

FILE

12 May 2006

File Ref: ~~6305075~~

Enquiries to: Joanne Watts

MTEC Consultants
PO Box 878
ROTORUA

Attn: Luke Martin

FILE copy to: P11710
P18799.0
P18768
P11720
P18794

Dear Luke,

NOTICE OF DECISION

CONSENT NO: 7473

TYPE OF APPLICATION: SUBDIVISION

APPLICANT: EASTGATE DEVELOPMENTS LTD

LOCATION OF PROPOSAL: PUKEHANGI ROAD

PROPOSAL: OBJECTION TO SUBDIVISION CONSENT

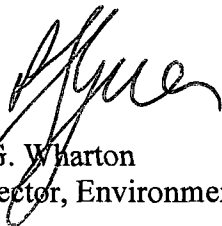
The Council held the hearing of the notified application outlined above on 21st April 2006.

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.

**ROTORUA DISTRICT COUNCIL
STATUTORY HEARING SUBCOMMITTEE**

EASTGATE DEVELOPMENTS LTD

**'PARKLANDS ESTATE'
PUKEHANGI ROAD**

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FILE REFERENCE: 63 05 075

HEARING DATE: 21st April 2006

IN ATTENDANCE: **Applicant:**

Scott Thomson
Wayne Holmes
Ryan Holmes
Luke Martin, MTEC
Rachel de Lambert, Boffa Miskell

Hearings Panel:

Cr Maureen Waaka, Chairperson
Cr Wepa

Council Officers:

Joanne Watts, Senior Resource Management Advisor

At a meeting of the Rotorua District Council Statutory Hearing Subcommittee held on 21st April 2006, the following decision was reached in regard to the objection to condition 18b) of the subdivision consent application by Eastgate Developments Ltd.

After consideration of the Council planners report, and evidence provided at the hearing the decision is as follows:

That Condition 18 be varied as follows and that condition 19 set out below be added to the consent:

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

- i. That any building, structure or part thereof shall be located within the specified building area for Lots 36 and Lot 37 shown on the Land Transfer Plan of subdivision.*
- ii. That a landscaping plan be provided for approval by the Director Environmental Services. The landscape plan shall outline the species, numbers of and size of vegetation proposed to fulfil the landscape mitigation works set out in the condition below and in particular to provide an effective vegetation backdrop for a 6m building within the specified building areas in as fast a timeframe as possible.*
- iii. That the landscape mitigation works outlined in Attachment 3 and Section 13.0 for Lot 36 & Attachment 4 & section 14.0 for Lot 37 prepared by Boffa Miskell Ltd be completed in accordance with the described works and approved landscape plan to the satisfaction of the Director Environmental Services prior to issue of a Code Compliance Certificate for any building erected within the designated building site.*
- iv. That the landscape mitigation works be maintained on an ongoing basis to achieve the intent of the works.*
- v. 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 above can not be met a resource consent for a Non Complying Activity shall be obtained prior to applying for building consent.

- 19. That a specified building area be shown on the Land Transfer Plan for each of Lots 36 & 37. The building area for Lot 36 shall be within the location shown as the 'preferred building platform location' – Attachment B Proposed Controls Lot 36 – Boffa Miskell evidence and shall have a length no greater than 40m.**

The building area for Lot 37 shall be within the location shown as the 'preferred building platform location' – Attachment C Proposed Controls Lot 37 – Boffa Miskell evidence.

The reasons for this decision are that:

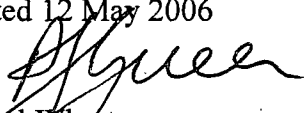
1. Whilst there are likely to be house sites suitable for building within Lots 36 & 37 which would not be visible at all when viewed from main view corridors or main roads, the Committee acknowledges that future owners are expected to want to take advantage of the commanding views of Rotorua City and the lake available from the more visually prominent building sites available from Lots 36 & 37. Evidence presented which suggested specific building areas confirm this.
2. It is recognised by both Council's reporting planner and the applicant that Lots 36 & 37 do contain land that is sensitive in landscape and visual terms as part of the caldera rim and visual backdrop or enclosure to Rotorua for which controls are appropriate. Controls to protect not only outstanding landscapes but rural character are considered to be consistent with the relevant Objectives and Policies of the District Plan, the purposes and principles of the Resource Management Act 1991 and Discretionary activity criteria as they relate to protection of significant landscapes & rural character or amenity values.
3. In the absence of site specific landscape assessment information, which was provided as evidence at the Statutory Hearing, the Statutory Hearings Committee believe that there was sound reason for the imposition of condition 18b) to control the scale of built form.. While Council's reporting planner acknowledged in her evidence that the '25m' length was chosen as a 'line in the sand' after research of other examples of housing in prominent locations, the intent of condition 18b) was to allow a substantial rural residential frontage as a permitted activity while not going outside of what is considered a rural residential scale at this elevation and distance from viewpoints.
4. Evidence provided by the applicants' landscape architect at the Statutory Hearing assessed and nominated a preferred building site and proposed landscape mitigation works for each of Lots 36 & 37. Mitigation works proposed include setting the building area back from the edge of the slope, providing mitigation planting as a backdrop to ensure over time buildings are not seen against the skyline when viewed from Sunset Road, and an earth bund & planting in the foreground. The Committee saw the merit in the proposed mitigation measures.
5. After hearing the evidence presented the Committee were left in no doubt that buildings within the preferred building areas would be visible and could in their opinion if not controlled have an adverse effect on the landscape and rural character.
6. The Committees' site visit confirmed that each of the lots are of sizes large enough and have the contour appropriate to hide buildings that don't have to be located within the most visual prominent building site such as garaging, implement sheds and the like. Given the visually prominent and elevated positions of the specified building sites it is still considered necessary to provide a maximum building length which for Lot 36 is less than the length of the site identified by the applicants' landscape architect. In this case it is considered necessary to provide a balance between allowing the landowner to obtain truly impressive views while ensuring buildings are not overly dominating for the rest of the community when viewing the caldera rim from viewpoints within the Rotorua basin. In recognition of the proposed mitigation works the Committee have made the decision to increase the length of buildings viewable from Sunset Rd from the original 25m to a maximum of 40m.

The applicants are advised that:

(a) Right of objection to this decision

If you are dissatisfied with any aspect of the decision, you have a right of appeal to the Environment Court under section 357 of the Resource Management Act 1991. Any objection must be in the prescribed form and lodged with the Court within 15 working days of receipt of this decision.

Dated 12 May 2006


Nigel Wharton
Director, Environmental Services