

13 May 2010

Please Quote: 6310015
Your Ref: 214381-R-S-C004
Document reference: RDC - 119786
Enquiries to: **Tammy McMahon**

MTEC CONSULTANTS LIMITED
PO BOX 878
ROTORUA 3040

copy to: P29266
P29265

Attn: Chris Hopper

Dear Chris,

NOTICE OF RESOURCE CONSENT DECISION

Consent No.	13543
Property file No.	29266,29265
Applicant	SAGE ONE HOLDINGS LIMITED
Type of application	SUBDIVISION CONSENT - DISCRETIONARY
Proposal	SUBDIVIDE LOT 6 DPS 84898 INTO TWO NEW LOTS BY WAY OF A BOUNDARY ADJUSTMENT WITH LOT 1 BEING AMALGAMATED WITH LOT 5 DPS 84898.
Working days	16
Site address	TE WETA ROAD, WAIKITE VALLEY
Legal description	LOT 6 DPS84898, LOT 5 DPS84898

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 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 no persons are considered affected and therefore limited notification is not required.
- (c) That pursuant to Sections 34A, 104, 104B and 108 of the Resource Management Act 1991, the Rotorua District Council resolves to GRANT consent.

CONDITIONS OF CONSENT

- 1. That the Land Transfer Plan be prepared in accordance with the preliminary plan of subdivision prepared by MTEC Consultants Ltd, numbered 214381-R-P-D001 Sheet no. 01 Issue B and dated 6 May 2010.
- 2. That Lot 1 heron be transferred to the owner of Lot 5 DPS 84898 (CT SA67B/495) and that one Certificate of Title be issued to include both parcels. See request number 915759.

Engineering Conditions

3. That the vegetation be cut down in order to increase sight distances for exiting access points Entry X and Entry Y, as located on MTEC drawing 214381-R-P-D001 Sheet 01 issue B and in accordance with the Rotorua Civil Engineering Industry Standard (RCEIS)

Consent Notices

That the following shall be registered as Consent Notices on the relevant Certificates of Title.

4. That the owners and subsequent owners of proposed Lot 2 will be advised that in accordance with the Operative Rotorua District Plan, that no further lifestyle Lots maybe excised from proposed Lot 2. The owners shall be advised of this restriction by way of a Consent Notice registered against the Certificate of Title for proposed Lot 2.

5. That the owners and subsequent owners of Lot 2 be advised:

- There is a disused woolshed within Lot 2.
- The centre of the woolshed is located at Consent Notice Point labeled 'Y' on DP
- The wool shed and surrounding land may contain hazardous substances such as DDT, Dieldrin and / or Arsenic residues.
- Any use of the area in the vicinity of the wool shed should be undertaken with advice from a suitably qualified person
- Removal of potentially contaminated material including the wool shed and/ or soil should be undertaken with advice from a suitably qualified person

This information will be recorded both as Consent Notice on the Certificate of Title and as a Hazard Notice on Council's property file for the property. This hazard information may be modified by Council upon provision of an appropriate technical report identifying the extent of any affected area and nature of the contamination.

6. That the owners and subsequent owners of Lot 1 be advised:

- There is a disused fertiliser bin within Lot 1.
- The centre of the fertiliser bin is located at Consent Notice Point labeled 'X' on DP
- The fertiliser bin and surrounding land may contain hazardous substances such as associated with heavy metals associated with agrochemicals such as cadmium, uranium and fluorine.
- Any use of the area in the vicinity of the fertiliser bin should be undertaken with advice from a suitably qualified person
- Removal of potentially contaminated material including the fertiliser and/ or soil should be undertaken with advice from a suitably qualified person

This information will be recorded both as Consent Notice on the Certificate of Title and as a Hazard Notice on Council's property file for the property. This hazard information may be modified by Council upon provision of an appropriate technical report identifying the extent of any affected area and nature of the contamination.

