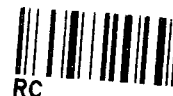


26 October 2005

Please Quote: ~~63-05-022~~

Doc. No: OW-51715



Enquiries to: Kellie Roland

«Name_Add»

FILE to: P19979
P29078

Dear Sir/Madam

NOTICE OF DECISION

CONSENT NO: 6718

TYPE OF APPLICATION: SUBDIVISION

APPLICANT: G P MCEWAN

LOCATION OF PROPOSAL: ARIKI STREET & 58 NGONGOTAHA ROAD

PROPOSAL: BOUNDARY ADJUSTMENT AND 1 LOT TO VEST AS ROAD

The Council held the hearing of the notified application outlined above on 12 October 2005.

Please find enclosed the decision of the Rotorua District Council in accordance with sections 113 and 114 of the Resource Management Act 1991.

I would draw your attention to your rights of appeal under the Resource Management Act 1991. Section 120 of the Act provides that, should you so desire, you have the right to appeal to the Environment Court against Council's decision, or against any condition, restriction or prohibition imposed in respect of that decision. Any such appeal must be lodged with the Environment Court (PO Box 5027, Lambton Quay, Wellington) within 15 working days of notification of the decision.

Approval has been given by Council, however, the consent does not commence until any appeal is disposed of, or if no appeal is lodged, at the conclusion of the appeal period.

Yours faithfully

N.G. Wharton

Director, Environmental Services

Encl.

Name	Add
MTEC Consultants Ltd P O Box 878 ROTORUA	
Attention: Bart Yetsenga	
The Regional Manager Transit NZ P O Box 973 HAMILTON	
Attention: Mr C Allen	

Doc No. OW-45362

**ROTORUA DISTRICT COUNCIL
STATUTORY HEARING SUBCOMMITTEE**

G P MCEWAN

ARIKI STREET & 58 NGONGOTAHA ROAD,
NGONGOTAHA

FILE REFERENCE: 6305022

HEARING DATE: 12 October 2005

IN ATTENDANCE: **Applicant:**
Bart Yetsenga for G P McEwan

Hearings Panel:
Cr Maureen Waaka, Chairperson
Cr Searancke
Cr Wepa

Council Officers:
Kellie Roland, Consultant Planner

At a meeting of the Rotorua District Council Statutory Hearing Subcommittee held on 12 October 2005, the following decision was reached in regard to limited notified subdivision consent application of G P McEwan.

- (a) That pursuant to Sections 34(1), 104, 104A, 106, 108, 220 and 221 of the Resource Management Act 1991, the Rotorua District Council resolves to grant consent to the application by G P McEwan to subdivide the property at Ariki Street / Ngongotaha Road, Ngongotaha legally described as Lots 1, 2, & 3 DPS 79465.

This consent is subject to the following conditions:

1. That the Land Transfer Plan shall be prepared in accordance with the preliminary plan of subdivision prepared by MTEC Consultants Limited, numbered 161179-R-P-D001 and dated 09/02/05.

Engineering Specifications

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 engineering design plans and specifications shall be submitted to and the written approval obtained of the District Engineer for the sewer, stormwater and water proposals, before commencing construction work. Work undertaken without Council's written approval for those services to vest in Council, shall not be accepted.
4. That Lot 3 shall be vested as Road (200m²) in Her Majesty the Queen.

Consent Notice

5. That the owners of Lot 1 hereon shall be advised that no more than 4 household units shall be permitted to gain access from the Ngongotaha Road frontage. Furthermore, if in the future this lot is subdivided no more than 4 lots shall be permitted to gain access from the Ngongotaha Road frontage. This requirement shall be registered on the Certificate of Title for Lot 1.
6. That all owners and subsequent owners of Lot 1 shall be advised that any buildings requiring a building consent shall be located within Consent Notice Area A. The minimum building platform level of the building shall be 285.2 metres in terms of Moturiki Datum. The minimum floor level is to be 285.7 metres in terms of Moturiki Datum.

If a building, which requires a building consent, shall be located outside this Consent Notice Area then an investigation shall be carried out by a suitably qualified Chartered Professional Engineer into the level of the ground water table. The minimum building platform level shall be 1.0 metre above the mean ground water table. These levels shall be approved by the District Engineer prior to the approval of a building consent.

Foundation bearing capacities for all buildings requiring a building consent should be verified by a suitably qualified Chartered Professional Engineer prior to the issue of a building consent.

This requirement shall be registered on the Certificate of Title for Lot 1

7. All owners and subsequent owners of Lot 2 are advised that any buildings requiring a building consent are to be located within Consent Notice Area B. The minimum building platform level of the building shall be 284.9 metres in terms of Moturiki Datum. The minimum floor level shall be 285.4 metres in terms of Moturiki Datum.

If a building which requires a building consent shall be located outside this Consent Notice Area then an investigation shall be carried out by a suitably qualified Chartered Professional Engineer in the level of the ground water table. The minimum building platform level shall be 1.0 metre above the mean ground water table. The minimum floor level shall be 1.5 metres above the mean ground water table. These levels shall be approved by the District Engineer prior to the approval of a building consent.

Foundation bearing capacities for all buildings requiring a building consent should be verified by a suitably qualified Chartered Professional Engineer prior to the issue of a building consent.

This requirement shall be registered on the Certificate of Title for Lot 2.

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. 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.
3. Council consulted with Council's Iwi Consultation Committee who advised that further consultation with Iwi was not required as part of this consent.
4. It is considered that no persons are adversely affected by the proposal. Transit New Zealand were required to be considered with given the provisions of the District Plan, that require consultation if a activity is located on or requires access to a State Highway.
5. Transit New Zealand's submission has been considered as part of this application. The conditions proposed by Transit have not been incorporated in to the above decision as they are not appropriate given the zoning of the property / development potential and the restriction of households able to access the State Highway, as provided by way of Consent Notice. In providing access to Ngongotaha Road, the safe and efficient functioning of this roading network will not be compromised, particularly as the road at this point has a posted speed restriction of 50kph, with excellent visibility both north and south.

6. **Council do not agree with Transit New Zealand's requirement for either a segregation strip or a 25m-metre buffer between the State Highway and any dwelling or noise sensitive building. A 5-meter buffer between the State Highway and any future dwellings on Lot 1 is supported by Council.**
7. **Because of the built up and developed nature of the surrounding land, any continuation of the suggested segregation strip is highly unlikely in the medium (and long) term future to be consistent with the surrounding properties.**

DATED at Rotorua this 26th day of October 2005



Nigel Wharton
Director, Environmental Services

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LOCAL AUTHORITY DEC.



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SURVEYORS
ENGINEERS
PLANNERS

TEC
ROTORUS BELUX C.B. -
WILMINGEN - BELGIË

CONSULTANTS

G.P. McEWAN

PROJECT, LOCATION'

ARIKI STREET / NGONGOTAHAROC:-

NGONGOTAHA

DRAWING DESCRIPTION:

PROPOSED SUBDIVISION OF

LOTS 1.2 & 3 DPS 79465

SCHEME PLAN

1057.1 1057.1

SCALE: 1.

DRAWING No.
161179-R-P-D001

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