out of the site.*
- *The proposal meets the performance standards outlined under Rule 7.2.*
- *A financial contribution is payable in accordance with the District Plan towards the development of existing, and purchase of additional land to enhance the amenity values and heritage value of reserves.*
- *The anticipated adverse effects on the adjoining landowners is deemed to be minor.*

Advice Notes:

1. ***When submitting your Building Consent consideration must be given to the future of the proposed development. The number of and type of permitted connections for water and sewerage are dependent on if the development will***

***Stay in single ownership or,
Become a Unit Title Development or, x
Become a Subdivision.***

2. ***Access to the property is limited to the access from the parking area adjacent to the carriageway area and not direct from the carriageway of Pukuatua Street. There will be no charge to the existing access points into the parking area.***
3. ***There is a geothermal bore on the site, Environment Bay of Plenty will need to be contacted before any construction activities are undertaken on site.***
4. ***The proposed units will need to be fire and noise separated along all boundaries both vertically and horizontally pursuant to the Building Act 1991.***

If you have any questions, please contact Andy White.

Yours faithfully

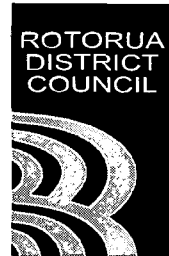


P. Crawford
Director, Environmental Services

RESOURCE CONSENT	
Approved.....	18.11.97
Appn No.....	1997/105c
Plan No.....	P00858
Date.....	19.11.97

Andy

NON-NOTIFIED RESOURCE CONSENT APPLICATIONS



Property File: 00858

Planning File: 1997/105c

Applicant: Bostan Corporation Ltd

Property: 96-100 Pukuatua Street

Nature of Application:

Establish and use of fourteen two storey household units, on 2023m2.

Type of Application: ~~Controlled~~ Discretionary

Due Date: 7/11/97

I certify that this application can be considered under delegated authority as per Council's delegation manual.

AW
Signed : _____ (Officer)

14/11/97
(Date)

AK
Signed : _____ (Supervisor/Peer Reviewer)

14/11
(Date)

PL
Approved (initials)
MANAGER/DIRECTOR/DISTRICT MANAGER

14/11
(Date)

~~R 7.3.2.4 (1)~~

R 7.3.3.2.3

Access rule

RESOURCE CONSENT APPLICATIONAPPLICATION TYPE: Controlled 1997/105 PLANNER: Andy**APPLICANT DETAILS**RECEIVED: 10.10.97Name: Boston Corporation Ltd.TARGET DATE: 7.11.97Contact/Agent Address: Martin McCauley Norton

Agent Reference: _____

APPLICATIONSite Location: 96 - 100 Pukuatua Street zoning: Residential DLocality: Rotorua Central Map No: _____Legal Description: LOT 1 DPS 19165Valuation Roll No: 6500/729Description of Application: Establish and use of fourteen, two storey household units, on 2023m².**FEES:**Fee: 292.50 Date: 10.10 Initial: JN

Invoice: _____ Date: _____

Receipt: 5267074 Date: 10.10.97**RESERVE CONTRIBUTION**

To Valuer: _____ To Applicant: _____

Assessed Value: _____

Received: _____

Paid: _____

VETTING**Planning**

Information Requested: _____

Information Received: _____

Resource Engineer

Information Requested: _____

Information Received: _____

Acknowledgement Letter: _____

NOTIFICATION

Application to be Non-Notified/Notified: _____

Reasons: _____

Section 94 Assessment Required: Yes/No

INFORMATIONComplete Resource Consent Application (Section 88) ☐Complete Assessment/Effects Fourth Schedule ☐**DETAILS OF AFFECTED PERSONS**Location Plan ☐

Adjoining property owners confirmed by Council records at time of application: _____

Received pursuant to Section 88(4) of the Resource Management Act 1991:

Date: _____ Signed: _____

Pukunatua

ST.

23.7 4 954	23.7 2 954	25.1 5 1012	11.4 2 506	11.2 1 506	736 7 1012
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ST.

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4	D.P.	349	85				25.3
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Ranolf.

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812	811	810	809	808	807		752
10							
12							

752

PAYMENT OF PLANNING FEES & CHARGES

FILE NO: _____

TAX INVOICE TO BE MADE OUT TO:

NAME: Boston Corporation Ltd
ADDRESS: PO Box 1133
Rotong
RE: re 96-100 Pukunua St

NOTIFIED RESOURCE CONSENTS 230 8900 6776 \$.....

NON-NOTIFIED & CONTROLLED ACTIVITIES 230 8900 6775 \$²⁹²⁻⁵⁰.....

SALE OF MAPS/PHOTOCOPYING 230 8900 6821 \$.....

SALE OF DISTRICT PLANS 230 1400 6738 \$.....

SUBDIVISION & CROSSLEASE FEES
(Incl. extensions, re approval, variations, Sec.226 Cert., esp. res. reduction, Sec. 223 & 224 Certs., ROWs, Objections to decisions) 230 8900 6972 \$.....

ENGINEERING FEES 361 6740 \$.....

RESERVES CONTRIBUTION 445 5000 6803 \$.....

LIQUOR LICENCE FEE 230 8900 6732 \$.....

OTHER CONSENTS
(Incl. Cert. under Land Settlement Promotion and Land Acquisition Act) 230 8900 6732 \$.....

RECEIPT NO. 5267074 DATE 10-10-97 TOTAL \$²⁹²⁻⁵⁰.....

ROTORUA DISTRICT COUNCIL

REPORT TO: Director of Environmental Services **DATE:** 11 November 1997

FROM: Andy White
 Planner

FILE NO: P 05870

SUBJECT: To construct and use fourteen two storey household units.

1.0 INTRODUCTION

1.1 Applicant: Bostan Corporation Ltd

1.2 Legal Description: Lots 1 DPS 19165

1.3 Proposal: To build fourteen two storey units at 96-100 Pukuatua Street. The proposal will include:

- A total of 14 two storey, two bedroom units, with lock-up garages.
- 10 units with frontage onto Pukuatua Street.
- 4 units at the rear of the site with internal access.
- Each unit will provide on site parking for two cars.
- Landscaping with a palm tree theme.

1.4 Existing Situation:

The proposed site is situated on the south side of Pukuatua Street and is zoned Residential D. The site has a frontage of 71.4 metres and a depth of 40.2 metres. The lot is currently vacant.

1.5 Location: 96-100 Pukuatua Street, Rotorua

1.6 District Plan Activity Status: Discretionary: Proposed District Plan

1.7 Zone: Residential D: Proposed District Plan

2.0 ASSESSMENT

2.1 District Plan Criteria

The site for the proposed development is zoned Residential D under the Proposed District Plan. The Residential D zone allows for office, residential activities and other activities which are listed under Rule 7.1 of the District Plan.

This application will be assessed under the Proposed Rotorua District Plan for the *Kaitiaki Tarawera* appeal does not affect the residential zones within the District.

The proposal will be assessed as a Comprehensive Residential Development, Part 19 (Definitions) outlines Comprehensive Residential Development to be:

"Residential development including more than five household units."

The provisions of Rule 7.1.31 of the Proposed District Plan states that Comprehensive Residential Development are classed as a Discretionary activities.

Rule 7.1.9 permits additional household units on a site as a Controlled activity as long as they comply with the provisions of Rule 7.3.3.8 which requires 150m² of net site area for each unit. Units 1-10 which have frontage onto Pukuatua Street fail to met this provision.

Rule 16.3.3.9 states that if a development have more than eight household units then they are not allowed to share a private access. The Council's Resource Engineers are satisfied that an access width of 6 metres is adequate to deal with the traffic movements in and out of the site pursuant to Rule 7.4.2.1. It is relevant to consider that the design of the access provides for two ingress and egress points which would result from two adjoining developments of 7 units.

The objectives and policies in Section 7 (residential) of the District Plan, emphasise the maintenance and enhancement of residential amenity values. The proposed residential activity is an appropriate land use activity in terms of the amenity values experienced in residential areas. The proposal is relatively compatible with the surrounding residential environment as the appearance of the 14 units is not out of scale with the surrounding residential area and does not result in any significant additional adverse effect from a development which maximises unit intensity.

The proposal meets the performance standards outlined under Rule 7.2 of the Plan. Issues such as height and daylighting, buffers, site coverage, parking, site access comply with the requirements of Residential D zone.

2.2 Environmental Effects

The written consent of the adjoining landholders has not been required as any adverse effects on the neighbouring properties is deemed to be minor. The proposal only just fails to comply with Rule 7.3.3.8, under this provision the site would allow for 13 units. The one additional unit will only have a minor affect on the surrounding environment, proportionately the additional unit will not generate any significant additional adverse effects. The additional traffic generation from the additional unit will only equate to an increase of 7% of the total traffic in and out of the site.

The proposal is strongly residential in character. The existing amenity values will not be adversely effected by the proposed residential development. The proposed design and landscaping for the development is expected to enhance the existing residential amenity values of the surrounding area. The Council's landscape architect is satisfied that the landscaping for the proposal is compatible with the adjoining residential sites and the abutting Kuirau Park.

2.3 Conclusion

Therefore as the proposal meets the requirements of the Proposed District Plan, it is considered that the subdivision will not have an adverse effect on the environment and that no persons will be adversely affected by the granting of this resource consent.

3.0 RECOMMENDATION

3.1 Suggested Resolution

That it be resolved:

That pursuant to Sections 104, 105, 108 and 220 of the Resource Management Act 1991, the Rotorua District Council grant its consent to the application of Bostan Corporation Ltd, to construct and use fourteen two storey units located at 96-100 Pukuatua Street, Lot 1 DP 19165 subject to the following conditions:

- 1. That vehicle access and manoeuvring areas are designed and constructed so that all egress from the property is to be in a forward motion.**

2. That the existing unused vehicle crossing be removed and the kerb and channel to be reinstated in accordance with the requirements of the Engineering Code of Practice and to the satisfaction of the District Engineer.
3. That all parking and manoeuvring areas shall be formed, sealed and drained in accordance with the District Plan and Engineering Code of Practice to the satisfaction of the District Engineer.
4. That all storm water disposal from the site is in accordance with the Engineering Code of Practice and to the satisfaction of the District Engineer. Plans shall be submitted as part of the Building Consent for Engineering Approval.
5. That all vegetation and debris be removed from site, prior to any works commencing.
6. That the existing fill is certified as suitable for the proposed development. That all additional filling is to be in accordance with the District Plan and Engineering Code of Practice to the satisfaction of the District Engineer.
7. That an as built plan for the filling, in accordance with the requirements of the Engineering Code of Practice, be submitted to the Council at completion of the works.
8. That there shall be no off-site deposit of sediment or detritus from the area of works or into any water course or storm water drain.
9. That engineering plans and specifications of all connections to the public mains are submitted for approval of the District Engineer in accordance to the requirements of the District Plan and Engineering Code of Practice.
10. That there is adequate storm water control during the earthworks and during the period of reinstatement in accordance with the requirements of the Engineering Code of Practice and District Plan to the satisfaction of the District Engineer.
11. That the proposed development meets the requirements in terms of sewerage disposal in accordance with the District Plan and Engineering Code of Practice to the satisfaction of the District Engineer.
12. That during the construction phase of the proposal, the builders shall operate their plant and equipment in accordance with NZS6803p Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work.
13. That a financial contribution for reserves and heritage purposes calculated at 13/14 of 5% of the land value of proposed Lot 1 DPS 19165 to be paid to the Council.
14. That all landscaping for the proposal shall comply with the landscaping plan submitted to the Council on 7 November 1997 and to the Council's Landscape Architect's satisfaction.
15. That all costs associated with complying with the conditions shall be met by the consent holder.

The reasons for this decision are that:

- The site is zoned Residential D and the proposal is a Discretionary activity.
- The proposal is located in an area where the existing residential amenity values will not be adversely effected.
- The adverse effects of the proposal on the environment are minor, and the proposal is not be contrary to the objectives and policies of the Proposed District Plan.
- It is considered that the proposed activity will have no more than a minor potential adverse effect having regard to a complying activity development, and on this basis no person is deemed to be adversely affected.
- The Council is satisfied under Rule 7.4.2.1 that the 6 metre access width is adequate to deal with traffic movements in and out of the site.


- The proposal meets the performance standards outlined under Rule 7.2.
- A financial contribution is payable in accordance with the District Plan towards the development of existing, and purchase of additional land to enhance the amenity values and heritage value of reserves.
- The anticipated adverse effects on the adjoining landowners is deemed to be minor.

Advice Notes:

1. When submitting your Building Consent consideration must be given to the future of the proposed development. The number of and type of permitted connections for water and sewerage are dependent on if the development will

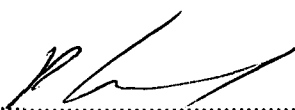
Stay in single ownership or,
Become a Unit Title Development or,
Become a Subdivision.

2. Access to the property is limited to the access from the parking area adjacent to the carriageway area and not direct from the carriageway of Pukuatua Street. There will be no charge to the existing access points into the parking area.
3. There is a geothermal bore on the site, Environment Bay of Plenty will need to be contacted before any construction activities are undertaken on site.
4. The proposed units will need to be fire and noise separated along all boundaries both vertically and horizontally pursuant to the Building Act 1991.

Signed:  Date: 14/11/97

Position: Planner.

Approved for Release:

Signed:  Date: 17/11/97

Planning Manager/Director
of Environmental Services

RESOURCE CONSENT PERFORMANCE SHEET

	<u>Due Date</u> (2 working days after lodgement)	<u>Further Information</u> <u>Requested</u>	<u>Information</u> <u>Received</u>	<u>Complete</u>
Vetting	10.10	23.10	6.11	
Distribution				
Awaiting Comments				
Consent Target Date				

NB: Adjust if further
information requested

WORKING DAYS TAKEN:

16

(NB: If greater than 20 working days, ensure time extension notified to application).

Reason if target date not met (20 working days): _____

Received 10.10.97
 further info 23.10.97
 Received 6.11.97
 further info 21.11.97
 6.11.97
 Approved 18.11.97 - 3

TOWN PLANNING - RESOURCE CONSENT APPLICATION/NON COMPLYING/DISCRETIONARY USE

FILE NO: 00585 PROPERTY FILE NO: 00585
 APPLICANT: Boston Corporation Ltd

APPLICATION FOR:

Establish and use 14 two storey
household units, on 2023m²

LOCATION: 96-100 Pukutu St. LEGAL DESCRIP: Lot 1 DAS 19/65

DRAUGHTING (Check for Services Only)

TIME DATE INITIALS

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X BUILDING INSPECTOR

	17-10-97	HKM
--	----------	-----

would be subject to fire & noise separation
along all boundaries, vertically and horizontally

PLUMBING & DRAINAGE INSPECTOR

10	20-10	CO
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X GEOTHERMAL INSPECTOR

10	20-10	HKM
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This property has a usable geothermal bore located on site
OK. RESPONSE ATTACHED 23.10.97

DANGEROUS GOODS INSPECTOR

10	20-10	HKM
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X HEALTH INSPECTOR

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X RESOURCES ENGINEER

--	--	--

X TRADE WASTE INSPECTOR

	20/10	HKM
--	-------	-----

RECREATION & COMMUNITY

	31/10	WAL
--	-------	-----

1. I WOULD REMIND DEVELOPERS THIS IS
 RPTORWA, NOT JAMAICA AND THEREFORE THE LANDSCAPING SHOULD
 REFLECT THE STRONG EXISTING CHARACTER OF THE SURROUNDING
 AREA — KURAN PARK AND RANDU ST — BY USING LARGE EXOTIC
 DECIDUOUS TREES (DROP THE PALMS, THEY WON'T SURVIVE THE WINTER) WHICH
 ARE IN LINE TO THE BUILDINGS. A DETAILED LANDSCAPE PLAN WILL
 BE REQUIRED TO THE SATISFACTION OF THE RDC LAND'ARCH' !!!

OK Walker
 6 Nov 97
 SEE AMENDED
 PLAN

FILE

04 November 1997

Please Quote: P00858

Doc. No: 73363

Martin McCaulay Morton Ltd
Surveyors
PO Box 878
ROTORUA

Attention: Luke Martin

Dear Sir,

REQUEST FOR FURTHER INFORMATION

Applicant: Bostan Corporation Limited
Application: To erect and use fourteen household units.
Location: 96-100 Pukuatua Street - Lot 1 DPS 19165.

The following further information is requested pursuant to Section 92 of the Resource Management Act 1991.

The on-site manoeuvring areas for the proposed units.

Please be advised that the processing of this application has been put on hold until the above information is received.

Council officers reserve the right to ask for additional information if, after a site visit, more details are necessary to enable Council to make a fully informed decision.

If you have any further queries concerning this letter, please contact the undersigned.

Yours faithfully

Andy White
Planner

FILE

23 October 1997

Please Quote: P00858

Your Ref: 96393/P

Doc. No: 72433

Martin McCaulay Morton Ltd
Surveyors
PO Box 878
ROTORUA

Attention: Luke Martin

Dear Sir,

REQUEST FOR FURTHER INFORMATION

Applicant: Bostan Corporation Limited
Application: To erect and use fourteen household units
Location: 96-100 Pukuatua Street, Lot 1 DPS 19165.

The following further information is requested pursuant to Section 92 of the Resource Management Act 1991.

A detailed landscape plan that shows the proposed landscaping in terms of the size and scale of the entire site.

OK Walker 6 Nov '97
SEE AMM. PLAN.

- 1) The specific engineering design of the foundations for the proposed site.

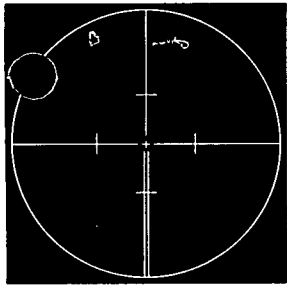
Please be advised that the processing of this application has been put on hold until the above information is received.

Council officers reserve the right to ask for additional information if, after a site visit, more details are necessary to enable Council to make a fully informed decision.

If you have any further queries concerning this letter, please contact the undersigned.

Yours faithfully

Andy White
Planner



MARTIN McCAULAY MORTON LTD

SURVEYORS ENGINEERS PLANNERS RESOURCE MANAGERS

ROTORUA
QUADRANT HOUSE
77 HAUPAPA STREET
P.O. BOX 878
TELEPHONE (07) 347-7840
FAX (07) 347-6191

TE PUKE
KING'S BUILDING
77 JELICOE STREET
P.O. BOX 301
TELEPHONE (07) 573-7717
FAX (07) 573-5617

MOUNT MAUNGANUI
12 GIRVEN ROAD
P.O. BOX 10009
MT MAUNGANUI
TELEPHONE 0-7-575 2859
FAX 0-7-575 0833

OPOTIKI
PROFESSIONAL CHAMBERS
ELLIOT STREET
P.O. BOX 94
TELEPHONE (07) 315 6127
FAX (07) 315 6128

DIRECTORS:
L.S. MARTIN
Dip.Surv. F.N.Z.I.S. M.N.Z.P.I.
M.P.L.E.I.N.Z.
REGISTERED SURVEYOR
TOWN PLANNER
REGISTERED PROPERTY MANAGER

A.M. MORTON
B.E. (Hons). M.I.P.E.N.Z.
REGISTERED CIVIL ENGINEER

J.R. LEWIS
B.Surv. M.N.Z.I.S.
REGISTERED SURVEYOR

ASSOCIATE
B.YETSENGA
B.Surv. M.N.Z.I.S.
REGISTERED SURVEYOR

CONSULTANT
A.W.R. McCAULAY
M.N.Z.I.S.
REGISTERED SURVEYOR

96393/P

24 October 1997

The District Manager
Rotorua District Council
Private Bag
ROTORUA

Rotorua District Council	
RECEIVED	28 OCT 1997
REFERRED TO	ENV.
A WHITE	
COPY TO	
INSTRUCTIONS:	

re: REF.P00858 - DOCUMENT No 72433
BOSTON CORPORATION LTD.

Attention: Mr A White

Dear Sir

We are in receipt of your letter of 23 October. We advise in response:

1. A coloured landscape plan and perspective of the development was supplied to Mr W McKenna of your office on 23 October.
2. The applicants are aware that the site has been filled. In addition they have been supplied details of this by the former owners.

However at this stage we believe it is premature to require a specific foundation design before a resource consent has been granted.

We consider that it would be more appropriate to impose a condition of resource consent requiring that a foundation report and design prepared by a suitably qualified engineer be provided to Council prior to issue of a building consent.



We request therefore that you continue to process the application.

Yours faithfully

MARTIN McCaULAY MORTON LTD

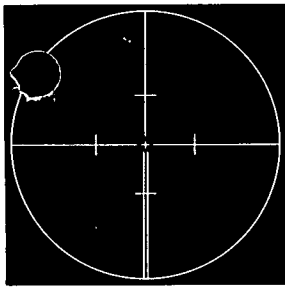
A handwritten signature in black ink, appearing to be 'LS Martin', with a stylized flourish at the end.