REASONS FOR COUNCIL DECISION

1. Principal Issues

- The potential for the paddocks associated with the woolshed to be contaminated by historical sheep dipping.
- The effect on the rural character and amenity of the surrounding area

Main Findings of Fact

- The actual or potential effects associated with the proposal are concerned with potential contamination from two sources, the fertiliser bin and paddocks that are associated with the woolshed yards. It is considered that the fertiliser bin and the area immediately around it can be easily identified as a potentially contaminated site on proposed Lot 1. However there was no information to provide certainty that the paddock which was part of proposed Lot 1 to be amalgamated with Lot 5 DPS 84898 was subject to contamination. To avoid doubt the boundary line was adjusted to exclude the paddock from Lot 1.
 - It was found that the boundary adjustment would not result in any additional development rights and the land use activities on each of the lots would not change dramatically from what currently exists. Therefore it is considered that the amenity and rural character of the area will be maintained.
2. The proposal is considered to be consistent with Part II of the Resource Management Act 1991, specifically Section 5 and Section 7.
 3. The relevant District Plan Rules that were had regard to are R16.3, R16.4 and Assessment criteria R16.5.
 4. The Council has had regard to the Operative Rotorua District Plan.
 5. The Council has had regard to the relevant objectives and policies of Parts 10 and 16 of the Operative Rotorua District Plan and the proposal is considered to be consistent with them.
 6. The site is zoned Rural A in the Operative Rotorua District Plan where a boundary adjustment subdivision is a discretionary activity. The Council is satisfied that the activity will not have, or is unlikely to have, any adverse effects that are more than minor.
 7. By removing vegetation between Entry X and Entry Y, the sight distances will be increased to the minimum sight distances for local rural roads in accordance with the Rotorua Civil Engineering Industry Standard (RCEIS).
 8. It has been noted that there is a redundant woolshed and fertiliser bin on site, in order to ensure public health and safety is not adversely effected in the future from contaminants potentially present within the soil consent notices have been imposed restricting development within these areas.
 9. Upon review of the previous subdivision that created Lots 5 and 6 DPS 84898 which was lodged in 1998 it was identified that only Lot 3 DPS 84898 had any lifestyle entitlements remaining, and current and future owners of Lot 6 DPS 84898 need to be advised of this. Lifestyle lot entitlements are restricted to ensure that the character and amenity of rural areas is not adversely affected by the increasing density of houses, and the loss of productive land.

The applicants are advised that

(a) Lapsing of 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.

(c) Monitoring of consent

Fulfilment of the conditions of this consent within the timeframe specified in the consent is necessary to carry out the proposal for which this consent relates. Your progress towards satisfying the conditions of consent will be monitored by Council's Monitoring and Compliance Officer. Please contact the Monitoring and Compliance Officer to schedule a final inspection when you have completed the conditions of consent so that a Planning Compliance Certificate can be issued.

(d) No Development Contribution

Please be advised that this 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 29th June 2009. **No Development Contribution is payable.**

Please 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 having to be made.

If you have any questions regarding this consent, please contact **Tammy McMahon**, Environmental Consents Planner or the Duty Planner.

Yours faithfully



Tammy McMahon
Environmental Planner

On behalf of
Nigel Wharton



NOTES/KEY:

1. AREAS AND MEASUREMENTS ARE SUBJECT TO TITLE SURVEY

AMALGAMATION CONDITION:

"THAT LOT 1 HEREON BE TRANSFERRED TO THE OWNER OF LOT 5 DPS 84898 (CT 5A678/495) AND THAT ONE CERTIFICATE OF TITLE BE ISSUED TO INCLUDE BOTH PARCELS SEE

APPROVED
DATE: 14th May 2010

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THIS DOCUMENT SHALL BE USED ONLY FOR THE PURPOSES FOR WHICH IT WAS SUBMITTED AND MUST NOT BE USED IN REGULATION WITH ANY ACT OR REGULATIONS.

SERVICES:

THE SURVEYING SERVICES PROVIDED BY MTEC CONSULTANTS ARE LIMITED TO THE SERVICES SPECIFIED IN THE CONTRACT AND DO NOT INCLUDE ANY OTHER SERVICES.

No.	Date	By	Issue/Revision
B	8/05/10	CPH	BOUNDARY AMENDED
A	8/05/10	CPH	ISSUE FOR APPROVAL

DRAWN: CPH DESIGNED: CPH

CHECKED: CPH SURVEYED BY: N/A

LOCAL AUTHORITY REF:
N/A



**SURVEYORS
ENGINEERS
PLANNERS**

ROTORUA TE PUKU GIROU
TARANAKI MANAWATU

CLIENT:

SAGE ONE HOLDINGS LTD

PROJECT LOCATION

APPROX 620 TE WETA ROAD
ROTORUA

DRAWING DESCRIPTION

PROPOSED SUBDIVISION OF
LOT 6 DPS 84898
SCHEME PLAN

SCALE: 1 : 2500 ORIGINAL DWG. SIZE A2

DRAWING No. 214381-R-P-D001	SHEET No. 01	ISSUE B
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