

15 June 2018

Please Quote: 6318037
Doc No: RDC – 832164
Enquiries to: **Karla Putt**

Civic Centre
1061 Haupapa Street
Private Bag 3029
Rotorua Mail Centre
Rotorua 3046
New Zealand

STAMM SURVEYS LIMITED
PO BOX 707
ROTORUA

copy to: P16045
P35354

Attn: Luke Nelson

Dear Luke,

NOTICE OF SUBDIVISION CONSENT DECISION

Consent No:	RC16255
Property file No:	P16255
Applicant:	REX L GOTZ
Type of application:	SUBDIVISION CONSENT – CONTROLLED
Proposal:	TO SUBDIVIDE SUBJECT SITE INTO TWO LOTS
Site address:	22 ALASTAIR AVENUE, ROTORUA
Legal description:	Lot 45 DPS 8048

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

- (a) Pursuant to Section 95A of the Resource Management Act 1991, the Rotorua District Council has decided in its discretion not to publicly notify the application. Council is satisfied after due consideration of Section 95D that the adverse effects on the wider environment will be or are likely to be no more than minor. Council is also satisfied that no special circumstances exist that require notification of the consent application in accordance with Section 95A(4).
- (b) The Council has decided after taking into due consideration the requirements of Sections 95B and 95E of the Resource Management Act 1991 that the adverse effects of the activity on the owners and occupiers of adjacent land are less than minor and at the time of making this decision no persons are considered affected therefore limited notification is not required.
- (c) Pursuant to Sections 34A, 37, 104, 104A, 108 and 220 of the Resource Management Act 1991, the Rotorua District Council resolves to GRANT consent subject to the following conditions:

CONDITIONS OF CONSENT

1. That the Land Transfer Plan be prepared in accordance with the preliminary plan of subdivision prepared by Stamm Surveys Limited, Drawing No. 18016-S-1 dated 08 May 2018, schedule of easements, and application numbered RC16255 unless modified by the conditions of this consent.

2. That a financial contribution for reserves and heritage purposes for Lot 1 of \$7,391.30 (plus GST) be paid to Council. This amount has been assessed at 5% of the land value of the vacant lot for Lot 1 in accordance with Part 14 of the Operative District Plan.
3. That the internal boundary of Lots 1 and 2 shall be located no less than 2.5m from the existing dwelling located on Lot 2.
4. 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 Chief Operating Officer, Rotorua District Council or their delegate.

Sediment and Erosion Control

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

Easements

6. That appropriate easements for all existing and proposed services shall be created and shown on the land transfer plan as a memorandum of easements to the satisfaction of Chief Operating Officer, Rotorua District Council or their delegate.

Three Waters Services

7. That proposed Lots 1 and 2 shall be provided with individual water and wastewater connections to the reticulated network constructed in accordance with RCEIS.
8. That evidence shall be provided to Council to confirm that any private pipes connected to the public water supply and which cross the boundary between proposed Lots 1 and 2 have been satisfactorily cut and plugged to the satisfaction of the General Manager Infrastructure, Rotorua District Council or their delegate.
9. That prior to application for Section 223 the exact location of the existing stormwater soakholes serving the existing dwelling on Lot 2 shall be confirmed and relocated if required or appropriate easements shall be provided.

Power, telecommunication, gas and computer media services

10. Adequate provision shall be made for the supply and installation of power, telecommunication, computer media and gas services (where gas is available within 100 m of the subdivision) up to the boundary of each lot. Written confirmation of the provision of these services shall be provided to the satisfaction of the General Manager infrastructure, Rotorua District Council or their delegate.

Access

11. That the vehicle crossing shall be upgraded to provide vehicle access to the proposed right of way in accordance with RCEIS RD13 Standards to the satisfaction of the General Manager Infrastructure, Rotorua District Council or their delegate.

12. That the right of way shall be formed, drained and surfaced in accordance with the requirements of RCEIS and the District plan to the satisfaction of the General Manager Infrastructure, Rotorua District Council or their delegate.

Consent Notice

The following shall be registered as a Consent Notice on the relevant Computer Freehold Registers:

13. The owners and subsequent owners of Lots 1 and 2 DP XXXX are advised of the following:
 - i. That the geotechnical investigation undertaken by BSK Consultants on Lot 1 DP XXXX as part of the subdivision process has identified that the soils on these lots do not meet the definition of 'good ground' as specified by NZS3604:2011 due to soft soils; therefore a specific engineered foundation design by a suitably qualified chartered professional engineer is required for any future dwelling in accordance with the recommendations of BSK Consultants Geotechnical Investigation Report (22164, May 2018).

An alternative specific foundation design would be accepted if its suitability is demonstrated by further specific geotechnical investigation and assessment undertaken by a geoprofessional and submitted in conjunction with a building consent application to the satisfaction of the General Manager Infrastructure, Rotorua District Council or their delegate.

- ii. That no vehicular access is to be provided to Morey Street from Lot 2 DP XXXX, to ensure that the existing traffic network and stormwater management of Morey Street and McKenzie Road are not compromised.