L S Martin

Dip., Surv., F.N.Z.I.S., M.N.Z.P.I., M.P.L.E.I.N.Z.

Registered Surveyor/Town Planner





MARTIN McCAULAY MORTON LTD

200585
FAXED

I-34198

SURVEYORS ENGINEERS PLANNERS RESOURCE MANAGERS

ROTORUA
QUADRANT HOUSE
77 HAUPAPA STREET
P.O. BOX 878
TELEPHONE (07) 347-7840
FAX (07) 347-6191

TE PUKE
KING'S BUILDING
77 JELICOE STREET
P.O. BOX 301
TELEPHONE (07) 573-7717
FAX (07) 573-5617

MOUNT MAUNGANUI
12 GIRVEN ROAD
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OPOTIKI
PROFESSIONAL CHAMBERS
ELLIOT STREET
P.O. BOX 94
TELEPHONE (07) 315 6127
FAX (07) 315 6128

DIRECTORS:
L.S. MARTIN
Dip.Surv. F.N.Z.I.S. M.N.Z.P.I.
M.P.L.E.I.N.Z.
REGISTERED SURVEYOR
TOWN PLANNER
REGISTERED PROPERTY MANAGER

A.M. MORTON
B.E. (Hons), M.I.P.E.N.Z.
REGISTERED CIVIL ENGINEER

J.R. LEWIS
B.Surv. M.N.Z.I.S.
REGISTERED SURVEYOR

ASSOCIATE
B. YETSENGA
B.Surv. M.N.Z.I.S.
REGISTERED SURVEYOR

CONSULTANT
A.W.R. McCAULAY
M.N.Z.I.S.
REGISTERED SURVEYOR

96393/P

22 October 1997

The District Manager
District Council
Private Bag
ROTORUA

Attention: Mr W McKenna

Dear Sir

re: BOSTAN CORPORATION LTD - APPLICATION FOR RESOURCE
CONSENT

We apologise for the error in the environmental check list.

Regrettably the writer was under the misapprehension that the existing bore in the rear corner of the site was in the next door property (owned by the vendors).

We understand from Mr R Bos of the Applicant Company that the present land owners/vendors are currently renewing the Resource Consent for the geothermal bore.

If and/or when the consent is renewed, the Applicants intend to utilise the geothermal energy and would in addition establish a reinjection bore.

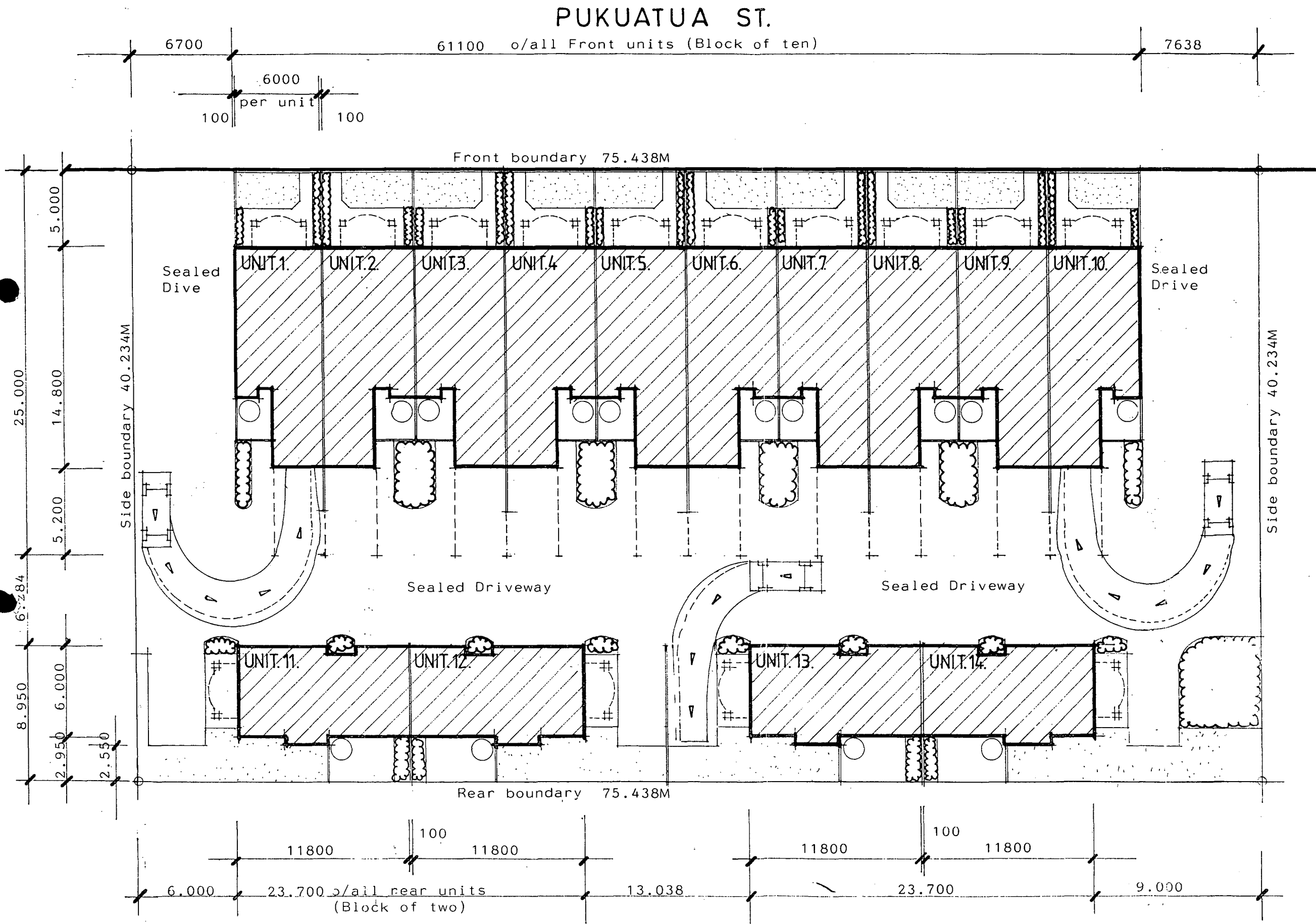
We trust this answers your present concerns.


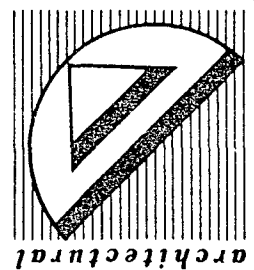

Yours faithfully
MARTIN McCAULAY MORTON LTD

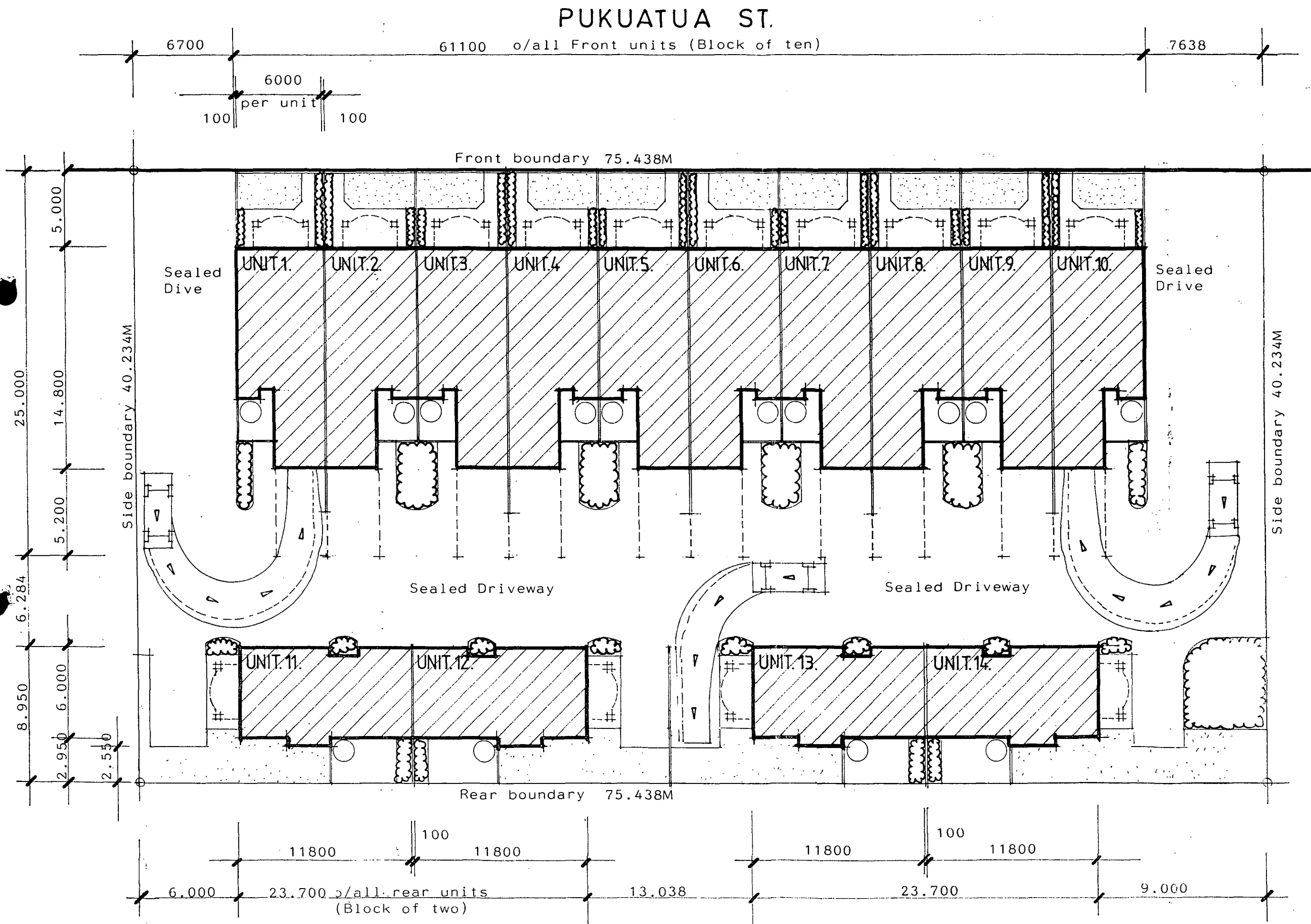
L S Martin
Dip., Surv., F.N.Z.I.S., M.N.Z.P.I., M.P.L.E.I.N.Z.
Registered Surveyor/Town Planner


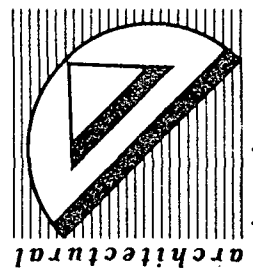

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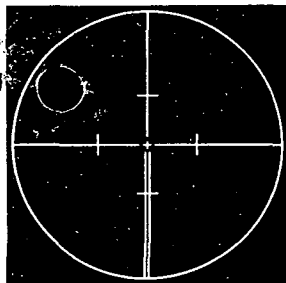


	REF NORTH DESIGN: <i>Murray Stephens</i> SCALES: 1:250	SHEET No. 01
	JOB No. 9709/1	
KUIRAU PALMS APARTMENT COMPLEX 96-100 PUKUATUA ST. ROTORUA		
SITE PLAN		
		
		
MURRAY L. STEPHENS N.Z.C.D. (Arch.) M.N.Z.E.A.D. 13 PEARSONS DRIVE, ROTORUA MOBILE PH: 025 935-993, AHR/FAX 07 348-3606		



 REF. NORTH	DESIGN: <i>Murray Stephens</i>	SHEET No. 01
	SCALES: 1:250	JOB No. 9709/1
KUIRAU PALMS APARTMENT COMPLEX 96-100 PUKUATUA ST. ROTORUA		
SITE PLAN		
		
 MURRAY L. STEPHENS Residential & Commercial Architecture 13 PEGASUS DRIVE, ROTORUA MOBILE PH: 025 935-993, AHS/FAX 07 348-3606		

P00585



MARTIN McCAULAY MORTON LTD

SURVEYORS ENGINEERS PLANNERS RESOURCE MANAGERS

ROTORUA
QUADRANT HOUSE
77 HAUPAPA STREET
P.O. BOX 878
TELEPHONE (07) 347-7840
FAX (07) 347-6191

TE PUKE
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S. MARTIN
Lic. Surv. F.N.Z.I.S M.N.Z.P.I.
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REGISTERED SURVEYOR

CONSULTANT
A.W.R. McCAULAY
M.N.Z.I.S
REGISTERED SURVEYOR

96393/P

8 October 1997

The District Manager
Rotorua District Council
Private Bag
ROTORUA

Attention: Mr J D Sholl

Dear Sir

re: APPLICATION FOR NON NOTIFIED ACTIVITY
CONSENT

APPLICANTS: BOSTAN CORPORATION LIMITED

LOCATION: 96 - 100 PUKUATUA STREET

ZONING: RESIDENTIAL D

Please find enclosed an application for Resource Consent lodged on behalf of our above client Company.

Enclosed also is a cheque for \$292.50 to cover the Council inspection fee.

Enclosed with the formal application and plans is a detailed planning submission.



We would be pleased therefore if you would consider and process the application as soon as practicable.

Yours faithfully

MARTIN McCAULAY MORTON LTD

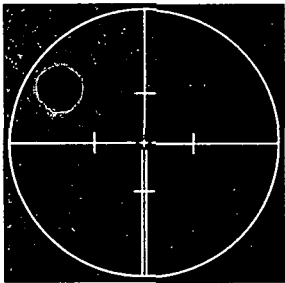


L S Martin

Dip.,Surv.,F.N.Z.I.S.,M.N.Z.P.I.,M.P.L.E.I.N.Z.

Registered Surveyor/Town Planner





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W.R. McCAULAY
M.N.Z.I.S
REGISTERED SURVEYOR

96393/P

REG 8(1)

FORM 5

RESOURCE MANAGEMENT ACT 1991

LAND USE CONSENT

The District Manager
Rotorua District Council
Private Bag
ROTORUA

We, THE BOSTAN CORPORATION LTD hereby apply for the
Resource Consent described below:

1. The names and addresses of the Applicant, Owner and Occupier of
the land to which the application relates are as follows:

(i) OWNERS: J R B KINGSTON & OTHERS
C/- P O BOX 646, ROTORUA.

(ii) APPLICANTS: BOSTAN CORPORATION LTD,
C/- MR R BOS, P O BOX 1133,
ROTORUA.



(iii) OCCUPIERS: Owners.

2. The location to which this application relates is:

(i) LEGAL DESCRIPTION: Lot 1 DPS 19165 comprised in Certificate of Title 18A/197 and containing 3035m².

(ii) LOCATION: South side of Pukuatua Street (Nos 96 - 100 Pukuatua Street).

(iii) ZONING: The subject land is zoned Residential D (Special Provisions applying) on Map 26 of the Proposed District Plan of the Rotorua District Council.

3. The type of Resource Consent sought is for a Non Notified Activity to permit the establishment and use of fourteen, two storey household units (apartments), to ultimately be unit titled together with a total of fourteen off street car parks.

4. No additional resource consents are required at this time.

5. An environmental effect assessment in accordance with the Fourth Schedule to the Act, referred to as Annexure B is enclosed.



6. Attached hereto is a set of plans showing the proposal.
7. The Councils environmental check list is enclosed.

BOSTAN CORPORATION LTD

By their Authorised Agent
MARTIN McCaULAY MORTON LTD



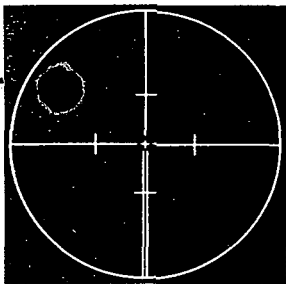
L S Martin
Dip., Surv., F.N.Z.I.S., M.N.Z.P.I., M.P.L.E.I.N.Z.
Registered Surveyor/Town Planner

Dated at ROTORUA this day of OCTOBER 1997

ADDRESS FOR SERVICE

Martin McCauly Morton Ltd
Quadrant House
77 Haupapa Street
P O Box 878
Ph: (07) 3477 840
Fax: (07) 3476 191
ROTORUA





MARTIN McCAULAY MORTON LTD

SURVEYORS ENGINEERS PLANNERS RESOURCE MANAGERS

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CONSULTANT
W.R. McCAULAY
N.Z.I.S
REGISTERED SURVEYOR

96393/P

APPLICATION FOR RESOURCE CONSENT

TO

ERECT AND USE FOURTEEN HOUSEHOLD

UNITS (APARTMENTS)

ON

LOT 1 DPS 19165

AT

96 - 100 PUKUATUA STREET

FOR

BOSTAN CORPORATION LTD



1. INTRODUCTION

- 1.1 Bostan Corporation a private Company principally owned by Mr R Bos and his family have recently purchased the subject Lot 1 Dps 19165 containing some 3035m² from J R B Kingston and Others.
- 1.2 The property is zoned Residential D with special provisions applying, and is located at Nos 96 - 100 Pukuatua Street.
- 1.3 The site has been vacant for some years and has been partially filled by the previous owners.
- 1.4 It is notable that a number of development proposals have been mooted for the site over the period of ownership of the previous owners but apart from recognition in the Proposed District Plan of the special qualities of the site in terms of tourist and more intensive residential potential, no development has taken place.
- 1.5 The applicants wish to proceed immediately with a residential apartment development of the site and to establish a total of fourteen two storey units on the site, together with associated access, parking/garaging for a minimum of fourteen vehicles.
- 1.6 On close inspection of the plans it can be seen that the buildings comply with the performance criteria of the Proposed District Plan and that in terms of site density the rules are met in all respects.



- 1.7 The Proposed District Plan makes provision for both Tourist Accommodation, and Additional Household Units in the rules and in this instance, because the proposal complies in all respects with these rules and with the performance criteria related to the rules, it will be contended in this report that consent may be granted to a non notified controlled activity without neighbour consents.

2. PROPOSAL

- 2.1 The subject site has 71.4 metre frontage to Pukuatua Street and a depth of 40.2 metres and effectively drains out to the street frontage.
- 2.2 Shown on plans 9709/1, 01 - 05 is the site layout floor plans of typical units, elevations, height in relation to boundaries, and a detailed schedule of materials, finishes and landscaping.
- 2.3 In general terms the units are of a superior quality and finish and will enhance the general residential amenity in the immediate vicinity, which, in the recent past has improved by the quality developments being undertaken.
- 2.4 Features of the plans are:
- (i) A total of 14 two storey, two bedroom household units are proposed with enclosed lockup garages and the ability to park a further vehicle outside the garage without encroachment into the accessway.
 - (ii) Site access will be from vehicle crossings at the eastern and western ends of the site with sealed access extending along the rear of the front units and the front of the rear units.



- (iii) Units 1 - 10 will have pedestrian frontage to Pukuatua Street and vehicle access at the rear.
- (iv) Units 11 - 14 are rear units with internal access.
- (v) The applicants intend to unit title the individual apartments in due course but this does not form part of this application.

3. PROPOSED DISTRICT PLAN - PART SEVEN - REFERS

- 3.1 Rule 7.1.9 permits additional household units on the site as a Controlled Activity
- 3.2 Rule 7.3.3.8 specifies that one household unit per 150m² of net site area is required in the subject Residential D zone.
- 3.3 Rule 7.1.16 allows tourist accommodation on sites in the Residential D zone fronting Pukuatua/Ranolf Street as a Controlled Activity
- 3.4 Rule 7.1.31 specifies that Comprehensive Residential Developments are a Discretionary Activity in the Residential D zone.
- 3.5 Part 19 (Definitions) indicates that a Comprehensive Residential Development means a residential development including more than five household units.
- 3.6 The definition of a Comprehensive Residential Development Plan specifies inter alia (a) the subdivision of the land including dimensions and areas; etc.



3.7 Methods of implementation (Section 2.2.4.4 of Part Seven) also make reference to subdivision of land to cater for intensive residential activities.

3.8 It is my contention therefore that the references to Comprehensive Residential Developments as being Discretionary Activities relate to subdivision which may follow or provide independent title for multi unit developments and not to the activity of enabling residential units on a site.

3.9 That is, the provision of the fourteen household units on the site can be strictly classified under Rules 7.1.9 and 7.3.3.8 as being a complying, controlled activity.

3.10 It is acknowledged however that if and/or when consent to subdivide the property, either in a freehold or unit title fashion is sought, that consent to a discretionary activity would be required.

3.11 Rule 7.2.2 Height and Daylighting

* None of the units exceed the 7.5 metre maximum height restriction (refer sheets 0.4 - 0.5) - Complies.

* Units 11 - 14 do not encroach into the height in relation to boundary standards. (Refer Sheet 05, Elevation E/03) - Complies.

3.12 Rule 7.2.3 - Buffers

Minimum Front Yard - 3m.

5 metres shown on plan 01 - Complies.



Minimum Side Yards - 2.5m

6 metres shown on plan 01 - Complies.

Minimum Rear Yard - 2.5m

2.5 metres shown on plan 01 - Complies.

