

24 February 2006

File Ref: ~~63-05-075/03~~ STAGE B
Your Ref: 173975/P

Doc No: OW-57854
Enquiries to: Tracey May

MTEC Consultants Ltd
PO Box 878
ROTORUA

FILE P11719
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Dear Sir/Madam,

NOTICE OF DECISION REGARDING SUBDIVISION CONSENT

Consent No.:	63-05-075
Applicant:	Eastgate Developments Ltd
Location of proposal:	Pukehangī Road
Legal Description:	Lots 2 & 3 DP 343069, Pt Kaitao Rotohokahoka 2M2B BLK and Lot 2 DP 40792.
Proposal:	Subdivision of the balance land within the Rural A Zone (after Subdivision of Stage A) into two general lots and one lot that is proposed to be amalgamated into adjoining land.

I wish to advise that the following decision has been made under authority delegated to staff in respect of the objection received to Eastgate Developments Ltd, Pukehangī Road (Stage a) the consent granted on 2 December 2005:

- (a) Pursuant to Section 357 of the Resource Management Act 1991, the Rotorua District Council has reviewed its decision of 2 December 2005 regarding the subdivision by Eastgate Developments Ltd to subdivide the balance lot remaining after subdivision of Stage A on Pukehangī Road legally described as Lots 2 & 3 DP 343069, Pt Kaitao Rotohokahoka 2M2B BLK and Lot 2 DP 40792 into 2 general rural lots and one lot to be amalgamated with Lot 2 DPS 67448 and Lot 1 DP 343069 and advises that:

The objection to condition 5, 6, 7, 8, 18, 19, 21, and 22 have been upheld, resulting in amendments to conditions 5, 6, 7, 8, 18, 19, 21, and 22, of the consent.

The reasons for the decision are:

1. The objection was received within the statutory time for re-consideration.
- 2(a) Condition 5.
Amendments made to take account of work that has already been undertaken on-site.
- 2(b) Condition 6.
There are works in the proposal that will be vested in Council, however it is agreed that amendments can be made to take account of work that has already been undertaken on-site.

2(c) Conditions 7 and 8

Condition 7

Amendments made to clarify that there is no need for the buildings sites on Lots 36 & 37 to be designated. The condition now requires the steep slopes that are unsuitable for building be restricted from building rather than limiting building options to a designated site.

Condition 8

Condition deleted. It is acknowledged that there is no need to designate building sites on Lots 36 & 37.

2 (d) Conditions 18 and 19

Amendments have been made to reflect the intent of the original conditions 18 & 19. Given the visual prominence of potential house sites in locations optimising views of Lake Rotorua the conditions are considered warranted.

2 (e) Condition 21

Amendments have been made so that the condition succinctly reflects the requirements to provide certified building platforms for each lot in the proposal.

2 (f) Condition 22

It is considered that for clarity that the provision remains, and that amendment to the provision is undertaken to provide certainty for present and future owners of the lots

- (b) Pursuant to Section 357 of the Resource Management Act 1991, the Rotorua District Council has reviewed its decision of 2 December 2005 regarding the subdivision by Eastgate Developments Ltd to subdivide the balance lot remaining after subdivision of Stage A on Pukehangi Road legally described as Lots 2 & 3 DP 343069, Pt Kaitao Rotohokahoka 2M2B BLK and Lot 2 DP 40792 into 2 general rural lots and one lot to be amalgamated with Lot 2 DPS 67448 and Lot 1 DP 343069 and advises that:

The objection to condition 13 is dismissed, and that the consent condition as contained in the decision of Council on 2 December 2005 upheld.

The reasons for the decision are:

1. The objection was received within the statutory time for re-consideration.
2. The Lots are party to the use and operation of the private Water Supply Scheme. Council requires to be satisfied that a supply can be maintained to each of the proposed Lots. The Lots contribute stormwater runoff to a stormwater system that is required to be maintained to avoid any downstream effects on the public reticulated system.

