

PIAKO COUNTY COUNCIL

NOTIFIED APPLICATION RECORD

No. 196

TYPE OF APPLICATION

Sec. 72 Conditional Use
Sec. 74 Specified Departure
Sec. 75 Work Contrary to a Change

NAME: I.A. & E.G. Findsen

ADDRESS FOR SERVICE: Cl - R.M. Stewart, P.O. Box 136
Te Araroa.

PROPERTY — Location: Thames Street & Seales Road
Morrinsville

Survey Description: Part lot 21 DP 2465 being A Motunaho
No: 2 Block

Valuation Ref.: 522 325

USE PROPOSED: consent to create two non-conforming
Rural/Residential lots in the Rural C1 zone.

RECEIPT AND NOTIFICATION:

DATE RECEIVED: 24 August 1988 RECEIPT ACKNOWLEDGED DATE 25/8/88 BY

EXTRA INFORMATION REQUIRED OF APPLICANT

DATE BY

EXTRA INFORMATION REQUESTED RECEIVED

DATE

ADVERTISEMENT PLACED FOR PUBLICATION

ON 31 Aug 88 BY

COPIES OF APPLICATION SERVED ON:—

(a) STANDARD LIST (REG. 37)

DATE BY

(b) M.B.C.

DATE BY

(c) M.L. & P.R. Allen

DATE BY

(d) H.W. & B.J. Smith

DATE BY

(e) 2 occupiers Seales Rd.

DATE BY

CLOSING DATE FOR OBJECTIONS

DATE 23 Sept 88

HEARING:

NOTICE OF HEARING SERVED ON APPLICANT

DATE SET 28/9/88 for 19/10/88

OBJECTORS

DATE BY

COUNCIL DECISION SERVED ON APPLICANT / OBJ' or

DATE BY

STANDARD LIST (REG. 38)

DATE 20/10/88 BY

PLANNING RECORDS ENTERED ON REGISTER AS

PR

FEES — \$192.50 RECEIVED DATE 24.8.88

ACKNOWLEDGED AND RECEIPT ISSUED (Date)

25.8.88. (By)

Ms P J Rolfe

20 October 1988

R M Stewart
PO Box 136
TE AROHA

Dear Sir

RE: APPLICATION FOR PLANNING CONSENT - I A & E G FINDSEN

You are advised that at its meeting held on 19 October 1988 the Piako County Council considered the above planning application.

The following is the text of Council's resolution:-

"That pursuant to Section 74(2)(a) of the Town and Country Planning Act 1977, the Piako County Council refuses its consent to I. A. & E. G. Findsen to subdivide Part Lot 21 DP 2465 being Part Motumao No 2 Block IV Maungakawa Survey District into two non-conforming rural residential Lots for the following reasons:-

- (A) The effect of the departure will be contrary to the public interest in that it affects the integrity of the District Scheme.
- (B) The effect of the departure will have Town and Country Planning significance upon possible future land uses in the immediate vicinity.
- (C) The departure application is not based upon exceptional or abnormal circumstances are no different from those applying to many other land owners.
- (D) The scheme could not remain without change."

.../2

20 October 1988

It is brought to your attention that pursuant to Section 69 of the Town and Country Planning Act 1977, the applicant or objector may, within one month after notification of Council's decision, appeal to the Planning Tribunal against the Council's decision or against any condition, restriction or prohibition imposed in respect of that decision.

Yours faithfully
R M Rankine
COUNTY ENGINEER

PER

P J Rolfe
COUNTY PLANNER

PJR:SB

Ms P J Rolfe

20 October 1988

The Principal Officer
Thames Valley United Council
PO Box 266
TE AROHA

Dear Sir

**RE: NOTICE OF DECISION PURSUANT TO TOWN AND COUNTRY
PLANNING REGULATIONS CLAUSE 38(4) - APPLICATION
FOR PLANNING CONSENT - I A & E G FINDSEN**

At its meeting held on 19 October 1988 the Piako County Council considered the above planning application. The following is the text of Council's resolution:-

"That pursuant to Section 74(s2)(a) of the Town & Country Planning Act 1977, the Piako County Council refuses its consent to I. A. & E. G. Findsen to subdivide Part Lot 21 DP 2465 being Part Motumaoho No 2 Block, Block VI Maungakawa Survey District into two non-conforming rural/residential lots for the following reasons:-

- a) The effect of the departure will be contrary to the public interest in that it effects the integrity of the District Scheme.
- b) The effect of the departure will have Town & Country Planning significance upon possible future land uses in the immediate vicinity.
- c) The departure application is not based upon exceptional or abnormal circumstances are no different from those applying to many other land owners.
- d) The scheme could not remain without change."

Yours faithfully
R M Rankine
COUNTY ENGINEER

PER

P J Rolfe
COUNTY PLANNER

IN THE MATTER OF: THE TOWN AND COUNTRY PLANNING ACT 1977

AND OF: THE OPERATIVE DISTRICT PLANNING SCHEME
FOR PIAKO COUNTY

AND OF: AN APPLICATION FOR SPECIFIED DEPARTURE
BY I.A. AND E.G. FINDSEN.

STATEMENT OF: W.D. MILNER

My name is WILLIAM DAVID MILNER.

I am the duly appointed General Manager of the Morrinsville Borough Council. My office is located in the Municipal Building, Canada Street, Morrinsville.

I have held the office of Chief Executive Officer for the Borough of Morrinsville for the past five years.

I appear in order to support, and on behalf of, the Morrinsville Borough Council in its decision to oppose the application of I.A. and E.G. Findsen for Planning Consent to specified departure from the provisions of the Piako County Council District Planning Scheme to permit the creation of two non-conforming Rural/Residential allotments in the Rural C1 and C2 Zones of the Piako County Planning District.