3.13 Rule 7.2.4 Site Coverage

(Special Rule 50%)

Ground Floor Areas 1070m².

Site Area 3035m² = 35% - Complies

3.14 Rule 7.2.5 & Appendix F - Parking

1 covered park/household unit (plus one outside park). - Complies.

3.15 Rules 7.2.6 - 7.2.10 - Not Applicable.

3.16 Rule 7.3.2.1 - Design & Appearance

The buildings retain a distinctive residential appearance and will enhance the area.

3.17 Rule 7.3.2.1 - Landscaping

Shown on plan 9709/1, 01 - 05 are the elements of landscaping to be developed including:



- * Grassed and paved front and rear yards.
- * Timber screen fences/pergolas.
- * 2m high concrete block/stucco walls on all boundaries.
- * Planter boxes, and imported palms.

3.18 Rule 7.3.2.3, 7.3.2.4 - Site Access Parking

Council standards are complied with, with respect to parking spaces and manoeuvring areas as outlined in Appendix F.

The dual entrance systems should not adversely affect pedestrian safety.

3.19 Rule 7.3.2.5 - Adverse Effects

Given that the apartments will be available for either rental or ultimate purchase by permanent residents, and the high standard of amenity that is being developed, it is unlikely that undue adverse noise or behavioural effects will arise.

3.20 Rule 7.3.3.8 - Additional Household Units

- (d) Permanently surfaced drives are provided.
- (e) Boundaries are to be fenced of permanent materials and for internal security purposes.



3.21 Rule 7.4 et seq - Discretionary Activities

All of the performance standards of Rule 7.4.2 and/or 7.4.3.2 are met by the proposal.

3.22 In totality therefore, regardless of whether the proposal is classified as controlled or discretionary, the performance standards of the Proposed District Plan are met.

4. RESOURCE MANAGEMENT ACT 1991

4.1 Section 94(1)(c) of the Act allows an activity to be non notified if **"it is a controlled activity and the written approval has been obtained from every person who, in the opinion of the consent authority, may be adversely affected by the granting of the Resource Consent unless, in the authorities opinion, it is unreasonable in the circumstances to require the obtaining of every such approval.**

4.2 In this application there are two factors to consider, namely that there will be no adverse effects created by the proposal per se and secondly, because of this, it is unreasonable to require neighbours consent.

4.3 At worst, if the Council considers that the application be dealt with as a Discretionary activity, Section 94(2)(a) and (b) make similar dispensatory provision with respect to non notification and an exemption from the requirement of neighbours consent.



4.4 Section 94(2)(a) requires that the adverse effects on the environment of the activity shall be minor and Section 94(2)(b) makes the same exemption as Section 94(1)(c) in relation to neighbour consents.

4.5 The rationale for the exemptions currently being sought are as follows:

- (i) The neighbour to the east of the subject site is the applicant and to the west the neighbours are isolated by a 6 metre drive.
- (ii) The neighbours to the south will effectively be screened by Units 11 - 14 of the development which comply in terms of rear yard, screening and height in relation boundary rules of the Proposed District Plan.
- (iii) The proposal complies in all respects with the objectives, policies and rules of the Proposed District Plan for multi unit development in the special provision area of the Residential D zone.

5. SUBMISSION

In view of the foregoing it is requested that Council consider and approve the application as a non notified controlled activity without affected party consent on the grounds that:

5.1 The site is zoned and suitable for the nature and style of residential development being sought.



- 5.2 That no adverse environmental effects will be created by the development and accordingly that no written consents of potentially affected parties are required.
- 5.3 That the proposal complies in entirety with the objectives, policies and rules, and if it were to be undertaken in stages could be considered as a permitted activity with no requirement for consideration of Section 94 matters.
- 5.4 That the proposal will enhance the matters of importance contained in Sections 6 and 7 of the Act.

We would be pleased therefore if you would examine and approve the proposal as soon as practicable.

Yours faithfully
MARTIN McCAULAY MORTON LTD



L S Martin
Dip., Surv., F.N.Z.I.S., M.N.Z.P.I., M.P.L.E.I.N.Z.
Registered Surveyor/Town Planner



APPENDIX B

BRIEF ASSESSMENT OF EFFECTS ON THE

ENVIRONMENT

(FOURTH SCHEDULE RESOURCE MANAGEMENT ACT 1991)

SECTION 1

- (a) A full description of the proposal is set out in the application. In essence the proposal is to permit the establishment and use of fourteen household units (apartments) on a Residential D zoned site. The proposed site, described as Lot 1 DPS 19165 is situated at No.s 96-100 Pukuatua Street.

The site is situated within the Residential D zone whereby additional household units and travellers accommodation are permitted.

There have apparently been no significant physical environmental problems in their widest sense, occasioned in the past, by similar uses on other sites in the zone.

- (b) It is not considered that any significant or long term adverse effect on the physical environment will result from the Applicants proposal to utilise the site. No major or significant modification of the land in the site is being undertaken nor is the use considered to be significant or adverse in environmental terms.

Short term adverse effects will be limited to the period of access construction and site development earthworks and building activity on the site.

Longer term effects would be related to the continued use of the premises for permanent accommodation. Particular effects would only be the effects created by the numbers of persons on the site and, possible noise effects.



No cumulative effects would result in that the activity is one envisaged in the District Plan.

(c) Repealed.

(d) (i) The only site modification being undertaken is earthworks re shaping pre building, installation of services, and final landscaping.

Environmental disruption in terms of noise, visual disruption etc would be short term and not extend beyond the proposed building development phase.

(ii) No significant adverse change in traffic pattern, or major increase in volumes of traffic requiring access will result.

Parking for residents vehicles will not conflict with other activity in the district.

(iii) Amenity effects can be minimised by the building style and sensitivity of the materials being used for external cladding and introduced screening to the site.

(e) Not applicable.

(f) Not applicable.

(g) Mitigating factors which have been proposed or can, reduce physical environmental effects are considered to be:

(i) The formalisation of the street entry and off street parking.



- (ii) Limitation of access to Pukuatua Street.
- (iii) Landscaping, fencing, screening.
- (iii) Careful selection of building materials and tasteful building design and site development and setting back of the buildings from the street.
- (h) The subject land is adjoined by other Residential zoned land and by near identical activities.

It is not considered there are any potentially adversely affected parties in the immediate neighbourhood whose consent is required.

- (i) Whilst it is believed that any adverse effects can be contained within the site, monitoring of conditions of consent could be achieved as follows:

- * Conditions of land use consent by the Rotorua District Council.

SECTION 2

- (a) It is not considered that any adverse physical environmental effect will flow on into the surrounding neighbourhood.

However effects on the wider community and in particular the socio/economic and cultural effects can be deemed positive in that:

- * The facility will provide accommodation for upwards of 30 persons.
- * The facility will enhance the economic welfare of the district.

- (b) Landscape and visual effects will either be neutral or enhanced.



By careful site development, sensitive building design, choice of appropriate external building materials, no major adverse landscape effects and visual effects need result.

- (c) Effects on ecosystems and the habitat of plants and animals will be neutral.
- (d) There are no known sites of either aesthetic, scientific, historical, spiritual or cultural significance included in, or impinged on, by the proposal.
- (e) Not apparently applicable.
- (f) Not applicable.

GENERAL

Effect, as defined by Section 3 of the Act has been taken to mean the effect both in the short, medium and long term and the cumulative effect on the environment in its widest sense, as that latter term is defined by the Act.

These effects have been highlighted in this report.

However the effect of granting consent to the proposal as opposed to the effect of the activity itself has not been discussed. Because the requested activity is one provided for in the zone by objectives, policies and rules, which in this instance are being met, it is not considered that the effect of the grant of consent will be detrimental in outcome, either in the short or long term or adversely cumulative.



L S Martin
Dip., Surv., F.N.Z.I.S., M.N.Z.P.I., M.P.L.E.I.N.Z.
Registered Surveyor/Town Planner

RESOURCE MANAGEMENT ACT 1991

ENVIRONMENTAL EFFECT CHECKLIST FOR LAND USE CONSENTS

The effects of your proposed activity will be one of the key considerations when your application is assessed. This checklist has been compiled to assist you to prepare an application which will meet the requirements of the *Resource Management Act 1991*. Your application must be accompanied by this completed checklist.

Through consultation with Council staff and with affected parties, you should be able to identify the significant environmental effects which should be addressed in your application. We strongly recommend that you consult at an early stage. The formal process of the statutory application will be much smoother if you have done so.

Should you answer YES to any of the following questions, you may be required to provide an assessment of the effects from a professional person experienced in assessing the effects of your proposed activity, eg soil engineer, or environmental health expert. This assessment should also accompany the application. If there is any doubt, discussions with Council staff may assist.

Note: Unless the question is clearly not applicable to the application, it is unacceptable to claim without any reason that the proposed activity will have no effect on the environment. Applications with such incomplete assessments will not be processed until the relevant information is provided.

The assessment should include but not be limited to:

- (a) the type of effect (positive/negative/cumulative);
- (b) the extent of the effect (geographic spread/duration/volume); and
- (c) possible actions to reduce (avoid, remedy or mitigate) adverse effects.

1. Are any of the following natural constraints or hazards present on the site?

- | | |
|--|--------------------|
| Is there any stormwater or flood-flow path? | YES /NO |
| Is the land unstable or on a slope greater than 20°? | YES /NO |
| Is the site in or adjacent to a gully? | YES /NO |
| Is the site within 20 metres of a permanent watercourse? | YES /NO |
| Are there any geothermal features on the site? | YES /NO |
| Are there any geothermal bores on the site? | YES /NO |
| Has the site been subject to landfill? | YES/ NO |
| Are there any other natural constraints to the site? | YES /NO |
| (If YES, what are they?) | SHOW ON PLAN |

2. Is there any waahi tapu or archaeological site present which may be affected by the proposed development?

~~YES~~/NO

Is there any historic or significant building, tree, object or site affected by the proposed development?

~~YES~~/NO

Note 1: The District Plan contains registers of the above features for reference, see Appendix A.

Note 2: If the above feature is registered under the *Historic Places Act 1993* the consent of the Historic Places Trust will be required. In addition a survey of archaeological sites, including registered, non-registered and NZAA listed and previously unlisted sites may be required to be undertaken.

DESCRIBE THE EFFECT OF THE PROPOSAL ON THE ABOVE FEATURE.

Has the value of any of the above items been assessed ~~and relevant parties consulted?~~

~~YES/NO~~

Does the proposed development affect tangata whenua?

~~YES/NO~~

If YES outline how you have taken account of the principles of the Treaty of Waitangi. See Part Five of the District Plan for an explanation of these principles.

SHOW ON PLAN

3. Does the site or neighbouring site contain:

Any wildlife habitat, wetland or area of indigenous vegetation that could be affected by the proposed activity?

~~YES/NO~~

Any trees that will be affected by the proposed activity?

~~YES/NO~~

SHOW ON PLAN

4. Will the proposed development generate:

any additional utility service requirements?

~~YES/NO~~

any additional vehicular traffic?

~~YES/NO~~

any additional noise?

~~YES/NO~~

any dust that can drift beyond the site?

~~YES/NO~~

any odour beyond the site?

~~YES/NO~~

will the above be during the construction period?

~~YES/NO~~

will the above be when the development is completed?

~~YES/NO~~

5. Will the property have direct access to a State Highway?

~~YES/NO~~

(If YES, the written comments of Transit New Zealand will be required for both existing and proposed vehicular access points)

6. Will the development produce any waste materials?

~~YES/NO~~

7. Will you be applying for a liquor licence in relation to this activity?

~~YES/NO~~

8. Will you be storing, using, transporting or disposing of any hazardous substance or contaminant?


~~YES/NO~~

9. Will the scale/size/use of your development have any adverse effect on the environment or the amenities of the neighbourhood and the resources and services already provided to support such a use?

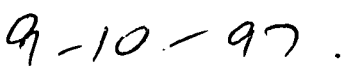
~~YES/NO~~

10. Describe the visual effects of the proposed development.

To the best of my knowledge the answers on this form are correct. Where the answer is "YES" I have included an assessment from a recognised professional or addressed the issue in consultation with Council staff and have shown on a plan of the site those particular features.



Signature of ~~applicant or~~ agent for applicant



DATE

SEARCH

22 APR 1996

ANNEXURE C

Land and Deputy 59

COPY

REGISTER

References

Prior C/T

895/63, 991/259
162/1134

Transfer No.

N/C. Order No. H.019602.6

CERTIFICATE OF TITLE UNDER LAND TRANSFER ACT

This Certificate dated the 26th day of November one thousand nine hundred and seventy-four under the seal of the District Land Registrar of the Land Registration District of SOUTH AUCKLAND

WITNESSETH that JAN JACOB VANEDEN of Auckland company director JAMES LARKIN of Rotorua contractor, JAMES RUSSELL BRUCE KINGSTON of Auckland solicitor and NEVILLS LESLIE RYKERS of Auckland civil engineer are seised of an estate in fee simple as tenants in common in equal shares

(subject to such reservations, restrictions, encumbrances, liens, and interests as are notified by memorial underwritten or endorsed hereon) in the land hereinafter described, delineated with bold black lines on the plan hereon, be the several admeasurements a little more or less, that is to say: All that parcel of land containing 3035 SQUARE METRES more or less being Lot 1 on Deposited Plan S.19165 and being Sections 13, 14 and 15 Block LXIII Town of Rotorua



ASSISTANT LAND REGISTRAR

Subject to Section 15 of the Rotorua Town Lands Act 1920

A.L.R.

Subject to the reservations and conditions imposed by Section 8 of the Coal Mines Amendment Act 1950

A.L.R.

Rotorua City

H.019602.4 Mortgage to Albert Errol Crimp, Edward Edin, Charles Wilson, Kevin Collings, James Gordon, Creighton, Annie McDonald Creighton, Allan Mitchell, Stanley Charles Seear, Walter Mark Crimp and Phyllis Rose Crimp in unequal shares produced 26.11.1974 at 9.20 o'clock
H-287398.3
A.L.R.

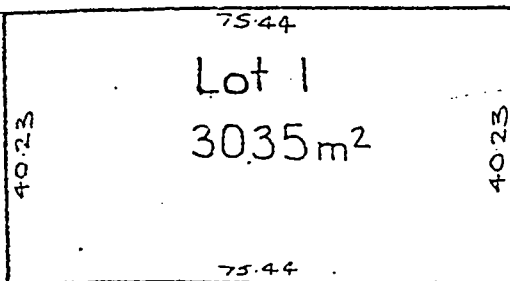
H.019602.5 Mortgage to Alderton Kingston & Nominations Limited produced 26.11.1974 at 9.10 o'clock
H-287398.2
A.L.R.

H.162055.1 Discharge of Mortgage H.019602.4 as to the interests of Albert Errol Crimp, Charles Wilson, Kevin Collings, James Gordon Creighton, Annie McDonald Creighton, Allan Mitchell, Stanley Charles Seear, Walter Mark Crimp and Phyllis Rose Crimp produced 13.12.1977 at 10.10 o'clock
B. Lloyd for A.L.R.

H.162055.2 Mortgage to Albert Errol Crimp, Edwin Edin, Charles Wilson, Kevin Collings, Walter Mark Crimp, Phyllis Rose Crimp, Lauris Claire Mathieson and Lauer Investments Limited in unequal shares produced 13.12.1977 at 10.10 o'clock
H-287398.2
B. Lloyd for A.L.R.

(3018)

Pukuatua Street



Measurements are Metric

O V E R . . .

H.162055.3 Memorandum of Priority making Mortgage H.162055.2 a second mortgage and Mortgage H.019602.5 a third mortgage produced 13.12.1977 at 10.11 o'clock

B. Lloyd
for A.L.R.

H.214341 Transfer of the 10/45 share of Lauder Investments Limited in Mortgage H.162055.2 to James McKnight Mundell of ~~Meegiel air force technician~~ produced 17.1.1979 at 9.11 o'clock

B. Lloyd
for A.L.R.

H.287398.1 Transmission of the interest of Edward Norman Quin in Mortgage H.162055.2 and H.019602.4 to Lesley Grant Quin and Edward Martin Quin as administrators entered 23.5.1980 at 9.01 o'clock

R. Burke

for A.L.R.

H.287398.5 Mortgage to Churton Brainsby and Hart Securities Limited produced 23.5.1980 at 9.02 o'clock

R. Burke
for A.L.R.

H.392205.2 Mortgage to Bank of New Zealand produced 26.2.1982 at 9.08 o'clock

R. Goldsbury
for A.L.R.

H.917200 Transfer of the 1/4 share of Jan Jacob Van Eden to James Russell Bruce Kingston solicitor, Neville Leslie Rykers civil engineer both of Auckland and James Larkin of Rotorua contractor as tenants in common in equal shares - 22.11.1989 at 10.45 o'clock

Chas
for A.L.R.

H.934013.1 Mortgage to Jackson Russell Nominees Limited - 20.2.1990 at 11.34 o'clock

S. Johns
for A.L.R.

H.934013.2 Memorandum of Priority making Mortgage H.934013.1 a first mortgage and Mortgage H.392205.2 a second mortgage - 20.2.1990 at 11.34 o'clock

S. Johns
for A.L.R.

B.065289 Variation of terms of Mortgage H.934013.1 - 7.2.1992 at 1.45 o'clock

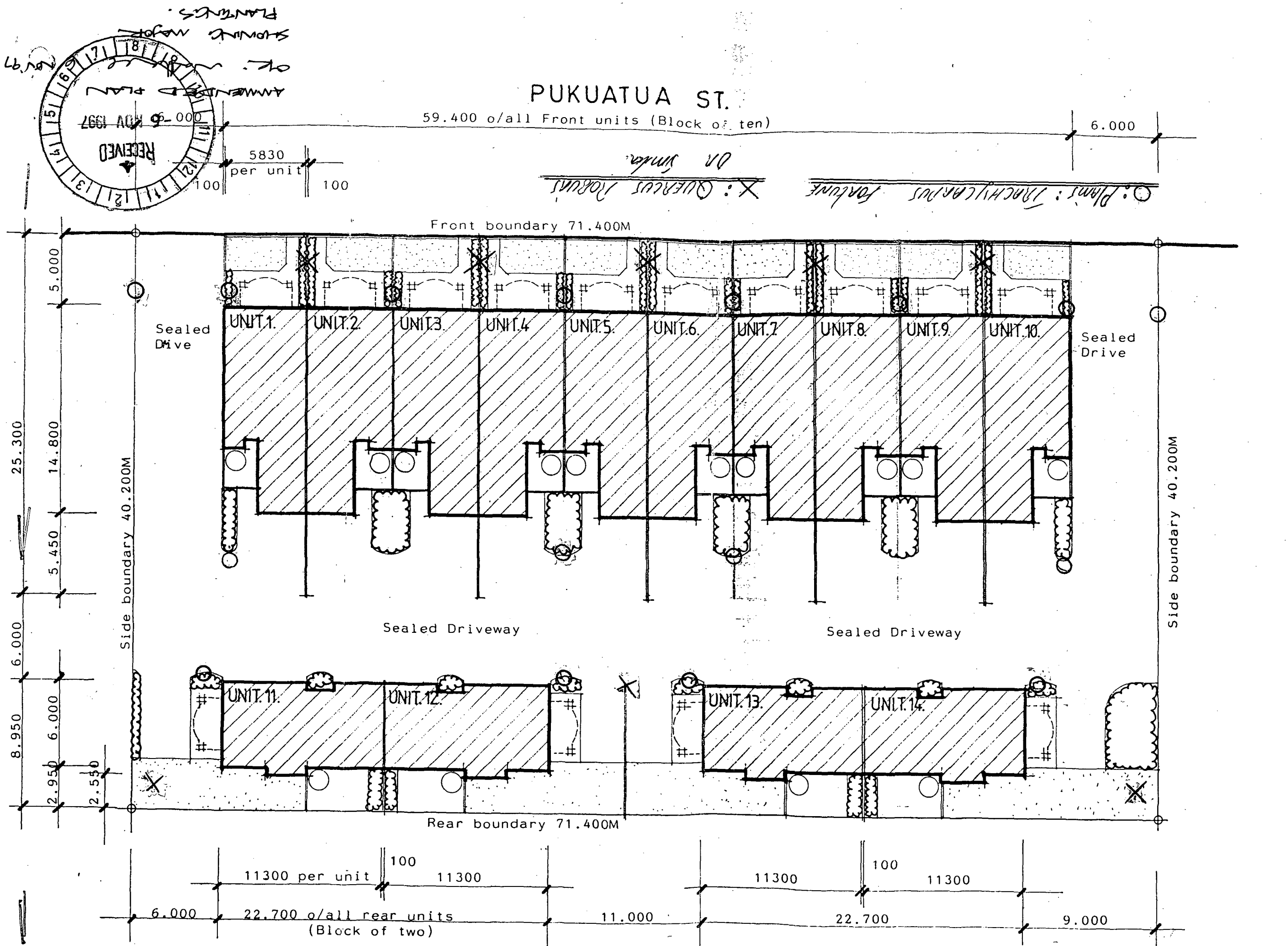
S. Johns
for A.L.R.


