

19 May 2006

File Ref: ~~63-06-01302~~
Your Ref: 192725-R-P-C017

Doc No: OW-62754

MTEC Consultants Ltd
PO Box 878
ROTORUA

Attention: Bart Yetsenga

copy to: P20078
P19979
P19980
P32302 - P32349
P323 #09

Dear Bart,

NOTICE OF DECISION REGARDING SUBDIVISION CONSENT

Consent No.:	63-06-013
Applicant:	Generation Developments Ltd
Location of proposal:	Harris St, Ariki St and Ngongotaha Rd
Legal Description:	Lots 1 – 3 DPS 79465 and Sec 1 SO 50280
Proposal:	To subdivide the above three titles into 48 residential lots, 4 access lots, extend Harris St and create a new cul-de-sac off Harris St and provide a Recreation Reserve to vest in Council.

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

- (a) That pursuant to Section 93(1) of the Resource Management Act 1991, the Rotorua District Council resolves that as the application is for a controlled activity and the adverse effects of the proposal will be minor the application need not be notified. The Council is satisfied after taking into due consideration the requirements of Section 94, 94A(a) and Section 94B that all parties who, in the opinion of Council, may be adversely affected have provided their written consent to the proposal. Council is also satisfied that no special circumstances exist that require notification of the consent application in accordance with Section 94C(2) of the Resource Management Act 1991.
- (b) That pursuant to Sections 34(1), 104, 104A, 108, 220 and 221 of the Resource Management Act 1991, the Rotorua District Council resolves to grant consent to the application by Generation Developments Ltd to subdivide the property at Harris St, Ariki St and Ngongotaha Rd legally described as Lots 1 – 3 DPS 79465 and Sec 1 SO 50280 into 48 residential lots:

This consent is subject to the following conditions:

1. That the Land Transfer Plan be prepared in accordance with the preliminary plan of subdivision prepared by MTEC Consultants, numbered 192725-R-P-D005 Sheet 01 Issued B and dated 26.04/06 except where conditions require modification of this.

2. That all engineering works required to be undertaken to satisfy the conditions of this consent shall be carried out in accordance with the Rotorua Civil Engineering Industry Standard (RCEIS) and the District Plan, to the satisfaction of the District Engineer.
3. That all roads, reserves, street lighting, sewerage, stormwater, water supply, electricity, and telecommunications facilities shall be provided to the standards required by Council as a service operator or other service operators in which the infrastructure will be vested. Certification from Council or other appropriate service operator that it is satisfied with the standard of the service provided, and that it will accept the particular service, shall be provided to Council as consent authority before it issues any Section 224 Certificates to enable a survey plan to be deposited. Those services certified for approval by Council as service operator shall vest in Council on deposit of the survey plan.

Prior to construction

4. That a traffic safety audit shall be obtained to the satisfaction of the District Engineer both prior to Engineering Plan design and commencing any construction work and post construction.

Sub-soil Drainage

5. That prior to submitting Engineering Plans and specifications for approval, and the commencement of any construction work, a detailed specialised investigation of the subsoil drainage proposals to control the perched ground water table shall be carried out and submitted for the approval of the District Engineer.
6. That engineering design plans and specifications for the proposed roading (including street lighting, road reserve landscaping and footpaths), stormwater and subsoil drainage, secondary flow paths, sewage, water supply, electricity, and telephone facilities shall be submitted to all relevant services operators for written approval before commencing construction work. Work undertaken without Council's written approval for those services to vest in Council shall not be accepted.

Engineering works

7. That the 2% AEP reticulated stormwater shall be discharged to existing outlet at the end of Paraone Street into Lake Rotorua.
8. The existing abandoned sewer and stormwater mains shall be removed and the trenches backfilled and certified. The removal of the existing abandoned pipes is due to possible confusion, and existing pipes drawing in ground water flow which may cause settlement and foundation problems.
9. That in carrying out the proposed works no run off, silt, sediment or other materials shall be permitted to discharge off-site that could damage or disturb neighbouring properties, public roads or drains by installing and maintaining appropriate erosion and sediment controls, prior to and during the works and until the site is stabilised. The temporary stormwater control is required to achieve control of a 2% AEP storm event.

Consent Notices:

10. That all owners and subsequent owners of Lots 1 – 48 be advised of the following by way of a Consent Notice registered against the Certificate of Titles for the said lots.
 - i. That the minimum finished floor level for any future building requiring a building consent shall be 1.5 metres above the ground water level.
 - ii. That the minimum building platform level shall be 1.0 metres above the ground water

level. The building platform shall be certified by a Chartered Professional Engineer as suitable for building prior to foundation inspection.

- iii. Stormwater disposal from any development on the Lots (roof, driveway and hard surfaces) shall be reticulated to the approved connection for that Lot and a secondary overland flow path formed to dispose of surface stormwater so that it discharges to the Council reticulated system.

- 11. That all owners and subsequent owners of Lots 16, 27, 30, 35 and 37 be advised of the following by way of a Consent Notice registered against the Certificate of Titles for the said lots.