The resolution to formally oppose the Application for Planning Consent by I.A. and E.G. Findsen was made by the Morrinsville Borough Council at a meeting held in the Morrinsville Borough Council Chambers on 20 September 1988.

SUBMISSION

- (a) The Borough/County boundary extends along the centre line of Seales Road, not as shown on the Scheme Plan.
- (b) The frontage for the proposed Lot 1 would be onto Seales Road and within the jurisdiction of the County Council.

Whilst to all intents, purposes and appearances the proposed Lot No. 1 would have a frontage onto a "Borough Road".

- (c) It is likely that the land will eventually become part of a greater Urban Zone considering the elevation and topography of the land, stability of ground and the availability of essential services. Any proposed subdivision of the land must have due regard for planning and design criteria.
- (d) The proposed subdivision could impede proper urban future development in that no provision has been made for roading patterns, reticulation of services etc.

Furthermore, multiple ownership, i.e. separate titles, would be additional complication and tend to fragment and impede optimum urban development.

(e) The objection by the Morrinsville Borough Council to this Application for Planning Consent is consistent with the concern expressed and the formal objection lodged against the Change No. 14 (in part) to the Piako County Operative District Planning Scheme.

I SUBMIT That the Morrinsville Borough Council has acted properly and responsibly in formally opposing the Application because the proposed subdivision would have considerable Town and Country Planning significance concerning the Borough of Morrinsville.

I FURTHER SUBMIT That the Piako County Council should refuse Planning Consent to I.A. and E.G. Findsen in the matter of their application for consent to subdivide Part Lot 21 D.P . 2465 into two non-conforming Rural/Residential allotments.

19 October 1988

.....
W.D. MILNER.

*Amalgamation will remove traditional boundaries
for*

PIAKO COUNTY COUNCIL

A G E N D A for Meeting on 19 October 88

Agenda Reference Number P1

File Reference Number and Title N.A 196 - I.A & E.G Findlan.

SUMMARY of Text Correspondence, or Matter for Consideration:

10-15am Planning hearing to consider
application for consent to create
two non-conforming Rural /
Residential lots in the Rural C1/C2 zones.
Location: Corner State Highway 26
& Seales Road, Manninsville

NOTES: (To assist Consideration at Meeting)

Report, & plan circulated to
Councillors.

RECOMMENDATION: (Resolved) (/)

As per report.

ACTION TAKEN:

REPLY WRITTEN: _____

OTHER: _____

NA 196

Ms P J Rolfe

10 October 1988

R M Stewart
PO Box 136
TE AROHA

Dear Sir/Madam

RE: APPLICATION FOR PLANNING CONSENT - I A & E G FINDSEN

You are reminded that the above application is to be heard by Council at the Piako County Council Boardroom and Administration Building, 35 Kenrick Street, Te Aroha, on 19 October 1988 commencing at 10.15 am.

Please find enclosed a copy of the Planners Report for the hearing of the above application.

Yours faithfully
R M Rankine
COUNTY ENGINEER

PER

P J Rolfe
COUNTY PLANNER

PJR:SB

NA 196

Ms P J Rolfe

10 October 1988

General Manager
Morrinsville Borough Council
PO Box 45
MORRINSVILLE

Dear Sir/Madam

RE: APPLICATION FOR PLANNING CONSENT - I A & E G FINDSEN

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Please find enclosed a copy of the Planners Report for the hearing of the above application.

Yours faithfully
R M Rankine
COUNTY ENGINEER

PER

P J Rolfe
COUNTY PLANNER

PJR:SB

PIAKO COUNTY COUNCIL

TOWN & COUNTRY PLANNING ACT 1977

PLANNING APPLICATION FOR CONSENT

UNDER SECTION 74

1. APPLICANT/OWNER

I.A. & E.G. Findsen

2. APPLICATION

Consent to create two non-conforming Rural/Residential lots in the Rural C1 & C2 Zones.

3. PROPERTY

The property is situated on the corner of State Highway 26 and Seales Road, Morrinsville, adjacent to the Morrinsville Borough Council. The legal description is Part Lot 21 DP 2465 being Part Motumaoho No 2 Block, Block VI Maungakawa Survey District.

4. SPECIFIED DEPARTURE

The relevant part of Section 74 of the Town & Country Planning Act 1977 is quoted below on which this application is required to be judged. "The effect of the departure will not be contrary to the public interest and will have little Town & Country Planning significance beyond the immediate vicinity of the land concerned and the provisions of the Scheme can remain without change or variation."

5. PUBLIC NOTICE & OBJECTIONS

The application was publicly advertised in the Piako Post on Wednesday 31 August 1988 and objections closed on 23 September 1988. One objection was received by the Morrinsville Borough Council.

6. BACKGROUND

The property has a total area of 6.91 hectares. The area contained in Lot 1 is undulating and dissected by several gullies generally draining towards the eastern boundary. The land contained in this lot is generally low lying and slopes away from Seales Road. It is generally all in pasture except for an area of trees in a gully in the north eastern corner. There are no buildings on this lot however the Morrinsville Borough trunk sewer main runs in an east-west direction through the approximate centre of the Lot.

Lot 2 is generally flat land elevated above State Highway 26 and Seales road. A substantial house and outbuildings are contained on the eastern half of this lot. Access to the house is via an oak-tree lined driveway from the State Highway.

The property is serviced by town water supplied by Morrinsville Borough. Sewerage effluent disposed is via septic tank.