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)(b) of the Resource Management Act 1991, the Rotorua District Council resolves that the adverse effects of the proposed subdivision will be minor and the application need not be notified. The Council is satisfied after taking into due consideration the requirements of Section 94 and Section 94B that in the opinion of Council no persons are considered adversely affected by 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) Amalgamation condition. That Lot 38 hereon be transferred to the owners of Lot 2 DPS 67448 and Lot 1 DP 343069 (CT 176712) and that one Certificate of Title be issued to include all parcels. See Request 480669.
- (c) That pursuant to Sections 34(1), 104, 104B, 108 and 220 and 221 of the Resource Management Act 1991, the Rotorua District Council resolves to grant consent to the application by Eastgate Developments Ltd to subdivide the balance lot remaining after subdivision of Stage A on Pukehangi Road legally described as Lots 2 & 3 DP 343069, Pt Kaitao Rotohokahoka 2M2B BLK and Lot 2 DP 40792 into 2 general rural lots and one lot to be amalgamated with Lot 2 DPS 67448 and Lot 1 DP 343069.

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, numbered 173975-R-P-D003 Sheet 02, Issue E and dated 20/07/05 in so far as it relates to Lots 36, 37 and 38.
- 2. That the Section 224(c) for Stage A shall be obtained prior to or concurrently with any request for a Section 224(c) for Stage B.

Engineering Conditions:

- 3. 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.
- 4. That all wastewater, stormwater, telecommunications, electricity and gas 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.
- 5. *That engineering design plans and specifications for the proposed stormwater and wastewater disposal shall be submitted to the District Engineer for written approval.*
- 6. *That engineering design plans shall be submitted to all relevant services operators for written approval.*
- 7. *Deleted.*
- 8. *That the steep areas within Lots 36 & 37 that are unsuitable for building (those generally shown on the scheme plans as XW, XX, XY & XZ) be identified as restrictive building areas & shown on the Land Transfer Plan.*
 - (a) *No earthworks, building or retaining shall be undertaken within the said areas without approval from the District Engineer.*
 - (b) *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 title created for the said lots.*
- 9. That the access ways within Stage B shall have cesspits that are piped to soakholes that will dispose

of a 1 in 2 year event (50% AEP).

10. That the proposed Lots 36 and 37 shall be provided with a satisfactory potable water supply protected by appropriate easements.
11. That a lateral shall be provided to Lot 36 to enable it to be connected to the reticulated sewerage system.
12. That a financial contribution of \$1006.87 inclusive of GST, for sewer upgrading, shall be payable for Lot 36 prior to application for s 224 for the financial contribution.
13. That a Maintenance Agreement and Replacement Programme prepared by a suitably experienced Chartered Professional Engineer for the private stormwater system and private water reticulation shall be provided to the satisfaction of the District Engineer.
14. That in carrying out the proposed works no 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 stabilised.

Iwi Issues:

15. That the area within the Maori Reserve shall be re-vegetated and fenced, in consultation with iwi, to the approval of the Director of Environmental Services.

Consent notice clauses

Lifestyle lots:

16. That the owners and subsequent owners of Lots 36 and 37 be advised that in accordance with Rule 16.4.3.1(b) of the District Plan, that there shall be no further lifestyle lots created.
17. That the owners and subsequent owners of Lots 36 and 37 be advised that there shall be only one household unit per lot.

Buildings:

18. *All owners and subsequent owners of Lots 36 & 37 shall be advised of the following by way of a consent notice registered against the Certificate of Title for the said lots.*

Any building, structure or part thereof, that is visible from Sunset Road, or is seen against the sky when viewed from any part of Sunset Road, shall meet the following criteria. Information demonstrating compliance with the criteria may be required to be provided as part of any building consent.

Criteria required to be met for any building or structure when viewed from any part of Sunset Road

a. Height

- *No building shall exceed 6 metres in height above the natural ground level*
- *No retaining wall or the total height of retaining walls shall exceed 1.5m above natural ground level*

b. Built form

The total length of buildings and/or structures visible from any part of Sunset Road shall

not exceed a total length of 25m per lot.

