

10 April 2014

Manu Malcolm
25A Western Road
Ngongotaha
ROTORUA 3010

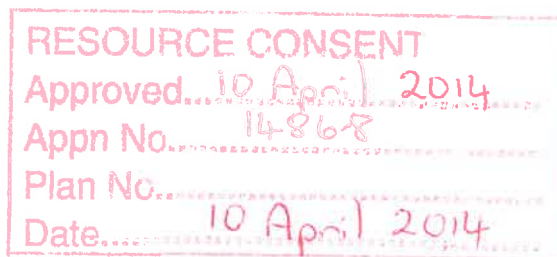
Dear Sir

P24466
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Please Quote: 62-14-012

Doc Ref: RDC - 448388

Enquiries to: Simon Bell



DESTINATION

ROTORUA

ROTORUA DISTRICT
COUNCIL

Rotorua District Council
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NOTICE OF RESOURCE CONSENT DECISION

Consent no:	RC14866
Property file no:	6412012
Applicant:	TE RORO O TE RANGI HAPU TRUST AND NGATI TARAWHAI IWI TRUST
Type of application:	DISCRETIONARY LAND USE CONSENT
Proposal:	PROPOSED CHILDCARE CENTRE
Site address:	75A, 75B, 77B, 79 POHUTUKAWA DRIVE, OWHATA
Legal description:	LOT 121 DPS 42471, LOT 1 DPS 413226, LOT 3 413226
Working days:	9 DAYS

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 other than those that have given written approval to the proposal, are less than minor and no other persons are considered affected and therefore limited notification is not required.
- (c) Pursuant to Sections 34A, 104, 104D, 108 of the Resource Management Act 1991, the Rotorua District Council resolves to GRANT consent subject to the following conditions:

CONDITIONS OF CONSENT:

1. The proposal shall proceed in accordance with the application submitted by APR Architects Ltd titled 'Application for Resource Consent to Establish an Early Childhood Education Centre on Pohutukawa Drive' dated January 2014 and plans referenced 'Figure 3 – Proposed Site Development and Figure 5 – Impression of Proposed from the Main Entrance' except where modified by any conditions of this consent.

General

2. That the 3 individual legal titles making up the site shall not be amalgamated and are to remain separate whilst the childcare centre is operating on site.



3. The covered deck area adjoining the main buildings, shown in blue on 'Figure 3 – Proposed Site Development' in the APR Architects Assessment of Environmental Effects report, is to be removed should the childcare centre cease to operate.
4. The childcare centre hours of operation shall be restricted to 7am to 6pm Monday to Friday.

Security

5. Security lighting shall be installed and be operational at night to ensure all outside areas are visible when persons access the site. The lighting overspill shall comply with the District Plan standard of a maximum of 8 lux at any residential site boundary outside the consented site.
6. Gates to inhibit unauthorised access to a minimum height of 1.8 metres shall be installed across all vehicle and pedestrian access ways and locked at all times other than when the childcare centre is open.

Noise

7. That the consent holder shall ensure that construction noise is in accordance with the requirements of NZS6803 Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work.
8. That noise from the childcare centre shall not exceed the background sound level minus 5dBA at any time when measured at the boundary of a residential zoned property.
9. That a 1.8 metre high solid fence is constructed around the site boundary prior to the opening of the childcare centre excluding vehicle access points.
10. That a noise management plan shall be prepared that identifies the means to minimise the effect of any noise created by the childcare centre. The plan shall be supplied to Council for approval within one month of the opening of the centre.

Services

11. 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 Group Manager Infrastructure Services.
12. That any connections supplying water to the existing buildings at 75 Pohutukawa Drive shall be metered and any redundant water connections including those supplying 77B and 79 Pohutukawa Drive shall be disconnected from the Council water main by an approved contractor in accordance with RCEIS.
13. That in accordance with the Building Code requirements all stormwater runoff from the existing and proposed roofs, parking, access and manoeuvring areas including that resulting from a 10% AEP (10 year) storm event shall be collected and disposed of to the Council stormwater system.

Access

14. That a proposed vehicle crossing in front of 79 Pohutukawa Drive shall be constructed in accordance with RCEIS RD13 standards. The existing redundant vehicle crossing in front of 75 Pohutukawa Drive shall be removed and the kerb and channel footpath and berm be reinstated to the satisfaction of the Group Manager Infrastructure Services.