The New Zealand Soils Bureau map of the Pikao County (A D Wilson) describes the soil type on the property as "Waihou" being a soil of high actual/potential value for food production being a Class I soil.

7. THE PROPOSAL

It is proposed to subdivide the property into 2 Lots as shown on the scheme plan. Lot 1 comprises an area of 3.94 hectares and includes all the land dissected by the gully systems. Lot 2 comprises an area of 2.97 hectares and contains all the building and flat land.

8. OBJECTION

The Morrinsville Borough Council's reasons for objection are that the proposed subdivision would have considerable Town and Country planning significance because it is likely that the land will eventually become part of an urban development deserving due consideration to planning and design criteria.

Their objection would be met by the application being declined.

A copy of the objection is attached.

9. DISTRICT SCHEME

9.1 Zoning

Under the Piako County Operative District Scheme a 100 metre strip from the boundary adjoining State Highway 26 is zoned Rural C2 (Traffic Protection Zone) and the balance of the property is zoned Rural C1 (Urban Protection Zone).

The relevant parts of the Operative District Scheme are:-

9.2 UNDER CHAPTER III PLANNING STRATEGY

1. Planning Aims S3102

.....the following matters which are declared to be matters of national importance shall be recognised and provided for in the scheme:-

.....

(b) The wise use and management of New Zealand's resources.

(c) The avoidance of encroachment of urban development on, and the protection of, land having a high actual or potential value for the production of food.

2. S3105

"The scheme therefore aims to preserve and enhance the potential productivity of County lands and to meet the purposes of the district scheme whilst providing for the matters of national interest defined in the Act by ensuring that:-

- (1) The farmlands of County continue to be used for agricultural production and;

3. Rural development (including all subdivision and the siting and development of necessary ancillary rural industries) be encouraged and controlled in such a way as will ensure the optimum use of farmlands for agricultural production consistent with the need to preserve those qualities and conditions which contribute to the pleasantness, harmony and coherence of the environment, the economic well being of the farmers tilling the soil and the people servicing their operations and to the better enjoyment of the rural areas by people generally whilst creating a minimum of demands for public works and services."

- 9.3 Ordinance 03303 permits subdivision in the Rural C1 zone as follows subject to criteria as outlined in 03401,

<u>Use</u>	<u>Minimum Area</u>
Pastoral Farming	40 hectares
Intensive Pastoral Farming	15 hectares of usable land area
Horticulture	4 hectares of usable land area
Rural/Residential	2500 square metres (Maximum Area = 1 hectare)
Farmers Retirement Lot	2500 square metres (Maximum Area 3,000 square metres)

No subdivision is permitted within the Rural C2 zone (except as provided for farmer's retirement lots), unless 50% or more of the proposed lot is located within another zone. It is noted, that Lot 2 does not comply with this criteria either.

Councillors are reminded that the above areas are an approach broadly based on the economic unit concept to the extent that the land areas bear some relationship to the size of holding acknowledged to be viable for most common uses in each category of farming types.

10. TOWN AND COUNTRY PLANNING ACT 1977

Those relevant matters of national importance under Section 3 of the Act are:

10.1 THE WISE USE AND MANAGEMENT OF NEW ZEALAND'S RESOURCES

This Section requires that a district scheme be so drawn up and administered as to take notice of and make provisions for the wise use and management of resources. That is to enable and permit resources to be wisely used. In administering the scheme and dealing with individual properties the Council must ensure that its decision still leaves the district scheme as a whole as a scheme that allows for the wise use of resources. (Smith vs Waimate West County) Council has obviously taken this into account when considering the recent changes to the rural subdivision ordinances and those submissions submitted.

10.2 THE AVOIDANCE OF ENCROACHMENT OF URBAN DEVELOPMENT ON, AND THE PROTECTION OF LAND HAVING A HIGH ACTUAL OR POTENTIAL VALUE FOR THE PRODUCTION OF FOOD

The object of this paragraph is to protect land against the day when it will be required for the production of food, be it 20, 50 or 100 years in the future. (Coppard vs Thames/Coromandel District Council). In deciding the primary question whether a particular piece of land is a high actual or potential value for the production of food, a question which is directed to the quality and condition of the soil, factors such as economic considerations, the limitations imposed by adjacent land uses and by existing patterns of subdivision and the demand for agricultural produce should not be taken into account. Some or all of those factors might well be relevant in deciding the secondary question, ie, whether in a particular case a piece of land has high actual or potential value for the production of food should be protected and kept available for that purpose.

10.3 In considering this application Council must also consider the criteria under Section 74 of the Act which has three aspects to it.

10.3.1 THE EFFECT OF THE DEPARTURE WILL NOT BE CONTRARY TO THE PUBLIC INTEREST

The primary matter of public interest is the "integrity" of the district scheme, that its general provisions are respected and given effect to.

An applicant for a departure must establish that his case is a true exception which necessarily falls outside, but does not offend, the general provisions of the scheme. Any proposal for a departure which calls in question a general provision of a district scheme is contrary to the public interest. (Waimea Holdings v Whakatane Borough).

S3105.3 refers to rural development (including all subdivisions...) be encouraged and controlled in such a way as will ensure the optimum use of farmland for agricultural production...

Ordinance 03401 (4) States: Council considers that provisions for a wide range of rural property types offers greater opportunities for diverse and varied development. This is considered to be a positive contribution towards the well being of the rural community provided that the supply of the smaller lots is kept within limits to ensure that the rural area is not semi-urbanised and the productivity of the area as a rural area does not suffer. Hence the criteria for rural/residential lots to a maximum area of 1 hectare.

10.3.2 As to the second element "The effect of the departure will have little town and country planning significance beyond the immediate vicinity of the land concerned."