Where buildings have both a ground and first floor

- *the first floor shall be no greater than 65% of the total ground floor area; and*
- *the first floor shall be stepped back by a minimum of one (1) metre in relation to the building's ground floor areas in its northern, eastern and western elevations; and*
- *the building shall incorporate eaves of at least 600mm width at both the ground and first floor levels.*

c. Reflectivity

Reflectivity values for all buildings and structures shall be as follows:

- *Any exterior surface wall shall have a reflectivity value of between 0 & 37%*
- *Any roof shall have a reflectivity value of between 0 & 25%*

d. Roof Design

60% of the roofs visible shall be either gable or hip. Mono-pitch (shed) or dormer roof forms can be used in combination with gable or hip roofs.

e. Glare & lighting

Any direct artificial illumination shall not exceed ten (10) lux when measured 10 metres from the source.

In the event that the following can not be met a resource consent for a Non Complying Activity shall be obtained prior to applying for building consent.

19. Deleted.

Engineering:

20. That all stormwater runoff from buildings and impermeable hard surfaces resulting from a 10% AEP (10 year) storm event, shall be collected and disposed of on-site to a Chartered Professional Engineer designed and certified system.
21. That prior to any building on lots 36 and 37, a Building Platform shall be investigated by a suitably experienced Chartered Professional Engineer and certified as suitable for building, including any specific foundation design requirements, and this certificate shall be submitted with any application for building consent.
22. As at the time of approval of this subdivision consent Council is unable to provide water to Lots 36 and 37. Water supply to these Lots is from a private water supply scheme.
23. That the requirements of Conditions 16 - 22 shall be registered by way of a Consent Notice on the relevant Certificates of Title.

The reasons for this decision are that:

1. The site is zoned Rural A in the District Plan where the proposed subdivision is a Discretionary Activity. This subdivision complies with the rules regarding minimum lot sizes and is considered to meet the Discretionary Activity rules contained in R16.3 and R16.4 of the District Plan.
2. After having regard to the relevant matters in Section 104 of the Act, Council is satisfied that consent can be granted as the relevant Discretionary Activity criteria have either been addressed or

conditions will ensure they are not compromised. Any adverse effects of the proposal on the environment can be avoided or have been remedied or mitigated by the conditions of consent.

- 2a. The house site on Lot 36 is to be located on the ridge line at the 400 metre contour due to the topography of the site and lack of suitable house sites elsewhere. Conditions are necessary to ensure that the landscape effects of a house on Lot 36 are mitigated and that such a house, due to its close proximity to the Rural B1 Zone, integrates with the development in the last mentioned Zone .
- 2b. Conditions on Lot 37 are required to assist in mitigating the landscape effects of a house that is likely to be sited above the 400 metre contour line albeit not on the ridgeline.
3. The proposal is considered to be consistent with the relevant Objectives and Policies of the District Plan and the purposes and principles of the Resource Management Act 1991. The District Plan sets out in Rule R16.4.3.1 the minimum area for general lots as 15 Usable hectares. Stage B of the proposed subdivision complies with this minimum. The rural open character will not change and the building of houses on Lots 36 and 37 will not create an urban feel due to the distances between houses.
4. Council's Maori Consultation Committee advised that consultation with iwi, undertaken as part of Plan Change 30, was appropriate in this case. Council is satisfied that consultation has been undertaken with Ngati Kea and Ngati Tuara who are tangata whenua of the area and no matters were raised regarding the proposal. A meeting was held with Eru George representing Ngati Kea and Ngati Tuara. Mr George was satisfied with the way iwi concerns have been accommodated by the applicant in terms of access to the Pa site. Other matters related to fencing and landscaping are appropriate and provide for the cultural values of this site.
5. No persons are considered adversely affected by the proposal that creates two complying Rural A lots. The character of the Rural a Zone is not compromised and buildings on Lots 36 and 37 will not create an 'urban feel.'
6. A financial contribution is not required as there are no additional rural Lots created.

The applicants are advised that:

- (a) Obligations under the Historic Places Act 1993 Council has a record of a pa site that has been zoned Reserve B that entirely contained within proposed Lot 37. It is likely that the area surrounding the Pa site would have been occupied in the past.

Please be advised that both known and unknown archaeological sites are protected under the Historic Places Act 1993. If during the exercising of this consent any archaeological site is uncovered work must stop and permission be obtained from the Historic Places Trust under the provisions of either Section 11 or 12 of the Historic Places Act 1993.