15. That prior to the opening of the centre the vehicle access, parking and manoeuvring areas shown on the approved plan shall be formed, drained, sealed and marked in accordance with Appendix F of the Operative District Plan including directional signage to the satisfaction of the Group Manager Infrastructure Services.

Review

16. Pursuant to Section 128 of the Resource Management Act 1991, Rotorua District Council may serve notice on the consent holder of its intention to review the conditions of this consent within 12 months of the grant of consent and annually thereafter. Such a review shall include the management of adverse effects of noise and traffic. Any such review will be at the consent holders expense.

REASONS FOR COUNCIL DECISION:

Principal Issues -

1. The proposal has the potential to create adverse effects on residential character and amenity.

Main Findings of Fact –

2. The proposed childcare centre is a discretionary activity within the Residential B zone and has the potential to create adverse effects on the character and amenity of the zone.
3. Potential adverse noise effects from children in the outdoor play areas is mitigated by the site design which includes a 1.8m high solid fence and the separation of the play areas into two separate spaces. The hours of operation are restricted to day time during the week only. A noise management plan to manage noise on an ongoing basis is required and a review condition included. Potential adverse noise effects are able to be mitigated to a no more than minor effect.
4. Potential adverse effects on the character and amenity of the residential area are no more than minor given the low density character of the proposal, the residential appearance of the site and the on-site management of noise and activities proposed. Childcare centres provide an important community support function and if appropriately managed are suitable for location within some residential areas. The proposal has the written approval of all adjacent residential neighbours.
5. Traffic generated by the activity is proposed to be lower than typically expected with a childcare centre given the neighbourhood within which it is located. Residents have indicated via survey that the majority of potential users of the centre will walk their children to and from the site. This is due to a number of factors including low car ownership and high numbers of parents who do not travel to work in a vehicle. The centre will also operate a minivan for collection and dropping off children in wet weather. The road network is considered able to absorb the potential increase in traffic. The potential for adverse effects on the environment from an increase in traffic is no more than minor.
6. Conditions 2 and 3 requiring the titles to remain separate and the covered deck area to be removed if the activity ceases were offered by the applicant as Augier conditions. They provide for easier return of the site to residential activity should the childcare centre cease to operate on-site.

7. The rationalisation of the water connections is required in order to reduce the ongoing water billing costs which would otherwise apply if all the existing water connection sewer to remain.
8. The area is known to have a high ground water table which is not conducive to disposal of stormwater via ground soakage therefore all stormwater runoff from the impervious areas must be collected and disposed of to the Council stormwater system.
9. The activity has been assessed as to compliance with the NES for Assessing and Managing Contaminants in Soil for the Protection of Human Health. The applicant has confirmed that no HAIL uses have historically occurred on-site and the proposal is considered a permitted activity under the NES.
10. Security lighting and gates are required to deter unauthorised persons from accessing the site when the centre is unattended. The applicant has confirmed that gates, lighting and a security system will be installed to prevent loitering or unauthorised access.
11. Overall, it is considered that the adverse effects resulting from the proposed activities are no more than minor. This was arrived at following detailed consideration of the information submitted and the existing activities on site.
12. The site is zoned RESIDENTIAL B in the Operative Rotorua District Plan where the proposed childcare centre is a DISCRETIONARY ACTIVITY.
13. The proposal is considered to be consistent with Part 2 of the Resource Management Act 1991.
14. The Council has had regard to the provisions of the Operative Rotorua District Plan and in particular to rules R7.1.23, R7.2.3 and the relevant assessment criteria for the Residential B zone.
15. The proposal is consistent with the relevant objectives and policies of Part 7 and of the Operative Rotorua District Plan and Part 4 of the Proposed Rotorua District Plan subject to compliance with the conditions of consent.
16. The Council is satisfied that the proposed activity will not have, or is unlikely to have, any adverse effects that are more than minor.
17. All parties Council considered affected persons have provided written consent to the proposal. In making this decision Council has disregarded any effects on these parties as required by section 95D.
18. Conditions have been imposed in order to mitigate the adverse effects of the proposal such that they are no more than minor.

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.

(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. In addition, there is a right of appeal to the Environment Court under section 120 of the Resource Management Act 1991.