There are two aspects to this test:-

i) The actual effect of the proposal upon land uses in the immediate vicinity and beyond.

The subdivision may have an effect upon future land uses in the immediate vicinity, as if the subdivision proceeded, a dwelling would be entitled to be built on Lot 1 with no consideration given to possible future urban subdivision.

ii) The second aspect is "In its consequences in relation to the general provisions of the district scheme and the pattern of development laid down thereby."

If the departure application is not based upon exceptional or abnormal circumstances, and the circumstances are no different from those applying to many other land owners in the immediate vicinity and beyond, then the consequences of approving the application are great. Council would be obliged to recognise the reason for this subdivision in its district scheme, and allow the public generally to subdivide within the Rural C2 zone (Traffic Protection) and to subdivide Rural/Residential lots of any size.

As to the third element "The Provisions of the Scheme Change can remain without Change"

This paragraph limits departures to the exceptional or abnormal situations for which general or special provision cannot be made or does not need to be made in the scheme, and excludes the granting of departures in those cases which should, when they come into existence, be recognised by in the scheme, if it is to remain an honest document (Highway Motors Ltd v Mt Wellington Borough).

All three requirements of Section 74 are conjunctive and all have to be satisfied before a given a case is within the limits imposed.

11. CONCLUSIONS

For the reasons set out above the application must be refused if the District Scheme is to remain an honest document.

Council are also reminded that this type of rural subdivision was of concern and objected to by the Morrinsville Borough Council when reviewing the ordinances.

RECOMMENDATION

That pursuant to Section 74 (2)(a) of the Town & Country Planning Act 1977, the Piako County Council refuses its consent to I.A. & E.G. Findsen to subdivide Part Lot 21 DP 2465 being Part Motumaohe No 2 Block, Block VI Maungakawa Survey District into two non-conforming rural/residential lots for the following reasons:-

- a) The effect of the departure will be contrary to the public interest in that it effects the integrity of the District Scheme.
- b) The effect of the departure will have Town & Country Planning significance upon possible future land uses in the immediate vicinity.
- c) The departure application is not based upon exceptional or abnormal circumstances and the circumstances are no different from those applying to many other land owners.
- d) The scheme could not remain without change.

P J Rolfe
COUNTY PLANNER

NA 196

Ms P J Rolfe

29 September 1988

General Manager
Morrinsville Borough Council
PO Box 45
MORRINSVILLE

Dear Sir/Madam

RE: APPLICATION FOR PLANNING CONSENT: I A & E G FINDSEN

We acknowledge receipt of your notice of objection received on 22 September 1988.

Your attention is drawn to Section 37 (7) of the Town and Country Planning Regulations 1978 which states:

"As soon as practicable after lodging the objection with the Council, the objector shall serve a copy of the objection on the applicant."

A copy is attached for your use.

Notice is also hereby given in accordance with the Town and Country Planning Regulations 1978, that the Piako County Council will hear submissions on the above planning application at the Council Chambers, Kenrick Street, Te Aroha on 19 October 1988, commencing at 10.15 a.m.

You will have the opportunity to make submissions, if you wish, to Council either personally or through your advocate. If you wish to make written submissions, you should supply 12 copies for distribution at the hearing.

A copy of the Planner Report for this hearing will be forwarded in due course.

Yours faithfully
R M Rankine
COUNTY ENGINEER

PER

P J Rolfe
COUNTY PLANNER

NA 196

Ms P J Rolfe

29 September 1988

R M Stewart
PO Box 136
TE AROHA

Dear Sir

RE: HEARING OF PLANNING APPLICATION FOR I A & E G FINDSEN

Notice is hereby given in accordance with the Town and Country Planning Regulations 1978, that the Piako County Council will hear submissions on the above planning application at the Council Chambers, Kenrick Street, Te Aroha on 19 October 1988, commencing at 10.15 a.m.

You will have the opportunity to make submissions, if you wish, to Council either personally or through your advocate. If you wish to make written submissions, you should supply 12 copies for distribution at the hearing.

A copy of the Planners Report for this hearing will be forwarded in due course.

Yours faithfully
R M Rankine
COUNTY ENGINEER

PER

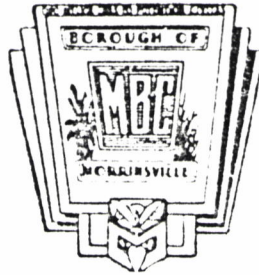
P J Rolfe
COUNTY PLANNER

PJR:SB

BOROUGH OF MORRINSVILLE

48-50 Canada Street, P.O. Box 45, Morrinsville

Please address all
correspondence to
the Town Clerk.



Telephone 7032

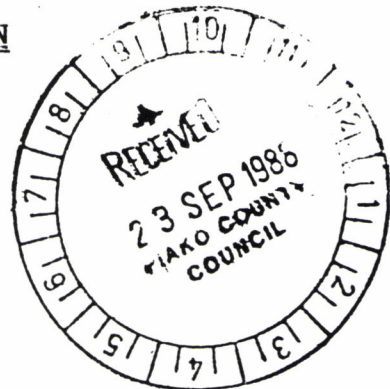
Reference:

THE TOWN AND COUNTRY PLANNING ACT 1977

NOTICE OF OBJECTION

TO: The Piako County Council,
P.O. Box 266,
TE AROHA.

NAME: MORRINSVILLE BOROUGH COUNCIL
ADDRESS: CANADA STREET, MORRINSVILLE
P.O. BOX 45, MORRINSVILLE.



The Morrinsville Borough Council objects to the application of I.A. & E.G. Findsen to create two non-conforming Rural/Residential Lots in the Rural C1 Zone.

