

06 March 2007

Please Quote: ~~63-06-038~~
Your Ref: 190801-R-P-C003
Doc Ref: OW-78649

Steve Pittman
Director
MTEC Consultants Ltd
PO Box 878
ROTORUA

copy to P22200
P18678
P32735 - P32797
CP327602

Dear Sir

NOTICE OF DECISION REGARDING SUBDIVISION CONSENT

Consent No.: 7512
Applicant: Pinnacle Hills Subdivisions Ltd
Location of proposal: 45A Blomfield Street, Pukehangi
Legal Description: Pt Sec 20 Blk IV Horohoro SD
Proposal: To create 63 residential lots in three stages, 1 local purpose reserve, 1 new road to vest in Council, and five access lots. Stage 1 comprises Lots 1-17, 47-49, 56, 57, 63 and 67. Stage 2 comprises Lots 18-22, 43-46, 50-55, 58-62, 64, 66 and 70. Stage 3 comprises Lots 23-42, 63, 65, 68, 69 and 71.

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) of the Resource Management Act 1991, the Rotorua District Council resolves that as the application is for a controlled activity and the adverse effects of the proposal will be minor the application need not be notified. The Council is satisfied after taking into due consideration the requirements of Section 94, 94A(a) and Section 94B that in the opinion of Council there are no persons 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) That pursuant to Sections 34(1), 104, 104A, 108, 220 and 221 of the Resource Management Act 1991 and Section 348 of the Local Government Act 1974, the Rotorua District Council resolves to grant consent to the application by Pinnacle Hills Subdivisions Ltd to subdivide the property at 45A Blomfield Street legally described as Pt Sec 20 Blk IV Horohoro SD into 63 residential lots, 1 local purpose reserve, 1 new road to vest in Council, and five access lots. Stage 1 comprises Lots 1-17, 47-49, 56, 57, 67 & 63. Stage 2 comprises Lots 18-22, 43-46, 50-55, 58-62, 64, 66 & 70. Stage 3 comprises Lots 23-42, 63, 65, 68, 69 & 71.

This consent is subject to the following conditions:

GENERAL CONDITIONS FOR STAGES 1-3:

1. 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.
2. The consent holder shall comply with the proposed works set out in Appendix A of the application submitted by MTEC Consultants Ltd (Reference: 190801-R-S-C009) dated 10 April 2006, and subsequent further information dated 15 June 2006 for the provision of roading and services, except where modified by the following consent conditions.
3. That all land to vest in Council, roads, street lighting, sewerage, stormwater, water supply, telecommunications, and electricity 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 and the other appropriate service operators 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.
4. That engineering design plans and specifications for the proposed roading (including street lighting, any traffic calming devices, road reserve landscaping, any feature walls and footpath, and turning heads for each stage of the public road to vest), access ways, stormwater reticulation and secondary overland flow paths, sub-soil drainage, sewage, water supply, electricity, telephone and gas supply facilities, and appropriate physical and legal access for future maintenance of the drainage reserve by plant and machinery shall be submitted to the District Engineer for written approval before commencing construction work. Work undertaken without Council's written approval for those services to vest in Council, shall not be accepted.
5. That in carrying out the proposed works no run off, 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 the site is stabilised.
6. That all filling shall be certified by a Chartered Professional Engineer.
7. That the proposed street name for the proposed public road be forwarded to Council for consideration, that consultation be undertaken with emergency services, and that the street name receive approval by Council prior to requesting Section 223 certification.

STAGE ONE

8. (a) That the Land Transfer Plan be prepared in accordance with the preliminary plan of subdivision prepared by MTEC Consultants Ltd, numbered 190801-R-P-D004 Sheet 01 Issue A, insofar as it relates to Stage 1 - Lots 1-17, 47-49, 56, 57, 63, 67 & balance lot, and except where modified by any of the following conditions.
- (b) That on making application for Section 223, the Land Transfer Plan shall be amended to identify the secondary overland stormwater flow path for a 1% AEP storm event on part Lot 32 and the Areas 'Q' through to 'Z', with the Areas Q through to Z to be shown as a single lot to vest in Council as a Local Purpose Reserve (Drainage).