- (b) 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.

- (c) 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.

(d) Building Matters

The Applicants have advised that no copper pipes should be used for water reticulation.

(e) Pest Plants and Pest Animals

Due to the close proximity of the future house sites to the revegetated areas, Environment Bay of Plenty would highlight to future home owners that animals (including domestic cats and ferrets) can have adverse effects on the ecological values of these areas.

Environment Bay of Plenty advises that some garden plant varieties have the potential to invade and degrade the revegetation areas. Invasive garden plants are included in Environment Bay of Plenty's pest Plant and Pest Animal Strategy 2003-2008. Environment Bay of Plenty would also advise that they have a publication entitled "Plant Me Instead" which contains plants that can be used in place of common pests.

(f) Water Supply

Environment Bay of Plenty advises that for the take and use of groundwater to be a permitted activity the applicant should ensure that they comply with the General Authorisation No 1 of the Transitional Regional Plan in the first instance. Rule 39 of the Proposed Regional Water and Land Plan allows the installation of a groundwater bore associated with a permitted take of groundwater. Note that bore log information must be provided to Environment Bay of Plenty. Environment Bay of Plenty further advises that the General Authorisation No 1 will be superseded by Rule 38 of the Proposed Regional Water and Land Plan in the near future. Otherwise a resource consent from Environment Bay of Plenty will be required.

(g) Rotorua Lakes Catchment

Environment Bay of Plenty advises that section 9.4 (also referred to as Rule 11) of the regional Water and Land Plan applies to the proposed activity. A nutrient benchmark will apply to properties in the targeted lake catchments which will limit future land uses on the site. Any purchaser will need to know the nutrient benchmark for the property, so this should be set prior to subdivision.

Landowners and developers are advised to contact Penny MacCormick (Nutrient Assessment Officer) at Environment Bay of Plenty for further information on the implications for the site and nutrient management practices that can be used to off-set increased nutrient export from the property.

(h) On-Site Effluent Disposal

Environment Bay of Plenty advises that Rules 2, 11 and 13 of the Proposed (Reviewed) On-site Effluent Treatment Regional Plan will apply in the future, should they become operative. A full copy of the Proposed (Reviewed) On-site Effluent treatment regional Plan can be viewed on the Environment Bay of Plenty website www.envbop.govt.nz.

For any enquiries regarding this matter please contact Paul Futter (Senior Project Implementation Officer) at Environment Bay of Plenty.

(i) Engineering Advice Notes

There is a need to ensure on going maintenance of the private stormwater system, cesspit and detention ponds as they will remain in private ownership but if not maintained will add risk to downstream properties. You are advised that the Engineering Department will seek an On-site Stormwater Management Plan prepared by a suitably experienced Chartered Professional Engineer to be submitted for approval by the District Engineer. To permit discharge to the RDC stormwater system, the Plan needs to identify ponding inlets and outlets, spillways, erosion, soakpits, cesspits and kerb and channelling. Maintenance and frequency needs to be specified, including post storm events.

1. The Earthworks Report is required to be filed on each of the new property files for Building Consent purposes.
2. The work on the active public wastewater drain shall be carried out by an "approved" Council contractor.
3. The sewer main is to become a Council asset and therefore Council will have easements over the pipes and associated fittings for access, maintenance and replacement purposes.
4. This subdivision is located outside of the urban water supply area. *At the time of subdivision consent Council is unable to provide water to Lots 36 and 37. Water supply to these lots is from a private water supply scheme. As the internal water reticulation has not been ring fed, has not been installed within public road reserve, and the storage reservoir is not concrete, if Council water does become available in the future the reticulation scheme will remain private. This shall be registered by way of an information notice on the property file for each of the proposed lots.*
5. The applicants' consultant has advised there is a water source from the proposed Lot 35 from a private bore. The water is to be pumped and stored in a timber reservoir located on proposed Lot 37. The security of the source, reservoirs, water quality and quantity must be assured by appropriate protection and testing.

Yours faithfully

Tracey May
Manager, Planning Services
for
Nigel Wharton
Director, Environmental Services