The Morrinsville Borough Council opposes the application in total.

The reasons for the objection by the Morrinsville Borough Council are that the proposed subdivision would have considerable town and country planning significance because it is likely that the land will eventually become part of an urban development deserving due consideration to planning and design criteria.

The objection by the Morrinsville Borough Council would be met by the application being declined.

The Morrinsville Borough Council desires to be heard in support of this objection.

.....


W.D. Milner,
GENERAL MANAGER
FOR THE MORRINSVILLE BOROUGH COUNCIL.

DATE: 21 September 1988

ADDRESS FOR SERVICE:
Morrinsville Borough Council,
P.O. Box 45,
MORRINSVILLE.

BOROUGH OF MORRINSVILLE

48-50 Canada Street, P.O. Box 45, Morrinsville

Please address all
correspondence to
the Town Clerk.

Telephone 7032

Reference:

FACSIMILE TRANSMISSION

DATE: 02.9.88TO: P.C.C.ATTENTION: P RolfeCITY: Te ArohaCOUNTRY: RECEIVERS FAX NO: 48865FROM: 5740MESSAGE:

IF YOU DO NOT RECEIVE 2 PAGES (INCLUDING THIS PAGE)
PLEASE TELEPHONE IMMEDIATELY.

BOROUGH OF MORRINSVILLE

48-50 Canada Street, P.O. Box 45, Morrinsville

Please address all
correspondence to
the Town Clerk.

Telephone 7032

Reference:

THE TOWN AND COUNTRY PLANNING ACT 1977

NOTICE OF OBJECTION

TO: The Piako County Council,
P.O. Box 266,
TE AROHA.

NAME: MORRINSVILLE BOROUGH COUNCIL
ADDRESS: CANADA STREET, MORRINSVILLE
P.O. BOX 45, MORRINSVILLE.

The Morrinsville Borough Council objects to the application of I.A. & E.G. Findsen to create two non-conforming Rural/Residential Lots in the Rural C1 Zone.

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The reasons for the objection by the Morrinsville Borough Council are that the proposed subdivision would have considerable town and country planning significance because it is likely that the land will eventually become part of an urban development deserving due consideration to planning and design criteria.

The objection by the Morrinsville Borough Council would be met by the application being declined.

The Morrinsville Borough Council desires to be heard in support of this objection.


.....
W.D. Milner,
GENERAL MANAGER
FOR THE MORRINSVILLE BOROUGH COUNCIL.

DATE: 21 September 1988

ADDRESS FOR SERVICE:
Morrinsville Borough Council,
P.O. Box 45,
MORRINSVILLE.

NOTIFIED APPLICATION : I.A. & E.G. FINDSEN

There are no engineering problems related to this subdivision apart from the standard clause of any entrances being sited to the satisfaction of the Engineer.

However, I feel that some consideration should be taken as to building lines on the individual properties especially with the problems of site visibility on the corner of S.H.26 and Seales Road, although the 100 metre traffic protection strip and the limited access on S.H.26 goes a long way to alleviating this problem.

With the comments on a possible logical extension to the urban area, perhaps some consideration should be given to possible future subdivisions, especially referring back to the limited access status of S.H.26, whereby all future entrances on the corner section may have to be on Seales Road.

SEPTEMBER 1988

J W Harris
STAFF ENGINEER

FILE COPY

Memo to: Staff Engineer

NOTIFIED APPLICATION

I. A. & EG FINDSEN.

Request for comments on above Planning Application sent to Staff Engineer
on 26/8/88.

Comments to be received by:

23/9/88

Comments received:

THE TOWN AND COUNTRY PLANNING ACT 1977

Piako County District Scheme

PUBLIC NOTIFICATION OF APPLICATIONS FOR PLANNING CONSENT

Details of the applications for planning consent listed below may be examined in the office of the Piako County Council during normal office hours. Objections can be made by notice in writing in Form J prescribed in the First Schedule to the Town and Country Planning Regulations 1978 or to the like effect and should be addressed to the County Planner, Piako County Council, PO Box 266, TE AROHA by 4 pm on 23 September 1988.

A copy of any objection must also be sent to the applicant.

ADDRESS: Eynon Road
MORRINSVILLE

APPLICANT: New Zealand Railways

PROPOSAL: Consent to subdivide 18 houses from railway land zoned Rural C2

ADDRESS: Thames Street & Seales Road
MORRINSVILLE

APPLICANT: I A & E G Findsen

PROPOSAL: Consent to create two non-conforming Rural/Residential lots in Rural C1 zone

Date: 31. 8. 88

R M Rankine
FOR THE PIAKO COUNTY COUNCIL

NA/196

Ms Rolfe

27 August 1988

R M Stewart
P O Box 136
TE AROHA

Dear Sir

APPLICATION FOR PLANNING CONSENT - I A & E G FINDSEN

I refer to your application dated 22 August 1988 requesting Council to consent to create two non-conforming lots in the Rural C1 Zone.

Your application will be advertised in the Piako Post on 31 August 1988 and objections close at 4 pm on 23 September 1988. It will be heard by Council not less than 14 days after the date on which objections close. You will be advised after of the time and place of the hearing.

Please find enclosed a receipt for the Notified Application fee of \$192.50.

Notice of your application has been served (in accordance with Regulation 37[3]) on:-

The Regional Manager, Department of Conservation, Private Bag, Hamilton
The Planner, Thames Valley United Council, P O Box 266, Te Aroha
Manager, Planning, Works Consultancy Services, Private Bag, Hamilton
Morrinsville Borough Council, P O Box 45, Morrinsville
M L & P R Allen, R D 4, Morrinsville
H W & B J Smith, Wilton Road, R D 4, Morrinsville
Two occupiers on Seales Road within the Morrinsville Borough.