- (c) That on making application for Section 223, the Land Transfer Plan shall be amended to show the proposed subdivision entrance design that is shown on the supplementary drawing prepared by MTEC Consultants Ltd numbered 190801-R-P-004 Sheet No. 100 Issue A and dated 12/5/2006.
 - (d) That on making application for Section 223, the Land Transfer Plan shall be amended to show the proposed road to vest in Council as part of Stage 1 is Lot 72 and not Lot 63 as currently shown.
9. That Lot 63 [to be re-coded as Lot 72 on the amended Land Transfer Plan pursuant to Condition 8(d)] be vested in Council as Road.
 10. That all necessary easements shall be granted or reserved.
 11. That a building platform and Building Line Restriction shall be certified by a suitably experienced and qualified Chartered Professional Engineer on those lots (Lot 57) that are adjacent to the steep slopes of the gully that is to become Drainage Reserve to vest in Council.

Amalgamation Condition – Stage 1

12. That Lot 67 hereon (Legal Access) be held as to eight undivided one eighth shares by the owners of Lots 8-12 and 14-16 hereon as tenants in common in the said shares and that individual Certificates of Title be issued in accordance therewith.

Financial contribution – Stage 1

13. That a financial contribution for reserves and heritage purposes be paid to Council. This amount will be assessed at 5% of the land value for Stage One Lots 1 to 17, 47-49, 56-57.

21 and 22.

Consent Notices – Stage 1

The following shall be registered as consent notices on the relevant Certificates of Title:

14. That the owners and subsequent owners of Residential Lots 1-17, 47-49, 56-57 are advised that only one household unit and no subsidiary household units shall be constructed. That the owners and subsequent owners of Lots 1-17, 47-49, 56-57 shall be advised of this requirement by way of a Consent Notice registered on the Certificate of Title created for Lots 1-17, 47-49, 56-57.
15. That the owners and subsequent owners of Lots 7 and 17 are advised that the lots have no legal access to Access Lot 67. All access from Lots 7 and 17 shall be directly onto the public road (Lot 63) and not via the adjacent Access Lot. The owners and subsequent owners of Lots 7 and 17 shall be advised of this requirement by way of a Consent Notice registered on the Certificate of Title created for Lots 7 and 17.
16. That the owners and subsequent owners of Lots 49 and 56 are advised that the lots have no legal access to Access Lot 66. All access from Lots 49 and 56 shall be directly onto the public road (Lot 63) and not via the adjacent Access Lot. The owners and subsequent owners of Lots 49 and 56 shall be advised of this requirement by way of a Consent Notice registered on the Certificate of Title created for Lots 49 and 56.
17. The owners and subsequent owners of Lots 7, 17 & 47 are advised that Lots 7, 17 & 47 are within 15 metres of a corner and/or approved traffic calming measure, and that on-site turning areas shall be required to enable the exit of vehicles in a forward motion. The

owners and future owners of Lots 7, 17 & 47 are to be advised of this requirement by way of a Consent Notice registered on the Certificate of Title created for Lots 7, 17 & 47.

18. That the owners and subsequent owners of Lot 57 are advised that a fencing covenant shall be registered on all titles of properties with a common boundary to the proposed drainage reserve, indemnifying the Rotorua District Council against all costs of erection and maintenance of fences on the common boundary. The owners and future owners of Lot 57 are to be advised of this requirement by way of a Consent Notice registered on the Certificate of Title created for Lot 57.