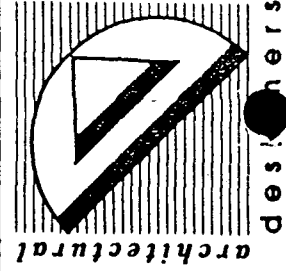

B.182446 Variation of terms of Mortgage H.934013.1 - 21.1.1994 at 11.20 o'clock

(S. Johns)
for A.L.R.

B.313947 Variation of terms of Mortgage H.934013.1 - 6.12.1995 at 3.04 o'clock

M. P. Jones
for A.L.R.



 REF NORTH	DESIGN: <i>Murray Stephens</i>	SHEET No. <i>9709/1</i>
	SCALES: 1:250	JOB No.
KUIRAU PALMS APARTMENT COMPLEX 96-100 PUKUATUA ST. ROTORUA		
SITE PLAN		
		
 MURRAY L. DESIGN Residential & Commercial Architecture Murray L. Stephens NZCO (Arch) MNZFAO		
13 PEGASUS DRIVE, ROTORUA MOBILE PH: 025 935-993, AHR/FAX 07 348-3606		

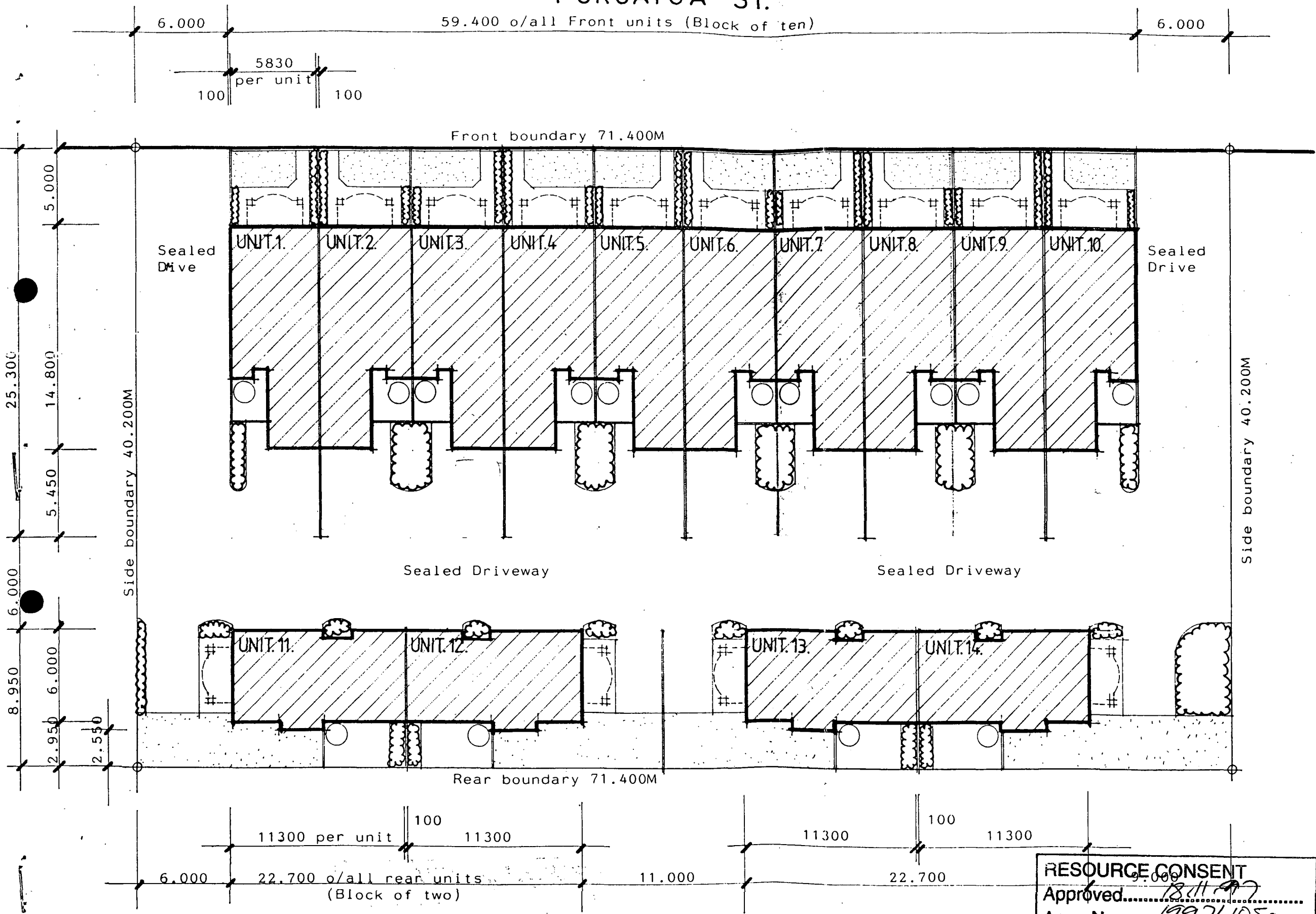
Concept Plan



artists impression only

Kuirau Palms Apartment Complex

PUKUATUA ST.



RESOURCE CONSENT
 Approved.....
 Appn No.....
 Plan No.....
 Date.....

 REF NORTH	DESIGN: <i>Murray Stephens</i> SCALES: 1:250	SHEET No. 9709/1
	KUIRAU PALMS APARTMENT COMPLEX 96-100 PUKUATUA ST. ROTORUA	
SITE PLAN		
MURRAY L. STEPHENS N.Z.C.D (Arch.) M.N.Z.F.A.D. 13 PEGASUS DRIVE, ROTORUA MOBILE PH: 025 935-993, AHRIS/FAX 07 348-3606		

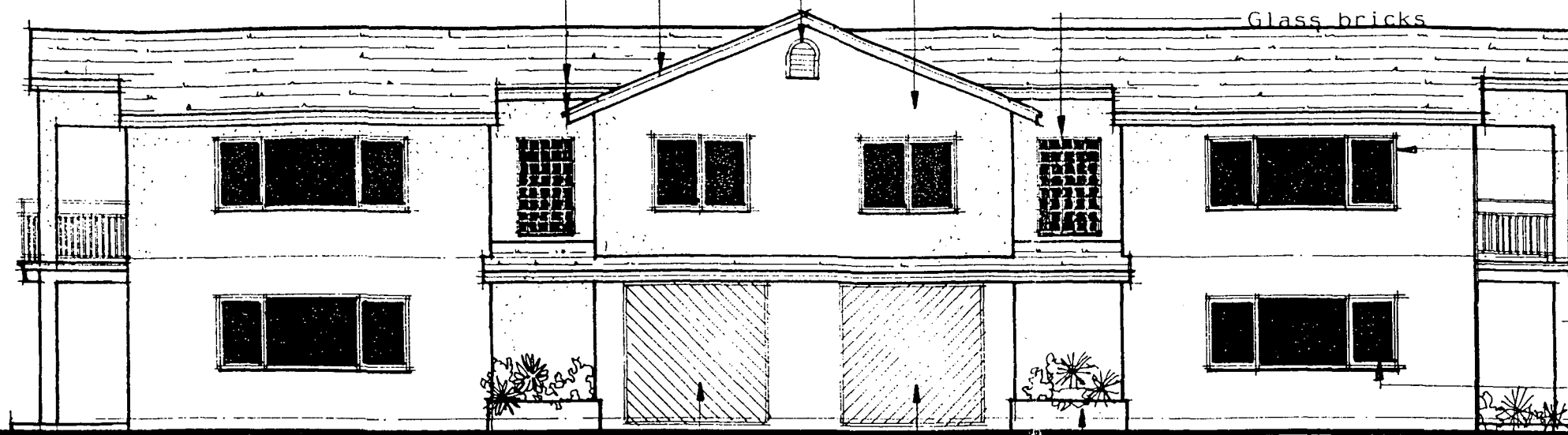
Concrete tile roofing

1/4 round colorsteel gutters & dp's

Mock gable vents (plastered polystyrene)

Insulclad plaster system

Glass bricks



Alum window

W.Iron balustrade

Plastered polystyrene trim

Plastered columns

Alum joinery

Planter boxes

Timber sarked Tilt-a-doors

Denotes daylight building restriction line from south rear boundary.

Mock gable vent (plastered polystyrene)

1/4 round colorsteel gutters & dp's.

Alum joinery

W.Iron balustrades

Plastered polystyrene decorative trim

Plastered fence

Plastered columns

ELEVATION D
03

Concrete tile roofing & barge cappings

1/4 round colorsteel gutters & dp's

Insulclad plaster system

300x300 plastered columns

Butynol upper decks

Alum joinery on to patio

Plastered block planter box

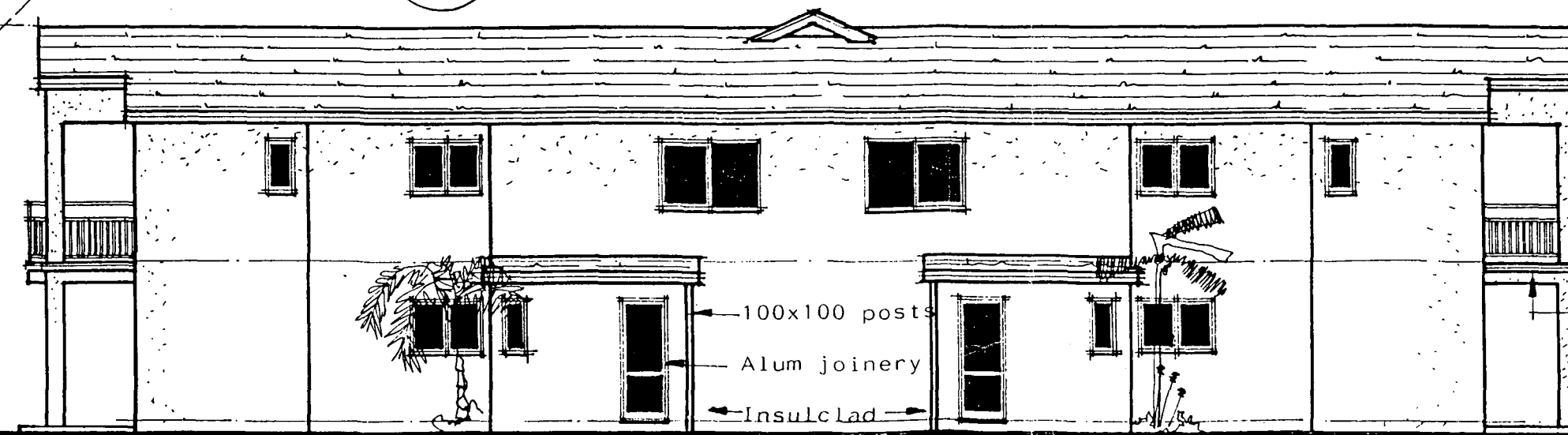
Denotes daylight restriction line

ELEVATION E
03



Cobbled patio to side yard

3000
7500
6800



W.Iron balustrades



Plastered trim

Plastered beams

Plasterd columns

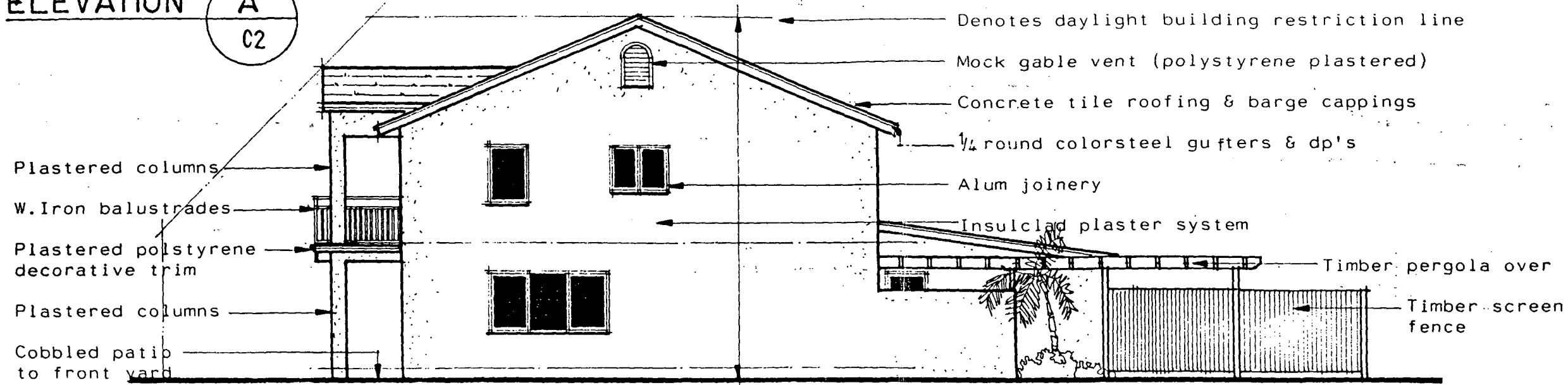
Cobbled patio to side yard

ELEVATION F
03

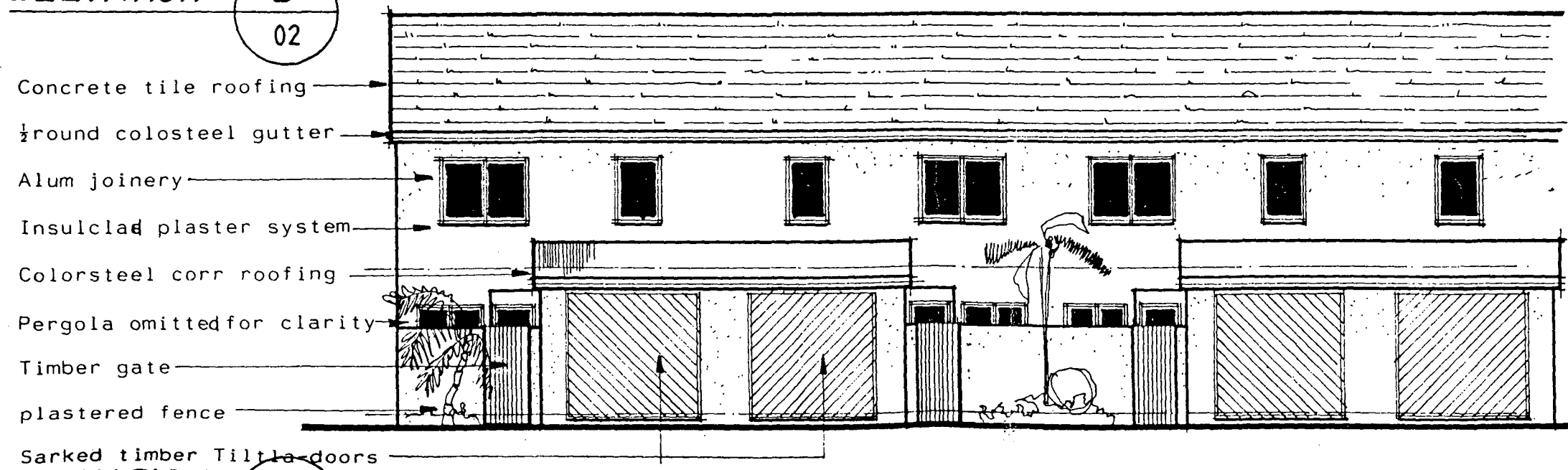
REF NORTH DESIGN Murray Stephens	SCALES 1:100	JOB No. 9709 / 1	SHEET No. 05
KUIRAU PALMS APARTMENT COMPLEX 96-100 PUKUATUA ST. ROTORUA			
ELEVATIONS - UNITS 11-14.			
 architectural designers			
 MURRAY L. STEPHENS Residential & Commercial Architecture 13 PEGASUS DRIVE, ROTORUA MOBILE PH: 025 935-993, AHRIS/FAX 07 348-3606			



ELEVATION A
C2

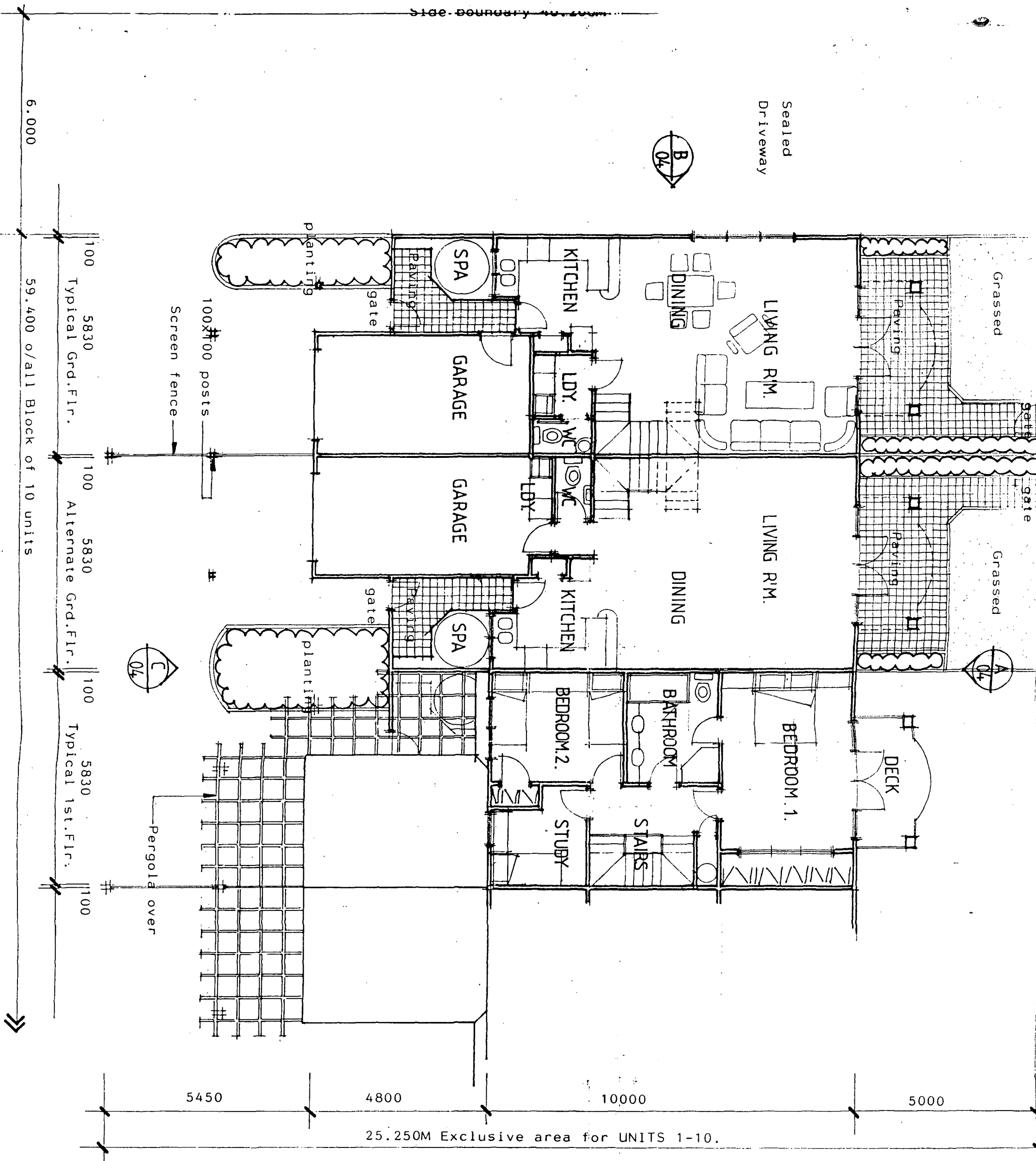


ELEVATION B
02



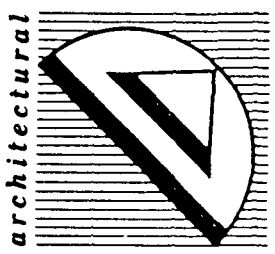
ELEVATION C
02

REF. NORTH DESIGN: <i>Murray Stephens</i> SCALES: 1:100 JOB No. 9709/1	SHEET No. 04 ELEVATIONS - UNITS 1-10.
MURRAY L. STEPHENS N.Z.C.O. (Arch.) M.N.Z.F.A.O. 13 PEGASUS DRIVE, ROTORUA MOBILE PH: 025 935-993, AHRIS/FAX 07 348-3606	

~~Side-Boundary to room~~

MURRAY L. DESIGN
Residential & Commercial
Architecture

Murray L. Stephens
N.Z.C.D. (Arch.)
M.N.Z.F.A.D.



d e s i g n e r s

KUIRAU PALMS APARTMENT COMPLEX
96-100 PUKUATUA ST. ROTORUA

FLOOR PLANS. UNITS 1-10.

DESIGN:

DESIGN: *Manufactured*

SCALES:

1 : 100

JOB No.	
---------	--

9709 / 1



SHEET No.