Services and Building

- (c) Service disconnection forms will need to be completed for the removal of the redundant water connections.
- (d) Prior to any works being undertaken within the road corridor (including vehicle crossing) a Corridor Access Request must be lodged with Council and a Works Approval Notice 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 8238.
- (e) Any geotechnical issues associated with the construction of the proposed roof structure will need to be addressed as part of the Building Consent process.
- (f) As childcare centres contain commercial cooking facilities a Trade Waste Consent for the discharge of wastewater from the kitchen to the public sewer will be required from Council.
- (g) Council Trade Waste Bylaw requires the installation of a grease trap to pre-treat kitchen sink wastewater in order to remove grease, food and oil prior to discharge into Council sewerage system for all buildings other than domestic dwellings where the wastewater is likely to contain these contaminants.
- (h) Council As Builts indicate 3 stormwater connections available for the purpose of draining stormwater runoff from the roof and hard surfaces areas.
- (i) Any works on Council serves must be undertaken by an approved contractor in accordance with RCEIS.
- (j) The childcare centre is required to be provided with ramps, wheel chair accessible doorways, toilets, wash hand basins and hand rails in accordance with the Building Act 1991.
- (k) Development Contribution
The project has been assessed to determine whether a Development Contribution is payable in terms of the 'Development Contributions Policy' adopted by Rotorua District Council on the 29th of June 2012 and the further Council resolution of 5th December 2013 (Enabling Investment Growth remission). No Development Contribution is payable.

Note this assessment has been based on the information provided with the application. Any alteration to the project or information provided may result in a reassessment. Please contact Council's Customer Service Centre and ask for the Engineering Services Department if you wish to discuss the Development Contribution payable.

If you have any questions regarding this decision, please contact the duty planner.

Yours faithfully



Tracy Hayson
Consultant Planner

On behalf of
Liam Dagg
Manager, Planning Services

- It is located within easy walking distance of the families that will use this service.
- It is an appropriate use for the land.
- The applicant is able to purchase this land all at one time.
- The proposal will provide a much needed facility, and provide an aesthetic, cultural and social lift to this neighbourhood.