Areas 'E', 'F' and 'G' shown on DP are easements to allow an overland flow path for storm events greater than a 2% AEP (50 years). Within the easement area there shall be no alteration to the shape or level and there shall be no placement of anything that could create an obstruction for stormwater. This notice is in addition to the easement documents which you are advised to refer to.

Acoustic treatment of buildings

- 12. Any habitable buildings on Lots 9 – 16 & 28 & 29 shall comply with the appropriate NZS Standards for internal noise (NZS2107:2000) or latest version of the standard applicable at the time of building.

That the owners and subsequent owners of the said Lots shall be advised of this requirement by way of a consent notice registered on the certificate of titles created for the said lots.

Financial Contribution

- 13. That a financial contribution calculated at 45/48th of 5% of the land value of proposed Lots 1 – 48 shall be paid to Council for reserves and heritage purposes. Where lots have an area greater than 900m² the value of an 850m² lot will be used.
- 14. That 50% of the value of Lot 54 can be credited against the financial contribution for reserves and heritage values payable.

Vesting of land

- 15. That Lot 54 be vested in Rotorua District Council as Local Purpose Reserve (Access way & Utility).
- 16. That Lot 53 be vested in the Rotorua District Council as road.
- 17. That Lot 55 be vested in Her Majesty the Queen as Road and that Lot 56 be vested in Her Majesty the Queen as Local Purpose Reserve (Segregation).

Amalgamation conditions

- 18. That Lot 49 hereon (legal access) be held as to three undivided one third shares by the owners of Lots 9, 10 and 11 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith.
- 19. That Lot 50 hereon (legal access) be held as to five undivided one fifth shares by the owners of Lots 13, 14, 15, 16 and 24 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith.
- 20. That Lot 51 hereon (legal access) be held as to seven undivided one seventh shares by the owners of Lots 26, 27, 28, 29, 30, 31 and 32 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith.

21. That Lot 52 hereon (legal access) be held as to eight undivided one eighth shares by the owners of Lots 37, 38, 39, 40, 41, 42, 43 and 44 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith. See request 563008.

Surrender of existing subdivision consent

22. That pursuant to Section 138 of the Resource Management Act 1991, by giving effect to this consent the application surrenders the previous consent issued for the boundary adjustment subdivision Council reference 63-05-022 and dated 26th October 2005.

The reasons for this decision are that:

1. The site is zoned Residential B in the District Plan where the proposed subdivision is a Controlled Activity. As a controlled activity as it fully complies with the Rules for subdivision in 16.3 and 16.4 of the District Plan.
2. After considering the assessment criteria for Controlled activity subdivision Council is satisfied that any adverse effects of the proposal are minor or can be mitigated by consent conditions. In this regard it is noted that there is a history of high Ground water levels (GWL), poor stormwater soakage disposal and ponding issues in the surrounding area. In addition, information contained in the subdivision application confirms the summer GWL is only 800mm below ground level (BGL) in some areas; it is expected this will be higher during winter conditions. Any particular limiting effects of the "saturated grey silt" and the perched water table (which is some 3 metres above lake level) as recorded by the preliminary borehole logs, should also be established. Conditions require detailed specialised investigation and design.
3. It is noted that the site adjoins Industrial B zoned land to the south. A condition has been imposed requiring a consent notice clause stating habitable buildings within Lots 9 – 16 , 28 & 29 comply with the NZ Standard for internal noise. While it is acknowledged that this condition is more appropriately placed within the land use consent it has been placed within this consent as an effective way of advising further owners of the requirement to ensure residential amenity is not diminished by industrial noise for the benefit of residents within the subdivision.
4. As the subdivision complies with the rules it is also considered to be consistent with the relevant objectives & policies of the District Plan and the purposes and principles of the Resource Management Act 1991. The provision of the access way to Ngongotaha Rd was required by Council officers to ensure there was opportunity provided within the subdivision layout to allow pedestrian and cycle access in accordance with District Plan policy, recreation and cycleway policy.
5. No adjoining landowners or occupiers are considered adversely affected by the proposed subdivision as it fully complies with the District Plan subdivision rules and will allow for the residential development to a density set out as appropriate in the Residential B zone. Transit NZ were considered an affected party as the site adjoins State Highway 36 – Ngongotaha Road albeit that no vehicular access is proposed directly to the State Highway from the subdivision. Conditions have been imposed in accordance with Transit NZ requirements. A financial contribution is payable in accordance with Appendix U of the District Plan towards the development of existing, and purchase of additional, land to enhance the amenity and heritage value of reserves.

(m) Right of objection to this decision

If you are dissatisfied with any aspect of the decision, you have a right of objection to Council under section 357 of the Resource Management Act 1991. Please advise Council in writing stating the reasons for the objection and the preferred outcome within 15 working days of receiving this decision. If no objection is received it will be assumed that the applicant accepts this decision.

(n) Timeframe for giving effect to this consent

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

If you have any questions regarding this consent, please contact **Joanne Watts**, Senior Resource Management Advisor or the Duty Planner.

Yours faithfully



Nigel Wharton
Director, Environmental Services