Yours faithfully
R M Rankine
COUNTY ENGINEER

PER

P J Rolfe (Ms)
COUNTY PLANNER

ENCL

PJR:CA

NA/196

Ms Rolfe

27 August 1988

Dear Sir

**THE TOWN AND COUNTRY PLANNING ACT 1977 NOTICE OF APPLICATION FOR PLANNING
CONSENT**

The attached application for planning consent has been received by the Piako County Council. You have been notified of this application as you are considered by Council to have a greater interest than the public generally.

Additional plans or other information are held in Council's Office and may be inspected there during normal office hours.

The application is being advertised and objections will be received by the Council until 4.00 pm on 23 September 1988.

Any objection shall be in writing in Form J prescribed in the First Schedule to the Town and Country Planning Regulations 1978 or to the like effect and should be addressed to the Piako County Council, P O Box 266, Te Aroha.

A copy of every objection must also be sent to the applicant as soon as possible.

Yours faithfully
R M Rankine
COUNTY ENGINEER

PER

P J Rolfe
COUNTY BLANNER

ENCL
PJR:CA

LETTER SENT TO:

Morrinsville Borough Council
P O Box 45
MORRINSVILLE

The Planner
Thames Valley United Council
P O Box 266
TE AROHA

Manager Planning
Works Consultancy Services
Private Bag
HAMILTON

The Regional Manager
Department of Conservation
Private Bag
HAMILTON

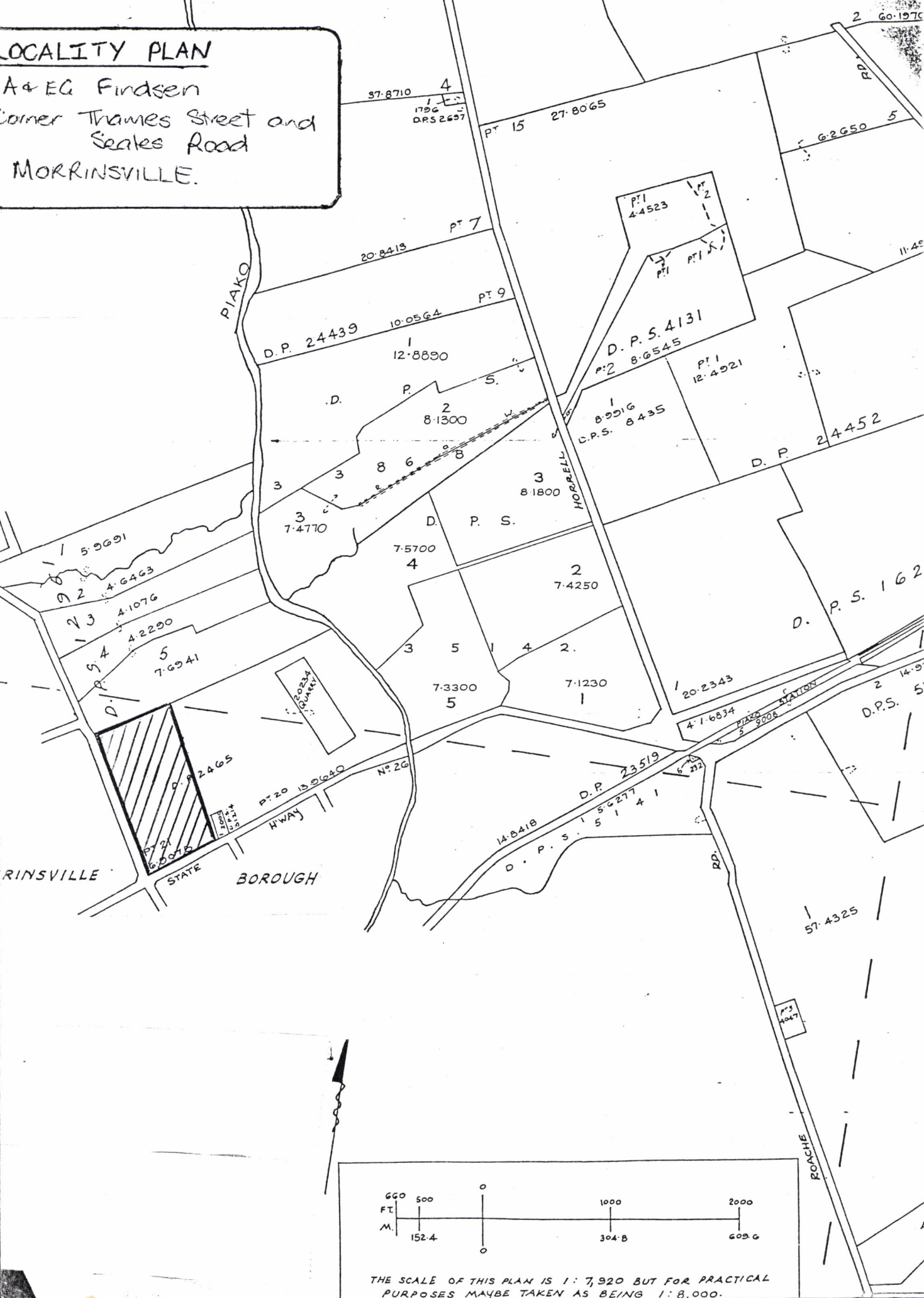
M L & P R Allen
R D 4
MORRINSVILLE

H W & B J Smith
Wilton Road
R D 4
MORRINSVILLE

The Occupier
Seales Road
MORRINSVILLE

The Occupier
Seales Road
MORRINSVILLE

A & EG Findsen
Corner Thames Street and
Seales Road
MORRINSVILLE.