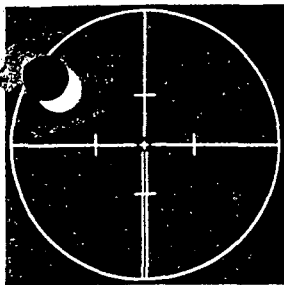


SURVEYORS ENGINEERS PLANNERS RESOURCE MANAGERS

OPOTIKI
PROFESSIONAL CHAMBERS
ELLIOT STREET
P.O. BOX 94
TELEPHONE (07) 315 6127
FAX (07) 315 6128

CONSULTANT
A.W.R. McCAULAY
M.N.Z.I.S
REGISTERED SURVEYOR

L S Martin
Dip.,Surv.,F.N.Z.I.S.,M.N.Z.P.I.,M.P.L.E.I.N.Z.
Registered Surveyor/Town Planner



MARTIN McCAULAY MORTON LTD

SURVEYORS ENGINEERS PLANNERS RESOURCE MANAGERS

ROTORUA
QUADRANT HOUSE
77 HAUPAPA STREET
P.O. BOX 878
TELEPHONE (07) 347-7840
FAX (07) 347-6191

TE PUKE
KING'S BUILDING
77 JELICOE STREET
P.O. BOX 301
TELEPHONE (07) 573-7717
FAX (07) 573-5617

MOUNT MAUNGANUI
12 GIRVEN ROAD
P.O. BOX 10009
MT MAUNGANUI
TELEPHONE 0-7-575 2859
FAX 0-7-575 0833

OPOTIKI
PROFESSIONAL CHAMBERS
ELLIOT STREET
P.O. BOX 94
TELEPHONE (07) 315 6127
FAX (07) 315 6128

DIRECTORS:
S. MARTIN
Lic. Surv. F.N.Z.I.S M.N.Z.P.I.
I.P.L.E.I.N.Z
REGISTERED SURVEYOR
OWN PLANNER
REGISTERED PROPERTY MANAGER

M. MORTON
B.E. (Hons) M.I.P.E.N.Z
REGISTERED CIVIL ENGINEER

R. LEWIS
Lic. Surv. M.N.Z.I.S
REGISTERED SURVEYOR

ASSOCIATE
J. YETSENGA
Lic. Surv. M.N.Z.I.S
REGISTERED SURVEYOR

CONSULTANT
A.W.R. McCAULAY
M.N.Z.I.S
REGISTERED SURVEYOR

96393/P

8 October 1997

**The District Manager
Rotorua District Council
Private Bag
ROTORUA**

Attention: Mr J D Sholl

Dear Sir

**re: APPLICATION FOR NON NOTIFIED ACTIVITY
CONSENT**

APPLICANTS: BOSTAN CORPORATION LIMITED

LOCATION: 96 - 100 PUKUATUA STREET

ZONING: RESIDENTIAL D

**Please find enclosed an application for Resource Consent lodged on
behalf of our above client Company.**

**Enclosed also is a cheque for \$292.50 to cover the Council inspection
fee.**

**Enclosed with the formal application and plans is a detailed planning
submission.**



We would be pleased therefore if you would consider and process the application as soon as practicable.

Yours faithfully

MARTIN McCaULAY MORTON LTD

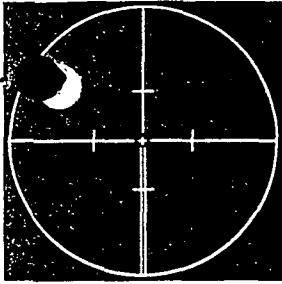


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Registered Surveyor/Town Planner





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77 HAUPAPA STREET
P.O. BOX 878
TELEPHONE (07) 347-7840
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P.L.E.I.N.Z
REGISTERED SURVEYOR
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R. LEWIS
Surv. M.N.Z.I.S
REGISTERED SURVEYOR

SSOCIATE
YETSENGA
Surv. M.N.Z.I.S
REGISTERED SURVEYOR

CONSULTANT
W.R. McCAULAY
A.N.Z.I.S
REGISTERED SURVEYOR

96393/P

REG 8(1)

FORM 5

RESOURCE MANAGEMENT ACT 1991

LAND USE CONSENT

The District Manager
Rotorua District Council
Private Bag
ROTORUA

We, THE BOSTAN CORPORATION LTD hereby apply for the
Resource Consent described below:

1. The names and addresses of the Applicant, Owner and Occupier of
the land to which the application relates are as follows:

(i) OWNERS: J R B KINGSTON & OTHERS
C/- P O BOX 646, ROTORUA.

(ii) APPLICANTS: BOSTAN CORPORATION LTD,
C/- MR R BOS, P O BOX 1133,
ROTORUA.



(iii) OCCUPIERS: Owners.

2. The location to which this application relates is:

(i) LEGAL DESCRIPTION: Lot 1 DPS 19165 comprised in Certificate of Title 18A/197 and containing 3035m².

(ii) LOCATION: South side of Pukuatua Street (Nos 96 - 100 Pukuatua Street).

(iii) ZONING: The subject land is zoned Residential D (Special Provisions applying) on Map 26 of the Proposed District Plan of the Rotorua District Council.

3. The type of Resource Consent sought is for a Non Notified Activity to permit the establishment and use of fourteen, two storey household units (apartments), to ultimately be unit titled together with a total of fourteen off street car parks.

4. No additional resource consents are required at this time.

5. An environmental effect assessment in accordance with the Fourth Schedule to the Act, referred to as Annexure B is enclosed.



6. Attached hereto is a set of plans showing the proposal.
7. The Councils environmental check list is enclosed.

BOSTAN CORPORATION LTD

By their Authorised Agent
MARTIN McCAULAY MORTON LTD



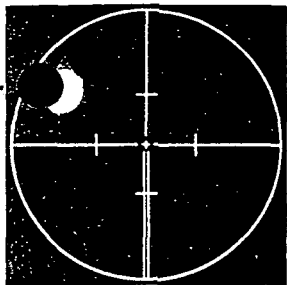
L S Martin
Dip., Surv., F.N.Z.I.S., M.N.Z.P.I., M.P.L.E.I.N.Z.
Registered Surveyor/Town Planner

Dated at ROTORUA this day of OCTOBER 1997

ADDRESS FOR SERVICE

Martin McCaulay Morton Ltd
Quadrant House
77 Haupapa Street
P O Box 878
Ph: (07) 3477 840
Fax: (07) 3476 191
ROTORUA





MARTIN McCAULAY MORTON LTD

SURVEYORS ENGINEERS PLANNERS RESOURCE MANAGERS

ROTORUA
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77 HAUPAPA STREET
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TELEPHONE (07) 347-7840
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REGISTERED SURVEYOR

CONSULTANT
W.R. McCAULAY
M.N.Z.I.S
REGISTERED SURVEYOR

96393/P

APPLICATION FOR RESOURCE CONSENT

TO

ERECT AND USE FOURTEEN HOUSEHOLD

UNITS (APARTMENTS)

ON

LOT 1 DPS 19165

AT

96 - 100 PUKUATUA STREET

FOR

BOSTAN CORPORATION LTD



1. INTRODUCTION

- 1.1 Bostan Corporation a private Company principally owned by Mr R Bos and his family have recently purchased the subject Lot 1 Dps 19165 containing some 3035m² from J R B Kingston and Others.
- 1.2 The property is zoned Residential D with special provisions applying, and is located at Nos 96 - 100 Pukuatua Street.
- 1.3 The site has been vacant for some years and has been partially filled by the previous owners.
- 1.4 It is notable that a number of development proposals have been mooted for the site over the period of ownership of the previous owners but apart from recognition in the Proposed District Plan of the special qualities of the site in terms of tourist and more intensive residential potential, no development has taken place.
- 1.5 The applicants wish to proceed immediately with a residential apartment development of the site and to establish a total of fourteen two storey units on the site, together with associated access, parking/garaging for a minimum of fourteen vehicles.
- 1.6 On close inspection of the plans it can be seen that the buildings comply with the performance criteria of the Proposed District Plan and that in terms of site density the rules are met in all respects.



- 1.7 The Proposed District Plan makes provision for both Tourist Accommodation, and Additional Household Units in the rules and in this instance, because the proposal complies in all respects with these rules and with the performance criteria related to the rules, it will be contended in this report that consent may be granted to a non notified controlled activity without neighbour consents.

2. PROPOSAL

- 2.1 The subject site has 71.4 metre frontage to Pukuatua Street and a depth of 40.2 metres and effectively drains out to the street frontage.
- 2.2 Shown on plans 9709/1, 01 - 05 is the site layout floor plans of typical units, elevations, height in relation to boundaries, and a detailed schedule of materials, finishes and landscaping.
- 2.3 In general terms the units are of a superior quality and finish and will enhance the general residential amenity in the immediate vicinity, which, in the recent past has improved by the quality developments being undertaken.
- 2.4 Features of the plans are:
- (i) A total of 14 two storey, two bedroom household units are proposed with enclosed lockup garages and the ability to park a further vehicle outside the garage without encroachment into the accessway.
 - (ii) Site access will be from vehicle crossings at the eastern and western ends of the site with sealed access extending along the rear of the front units and the front of the rear units.



- (iii) Units 1 - 10 will have pedestrian frontage to Pukuatua Street and vehicle access at the rear.
- (iv) Units 11 - 14 are rear units with internal access.
- (v) The applicants intend to unit title the individual apartments in due course but this does not form part of this application.

3. PROPOSED DISTRICT PLAN - PART SEVEN - REFERS

- 3.1 Rule 7.1.9 permits additional household units on the site as a Controlled Activity
- 3.2 Rule 7.3.3.8 specifies that one household unit per 150m² of net site area is required in the subject Residential D zone.
- 3.3 Rule 7.1.16 allows tourist accommodation on sites in the Residential D zone fronting Pukuatua/Ranolf Street as a Controlled Activity
- 3.4 Rule 7.1.31 specifies that Comprehensive Residential Developments are a Discretionary Activity in the Residential D zone.
- 3.5 Part 19 (Definitions) indicates that a Comprehensive Residential Development means a residential development including more than five household units.
- 3.6 The definition of a Comprehensive Residential Development Plan specifies inter alia (a) the subdivision of the land including dimensions and areas; etc.



3.7 Methods of implementation (Section 2.2.4.4 of Part Seven) also make reference to subdivision of land to cater for intensive residential activities.

3.8 It is my contention therefore that the references to Comprehensive Residential Developments as being Discretionary Activities relate to subdivision which may follow or provide independent title for multi unit developments and not to the activity of enabling residential units on a site.

3.9 That is, the provision of the fourteen household units on the site can be strictly classified under Rules 7.1.9 and 7.3.3.8 as being a complying, controlled activity.

3.10 It is acknowledged however that if and/or when consent to subdivide the property, either in a freehold or unit title fashion is sought, that consent to a discretionary activity would be required.

3.11 Rule 7.2.2 Height and Daylighting

* None of the units exceed the 7.5 metre maximum height restriction (refer sheets 0.4 - 0.5) - Complies.

* Units 11 - 14 do not encroach into the height in relation to boundary standards. (Refer Sheet 05, Elevation E/03) - Complies.

3.12 Rule 7.2.3 - Buffers

Minimum Front Yard - 3m.

5 metres shown on plan 01 - Complies.



Minimum Side Yards - 2.5m

6 metres shown on plan 01 - Complies.

Minimum Rear Yard - 2.5m

2.5 metres shown on plan 01 - Complies.

3.13 Rule 7.2.4 Site Coverage

(Special Rule 50%)

Ground Floor Areas 1070m².

Site Area 3035m² = 35% - Complies

3.14 Rule 7.2.5 & Appendix F - Parking

1 covered park/household unit (plus one outside park). - Complies.

3.15 Rules 7.2.6 - 7.2.10 - Not Applicable.

3.16 Rule 7.3.2.1 - Design & Appearance

The buildings retain a distinctive residential appearance and will enhance the area.

3.17 Rule 7.3.2.1 - Landscaping

Shown on plan 9709/1, 01 - 05 are the elements of landscaping to be developed including:



- * Grassed and paved front and rear yards.
- * Timber screen fences/pergolas.
- * 2m high concrete block/stucco walls on all boundaries.
- * Planter boxes, and imported palms.

3.18 Rule 7.3.2.3, 7.3.2.4 - Site Access Parking

Council standards are complied with, with respect to parking spaces and manoeuvring areas as outlined in Appendix F.

The dual entrance systems should not adversely affect pedestrian safety.

3.19 Rule 7.3.2.5 - Adverse Effects

Given that the apartments will be available for either rental or ultimate purchase by permanent residents, and the high standard of amenity that is being developed, it is unlikely that undue adverse noise or behavioural effects will arise.

3.20 Rule 7.3.3.8 - Additional Household Units

- (d) Permanently surfaced drives are provided.
- (e) Boundaries are to be fenced of permanent materials and for internal security purposes.



3.21 Rule 7.4 et seq - Discretionary Activities

All of the performance standards of Rule 7.4.2 and/or 7.4.3.2 are met by the proposal.

3.22 In totality therefore, regardless of whether the proposal is classified as controlled or discretionary, the performance standards of the Proposed District Plan are met.

4. RESOURCE MANAGEMENT ACT 1991

4.1 Section 94(1)(c) of the Act allows an activity to be non notified if "**it is a controlled activity and the written approval has been obtained from every person who, in the opinion of the consent authority, may be adversely affected by the granting of the Resource Consent unless, in the authorities opinion, it is unreasonable in the circumstances to require the obtaining of every such approval.**

4.2 In this application there are two factors to consider, namely that there will be no adverse effects created by the proposal per se and secondly, because of this, it is unreasonable to require neighbours consent.

4.3 At worst, if the Council considers that the application be dealt with as a Discretionary activity, Section 94(2)(a) and (b) make similar dispensatory provision with respect to non notification and an exemption from the requirement of neighbours consent.



4.4 Section 94(2)(a) requires that the adverse effects on the environment of the activity shall be minor and Section 94(2)(b) makes the same exemption as Section 94(1)(c) in relation to neighbour consents.

4.5 The rationale for the exemptions currently being sought are as follows:

- (i) The neighbour to the east of the subject site is the applicant and to the west the neighbours are isolated by a 6 metre drive.
- (ii) The neighbours to the south will effectively be screened by Units 11 - 14 of the development which comply in terms of rear yard, screening and height in relation boundary rules of the Proposed District Plan.
- (iii) The proposal complies in all respects with the objectives, policies and rules of the Proposed District Plan for multi unit development in the special provision area of the Residential D zone.

5. SUBMISSION

In view of the foregoing it is requested that Council consider and approve the application as a non notified controlled activity without affected party consent on the grounds that:

5.1 The site is zoned and suitable for the nature and style of residential development being sought.



- 5.2 That no adverse environmental effects will be created by the development and accordingly that no written consents of potentially affected parties are required.
- 5.3 That the proposal complies in entirety with the objectives, policies and rules, and if it were to be undertaken in stages could be considered as a permitted activity with no requirement for consideration of Section 94 matters.
- 5.4 That the proposal will enhance the matters of importance contained in Sections 6 and 7 of the Act.

We would be pleased therefore if you would examine and approve the proposal as soon as practicable.

Yours faithfully
MARTIN McCAULAY MORTON LTD



L S Martin
Dip., Surv., F.N.Z.I.S., M.N.Z.P.I., M.P.L.E.I.N.Z.
Registered Surveyor/Town Planner



APPENDIX B
BRIEF ASSESSMENT OF EFFECTS ON THE
ENVIRONMENT
(FOURTH SCHEDULE RESOURCE MANAGEMENT ACT 1991)

SECTION 1

- (a) A full description of the proposal is set out in the application. In essence the proposal is to permit the establishment and use of fourteen household units (apartments) on a Residential D zoned site. The proposed site, described as Lot 1 DPS 19165 is situated at No.s 96-100 Pukuatua Street.

The site is situated within the Residential D zone whereby additional household units and travellers accommodation are permitted.

There have apparently been no significant physical environmental problems in their widest sense, occasioned in the past, by similar uses on other sites in the zone.

- (b) It is not considered that any significant or long term adverse effect on the physical environment will result from the Applicants proposal to utilise the site. No major or significant modification of the land in the site is being undertaken nor is the use considered to be significant or adverse in environmental terms.

Short term adverse effects will be limited to the period of access construction and site development earthworks and building activity on the site.

Longer term effects would be related to the continued use of the premises for permanent accommodation. Particular effects would only be the effects created by the numbers of persons on the site and, possible noise effects.



No cumulative effects would result in that the activity is one envisaged in the District Plan.

(c) Repealed.

(d) (i) The only site modification being undertaken is earthworks re shaping pre building, installation of services, and final landscaping.

Environmental disruption in terms of noise, visual disruption etc would be short term and not extend beyond the proposed building development phase.

(ii) No significant adverse change in traffic pattern, or major increase in volumes of traffic requiring access will result.

Parking for residents vehicles will not conflict with other activity in the district.

(iii) Amenity effects can be minimised by the building style and sensitivity of the materials being used for external cladding and introduced screening to the site.

(e) Not applicable.

(f) Not applicable.

(g) Mitigating factors which have been proposed or can, reduce physical environmental effects are considered to be:

(i) The formalisation of the street entry and off street parking.



- (ii) Limitation of access to Pukuatua Street.
- (iii) Landscaping, fencing, screening.
- (iii) Careful selection of building materials and tasteful building design and site development and setting back of the buildings from the street.
- (h) The subject land is adjoined by other Residential zoned land and by near identical activities.

It is not considered there are any potentially adversely affected parties in the immediate neighbourhood whose consent is required.

- (i) Whilst it is believed that any adverse effects can be contained within the site, monitoring of conditions of consent could be achieved as follows:

- * Conditions of land use consent by the Rotorua District Council.

SECTION 2

- (a) It is not considered that any adverse physical environmental effect will flow on into the surrounding neighbourhood.

However effects on the wider community and in particular the socio/economic and cultural effects can be deemed positive in that:

- * The facility will provide accommodation for upwards of 30 persons.
- * The facility will enhance the economic welfare of the district.

- (b) Landscape and visual effects will either be neutral or enhanced.



By careful site development, sensitive building design, choice of appropriate external building materials, no major adverse landscape effects and visual effects need result.

- (c) Effects on ecosystems and the habitat of plants and animals will be neutral.
- (d) There are no known sites of either aesthetic, scientific, historical, spiritual or cultural significance included in, or impinged on, by the proposal.
- (e) Not apparently applicable.
- (f) Not applicable.

GENERAL

Effect, as defined by Section 3 of the Act has been taken to mean the effect both in the short, medium and long term and the cumulative effect on the environment in its widest sense, as that latter term is defined by the Act.

These effects have been highlighted in this report.

However the effect of granting consent to the proposal as opposed to the effect of the activity itself has not been discussed. Because the requested activity is one provided for in the zone by objectives, policies and rules, which in this instance are being met, it is not considered that the effect of the grant of consent will be detrimental in outcome, either in the short or long term or adversely cumulative.



L S Martin
Dip., Surv., F.N.Z.I.S., M.N.Z.P.I., M.P.L.E.I.N.Z.
Registered Surveyor/Town Planner

RESOURCE MANAGEMENT ACT 1991

ENVIRONMENTAL EFFECT CHECKLIST FOR LAND USE CONSENTS

The effects of your proposed activity will be one of the key considerations when your application is assessed. This checklist has been compiled to assist you to prepare an application which will meet the requirements of the *Resource Management Act 1991*. Your application must be accompanied by this completed checklist.

Through consultation with Council staff and with affected parties, you should be able to identify the significant environmental effects which should be addressed in your application. We strongly recommend that you consult at an early stage. The formal process of the statutory application will be much smoother if you have done so.

Should you answer YES to any of the following questions, you may be required to provide an assessment of the effects from a professional person experienced in assessing the effects of your proposed activity, eg soil engineer, or environmental health expert. This assessment should also accompany the application. If there is any doubt, discussions with Council staff may assist.

Note: Unless the question is clearly not applicable to the application, it is unacceptable to claim without any reason that the proposed activity will have no effect on the environment. Applications with such incomplete assessments will not be processed until the relevant information is provided.

The assessment should include but not be limited to:

- (a) the type of effect (positive/negative/cumulative);
- (b) the extent of the effect (geographic spread/duration/volume); and
- (c) possible actions to reduce (avoid, remedy or mitigate) adverse effects.

1. Are any of the following natural constraints or hazards present on the site?

Is there any stormwater or flood-flow path?	YES /NO
Is the land unstable or on a slope greater than 20°?	YES /NO
Is the site in or adjacent to a gully?	YES /NO
Is the site within 20 metres of a permanent watercourse?	YES /NO
Are there any geothermal features on the site?	YES /NO
Are there any geothermal bores on the site?	YES /NO
Has the site been subject to landfill?	YES/ NO
Are there any other natural constraints to the site?	YES /NO
(If YES, what are they?)	SHOW ON PLAN

2. Is there any waahi tapu or archaeological site present which may be affected by the proposed development? ~~YES~~/NO

Is there any historic or significant building, tree, object or site affected by the proposed development? ~~YES~~/NO

Note 1: The District Plan contains registers of the above features for reference, see Appendix A.