STAGE TWO

19. That the Land Transfer Plan be prepared in accordance with the preliminary plan of subdivision prepared by MTEC Consultants Ltd, numbered 190801-R-P-D004 Sheet 01 Issue A, insofar as it relates to Stage 2 - Lots 18-22, 43-46, 50-55, 58-62, 64, 66, 70 and the balance lot, and except where modified by any of the following conditions.
20. That Lot 64 be vested in Council as Road.
21. That all necessary easements shall be granted or reserved.
22. That a building platform and Building Line Restriction shall be certified by a suitably experienced and qualified Chartered Professional Engineer on those lots (Lots 59-62, 53-55) that are adjacent to the steep slopes of the gully that is to become Drainage Reserve to vest in Council.

Amalgamation Condition – Stage 2

23. That Lot 66 hereon (Legal Access) be held as to six undivided one sixth shares by the owners of Lots 50-55 hereon as tenants in common in the said shares and that individual Certificates of Title be issued in accordance therewith.
24. That Lot 70 hereon (Legal Access) be held as to 5 undivided one fifth shares by the owners of Lots 58-62 hereon as tenants in common in the said shares and that individual Certificates of Title be issued in accordance therewith.

Financial contribution – Stage 2

25. That a financial contribution for reserves and heritage purposes be paid to Council. This amount will be assessed at 5% of the land value for Stage Two Residential Lots 18-22, 43-46, 50-55, 58-62.

Consent Notices – Stage 2

The following shall be registered as consent notices on the relevant Certificates of Title:

26. That the owners and subsequent owners of Residential Lots 18-22, 43-46, 50-55, 58-62 are advised that only one household unit and no subsidiary household units shall be constructed. That the owners and subsequent owners of Lots 18-22, 43-46, 50-55, 58-62 shall be advised of this requirement by way of a Consent Notice registered on the Certificate of Title created for Lots 18-22, 43-46, 50-55, 58-62.
27. That the owners and subsequent owners of Lots 53-55 and 58-62 are advised that a fencing covenant shall be registered on all titles of properties with a common boundary to the proposed drainage reserve, indemnifying the Rotorua District Council against all costs of erection and maintenance of fences on the common boundary. The owners and future

owners of Lots 53-55 and 58-62 are to be advised of this requirement by way of a Consent Notice registered on the Certificate of Title created for Lots 53-55 and 58-62.

STAGE THREE

28. That the Land Transfer Plan be prepared in accordance with the preliminary plan of subdivision prepared by MTEC Consultants Ltd, numbered 190801-R-P-D004 Sheet 01 Issue A, insofar as it relates to Stage 3 - Lots 23-42, 63, 65, 68, 69 and 71, and except where modified by any of the following conditions.
29. That Lot 65 be vested in Council as Road.
30. That all necessary easements shall be granted or reserved.
31. That a building platform and Building Line Restriction shall be certified by a suitably experienced and qualified Chartered Professional Engineer on those lots (Lots 32, 33, 38, 39 & 63) that are adjacent to the steep slopes of the gully that is to become Drainage Reserve to vest in Council.

Amalgamation Condition – Stage 3

32. That Lot 68 hereon (Legal Access) be held as to three undivided one third shares by the owners of Lots 26-28 hereon as tenants in common in the said shares and that individual Certificates of Title be issued in accordance therewith.
33. That Lot 69 hereon (Legal Access) be held as to three undivided one third shares by the owners of Lots 36, 37 & 63 hereon as tenants in common in the said shares and that individual Certificates of Title be issued in accordance therewith.
34. That Lot 71 hereon be transferred to the owner of Lot 15 DPS 58935 and that one Certificate of Title be issued to include both parcels.

Financial contribution – Stage 3

35. That a financial contribution for reserves and heritage purposes be paid to Council. This amount will be assessed at 5% of the land value for Stage Three Residential Lots 23-39, 41-42, and 63.