FORM A

Regs. 20 (1), 37(1)

THE TOWN AND COUNTRY PLANNING ACT 1977

APPLICATION FOR PLANNING CONSENT

To the Piako County Council.

I/We, I.A. and E.G. Findsen

hereby apply for consent to create two non-conforming Rural/
Residential lots in the Rural C1 zone.

The property in respect of which this application is
made is situated at Thames Street and Seales Road, Morrinsville
(Street/Road)

I am the Owner/~~Lessee~~ of the property.

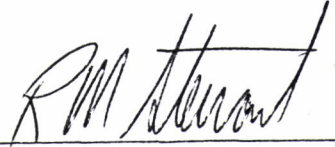
Name of Owner: I.A. and E.G. Findsen

Address: 483 Thames Street, Morrinsville

Name of Occupier: As above

Address: _____

DATED at Te Aroha this 22nd day of August 19 88.

SIGNATURE: 

ADDRESS FOR SERVICE:

Ross M. Stewart

P.O. Box 136, Te Aroha

NA 195/ NA 196

Ms P J Rolfe

24 August 1988

The Advertising Manager
Piako Post
PO Box 125
MORRINSVILLE

Dear Sir

... Could you please place the enclosed advertisement in the Public Notices column of the Piako Post on Wednesday 31 August 1988.

Thanking you.

Yours faithfully
R M Rankine
COUNTY ENGINEER

PER

P J Rolfe (Ms)
COUNTY PLANNER

encl

PJR:SB

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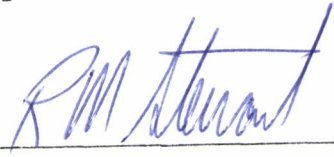
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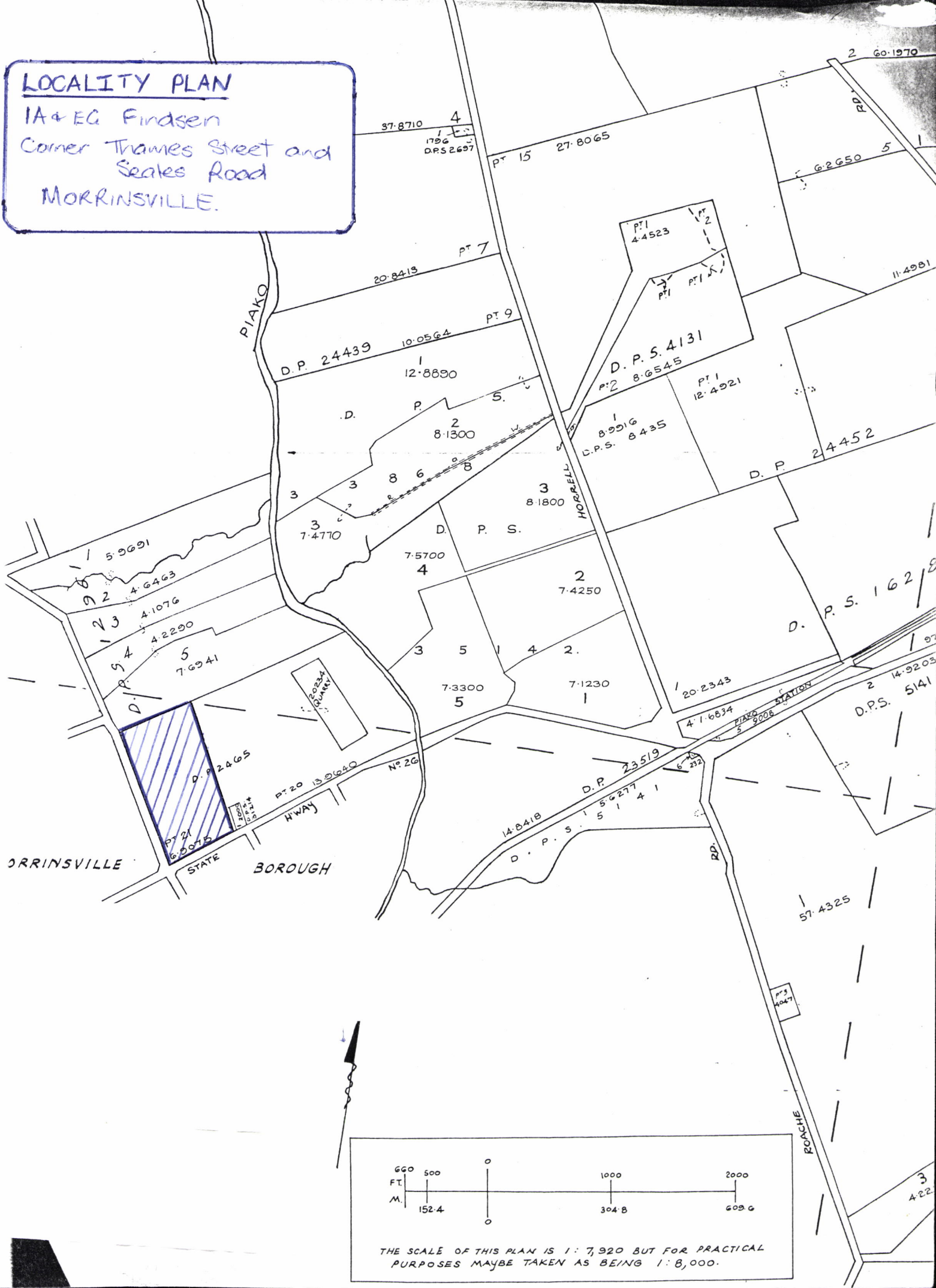
P.O. Box 136, Te Aroha

LOCALITY PLAN

IA & EG Findsen

Corner Thames Street and
Seales Road

MORRINSVILLE.