Note 2: If the above feature is registered under the *Historic Places Act 1993* the consent of the Historic Places Trust will be required. In addition a survey of archaeological sites, including registered, non-registered and NZAA listed and previously unlisted sites may be required to be undertaken.

DESCRIBE THE EFFECT OF THE PROPOSAL ON THE ABOVE FEATURE.

Has the value of any of the above items been assessed and relevant parties consulted? →
YES/~~NO~~

Does the proposed development affect tangata whenua?
~~YES~~/NO

If YES outline how you have taken account of the principles of the Treaty of Waitangi. See Part Five of the District Plan for an explanation of these principles.

SHOW ON PLAN

3. Does the site or neighbouring site contain:

Any wildlife habitat, wetland or area of indigenous vegetation that could be affected by the proposed activity? ~~YES~~/NO

Any trees that will be affected by the proposed activity? ~~YES~~/NO
SHOW ON PLAN

4. Will the proposed development generate:

any additional utility service requirements? YES/~~NO~~
any additional vehicular traffic? YES/~~NO~~
any additional noise? ~~YES~~/NO
any dust that can drift beyond the site? ~~YES~~/NO
any odour beyond the site? ~~YES~~/NO
will the above be during the construction period? ~~YES~~/NO
will the above be when the development is completed? ~~YES~~/NO

5. Will the property have direct access to a State Highway? ~~YES~~/NO

(If YES, the written comments of Transit New Zealand will be required for both existing and proposed vehicular access points)

6. Will the development produce any waste materials? ~~YES~~/NO


7. Will you be applying for a liquor licence in relation to this activity? ~~YES~~/NO

8. Will you be storing, using, transporting or disposing of any hazardous substance or contaminant? ~~YES~~/NO

9. Will the scale/size/use of your development have any adverse effect on the environment or the amenities of the neighbourhood and the resources and services already provided to support such a use? ~~YES~~/NO

10. Describe the visual effects of the proposed development.

To the best of my knowledge the answers on this form are correct. Where the answer is "YES" I have included an assessment from a recognised professional or addressed the issue in consultation with Council staff and have shown on a plan of the site those particular features.



Signature of ~~applicant or~~ agent for applicant

9-10-97

DATE

SEARCH

ANNEXURE C

22 APR 1996

Land and Deputy 59

COPY

REGISTER

18A / 197

References

Prior C/T 895/63, 991/259
162/1134

Transfer No.

N/C. Order No. H.019602.6

CERTIFICATE OF TITLE UNDER LAND TRANSFER ACT

This Certificate dated the 26th day of November one thousand nine hundred and seventy-four under the seal of the District Land Registrar of the Land Registration District of SOUTH AUCKLAND

WITNESSETH that JAN JACOB VANEDEN of Auckland company director JAMES LARKIN of Rotorua contractor, JAMES RUSSELL BRUCE KINGSTON of Auckland solicitor and NEVILLS LESLIE RYKERS of Auckland civil engineer are seized of an estate in fee simple as tenants in common in equal shares

~~Subject to the reservations and conditions imposed by Section 8 of the Coal Mines Amendment Act 1950~~ (subject to such reservations, restrictions, encumbrances, liens, and interests as are notified by memorial underwritten or endorsed hereon) in the land hereinafter described, delineated with bold black lines on the plan hereon, be the several admeasurements a little more or less, that is to say: All that parcel of land containing 3035 SQUARE METRES more or less being Lot 1 on Deposited Plan S.19165 and being Sections 13, 14 and 15 Block LXIII Town of Rotorua



ASSISTANT LAND REGISTRAR

Subject to Section 15 of the Rotorua Town Lands Act 1920

Subject to the reservations and conditions imposed by Section 8 of the Coal Mines Amendment Act 1950

Rotorua City

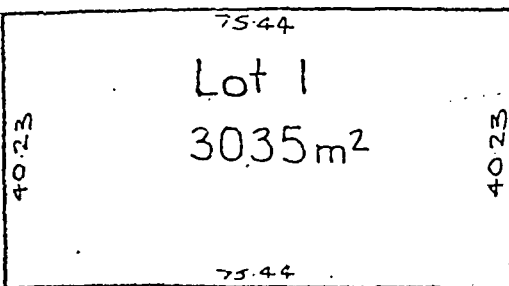
H.019602.4 Mortgage to Albert Errol Crimp, Edward George Charles Wilson, Kevin Collings, James Gordon, Creighton, Annie McDonald Creighton, Allan Mitchell, Stanley Charles Seear, Walter Mark Crimp and Phyllis Rose Crimp in unequal shares produced 26.11.1974 at 9.20 o'clock
H-287398.3
A.L.R.

H.019602.5 Mortgage to Alderton Kingston & Nominees Limited produced 26.11.1974 at 9.20 o'clock
H-287398.2
A.L.R.

H.162055.1 Discharge of Mortgage H.019602.4 as to the interests of Albert Errol Crimp, Charles Wilson, Kevin Collings, James Gordon Creighton, Annie McDonald Creighton, Allan Mitchell, Stanley Charles Seear, Walter Mark Crimp and Phyllis Rose Crimp produced 13.12.1977 at 10.10 o'clock
B. Lloyd for A.L.R.

H.162055.2 Mortgage to Albert Errol Crimp, Edwin George Charles Wilson, Kevin Collings, Walter Mark Crimp, Phyllis Rose Crimp, Lauris Claire Mathieson and Lauris Investments Limited in unequal shares produced 13.12.1977 at 10.10 o'clock
H-287398.2
B. Lloyd for A.L.R.

(30.18) Pukuatua Street



H.162055.3 Memorandum of Priority
making Mortgage H.162055.2 a
second mortgage and Mortgage
H.019602.5 a third mortgage
produced 13.12.1977 at 10.11 o'clock

B. Lloyd
for A.L.R.

H.214341 Transfer of the 10/45 share of
Lauder Investments Limited in Mortgage
H.162055.2 to James McKnight Mundell of
~~Mongial air force technician~~ produced
17.1.1979 at 9.11 o'clock

B. Lloyd
for A.L.R.

H.287398.1 Transmission of the interest
of Edward Norman Quin in Mortgage H.162055.2
and H.019602.4 to Lesley Grant Quin and
Edward Martin Quin as administrators
entered 23.5.1980 at 9.01 o'clock

R. Zorke

for A.L.R.

H.287398.5 Mortgage to Churton Brainsby
and Hart Securities Limited produced
23.5.1980 at 9.02 o'clock

R. Zorke
for A.L.R.

H.392205.2 Mortgage to Bank of New Zealand
produced 26.2.1982 at 9.08 o'clock

R. Goldsbury
for A.L.R.

H.917200 Transfer of the 1/4 share of
Jan Jacob Van Eden to James Russell Bruce
Kingston solicitor, Neville Leslie Rykers
civil engineer both of Auckland and James
Larkin of Rotorua contractor as tenants
in common in equal shares - 22.11.1989
at 10.45 o'clock

Chas
for A.L.R.

H.934013.1 Mortgage to Jackson Russell
Nominees Limited - 20.2.1990 at 11.34 o'clock

S. Johns
for A.L.R.

H.934013.2 Memorandum of Priority making
Mortgage H.934013.1 a first mortgage
and Mortgage H.392205.2 a second mortgage
- 20.2.1990 at 11.34 o'clock

S. Johns
for A.L.R.

B.065289 Variation of terms of Mortgage
H.934013.1 - 7.2.1992 at 1.45 o'clock

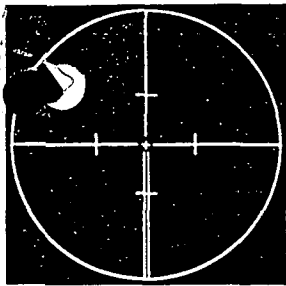
S. Johns
for A.L.R.

B.182446 Variation of terms of Mortgage
H.934013.1 - 21.1.1994 at 11.20 o'clock

C. J. Cook
for A.L.R.

B.313947 Variation of terms of Mortgage
H.934013.1 - 6.12.1995 at 3.04 o'clock

M. P. Cook
for A.L.R.



MARTIN McCAULAY MORTON LTD

SURVEYORS ENGINEERS PLANNERS RESOURCE MANAGERS

ROTORUA
QUADRANT HOUSE
77 HAUPAPA STREET
P.O. BOX 878
TELEPHONE (07) 347-7840
FAX (07) 347-6191

TE PUKE
KING'S BUILDING
77 JELICOE STREET
P.O. BOX 301
TELEPHONE (07) 573-7717
FAX (07) 573-5617

MOUNT MAUNGANUI
12 GIRVEN ROAD
P.O. BOX 10009
MT MAUNGANUI
TELEPHONE 0-7-575 2859
FAX 0-7-575 0833

OPOTIKI
PROFESSIONAL CHAMBERS
ELLIOT STREET
P.O. BOX 94
TELEPHONE (07) 315 6127
FAX (07) 315 6128

DIRECTORS:
S. MARTIN
ip. Surv. F.N.Z.I.S M.N.Z.P.I.
I.P.L.E.I.N.Z
REGISTERED SURVEYOR
OWN PLANNER
REGISTERED PROPERTY MANAGER

J.M. MORTON
E. (Hons). M.I.P.E.N.Z
REGISTERED CIVIL ENGINEER

R. LEWIS
Surv. M.N.Z.I.S
REGISTERED SURVEYOR

ASSOCIATE
YETSENGA
Surv. M.N.Z.I.S
REGISTERED SURVEYOR

CONSULTANT
W.R. McCAULAY
A.N.Z.I.S
REGISTERED SURVEYOR

96393/P

8 October 1997

The District Manager
Rotorua District Council
Private Bag
ROTORUA

Attention: Mr J D Sholl

Dear Sir

re: APPLICATION FOR NON NOTIFIED ACTIVITY
CONSENT

APPLICANTS: BOSTAN CORPORATION LIMITED

LOCATION: 96 - 100 PUKUATUA STREET

ZONING: RESIDENTIAL D

Please find enclosed an application for Resource Consent lodged on behalf of our above client Company.

Enclosed also is a cheque for \$292.50 to cover the Council inspection fee.

Enclosed with the formal application and plans is a detailed planning submission.



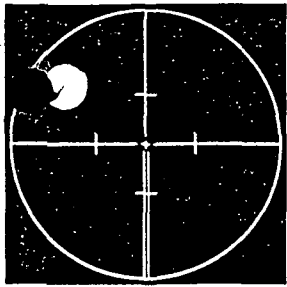
We would be pleased therefore if you would consider and process the application as soon as practicable.

Yours faithfully
MARTIN McCAULAY MORTON LTD



L S Martin
Dip., Surv., F.N.Z.I.S., M.N.Z.P.I., M.P.L.E.I.N.Z.
Registered Surveyor/Town Planner





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ROTORUA
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77 HAUPAPA STREET
P.O. BOX 878
TELEPHONE (07) 347-7840
FAX (07) 347-6191

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CONSULTANT
I. W.R. McCAULAY
I. N.Z.I.S
REGISTERED SURVEYOR

96393/P

REG 8(1)

FORM 5

RESOURCE MANAGEMENT ACT 1991

LAND USE CONSENT

The District Manager
Rotorua District Council
Private Bag
ROTORUA

We, THE BOSTAN CORPORATION LTD hereby apply for the
Resource Consent described below:

1. The names and addresses of the Applicant, Owner and Occupier of
the land to which the application relates are as follows:

(i) OWNERS: J R B KINGSTON & OTHERS
C/- P O BOX 646, ROTORUA.

(ii) APPLICANTS: BOSTAN CORPORATION LTD,
C/- MR R BOS, P O BOX 1133,
ROTORUA.



(iii) OCCUPIERS: Owners.

2. The location to which this application relates is:

(i) LEGAL DESCRIPTION: Lot 1 DPS 19165 comprised in Certificate of Title 18A/197 and containing 3035m².

(ii) LOCATION: South side of Pukuatua Street (Nos 96 - 100 Pukuatua Street).

(iii) ZONING: The subject land is zoned Residential D (Special Provisions applying) on Map 26 of the Proposed District Plan of the Rotorua District Council.

3. The type of Resource Consent sought is for a Non Notified Activity to permit the establishment and use of fourteen, two storey household units (apartments), to ultimately be unit titled together with a total of fourteen off street car parks.

4. No additional resource consents are required at this time.

5. An environmental effect assessment in accordance with the Fourth Schedule to the Act, referred to as Annexure B is enclosed.



6. Attached hereto is a set of plans showing the proposal.
7. The Councils environmental check list is enclosed.

BOSTAN CORPORATION LTD

By their Authorised Agent
MARTIN McCAULAY MORTON LTD



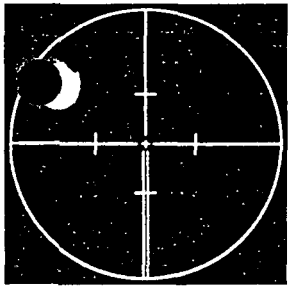
L S Martin
Dip., Surv., F.N.Z.I.S., M.N.Z.P.I., M.P.L.E.I.N.Z.
Registered Surveyor/Town Planner

Dated at ROTORUA this day of OCTOBER 1997

ADDRESS FOR SERVICE

Martin McCaulay Morton Ltd
Quadrant House
77 Haupapa Street
P O Box 878
Ph: (07) 3477 840
Fax: (07) 3476 191
ROTORUA





MARTIN McCAULAY MORTON LTD

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A.W.R. McCAULAY
M.N.Z.I.S
REGISTERED SURVEYOR

96393/P

APPLICATION FOR RESOURCE CONSENT

TO

ERECT AND USE FOURTEEN HOUSEHOLD

UNITS (APARTMENTS)

ON

LOT 1 DPS 19165

AT

96 - 100 PUKUATUA STREET

FOR

BOSTAN CORPORATION LTD



1. INTRODUCTION

- 1.1 Bostan Corporation a private Company principally owned by Mr R Bos and his family have recently purchased the subject Lot 1 Dps 19165 containing some 3035m² from J R B Kingston and Others.
- 1.2 The property is zoned Residential D with special provisions applying, and is located at Nos 96 - 100 Pukuatua Street.
- 1.3 The site has been vacant for some years and has been partially filled by the previous owners.
- 1.4 It is notable that a number of development proposals have been mooted for the site over the period of ownership of the previous owners but apart from recognition in the Proposed District Plan of the special qualities of the site in terms of tourist and more intensive residential potential, no development has taken place.
- 1.5 The applicants wish to proceed immediately with a residential apartment development of the site and to establish a total of fourteen two storey units on the site, together with associated access, parking/garaging for a minimum of fourteen vehicles.
- 1.6 On close inspection of the plans it can be seen that the buildings comply with the performance criteria of the Proposed District Plan and that in terms of site density the rules are met in all respects.



- 1.7 The Proposed District Plan makes provision for both Tourist Accommodation, and Additional Household Units in the rules and in this instance, because the proposal complies in all respects with these rules and with the performance criteria related to the rules, it will be contended in this report that consent may be granted to a non notified controlled activity without neighbour consents.

2. PROPOSAL

- 2.1 The subject site has 71.4 metre frontage to Pukuatua Street and a depth of 40.2 metres and effectively drains out to the street frontage.

- 2.2 Shown on plans 9709/1, 01 - 05 is the site layout floor plans of typical units, elevations, height in relation to boundaries, and a detailed schedule of materials, finishes and landscaping.

- 2.3 In general terms the units are of a superior quality and finish and will enhance the general residential amenity in the immediate vicinity, which, in the recent past has improved by the quality developments being undertaken.

- 2.4 Features of the plans are:

- (i) A total of 14 two storey, two bedroom household units are proposed with enclosed lockup garages and the ability to park a further vehicle outside the garage without encroachment into the accessway.
- (ii) Site access will be from vehicle crossings at the eastern and western ends of the site with sealed access extending along the rear of the front units and the front of the rear units.



- (iii) Units 1 - 10 will have pedestrian frontage to Pukuatua Street and vehicle access at the rear.
- (iv) Units 11 - 14 are rear units with internal access.
- (v) The applicants intend to unit title the individual apartments in due course but this does not form part of this application.

3. PROPOSED DISTRICT PLAN - PART SEVEN - REFERS

- 3.1 Rule 7.1.9 permits additional household units on the site as a Controlled Activity
- 3.2 Rule 7.3.3.8 specifies that one household unit per 150m² of net site area is required in the subject Residential D zone.
- 3.3 Rule 7.1.16 allows tourist accommodation on sites in the Residential D zone fronting Pukuatua/Ranolf Street as a Controlled Activity
- 3.4 Rule 7.1.31 specifies that Comprehensive Residential Developments are a Discretionary Activity in the Residential D zone.
- 3.5 Part 19 (Definitions) indicates that a Comprehensive Residential Development means a residential development including more than five household units.
- 3.6 The definition of a Comprehensive Residential Development Plan specifies inter alia (a) the subdivision of the land including dimensions and areas; etc.



3.7 Methods of implementation (Section 2.2.4.4 of Part Seven) also make reference to subdivision of land to cater for intensive residential activities.

3.8 It is my contention therefore that the references to Comprehensive Residential Developments as being Discretionary Activities relate to subdivision which may follow or provide independent title for multi unit developments and not to the activity of enabling residential units on a site.

3.9 That is, the provision of the fourteen household units on the site can be strictly classified under Rules 7.1.9 and 7.3.3.8 as being a complying, controlled activity.

3.10 It is acknowledged however that if and/or when consent to subdivide the property, either in a freehold or unit title fashion is sought, that consent to a discretionary activity would be required.

3.11 Rule 7.2.2 Height and Daylighting

- * None of the units exceed the 7.5 metre maximum height restriction (refer sheets 0.4 - 0.5) - Complies.
- * Units 11 - 14 do not encroach into the height in relation to boundary standards. (Refer Sheet 05, Elevation E/03) - Complies.

3.12 Rule 7.2.3 - Buffers

Minimum Front Yard - 3m.

5 metres shown on plan 01 - Complies.



Minimum Side Yards - 2.5m

6 metres shown on plan 01 - Complies.

Minimum Rear Yard - 2.5m

2.5 metres shown on plan 01 - Complies.

3.13 Rule 7.2.4 Site Coverage

(Special Rule 50%)

Ground Floor Areas 1070m².

Site Area 3035m² = 35% - Complies

3.14 Rule 7.2.5 & Appendix F - Parking

1 covered park/household unit (plus one outside park). - Complies.

3.15 Rules 7.2.6 - 7.2.10 - Not Applicable.

3.16 Rule 7.3.2.1 - Design & Appearance

The buildings retain a distinctive residential appearance and will enhance the area.

3.17 Rule 7.3.2.1 - Landscaping

Shown on plan 9709/1, 01 - 05 are the elements of landscaping to be developed including:



- * Grassed and paved front and rear yards.
- * Timber screen fences/ pergolas.
- * 2m high concrete block/stucco walls on all boundaries.
- * Planter boxes, and imported palms.

3.18 Rule 7.3.2.3, 7.3.2.4 - Site Access Parking

Council standards are complied with, with respect to parking spaces and manoeuvring areas as outlined in Appendix F.

The dual entrance systems should not adversely affect pedestrian safety.

3.19 Rule 7.3.2.5 - Adverse Effects

Given that the apartments will be available for either rental or ultimate purchase by permanent residents, and the high standard of amenity that is being developed, it is unlikely that undue adverse noise or behavioural effects will arise.

3.20 Rule 7.3.3.8 - Additional Household Units

- (d) Permanently surfaced drives are provided.
- (e) Boundaries are to be fenced of permanent materials and for internal security purposes.



3.21 Rule 7.4 et seq - Discretionary Activities

All of the performance standards of Rule 7.4.2 and/or 7.4.3.2 are met by the proposal.

3.22 In totality therefore, regardless of whether the proposal is classified as controlled or discretionary, the performance standards of the Proposed District Plan are met.

4. RESOURCE MANAGEMENT ACT 1991

4.1 Section 94(1)(c) of the Act allows an activity to be non notified if **"it is a controlled activity and the written approval has been obtained from every person who, in the opinion of the consent authority, may be adversely affected by the granting of the Resource Consent unless, in the authorities opinion, it is unreasonable in the circumstances to require the obtaining of every such approval.**

4.2 In this application there are two factors to consider, namely that there will be no adverse effects created by the proposal per se and secondly, because of this, it is unreasonable to require neighbours consent.

4.3 At worst, if the Council considers that the application be dealt with as a Discretionary activity, Section 94(2)(a) and (b) make similar dispensatory provision with respect to non notification and an exemption from the requirement of neighbours consent.



- 4.4 Section 94(2)(a) requires that the adverse effects on the environment of the activity shall be minor and Section 94(2)(b) makes the same exemption as Section 94(1)(c) in relation to neighbour consents.
- 4.5 The rationale for the exemptions currently being sought are as follows:
- (i) The neighbour to the east of the subject site is the applicant and to the west the neighbours are isolated by a 6 metre drive.
 - (ii) The neighbours to the south will effectively be screened by Units 11 - 14 of the development which comply in terms of rear yard, screening and height in relation boundary rules of the Proposed District Plan.
 - (iii) The proposal complies in all respects with the objectives, policies and rules of the Proposed District Plan for multi unit development in the special provision area of the Residential D zone.