Consent Notices – Stage 3

The following shall be registered as consent notices on the relevant Certificates of Title:

36. That the owners and subsequent owners of Residential Lots 23-42 & 63 are advised that only one household unit and no subsidiary household units shall be constructed. That the owners and subsequent owners of Lots 23-42 & 63 shall be advised of this requirement by way of a Consent Notice registered on the Certificate of Title created for Lots 23-42 & 63.
37. That the owners and subsequent owners of Lots 25 and 29 are advised that the lots have no legal access to Access Lot 68. All access from Lots 25 and 29 shall be directly onto the public road (Lot 65) and not via the adjacent Access Lot. The owners and subsequent owners of Lots 25 and 29 shall be advised of this requirement by way of a Consent Notice registered on the Certificate of Title created for Lots 25 and 29.
38. That the owners and subsequent owners of Lots 38 and 35 are advised that the lots have no legal access to Access Lot 69. All access from Lots 38 and 35 shall be directly onto the public road (Lot 65) and not via the adjacent Access Lot. The owners and subsequent

owners of Lots 38 and 35 shall be advised of this requirement by way of a Consent Notice registered on the Certificate of Title created for Lots 38 and 35.

39. The owners and subsequent owners of Lots 25, 29 and 35 are advised that Lots 25, 29 and 35 are within 15 metres of a corner, and that on-site turning areas shall be required to enable the exit of vehicles in a forward motion. The owners and future owners of Lots 25, 29 and 35 are to be advised of this requirement by way of a Consent Notice registered on the Certificate of Title created for Lots 25, 29 and 35.
40. That the owners and subsequent owners of Lots 32-33, 38-40 and 63 are advised that a fencing covenant shall be registered on all titles of properties with a common boundary to the proposed drainage reserve, indemnifying the Rotorua District Council against all costs of erection and maintenance of fences on the common boundary. The owners and future owners of Lots 32-33, 38-40 and 63 are to be advised of this requirement by way of a Consent Notice registered on the Certificate of Title created for Lots 32-33, 38-40 and 63.

The reasons for this decision are that:

1. The site is zoned Residential B in the District Plan where the proposed subdivision is a Controlled Activity. As a controlled activity it complies with the Rules for subdivision in 16.3 and 16.4 of the District Plan.
2. After considering the assessment criteria for Controlled activity subdivision Council is satisfied that any adverse effects of the proposal are minor, or can be remedied or mitigated by the conditions of consent. As the subdivision complies with the rules it is also 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.
3. Part of the subject site is located adjacent to a gully and secondary overland stormwater flow path. The proposal has therefore been assessed in terms of Section 106 of the Resource Management Act 1991. It is considered that the proposed conditions of consent satisfactorily mitigate this aspect.
4. Council's Maori Consultation Committee advised that consultation with iwi was not required as part of this consent.
5. No persons are considered adversely affected by the proposal. This conclusion has been based on Council's assessment and the supplementary information that was provided by MTEC Consultants dated 15 May 2006.
6. The proposed single access to the subdivision is in accordance with Council's policy on subdivisions of this nature, and is preferred to prevent excessive speeds and mixing of local and through traffic on the internal road network of the subdivision.
7. A financial contribution is payable in accordance with Appendix U of the District Plan towards the development of existing, and purchase of additional, land to enhance the amenity and heritage value of reserves.

The applicants are advised that:

- (a) Prior to any works in the road reserve, a Road Opening Notice must be obtained from Council. This is available free of charge, by contacting Stephen McLeod on Ext 8238.
- (b) That a sewer connection shall be provided for the existing household unit on Lot 9 DPS 42908 which adjoins the subdivision and is currently served by a private pumping station.

- (c) The Land Transfer Plan that was lodged with Council shows two lots that are coded Lot 63. One is a lot that is proposed to vest with Council as public road, and one is a proposed residential lot. It is proposed to re-code the lot that is proposed to vest in Council as Lot 72.
- (d) The Consent Notices relating to the fencing covenant have been imposed pursuant to sub-section w1.2.4 of Appendix W of the Operative Rotorua District Plan.
- (e) Obligations under the Historic Places Act 1993

Council has no records of an archaeological site on this property. This may be due to one of two factors. Either, there are no sites present or there has not been an archaeological survey undertaken. 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.

- (f) 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.

- (g) 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.