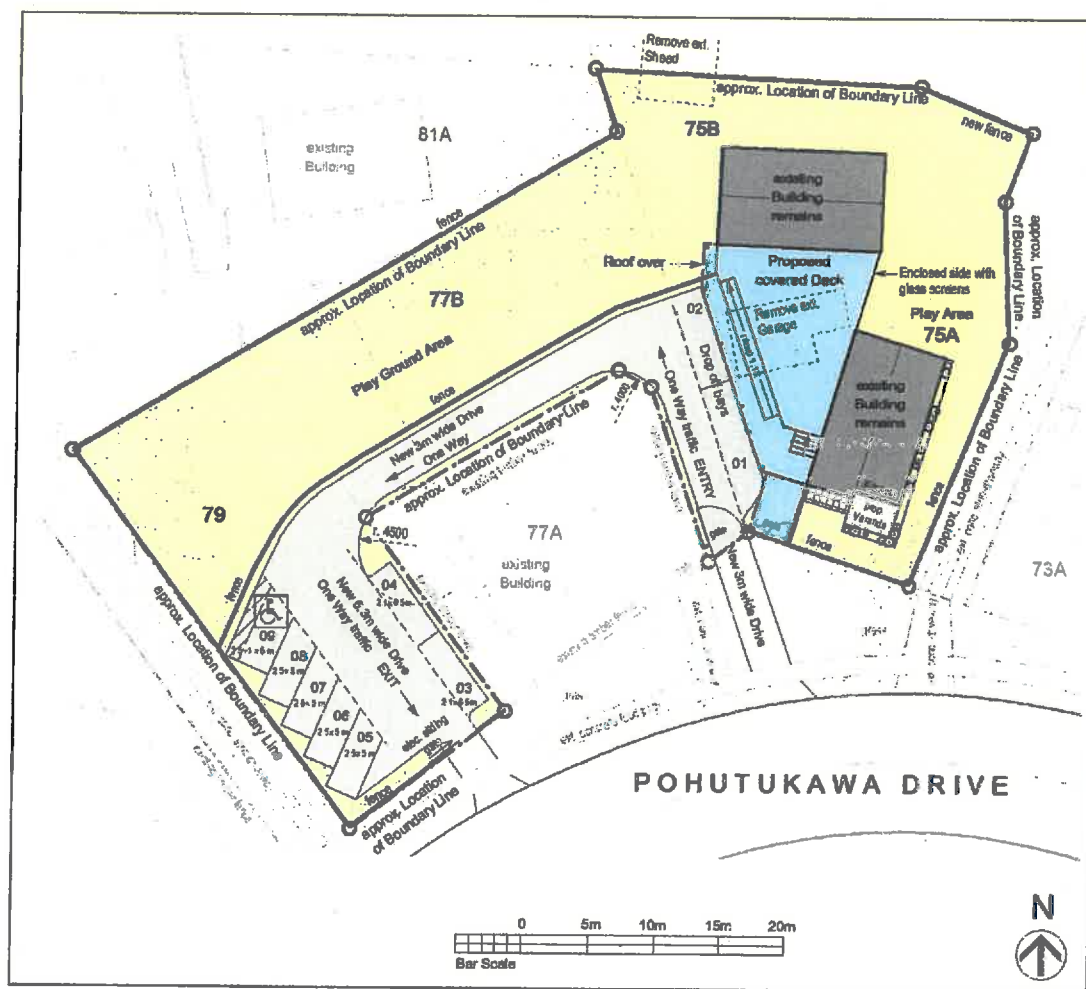


Figure 3 – Proposed Site Development

RDC EXAMPLE 1 BASED ASSESSMENT

The existing site:

- The site is level.
- The site is partly covered in scrubby grass which is used as a local rubbish tip, and partly developed to accommodate two houses with a few trees and low level planting. It is intended to keep most of the trees to provide shaded external spaces.

RESOURCE CONSENT

Approved 10 April 2014
 Appn No. 14868
 Plan No. 14868-Figure 3
 Date 10 April 2014

- There are existing visual and acoustic screening fences to all areas except for the west side of the proposed car park and play ground. To the east side, nearest to what will be the main buildings there is fence to a right of way (ROW) that leads to an RDC pumping station and public reserve, and second fence on the other side of the ROW to the nearest neighbour.
- Because of adjacent site development and related fencing, and a reserve to the north east, the site is relatively private and not overlooked, and visa versa.
- The house on plot 75A is visible from the street, albeit partly shielded by trees and shrubs, and is near the same in appearance as many other adjacent houses, albeit tidier than most. This will remain with a Waharoa added and a new deck and veranda beyond. This will be visible from the road by the site entrance and is intended to add a quality Maori image and style to the ECEC.



Figure 4 - Present Street View of Entrance to House 75A

Description of the Proposal:

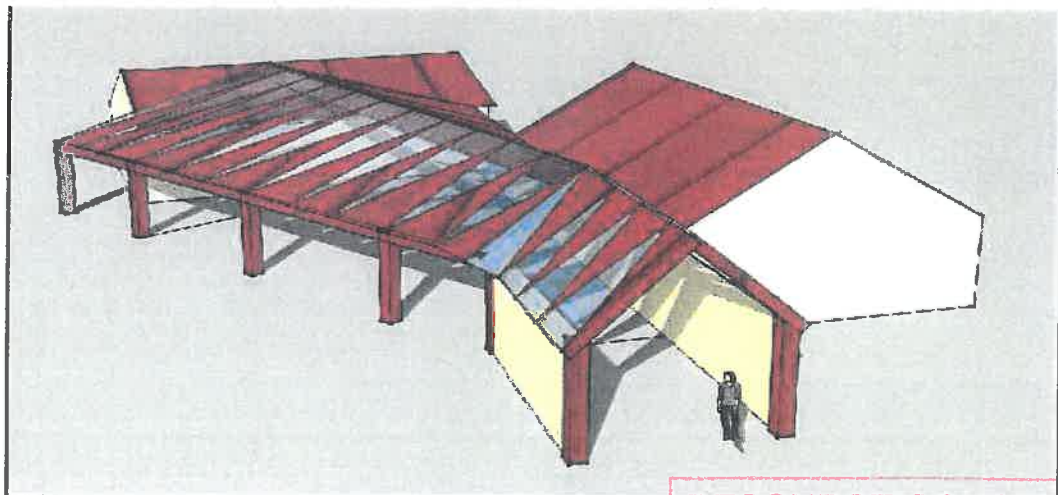


Figure 5 – Impression of Proposal from the Main Entrance