5. SUBMISSION

In view of the foregoing it is requested that Council consider and approve the application as a non notified controlled activity without affected party consent on the grounds that:

- 5.1 The site is zoned and suitable for the nature and style of residential development being sought.



- 5.2 That no adverse environmental effects will be created by the development and accordingly that no written consents of potentially affected parties are required.
- 5.3 That the proposal complies in entirety with the objectives, policies and rules, and if it were to be undertaken in stages could be considered as a permitted activity with no requirement for consideration of Section 94 matters.
- 5.4 That the proposal will enhance the matters of importance contained in Sections 6 and 7 of the Act.

We would be pleased therefore if you would examine and approve the proposal as soon as practicable.

Yours faithfully
MARTIN McCAULAY MORTON LTD



L S Martin
Dip., Surv., F.N.Z.I.S., M.N.Z.P.I., M.P.L.E.I.N.Z.
Registered Surveyor/Town Planner



APPENDIX B
BRIEF ASSESSMENT OF EFFECTS ON THE
ENVIRONMENT
(FOURTH SCHEDULE RESOURCE MANAGEMENT ACT 1991)

SECTION 1

- (a) A full description of the proposal is set out in the application. In essence the proposal is to permit the establishment and use of fourteen household units (apartments) on a Residential D zoned site. The proposed site, described as Lot 1 DPS 19165 is situated at No.s 96-100 Pukuatua Street.

The site is situated within the Residential D zone whereby additional household units and travellers accommodation are permitted.

There have apparently been no significant physical environmental problems in their widest sense, occasioned in the past, by similar uses on other sites in the zone.

- (b) It is not considered that any significant or long term adverse effect on the physical environment will result from the Applicants proposal to utilise the site. No major or significant modification of the land in the site is being undertaken nor is the use considered to be significant or adverse in environmental terms.

Short term adverse effects will be limited to the period of access construction and site development earthworks and building activity on the site.

Longer term effects would be related to the continued use of the premises for permanent accommodation. Particular effects would only be the effects created by the numbers of persons on the site and, possible noise effects.



No cumulative effects would result in that the activity is one envisaged in the District Plan.

(c) Repealed.

(d) (i) The only site modification being undertaken is earthworks re shaping pre building, installation of services, and final landscaping.

Environmental disruption in terms of noise, visual disruption etc would be short term and not extend beyond the proposed building development phase.

(ii) No significant adverse change in traffic pattern, or major increase in volumes of traffic requiring access will result.

Parking for residents vehicles will not conflict with other activity in the district.

(iii) Amenity effects can be minimised by the building style and sensitivity of the materials being used for external cladding and introduced screening to the site.

(e) Not applicable.

(f) Not applicable.

(g) Mitigating factors which have been proposed or can, reduce physical environmental effects are considered to be:

(i) The formalisation of the street entry and off street parking.



- (ii) Limitation of access to Pukuatua Street.
- (iii) Landscaping, fencing, screening.
- (iii) Careful selection of building materials and tasteful building design and site development and setting back of the buildings from the street.
- (h) The subject land is adjoined by other Residential zoned land and by near identical activities.

It is not considered there are any potentially adversely affected parties in the immediate neighbourhood whose consent is required.

- (i) Whilst it is believed that any adverse effects can be contained within the site, monitoring of conditions of consent could be achieved as follows:

* Conditions of land use consent by the Rotorua District Council.

SECTION 2

- (a) It is not considered that any adverse physical environmental effect will flow on into the surrounding neighbourhood.

However effects on the wider community and in particular the socio/economic and cultural effects can be deemed positive in that:

- * The facility will provide accommodation for upwards of 30 persons.
- * The facility will enhance the economic welfare of the district.

- (b) Landscape and visual effects will either be neutral or enhanced.



By careful site development, sensitive building design, choice of appropriate external building materials, no major adverse landscape effects and visual effects need result.

- (c) Effects on ecosystems and the habitat of plants and animals will be neutral.
- (d) There are no known sites of either aesthetic, scientific, historical, spiritual or cultural significance included in, or impinged on, by the proposal.
- (e) Not apparently applicable.
- (f) Not applicable.

GENERAL

Effect, as defined by Section 3 of the Act has been taken to mean the effect both in the short, medium and long term and the cumulative effect on the environment in its widest sense, as that latter term is defined by the Act.

These effects have been highlighted in this report.

However the effect of granting consent to the proposal as opposed to the effect of the activity itself has not been discussed. Because the requested activity is one provided for in the zone by objectives, policies and rules, which in this instance are being met, it is not considered that the effect of the grant of consent will be detrimental in outcome, either in the short or long term or adversely cumulative.



L S Martin

Dip., Surv., F.N.Z.I.S., M.N.Z.P.I., M.P.L.E.I.N.Z.
Registered Surveyor/Town Planner

RESOURCE MANAGEMENT ACT 1991

ENVIRONMENTAL EFFECT CHECKLIST FOR LAND USE CONSENTS

The effects of your proposed activity will be one of the key considerations when your application is assessed. This checklist has been compiled to assist you to prepare an application which will meet the requirements of the *Resource Management Act 1991*. Your application must be accompanied by this completed checklist.

Through consultation with Council staff and with affected parties, you should be able to identify the significant environmental effects which should be addressed in your application. We strongly recommend that you consult at an early stage. The formal process of the statutory application will be much smoother if you have done so.

Should you answer YES to any of the following questions, you may be required to provide an assessment of the effects from a professional person experienced in assessing the effects of your proposed activity, eg soil engineer, or environmental health expert. This assessment should also accompany the application. If there is any doubt, discussions with Council staff may assist.

Note: Unless the question is clearly not applicable to the application, it is unacceptable to claim without any reason that the proposed activity will have no effect on the environment. Applications with such incomplete assessments will not be processed until the relevant information is provided.

The assessment should include but not be limited to:

- (a) the type of effect (positive/negative/cumulative);
- (b) the extent of the effect (geographic spread/duration/volume); and
- (c) possible actions to reduce (avoid, remedy or mitigate) adverse effects.

1. Are any of the following natural constraints or hazards present on the site?

- | | |
|--|--------------------|
| Is there any stormwater or flood-flow path? | YES /NO |
| Is the land unstable or on a slope greater than 20°? | YES /NO |
| Is the site in or adjacent to a gully? | YES /NO |
| Is the site within 20 metres of a permanent watercourse? | YES /NO |
| Are there any geothermal features on the site? | YES /NO |
| Are there any geothermal bores on the site? | YES /NO |
| Has the site been subject to landfill? | YES/ NO |
| Are there any other natural constraints to the site? | YES /NO |
| (If YES, what are they?) | SHOW ON PLAN |

2. Is there any waahi tapu or archaeological site present which may be affected by the proposed development?

~~YES~~/NO

Is there any historic or significant building, tree, object or site affected by the proposed development?

~~YES~~/NO

Note 1: The District Plan contains registers of the above features for reference, see Appendix A.

Note 2: If the above feature is registered under the *Historic Places Act 1993* the consent of the Historic Places Trust will be required. In addition a survey of archaeological sites, including registered, non-registered and NZAA listed and previously unlisted sites may be required to be undertaken.

DESCRIBE THE EFFECT OF THE PROPOSAL ON THE ABOVE FEATURE.

Has the value of any of the above items been assessed and relevant parties consulted? →

YES/~~NO~~

Does the proposed development affect tangata whenua?

~~YES~~/NO

If YES outline how you have taken account of the principles of the Treaty of Waitangi. See Part Five of the District Plan for an explanation of these principles.

SHOW ON PLAN

3. Does the site or neighbouring site contain:

Any wildlife habitat, wetland or area of indigenous vegetation that could be affected by the proposed activity?

~~YES~~/NO

Any trees that will be affected by the proposed activity?

~~YES~~/NO

SHOW ON PLAN

4. Will the proposed development generate:

any additional utility service requirements?

YES/~~NO~~

any additional vehicular traffic?

YES/~~NO~~

any additional noise?

~~YES~~/NO

any dust that can drift beyond the site?

~~YES~~/NO

any odour beyond the site?

~~YES~~/NO

will the above be during the construction period?

~~YES~~/NO

will the above be when the development is completed?

~~YES~~/NO

5. Will the property have direct access to a State Highway?

~~YES~~/NO

(If YES, the written comments of Transit New Zealand will be required for both existing and proposed vehicular access points)

6. Will the development produce any waste materials?

~~YES~~/NO

7. Will you be applying for a liquor licence in relation to this activity?

~~YES~~/NO

8. Will you be storing, using, transporting or disposing of any hazardous substance or contaminant?


~~YES~~/NO

9. Will the scale/size/use of your development have any adverse effect on the environment or the amenities of the neighbourhood and the resources and services already provided to support such a use?

~~YES~~/NO

10. Describe the visual effects of the proposed development.

To the best of my knowledge the answers on this form are correct. Where the answer is "YES" I have included an assessment from a recognised professional or addressed the issue in consultation with Council staff and have shown on a plan of the site those particular features.



Signature of ~~applicant or agent~~ for applicant

9-10-97

DATE

SEARCH

22 APR 1996

COPY

ANNEXURE C

Land and District 59

REGISTER

No. 18A / 197

Reference's

Tric.C/T 895/63, 991/259
162/1134

Transfer No.

N/C. Order No. H.019602.6

CERTIFICATE OF TITLE UNDER LAND TRANSFER ACT

This Certificate dated the 26th day of November one thousand nine hundred and seventy-four under the seal of the District Land Registrar of the Land Registration District of SOUTH AUCKLAND

WITNESSETH that JAN JACOB VANEDEN of Auckland company director JAMES LARKIN of Rotorua contractor, JAMES RUSSELL BRUCE KINGSTON of Auckland solicitor and NEVILLE LESLIE RYKERS of Auckland civil engineer are seised of an estate in fee simple as tenants in common in equal shares

~~XXXXXX of XXXXXXXXXX~~ (subject to such reservations, restrictions, encumbrances, liens, and interests as are notified by memorial underwritten or endorsed hereon) in the land hereinafter described, delineated with bold black lines on the plan hereon, be the several admeasurements a little more or less, that is to say: All that parcel of land containing 3035 SQUARE METRES more or less being Lot 1 on Deposited Plan S.19165 and being Sections 13, 14 and 15 Block LXIII Town of Rotorua



ASSISTANT LAND REGISTRAR

Subject to Section 15 of the Rotorua Town Lands Act 1920

A.L.R.

Subject to the reservations and conditions imposed by Section 3 of the Coal Mines Amendment Act 1950

A.L.R.

Rotorua City

H.019602.4 Mortgage to Albert Errol Crimp, Edward Crimp, Charles Wilson, Kevin Collings, James Gordon, Creighton, Annie McDonald Creighton, Allan Mitchell, Stanley Charles Seear, Walter Mark Crimp and Phyllis Rose Crimp in unequal shares produced 26.11.1974 at 9.20 o/c

H.287398.5

H.019602.5 Mortgage to Alderton Kingston & Nominations Limited produced 26.11.1974 at 9.20 o/c

H.287398.2

H.162055.1 Discharge of Mortgage H.019602.4 as to the interests of Albert Errol Crimp, Charles Wilson, Kevin Collings, James Gordon Creighton, Annie McDonald Creighton, Allan Mitchell, Stanley Charles Seear, Walter Mark Crimp and Phyllis Rose Crimp produced 13.12.1977 at 10.10 o/c

B. Lloyd for A.L.R.

H.162055.2 Mortgage to Albert Errol Crimp, Edwin Crimp, Charles Wilson, Kevin Collings, Walter Mark Crimp, Phyllis Rose Crimp, Lauris Claire Mathieson and Lauris Investments Limited in unequal shares produced 13.12.1977 at 10.10 o/c

H.287398.2

B. Lloyd for A.L.R.

(30.15)

Pukuatua Street

75.44

Lot 1

3035m²

75.44

H.162055.3 Memorandum of Priority making Mortgage H.162055.2 a second mortgage and Mortgage H.019602.5 a third mortgage produced 13.12.1977 at 10.11 o'clock

B. Lloyd
for A.L.R.

H.21434.1 Transfer of the 10/45 share of Lauder Investments Limited in Mortgage H.162055.2 to James McKnight Mundell of ~~Megeel air force technician~~ produced 17.1.1979 at 9.11 o'clock

B. Lloyd
for A.L.R.

H.287398.1 Transmission of the interest of Edward Norman Quin in Mortgage H.162055.2 and H.019602.4 to Lesley Grant Quin and Edward Martin Quin as administrators entered 23.5.1980 at 9.01 o'clock

R. Yorke

for A.L.R.

H.287398.5 Mortgage to Churton Brainsby and Hart Securities Limited produced 23.5.1980 at 9.02 o'clock

R. Yorke
for A.L.R.

H.392205.2 Mortgage to Bank of New Zealand produced 26.2.1982 at 9.08 o'clock

R. Goldsbury
for A.L.R.

H.917200 Transfer of the 1/4 share of Jan Jacob Van Eden to James Russell Bruce Kingston solicitor, Neville Leslie Rykers civil engineer both of Auckland and James Larkin of Rotorua contractor as tenants in common in equal shares - 22.11.1989 at 10.45 o'clock

John
for A.L.R.

H.934013.1 Mortgage to Jackson Russell Nominees Limited - 20.2.1990 at 11.34 o'clock

S. Johns
for A.L.R.

H.934013.2 Memorandum of Priority making Mortgage H.934013.1 a first mortgage and Mortgage H.392205.2 a second mortgage - 20.2.1990 at 11.34 o'clock

S. Johns

for A.L.R.

B.065289 Variation of terms of Mortgage H.934013.1 - 7.2.1992 at 1.45 o'clock

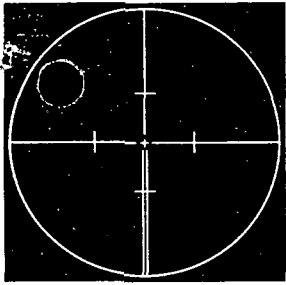
John
for A.L.R.

B.182446 Variation of terms of Mortgage H.934013.1 - 21.1.1994 at 11.20 o'clock

(J. dech)
for A.L.R.

B.313947 Variation of terms of Mortgage H.934013.1 - 6.12.1995 at 3.04 o'clock

John
for A.L.R.



MARTIN McCAULAY MORTON LTD

SURVEYORS ENGINEERS PLANNERS RESOURCE MANAGERS

ROTORUA
QUADRANT HOUSE
77 HAUPAPA STREET
P.O. BOX 878
TELEPHONE (07) 347-7840
FAX (07) 347-6191

TE PUKE
KING'S BUILDING
77 JELICOE STREET
P.O. BOX 301
TELEPHONE (07) 573-7717
FAX (07) 573-5617

MOUNT MAUNGANUI
12 GIRVEN ROAD
P.O. BOX 10009
MT MAUNGANUI
TELEPHONE 0-7-575 2859
FAX 0-7-575 0833

OPOTIKI
PROFESSIONAL CHAMBERS
ELLIOT STREET
P.O. BOX 94
TELEPHONE (07) 315 6127
FAX (07) 315 6128

DIRECTORS:
S. MARTIN
ip. Surv. F.N.Z.I.S M.N.Z.P.I.
I.P.L.E.I.N.Z
REGISTERED SURVEYOR
OWN PLANNER
REGISTERED PROPERTY MANAGER

M. MORTON
E. (Hons). M.I.P.E.N.Z
REGISTERED CIVIL ENGINEER

R. LEWIS
ip. Surv. M.N.Z.I.S
REGISTERED SURVEYOR

SSOCIATE
YETSENGA
ip. Surv. M.N.Z.I.S
REGISTERED SURVEYOR

CONSULTANT
W.R. McCAULAY
M.N.Z.I.S
REGISTERED SURVEYOR

96393/P

8 October 1997

The District Manager
Rotorua District Council
Private Bag
ROTORUA

Attention: Mr J D Sholl

Dear Sir

re: APPLICATION FOR NON NOTIFIED ACTIVITY
CONSENT

APPLICANTS: BOSTAN CORPORATION LIMITED

LOCATION: 96 - 100 PUKUATUA STREET

ZONING: RESIDENTIAL D

Please find enclosed an application for Resource Consent lodged on behalf of our above client Company.

Enclosed also is a cheque for \$292.50 to cover the Council inspection fee.

Enclosed with the formal application and plans is a detailed planning submission.



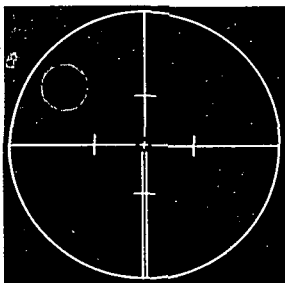
We would be pleased therefore if you would consider and process the application as soon as practicable.

Yours faithfully
MARTIN McCAULAY MORTON LTD



L S Martin
Dip.,Surv.,F.N.Z.I.S.,M.N.Z.P.I.,M.P.L.E.I.N.Z.
Registered Surveyor/Town Planner





MARTIN McCAULAY MORTON LTD

SURVEYORS ENGINEERS PLANNERS RESOURCE MANAGERS

ROTORUA
QUADRANT HOUSE
77 HAUPAPA STREET
P.O. BOX 878
TELEPHONE (07) 347-7840
FAX (07) 347-6191

TE PUKE
KING'S BUILDING
77 JELICOE STREET
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TELEPHONE (07) 315 6127
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CONSULTANT
W.R. McCAULAY
A.N.Z.I.S
REGISTERED SURVEYOR

96393/P

REG 8(1)

FORM 5

RESOURCE MANAGEMENT ACT 1991

LAND USE CONSENT

The District Manager
Rotorua District Council
Private Bag
ROTORUA

We, THE BOSTAN CORPORATION LTD hereby apply for the
Resource Consent described below:

1. The names and addresses of the Applicant, Owner and Occupier of
the land to which the application relates are as follows:

(i) OWNERS: J R B KINGSTON & OTHERS
C/- P O BOX 646, ROTORUA.

(ii) APPLICANTS: BOSTAN CORPORATION LTD,
C/- MR R BOS, P O BOX 1133,
ROTORUA.



(iii) OCCUPIERS: Owners.

2. The location to which this application relates is:

(i) LEGAL DESCRIPTION: Lot 1 DPS 19165 comprised in Certificate of Title 18A/197 and containing 3035m².

(ii) LOCATION: South side of Pukuatua Street (Nos 96 - 100 Pukuatua Street).

(iii) ZONING: The subject land is zoned Residential D (Special Provisions applying) on Map 26 of the Proposed District Plan of the Rotorua District Council.

3. The type of Resource Consent sought is for a Non Notified Activity to permit the establishment and use of fourteen, two storey household units (apartments), to ultimately be unit titled together with a total of fourteen off street car parks.

4. No additional resource consents are required at this time.

5. An environmental effect assessment in accordance with the Fourth Schedule to the Act, referred to as Annexure B is enclosed.



6. Attached hereto is a set of plans showing the proposal.
7. The Councils environmental check list is enclosed.

BOSTAN CORPORATION LTD

By their Authorised Agent
MARTIN McCaULAY MORTON LTD



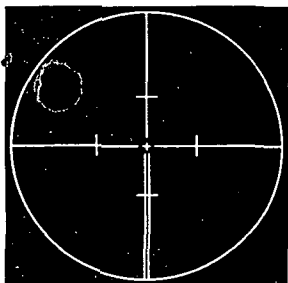
L S Martin
Dip., Surv., F.N.Z.I.S., M.N.Z.P.I., M.P.L.E.I.N.Z.
Registered Surveyor/Town Planner

Dated at ROTORUA this day of OCTOBER 1997

ADDRESS FOR SERVICE

Martin McCauly Morton Ltd
Quadrant House
77 Haupapa Street
P O Box 878
Ph: (07) 3477 840
Fax: (07) 3476 191
ROTORUA





MARTIN McCAULAY MORTON LTD

SURVEYORS ENGINEERS PLANNERS RESOURCE MANAGERS

ROTORUA
QUADRANT HOUSE
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REGISTERED SURVEYOR

CONSULTANT
A.W.R. McCAULAY
M.N.Z.I.S
REGISTERED SURVEYOR

96393/P

APPLICATION FOR RESOURCE CONSENT

TO

ERECT AND USE FOURTEEN HOUSEHOLD

UNITS (APARTMENTS)

ON

LOT 1 DPS 19165

AT

96 - 100 PUKUATUA STREET

FOR

BOSTAN CORPORATION LTD



1. INTRODUCTION

- 1.1 Bostan Corporation a private Company principally owned by Mr R Bos and his family have recently purchased the subject Lot 1 Dps 19165 containing some 3035m² from J R B Kingston and Others.
- 1.2 The property is zoned Residential D with special provisions applying, and is located at Nos 96 - 100 Pukuatua Street.
- 1.3 The site has been vacant for some years and has been partially filled by the previous owners.
- 1.4 It is notable that a number of development proposals have been mooted for the site over the period of ownership of the previous owners but apart from recognition in the Proposed District Plan of the special qualities of the site in terms of tourist and more intensive residential potential, no development has taken place.
- 1.5 The applicants wish to proceed immediately with a residential apartment development of the site and to establish a total of fourteen two storey units on the site, together with associated access, parking/garaging for a minimum of fourteen vehicles.
- 1.6 On close inspection of the plans it can be seen that the buildings comply with the performance criteria of the Proposed District Plan and that in terms of site density the rules are met in all respects.