THE SCALE OF THIS PLAN IS 1 : 7,920 BUT FOR PRACTICAL PURPOSES MAYBE TAKEN AS BEING 1 : 8,000.

22 August 1988

The County Engineer
Piako County Council
P.O. Box 266
TE AROHA

ATTENTION MS P.J. ROLFE

Dear Madam,

RE: APPLICATION FOR PLANNING CONSENT FOR SUBDIVISION OF PT LOT 21 DP2465
BEING PT MOTUMAOHO NO: 2 BLOCK

Applicants: I.A. and E.G. Findsen
Location: Corner of State Highway 26 (Thames Street) and Seales Road, Morrinsville

Please find enclosed copies of a scheme plan of subdivision for my above-mentioned clients' property at Morrinsville. Also enclosed is an application for planning consent and a cheque for \$192.50 for Council's application fee.

Property Description

The property has an area of 6.91 hectares and is bordered by State Highway 26 (Thames Street) to the south and Seales Road to the west. The area contained in Lot 1 is undulating and dissected by several gullies generally draining towards the eastern boundary. The land contained in this lot is generally low lying and slopes away from Seales Road. The land contained in Lot 1 is generally all in pasture except for an area of trees in a gully in the north-eastern corner. There are no buildings on this lot. The Morrinsville Borough trunk sewer main runs in an east-west direction through the approximate centre of the lot.

Lot 2 is generally flat land elevated above Thames Street and Seales Road. A substantial house and outbuildings are contained on the eastern half of this lot. Access to the house is via an oak-tree lined driveway from Thames Street.

The property is serviced by town water supplied by Morrinsville Borough. Sewerage effluent disposal is via septic tank.

Zoning

The property is zoned Rural C1 (Urban Protection) except for a 100 metre strip running parallel to Thames Street which is zoned Rural C2 (Traffic Protection).

The property is situated adjacent to the residential zone of Morrinsville Borough. Thames Street and Seales Road form the boundary between Morrinsville Borough and Piako County.

...cont...

Soil Type

The New Zealand Soils Bureau soils map of the Piako County describes the soil type on the property as Waihou loam which is a Class I soil for horticultural use.

Subdivisional Proposal

It is now proposed to subdivide the property into two lots as shown on the scheme plan. As mentioned previously, Lot 1 will contain all the land dissected by the gully systems and Lot 2 will contain all the buildings and flat land. As both lots do not comply with minimum usable area requirements for horticultural lots in the rural zone, this application is lodged as a specified departure application for two non-conforming Rural/Residential lots.

Planning Considerations

Section 74 of the Town and Country Planning Act 1977 sets out the criteria on which Council are required to judge this application: "The effect of the departure will not be contrary to the public interest and will have little town and country planning significance beyond the immediate vicinity of the land concerned and the provisions of the scheme can remain without change or variation".

The effect of the departure will not be contrary to the public interest. -
The primary matter of public interest is the integrity of the District Scheme and that its general provisions are respected and given effect to.

With regard to this application the majority of the property is zoned Rural C1 (Urban Protection) with a strip parallel to Thames Street zoned Rural C2 (Traffic Protection). The primary objective of these zones is to retain the land for normal rural uses but with an additional purpose to protect roads specified as main traffic routes and to protect adjacent residential areas from incompatible rural uses.

This proposal will allow normal rural use of the land to continue and at the same time it will not conflict with the objective of the Rural C1 and C2 zones.

Only one additional lot is being created with access off Seales Road. The Rural C1 zoning can remain over the property, protecting the adjacent urban area from incompatible rural uses being established.

The effect of the departure will have little town and country planning significance beyond the immediate vicinity of the land concerned. -
There are two aspects to this test - (a) the actual effect of the proposal on land uses in the immediate vicinity and beyond, and (b) its consequences in relation to the general provisions of the scheme in the pattern of development laid down thereby.

It is submitted that this proposal will have no detrimental effect on the surrounding properties in the area. The creation of an additional rural/residential lot will have no effect on the predominantly rural outlook of the adjacent residential properties in Morrinsville Borough.

Because of the subject property's proximity to the residentially zoned area of Morrinsville Borough, it is submitted that in time this area may be a logical extension for the residential area of Morrinsville Borough. In view of this, it could be said that this departure application is based upon exceptional and abnormal circumstances. There may in time be pressure for this land to become part of the adjacent residential zone. As mentioned previously, the trunk sewer main for

Morrinsville Borough Council passes through the centre of Lot 1. Therefore the consequences of approving the application may not be great.

The provisions of the scheme can remain without change. -

If a public need has been demonstrated for a particular use to become established on the site, and if it is appropriate that any of the uses permitted in the zone in which that use is ordinarily found should become established on the site, or if it is desirable that the particular use should remain under specific planning control as a non-conforming use, then it can be said that the District Scheme can remain without change or variation.

In this particular instance, in light of the possible future expansion of the residential area of Morrinsville Borough onto the subject property, it is probably desirable that this particular use should remain under specific planning control as a non-conforming use. The proposed subdivision will not have any detrimental effect on future subdivision of the property.

It is submitted therefore that if Council were to approve this application the provisions of the scheme could remain without change or variation.

Conclusion

I trust that in the circumstances adequate information has been supplied. It is submitted that this application could meet the tests imposed by Section 74 as set out above and I look forward to your advice of a date for the hearing in due course.

Yours faithfully,



ROSS M. STEWART