- (h) Development Contribution

Please note that this subdivision will attract a Development Contribution in accordance with the 'Development Contributions Policy' adopted by Rotorua District Council on 26 June 2006, which was prepared in accordance with the Local Government Act 2002. Please find attached the Development Contribution Assessment. The Development Contribution is due for payment prior to issuance of Section 224 certification for the subdivision.

Amounts will be adjusted from time to time in accordance with Clause 2.1 of the Development Contributions Policy. You are advised to request a reassessment of the Development Contribution payable prior to applying for Sect 224 certification if more than 12 months has passed since the date of the Development Contribution Assessment.

Please contact Council's Resource Engineering section if you wish to discuss the Development Contribution payable.

If you have any other questions regarding this consent, please contact Liam Dagg, Senior Resource Management Advisor on 350 0209 (Extn 8057).

Yours faithfully



Nigel Wharton
Director, Environmental Services



- NOTES:
1. AREAS AND MEASUREMENTS ARE SUBJECT TO TITLE SURVEY
 2. FIELD WORK COMPLETED 7th NOVEMBER 2006
 3. EQUIPMENT: TRIMBLE GPS R8 IN RTK MODE
 4. LEVELS IN TERMS OF MOTURONG DATUM
ORIGIN OF LEVELS: CDSLY 50 48121
RL 317.79 GDS
 5. CONTOUR INTERVAL 1.0m
 6. STAGE 1 = LOTS 1 - 17, 47-49 & 58 - 57 (22 LOTS)
STAGE 2 = LOTS 18-22, 43-45, 50-55, 58-62 (20 LOTS)
STAGE 3 = LOTS 23 - 42 & 63 (21 LOTS)
 7. AREAS SHOWN Q - Z IN LOTS 33, 36, 63, 67-65
RESPECTIVELY ARE TO BE RE-VEGETATED AND RESTRICT FROM USE

MEMORANDUM OF PROPOSED EASEMENTS			
PURPOSE	SHOWN	SERV. TEN.	DOM. TEN.
RIGHT OF WAY	(A)	LOT 86 HEREON	LOTS 50-55 HEREON
SERVICES	(B)	LOT 86 HEREON	LOTS 36, 37 HEREON
	(C)	LOT 87 HEREON	LOTS 56-58 HEREON
	(D)	LOT 88 HEREON	LOTS 59-62 HEREON
	(E)	LOT 70 HEREON	LOTS 58-62 HEREON

ARE PROPOSED LAND COVENANTS A

AMALGAMATION CONDITIONS

- 1) THAT LOT 86 HEREON (LEGAL ACCESS) BE HELD AS TO 50 UNDIVIDED ONE-SIXTH SHARES BY THE OWNERS OF LOTS 50, 51, 52, 53, 54 & 55 HEREON AS TENANTS IN COMMON IN THE SAID SHARES AND THAT INDIVIDUAL CERTIFICATES OF TITLE BE ISSUED IN ACCORDANCE THEREWITH
- 2) THAT LOT 87 HEREON (LEGAL ACCESS) BE HELD AS TO 10 UNDIVIDED ONE-EIGHTH SHARES BY THE OWNERS OF LOTS 8, 9, 10, 11, 12, 14, 15 & 16 HEREON AS TENANTS IN COMMON IN THE SAID SHARES AND THAT INDIVIDUAL CERTIFICATES OF TITLE BE ISSUED IN ACCORDANCE THEREWITH
- 3) THAT LOT 88 HEREON (LEGAL ACCESS) BE HELD AS TO THREE UNDIVIDED ONE-THIRD SHARES BY THE OWNERS OF LOTS 56, 57 & 58 HEREON AS TENANTS IN COMMON IN THE SAID SHARES AND THAT INDIVIDUAL CERTIFICATES OF TITLE BE ISSUED IN ACCORDANCE THEREWITH
- 4) THAT LOT 89 HEREON (LEGAL ACCESS) BE HELD AS TO THREE UNDIVIDED ONE-THIRD SHARES BY THE OWNERS OF LOTS 59, 60 & 61 HEREON AS TENANTS IN COMMON IN THE SAID SHARES AND THAT INDIVIDUAL CERTIFICATES OF TITLE BE ISSUED IN ACCORDANCE THEREWITH
- 5) THAT LOT 70 HEREON (LEGAL ACCESS) BE HELD AS TO FIVE UNDIVIDED ONE-FIFTH SHARES BY THE OWNERS OF LOTS 58, 59, 60, 61 & 62 HEREON AS TENANTS IN COMMON IN THE SAID SHARES AND THAT INDIVIDUAL CERTIFICATES OF TITLE BE ISSUED IN ACCORDANCE THEREWITH
- 6) THAT LOT 71 HEREON BE TRANSFERRED TO THE OWNER OF LOT 18 DPS 58935 (CT BARROUD) AND THAT ONE CERTIFICATE OF TITLE BE ISSUED TO INCLUDE BOTH PARC