- 1.7 The Proposed District Plan makes provision for both Tourist Accommodation, and Additional Household Units in the rules and in this instance, because the proposal complies in all respects with these rules and with the performance criteria related to the rules, it will be contended in this report that consent may be granted to a non notified controlled activity without neighbour consents.

2. PROPOSAL

- 2.1 The subject site has 71.4 metre frontage to Pukuatua Street and a depth of 40.2 metres and effectively drains out to the street frontage.
- 2.2 Shown on plans 9709/1, 01 - 05 is the site layout floor plans of typical units, elevations, height in relation to boundaries, and a detailed schedule of materials, finishes and landscaping.
- 2.3 In general terms the units are of a superior quality and finish and will enhance the general residential amenity in the immediate vicinity, which, in the recent past has improved by the quality developments being undertaken.
- 2.4 Features of the plans are:
- (i) A total of 14 two storey, two bedroom household units are proposed with enclosed lockup garages and the ability to park a further vehicle outside the garage without encroachment into the accessway.
 - (ii) Site access will be from vehicle crossings at the eastern and western ends of the site with sealed access extending along the rear of the front units and the front of the rear units.



- (iii) Units 1 - 10 will have pedestrian frontage to Pukuatua Street and vehicle access at the rear.
- (iv) Units 11 - 14 are rear units with internal access.
- (v) The applicants intend to unit title the individual apartments in due course but this does not form part of this application.

3. PROPOSED DISTRICT PLAN - PART SEVEN - REFERS

- 3.1 Rule 7.1.9 permits additional household units on the site as a Controlled Activity No.
- 3.2 Rule 7.3.3.8 specifies that one household unit per 150m² of net site area is required in the subject Residential D zone.
- 3.3 Rule 7.1.16 allows tourist accommodation on sites in the Residential D zone fronting Pukuatua/Ranolf Street as a Controlled Activity
- 3.4 Rule 7.1.31 specifies that Comprehensive Residential Developments are a Discretionary Activity in the Residential D zone.
- 3.5 Part 19 (Definitions) indicates that a Comprehensive Residential Development means a residential development including more than five household units.
- 3.6 The definition of a Comprehensive Residential Development Plan specifies inter alia (a) the subdivision of the land including dimensions and areas; etc.



3.7 Methods of implementation (Section 2.2.4.4 of Part Seven) also make reference to subdivision of land to cater for intensive residential activities.

3.8 It is my contention therefore that the references to Comprehensive Residential Developments as being Discretionary Activities relate to subdivision which may follow or provide independent title for multi unit developments and not to the activity of enabling residential units on a site.

3.9 That is, the provision of the fourteen household units on the site can be strictly classified under Rules 7.1.9 and 7.3.3.8 as being a complying, controlled activity.

3.10 It is acknowledged however that if and/or when consent to subdivide the property, either in a freehold or unit title fashion is sought, that consent to a discretionary activity would be required.

3.11 Rule 7.2.2 Height and Daylighting

* None of the units exceed the 7.5 metre maximum height restriction (refer sheets 0.4 - 0.5) - Complies.

* Units 11 - 14 do not encroach into the height in relation to boundary standards. (Refer Sheet 05, Elevation E/03) - Complies.

3.12 Rule 7.2.3 - Buffers

Minimum Front Yard - 3m.

5 metres shown on plan 01 - Complies.



Minimum Side Yards - 2.5m

6 metres shown on plan 01 - Complies.

Minimum Rear Yard - 2.5m

2.5 metres shown on plan 01 - Complies.

3.13 Rule 7.2.4 Site Coverage

(Special Rule 50%)

Ground Floor Areas 1070m².

Site Area 3035m² = 35% - Complies

3.14 Rule 7.2.5 & Appendix F - Parking

1 covered park/household unit (plus one outside park). - Complies.

3.15 Rules 7.2.6 - 7.2.10 - Not Applicable.

3.16 Rule 7.3.2.1 - Design & Appearance

The buildings retain a distinctive residential appearance and will enhance the area.

3.17 Rule 7.3.2.1 - Landscaping

Shown on plan 9709/1, 01 - 05 are the elements of landscaping to be developed including:



- * Grassed and paved front and rear yards.
- * Timber screen fences/pergolas.
- * 2m high concrete block/stucco walls on all boundaries.
- * Planter boxes, and imported palms.

3.18 Rule 7.3.2.3, 7.3.2.4 - Site Access Parking

Council standards are complied with, with respect to parking spaces and manoeuvring areas as outlined in Appendix F.

The dual entrance systems should not adversely affect pedestrian safety.

3.19 Rule 7.3.2.5 - Adverse Effects

Given that the apartments will be available for either rental or ultimate purchase by permanent residents, and the high standard of amenity that is being developed, it is unlikely that undue adverse noise or behavioural effects will arise.

3.20 Rule 7.3.3.8 - Additional Household Units

- (d) Permanently surfaced drives are provided.
- (e) Boundaries are to be fenced of permanent materials and for internal security purposes.



3.21 Rule 7.4 et seq - Discretionary Activities

All of the performance standards of Rule 7.4.2 and/or 7.4.3.2 are met by the proposal.

3.22 In totality therefore, regardless of whether the proposal is classified as controlled or discretionary, the performance standards of the Proposed District Plan are met.

4. RESOURCE MANAGEMENT ACT 1991

4.1 Section 94(1)(c) of the Act allows an activity to be non notified if "**it is a controlled activity and the written approval has been obtained from every person who, in the opinion of the consent authority, may be adversely affected by the granting of the Resource Consent unless, in the authorities opinion, it is unreasonable in the circumstances to require the obtaining of every such approval.**

4.2 In this application there are two factors to consider, namely that there will be no adverse effects created by the proposal per se and secondly, because of this, it is unreasonable to require neighbours consent.

4.3 At worst, if the Council considers that the application be dealt with as a Discretionary activity, Section 94(2)(a) and (b) make similar dispensatory provision with respect to non notification and an exemption from the requirement of neighbours consent.



4.4 Section 94(2)(a) requires that the adverse effects on the environment of the activity shall be minor and Section 94(2)(b) makes the same exemption as Section 94(1)(c) in relation to neighbour consents.

4.5 The rationale for the exemptions currently being sought are as follows:

- (i) The neighbour to the east of the subject site is the applicant and to the west the neighbours are isolated by a 6 metre drive.
- (ii) The neighbours to the south will effectively be screened by Units 11 - 14 of the development which comply in terms of rear yard, screening and height in relation boundary rules of the Proposed District Plan.
- (iii) The proposal complies in all respects with the objectives, policies and rules of the Proposed District Plan for multi unit development in the special provision area of the Residential D zone.

5. SUBMISSION

In view of the foregoing it is requested that Council consider and approve the application as a non notified controlled activity without affected party consent on the grounds that:

5.1 The site is zoned and suitable for the nature and style of residential development being sought.



- 5.2 That no adverse environmental effects will be created by the development and accordingly that no written consents of potentially affected parties are required.
- 5.3 That the proposal complies in entirety with the objectives, policies and rules, and if it were to be undertaken in stages could be considered as a permitted activity with no requirement for consideration of Section 94 matters.
- 5.4 That the proposal will enhance the matters of importance contained in Sections 6 and 7 of the Act.

We would be pleased therefore if you would examine and approve the proposal as soon as practicable.

Yours faithfully
MARTIN McCAULAY MORTON LTD



L S Martin
Dip., Surv., F.N.Z.I.S., M.N.Z.P.I., M.P.L.E.I.N.Z.
Registered Surveyor/Town Planner



APPENDIX B

BRIEF ASSESSMENT OF EFFECTS ON THE

ENVIRONMENT

(FOURTH SCHEDULE RESOURCE MANAGEMENT ACT 1991)

SECTION 1

- (a) A full description of the proposal is set out in the application. In essence the proposal is to permit the establishment and use of fourteen household units (apartments) on a Residential D zoned site. The proposed site, described as Lot 1 DPS 19165 is situated at No.s 96-100 Pukuatua Street.

The site is situated within the Residential D zone whereby additional household units and travellers accommodation are permitted.

There have apparently been no significant physical environmental problems in their widest sense, occasioned in the past, by similar uses on other sites in the zone.

- (b) It is not considered that any significant or long term adverse effect on the physical environment will result from the Applicants proposal to utilise the site. No major or significant modification of the land in the site is being undertaken nor is the use considered to be significant or adverse in environmental terms.

Short term adverse effects will be limited to the period of access construction and site development earthworks and building activity on the site.

Longer term effects would be related to the continued use of the premises for permanent accommodation. Particular effects would only be the effects created by the numbers of persons on the site and, possible noise effects.



No cumulative effects would result in that the activity is one envisaged in the District Plan.

(c) Repealed.

(d) (i) The only site modification being undertaken is earthworks re shaping pre building, installation of services, and final landscaping.

Environmental disruption in terms of noise, visual disruption etc would be short term and not extend beyond the proposed building development phase.

(ii) No significant adverse change in traffic pattern, or major increase in volumes of traffic requiring access will result.

Parking for residents vehicles will not conflict with other activity in the district.

(iii) Amenity effects can be minimised by the building style and sensitivity of the materials being used for external cladding and introduced screening to the site.

(e) Not applicable.

(f) Not applicable.

(g) Mitigating factors which have been proposed or can, reduce physical environmental effects are considered to be:

(i) The formalisation of the street entry and off street parking.



- (ii) Limitation of access to Pukuatua Street.
- (iii) Landscaping, fencing, screening.
- (iii) Careful selection of building materials and tasteful building design and site development and setting back of the buildings from the street.
- (h) The subject land is adjoined by other Residential zoned land and by near identical activities.

It is not considered there are any potentially adversely affected parties in the immediate neighbourhood whose consent is required.

- (i) Whilst it is believed that any adverse effects can be contained within the site, monitoring of conditions of consent could be achieved as follows:

- * Conditions of land use consent by the Rotorua District Council.

SECTION 2

- (a) It is not considered that any adverse physical environmental effect will flow on into the surrounding neighbourhood.

However effects on the wider community and in particular the socio/economic and cultural effects can be deemed positive in that:

- * The facility will provide accommodation for upwards of 30 persons.
- * The facility will enhance the economic welfare of the district.

- (b) Landscape and visual effects will either be neutral or enhanced.



By careful site development, sensitive building design, choice of appropriate external building materials, no major adverse landscape effects and visual effects need result.

- (c) Effects on ecosystems and the habitat of plants and animals will be neutral.
- (d) There are no known sites of either aesthetic, scientific, historical, spiritual or cultural significance included in, or impinged on, by the proposal.
- (e) Not apparently applicable.
- (f) Not applicable.

GENERAL

Effect, as defined by Section 3 of the Act has been taken to mean the effect both in the short, medium and long term and the cumulative effect on the environment in its widest sense, as that latter term is defined by the Act.

These effects have been highlighted in this report.

However the effect of granting consent to the proposal as opposed to the effect of the activity itself has not been discussed. Because the requested activity is one provided for in the zone by objectives, policies and rules, which in this instance are being met, it is not considered that the effect of the grant of consent will be detrimental in outcome, either in the short or long term or adversely cumulative.



L S Martin
Dip., Surv., F.N.Z.I.S., M.N.Z.P.I., M.P.L.E.I.N.Z.
Registered Surveyor/Town Planner

RESOURCE MANAGEMENT ACT 1991

ENVIRONMENTAL EFFECT CHECKLIST FOR LAND USE CONSENTS

The effects of your proposed activity will be one of the key considerations when your application is assessed. This checklist has been compiled to assist you to prepare an application which will meet the requirements of the *Resource Management Act 1991*. Your application must be accompanied by this completed checklist.

Through consultation with Council staff and with affected parties, you should be able to identify the significant environmental effects which should be addressed in your application. We strongly recommend that you consult at an early stage. The formal process of the statutory application will be much smoother if you have done so.

Should you answer YES to any of the following questions, you may be required to provide an assessment of the effects from a professional person experienced in assessing the effects of your proposed activity, eg soil engineer, or environmental health expert. This assessment should also accompany the application. If there is any doubt, discussions with Council staff may assist.

Note: Unless the question is clearly not applicable to the application, it is unacceptable to claim without any reason that the proposed activity will have no effect on the environment. Applications with such incomplete assessments will not be processed until the relevant information is provided.

The assessment should include but not be limited to:

- (a) the type of effect (positive/negative/cumulative);
- (b) the extent of the effect (geographic spread/duration/volume); and
- (c) possible actions to reduce (avoid, remedy or mitigate) adverse effects.

1. Are any of the following natural constraints or hazards present on the site?

Is there any stormwater or flood-flow path?	YES /NO
Is the land unstable or on a slope greater than 20°?	YES /NO
Is the site in or adjacent to a gully?	YES /NO
Is the site within 20 metres of a permanent watercourse?	YES /NO
Are there any geothermal features on the site?	YES /NO
Are there any geothermal bores on the site?	YES /NO
Has the site been subject to landfill?	YES/ NO
Are there any other natural constraints to the site?	YES /NO
(If YES, what are they?)	SHOW ON PLAN

2. Is there any waahi tapu or archaeological site present which may be affected by the proposed development? ~~YES~~/NO

Is there any historic or significant building, tree, object or site affected by the proposed development? ~~YES~~/NO

Note 1: The District Plan contains registers of the above features for reference, see Appendix A.

Note 2: If the above feature is registered under the *Historic Places Act 1993* the consent of the Historic Places Trust will be required. In addition a survey of archaeological sites, including registered, non-registered and NZAA listed and previously unlisted sites may be required to be undertaken.

DESCRIBE THE EFFECT OF THE PROPOSAL ON THE ABOVE FEATURE.

Has the value of any of the above items been assessed ~~and relevant parties consulted?~~
YES/~~NO~~

Does the proposed development affect tangata whenua?
~~YES~~/NO

If YES outline how you have taken account of the principles of the Treaty of Waitangi. See Part Five of the District Plan for an explanation of these principles.

SHOW ON PLAN

3. Does the site or neighbouring site contain:

Any wildlife habitat, wetland or area of indigenous vegetation that could be affected by the proposed activity?
~~YES~~/NO

Any trees that will be affected by the proposed activity?
~~YES~~/NO
SHOW ON PLAN

4. Will the proposed development generate:

any additional utility service requirements? YES/~~NO~~
any additional vehicular traffic? YES/~~NO~~
any additional noise? ~~YES~~/NO
any dust that can drift beyond the site? ~~YES~~/NO
any odour beyond the site? ~~YES~~/NO
will the above be during the construction period? ~~YES~~/~~NO~~
will the above be when the development is completed? ~~YES~~/NO

5. Will the property have direct access to a State Highway? ~~YES~~/NO

(If YES, the written comments of Transit New Zealand will be required for both existing and proposed vehicular access points)

6. Will the development produce any waste materials? ~~YES~~/NO


7. Will you be applying for a liquor licence in relation to this activity? ~~YES~~/NO

8. Will you be storing, using, transporting or disposing of any hazardous substance or contaminant? ~~YES~~/NO

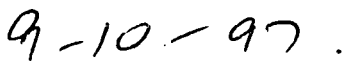
9. Will the scale/size/use of your development have any adverse effect on the environment or the amenities of the neighbourhood and the resources and services already provided to support such a use?
~~YES~~/NO

10. Describe the visual effects of the proposed development.

To the best of my knowledge the answers on this form are correct. Where the answer is "YES" I have included an assessment from a recognised professional or addressed the issue in consultation with Council staff and have shown on a plan of the site those particular features.



Signature of ~~applicant or~~ agent for applicant



DATE

SEARCH

ANNEXURE C

22 APR 1996

Land and District 59

COPY

REGISTER

No. 18A / 197

Reference

Prior C/T

895/63, 991/259
162/1134

Transfer No.

N/C. Order No. H.019602.6

CERTIFICATE OF TITLE UNDER LAND TRANSFER ACT

This Certificate dated the 26th day of November one thousand nine hundred and seventy-four under the seal of the District Land Registrar of the Land Registration District of SOUTH AUCKLAND

WITNESSETH that JAN JACOB VANEDEN of Auckland company director JAMES LARKIN of Rotorua contractor, JAMES RUSSELL BRUCE KINGSTON of Auckland solicitor and NEVILLS LESLIE RYKERS of Auckland civil engineer are seized of an estate in fee simple as tenants in common in equal shares

(subject to such reservations, restrictions, encumbrances, liens, and interests as are notified by memorial underwritten or endorsed hereon) in the land hereinafter described, delineated with bold black lines on the plan hereon, be the several admeasurements a little more or less, that is to say: All that parcel of land containing 3035 SQUARE METRES more or less being Lot 1 on Deposited Plan S.19165 and being Sections 13, 14 and 15 Block LXIII Town of Rotorua



ASSISTANT LAND REGISTRAR

Subject to Section 15 of the Rotorua Town Lands Act 1920

A.L.R.

Subject to the reservations and conditions imposed by Section 8 of the Coal Mines Amendment Act 1950

A.L.R.

Rotorua City

H.019602.4 Mortgage to Albert Errol Crimp, Edward Dinn, Charles Wilson, Kevin Collings, James Gordon, Creighton, Annie McDonald Creighton, Allan Mitchell, Stanley Charles Seear, Walter Mark Crimp and Phyllis Rose Crimp in unequal shares produced 26.11.1974 at 9.20 o'clock

H.019602.5 Mortgage to Alderton Kingston & Nominees Limited produced 26.11.1974 at 9.20 o'clock

H.287398.3

H.162055.1 Discharge of Mortgage H.019602.4 as to the interests of Albert Errol Crimp, Charles Wilson, Kevin Collings, James Gordon Creighton, Annie McDonald Creighton, Allan Mitchell, Stanley Charles Seear, Walter Mark Crimp and Phyllis Rose Crimp produced 13.12.1977 at 10.10 o'clock

B. Lloyd for A.L.R.

H.162055.2 Mortgage to Albert Errol Crimp, Edwin Dinn, Charles Wilson, Kevin Collings, Walter Mark Crimp, Phyllis Rose Crimp, Lauris Claire Mathieson and Claire Investments Limited in unequal shares produced 13.12.1977 at 10.10 o'clock

B. Lloyd for A.L.R.

(3018)

Pukuatua Street

75.44

Lot 1

3035m²

75.44

Measurements are Metric

OVER . . .

H.162055.3 Memorandum of Priority making Mortgage H.162055.2 a second mortgage and Mortgage H.019602.5 a third mortgage produced 13.12.1977 at 10.11 o'clock

B. Lloyd
for A.L.R.

H.214341 Transfer of the 10/45 share of Lauder Investments Limited in Mortgage H.162055.2 to James McKnight Mundell of ~~Messiol air force technician~~ produced 17.1.1979 at 9.11 o'clock

B. Lloyd
for A.L.R.

H.287398.1 Transmission of the interest of Edward Norman Quin in Mortgage H.162055.2 and H.019602.4 to Lesley Grant Quin and Edward Martin Quin as administrators entered 23.5.1980 at 9.01 o'clock

R. Yorke

for A.L.R.

H.287398.5 Mortgage to Churton Brainsby and Hart Securities Limited produced 23.5.1980 at 9.02 o'clock

R. Yorke
for A.L.R.

H.392205.2 Mortgage to Bank of New Zealand produced 26.2.1982 at 9.08 o'clock

R. Goldsbury
for A.L.R.

H.917200 Transfer of the 1/4 share of Jan Jacob Van Eden to James Russell Bruce Kingston solicitor, Neville Leslie Rykers civil engineer both of Auckland and James Larkin of Rotorua contractor as tenants in common in equal shares - 22.11.1989 at 10.45 o'clock

Shaw
for A.L.R.

H.934013.1 Mortgage to Jackson Russell Nominees Limited - 20.2.1990 at 11.34 o'clock

S. Johns
for A.L.R.

H.934013.2 Memorandum of Priority making Mortgage H.934013.1 a first mortgage and Mortgage H.392205.2 a second mortgage - 20.2.1990 at 11.34 o'clock

S. Johns
for A.L.R.

B.065289 Variation of terms of Mortgage H.934013.1 - 7.2.1992 at 1.45 o'clock

Shaw
for A.L.R.

B.182446 Variation of terms of Mortgage H.934013.1 - 21.1.1994 at 11.20 o'clock

(1.7 desk)
for A.L.R.

B.313947 Variation of terms of Mortgage H.934013.1 - 6.12.1995 at 3.04 o'clock

M. Brodie
for A.L.R.