REASONS FOR COUNCIL DECISION:

Principal Issues

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

Main Findings of Fact

2. The proposed subdivision is for two complying allotments. The site is zoned Residential 1 within the Operative District Plan where subdivision complying with rules is a Controlled Activity.
3. The proposal is considered to be consistent with Part II of the Resource Management Act 1991.
4. In coming to its decision Council has had regard to the provisions of the Operative Rotorua District Plan in particular the provisions of Chapters 4 and 13 and relevant assessment criteria. The Council is satisfied that the proposed activity will not have, or is unlikely to have, any adverse effects that are more than minor subject to meeting the conditions of consent.

5. The proposal is also considered to be consistent with the relevant objectives and policies of Part 4 - Residential and Part 13 - Subdivision of the District Plan. The Controlled assessment criteria of the District Plan has been considered and this proposal complies with that criteria.
6. A financial contribution is payable as an additional vacant lot is being created, in accordance with Part 14 – Financial Contributions, of the District Plan.
7. No persons are considered adversely affected by the proposal.
8. There is an existing dwelling located on proposed Lot 2. With regard to section 106 matters for proposed Lot 1, the geotechnical investigation undertaken by BSK Consultants has identified the lot is suitable to build on subject to the recommendations in their report and a specific foundation design by a suitably qualified chartered professional engineer. A signed 1A Form “Statement of professional opinion as to the suitability of land for subdivision” has been provided by BSK Consultants. Both Lots 1 and 2 will be provided with legal and physical access to Alastair Avenue.
9. The existing dwelling is fully serviced with water, wastewater, power and telecommunication connections.
10. There is a downpipe from the roof near the new lot boundary, the soakhole this pipes drains too requires locating to ensure that it will be within the new lot boundary or requires an easement to formalise the situation prior to section 223 application.
11. The applicant has proposed to install a new wastewater manhole over the existing service line to provide individual connections for each lot, the new manhole must be constructed by an approved contractor and will be vested to Council and protected by an easement in gross at the time of section 224 application.
12. The applicant has proposed to upgrade the driveway to a concrete strip right of way which is considered adequate given the short length and flat grade.
13. The vehicle crossing is part of the cul-de-sac kerb formation and appears in reasonable condition however the applicant has proposed to upgrade this to RD13 standards.

The applicants are advised that:

a) Timeframe for Giving Effect to this Consent

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

b) Right of Objection

If you are dissatisfied with any aspect of the decision, you have a right of objection to Council under section 357A of the Resource Management Act 1991. Please advise Council in writing stating the reasons for the objection and the preferred outcome within 15 working days of

receiving this decision. If no objection is received it will be assumed that the applicant accepts this decision and compliance with the conditions of consent will be expected. In addition, to the right of objection there is a right of appeal to the Environment Court under section 120 of the Resource Management Act 1991.

- c) Works within the road reserve
Prior to any works being undertaken within the road reserve (including vehicle crossings) a Corridor Access Request must be lodged with Council and a Works Access Permit issued. This is available free of charge by going online to the website www.beforeudig.co.nz or by contacting Council's Corridor Access Administrator on 07 351 8201.
- d) Stormwater collection & disposal
That all stormwater runoff from the roof of any future buildings and any impermeable hard standing surfaces resulting from a 10 % AEP (10 year) storm event must be collected and disposed of satisfactorily on-site if the overland flowpath is directed to the road or an identified overland flowpath. If the overland flow path is directed to a neighbouring property (private property) the stormwater runoff from the roof of the proposed household unit and any impermeable hard standing surfaces resulting from a 2% AEP (50 year) storm event must be collected and disposed of satisfactorily on-site.
- e) Building Consent
Building Consent is required for the relaying of the wastewater connection to the existing dwelling and the as-built shall be submitted upon completion.
- f) Application for water and wastewater connections
Application for new water and wastewater connections will need to be made to Council with the payment of appropriate fees.
- g) Location of water connections
The consent holder is advised that water connection (Toby Box) should not be installed within vehicle crossing.
- h) Works on Council's Services
Any works to be undertaken on Council's services must be by a Council approved contractor and in accordance with RCEIS.
- i) License to Occupy
The fence on Morey Ave is not located on the boundary and is located encroaching into the road reserve. Council does not have a Licence to Occupy for this fence.
- j) Electricity, telecommunication and computer media services
Electricity, telecommunication and computer media services to any future buildings must be installed underground unless it is demonstrated to be impractical.
- k) On-site turning
The subdivision of lands and buildings shall be designed such that there is sufficient on-site turning to comply with Appendix 4 – Parking, Turning and Access, so that reversing of vehicles along a right of way, access lot, or access leg will not be necessary.

- l) Foundation options recommended by BSK Consultants
BSK Consultants have recommended concrete encased timber piles to a depth of 1.0m if specific design by an engineer or 1.4m deep as per NZS3604. If a concrete slab is proposed ground improvement up to 1.0m deep will be required, and the BSK Consultants Geotechnical Report shall be referenced for the whole recommendations and requirements.
- m) Copies of BSK Consultants Geotechnical Report
Copies of BSK Consultants Geotechnical Report (numbered 22164, May 2018) will be placed on the relevant property file for future reference.
- n) Land Use and Building Consent
Land Use consent will be required if an additional dwelling (second dwelling) is proposed to be constructed on the site prior to s224 certification. Building Consent will be required for any new dwelling to be located on the site (and/or Lot 1).

If you have any questions, please contact **Simon Bell**, or the duty planner.

Yours faithfully



Karla Putt
Consultant Planner
On behalf of

Simon Bell
Team Lead, Planning & Development Solutions