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SERVICES:

DESIGNED:	SAW
CHECKED:	LSM
LOCAL AUTHORITY REF:	

DATE: 10/11/2006

CLIENT

PINNACLE HILL SUBDIVISIONS LTD

PROJECT LOCATION

HODGKINS STREET

ROTORUA

DRAWING DESCRIPTION

PROPOSED SUBDIVISION OF

PT SEC 20 BLK IV HOROHORO

SCHEME PLAN

SCALE: 1:750 ORIGINAL DWG. SIZE

DRAWING No. 190R01-R-P-0004 SHEET No. 1 OF 1

APPROVED

DATE: 6 March 2007

Development Contribution Assessment
Calculated as at 5 March 2007

*This is an assessment of amount payable. It is not an invoice.
Please see notes below.*

Project: Subdivision Consent
Applicant: Pinnacle Hill Subdivision
Address: Hodgkins Street

Select New title created subdividing existing lot 62

Activity	Catchment	Charge
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Community Infrastructure

Public Amenities	District Wide	\$945.55
Parks and Reserves	District Wide	\$2,003.56

Network Infrastructure

Roading	District Wide	\$2,414.80
Water Supply	Central Urban Area	\$1,864.99
Waste Water	Central Urban Area	\$5,224.36
Land Drainage & Stormwater	Central Urban Area	\$337.34

Total Development Contribution	\$12,790.60	Per title or per added dwelling
62 Lots	\$793,017.20	
GST	\$99,127.15	
Total	\$892,144.35	

When payment is due:

This payment is due prior to the issuance of the Section 224 completion certificate for the subdivision. You are advised to obtain a current assessment at this time. An invoice will be raised at the time payment is due.

Development Contribution Policy: A copy of the Development Contribution Policy is available on Council's website <http://www.rdc.govt.nz/About+Our+Council/Publications/default.htm> or from the Council's Engineering Reception. Please note the above amount is based on the information provided with the application and has been calculated in accordance with the policy adopted by Rotorua District Council on 26 June 2006. The Development Contribution Policy has been set in accordance with the Local Government Act 2002.

Reassessment: Amounts will be adjusted from time to time in accordance with Clause 2.1 of the Development Contributions Policy. Where such adjustment is made and Development Contributions have not been paid Council may reassess the Development Contribution payable. You are advised to request a reassessment of the Development Contribution payable prior to payment if more than 12 months has passed since the date of this assessment.

Alteration to proposals: Please note that any alteration or variation to the approved land use consent / building consent / subdivision consent may result in revised Development Contribution Assessments being issued in accordance with Clause 4.6 of the Development Contribution Policy.

Request for review, remission, reduction and refunds of Development Contribution: An applicant may seek a review of the Development Contribution payable within 20 working days of the Council advising that a Development Contribution is payable in accordance with Clause 4.4 of the Development Contribution Policy. Please contact Council's Resource Engineering Section if you wish to discuss Development Contribution payable or request a review.