

26 September 2007

Canmap Hawley
PO Box 396
Rotorua

Please Quote: ~~63-07-075~~
Your Ref: 6623 003
Doc No: OW-91186

FILE

copy to: P03848
P32845

Attention: Mark Dyer

Dear Sir,



NOTICE OF DECISION REGARDING SUBDIVISION CONSENT

Consent No.: 8546
Applicant: NZ Gems Ltd
Location of proposal: 18 Salisbury Road, Fairy Springs
Legal Description: Lot 41 DP 34509
Proposal: To subdivide one lot into two residential lots.

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 and 220 of the Resource Management Act 1991, the Rotorua District Council resolves to grant consent to the application by NZ Gems Ltd to subdivide the property at 18 Salisbury Road, Fairy Springs, legally described as Lot 41 DP 34509, into two residential lots:

This consent is subject to the following conditions:

1. That the Land Transfer Plan be prepared in accordance with the preliminary plan of subdivision prepared by Canmap Hawley Ltd, numbered 6623-2 and dated 20/08/07.
2. 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.

3. That the consent holder shall comply with the engineering works and proposals set out in Section 3 of the application submitted by Canmap Hawley, Ref: 6623/003, dated 23 August 2007 for the provision of water, sewer, stormwater, electricity and telecommunications and construction of vehicle crossings, except where modified by conditions of this consent.
4. That the existing vehicle crossing for Lot 1 shall be upgraded in accordance with RCEIS Standards, RD 13.
5. That a new vehicle crossing shall be constructed to service Lot 2 in accordance with RCEIS Standards, RD 13.
6. That the sewer line on Lot 2 that is to be abandoned shall be removed and the resulting trench filled, compacted and certified to the satisfaction of the District Engineer.
7. That the new sewer lateral to service Lot 1 shall be vested in Council and shall be protected by an easement in gross.
8. That stormwater disposal soak holes shall be designed by a suitably experienced Chartered Professional Engineer to cater for all stormwater run off from buildings and impermeable surfaces from a 2% AEP (50 year) storm event, and the design shall be to the satisfaction of the District Engineer.
9. That underground power and telecommunication lines shall be provided to serve Lot 2 in accordance with the relevant supply authorities. All power and telecommunication lines shall be protected by appropriate easements.
10. That underground power and telecommunication lines shall be provided to serve Lot 2 in accordance with the relevant supply authorities.

Easements

Public mains crossing private property –

11. That any public mains crossing private property shall be protected by easements, a minimum 1.5m either side of the main, and a minimum 3.0m, in favour of the Rotorua District Council, and be shown on the Land Transfer Plan as a Memorandum of Easement.

Financial Contribution

13. That a financial contribution of \$4,250.00(GST inclusive) for reserves and heritage purposes be paid to Council. This amount has been assessed at 5% of the land value of proposed Lot 2.

Consent Notice.

14. That the owners and subsequent owners of Lot 2 be advised of the design requirements for the stormwater disposal soakholes required by Condition 8. The owners and subsequent owners of Lot 2 shall be advised of this requirement by way of a consent notice registered on the Certificate of Title created for proposed Lot 2.

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 as it fully 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, have been avoided 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 & policies of the District Plan and the purposes and principles of the Resource Management Act 1991.
3. Council's Maori Consultation Committee advised that consultation with iwi was not required as part of this consent.
4. No persons are considered adversely affected by the proposal.
5. Removal of the redundant sewer lines, and subsequent filling and compaction of the resulting trenches, is required to provide a suitable building platform.
6. As the overland flow path does not lead to public stormwater or drainage channels, stormwater from the 2% AEP storm must be contained on site to prevent inundation of neighbouring properties and buildings.
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. A copy of the valuation report this amount is assessed on is enclosed for your information. If the reserves contribution has been paid to satisfy the Land Use consent condition then no further payment is required.

The applicants are advised that:

(a) 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.

(b) 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.

(c) 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.

(d) Engineering

- (i) 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 Council's Road Opening Notice Administrator on Ext 8238.
- (ii) The work on the active public water and sewer mains shall be carried out by approved Council contractors.
- (iii) Application for a new water supply connection will need to be made to Council, along with the appropriate fee. The water tobies must be located a minimum 0.5 metres clear of the vehicle crossings.

(e) Development Contribution

Please note this subdivision will attract Development Contributions in accordance with the 'Development Contributions Policy' adopted by Rotorua District Council on 26 June 2006 prepared in accordance with the local Government Act 2002.

Please find attached the Development Contribution Assessment. As this subdivision consent is being processed simultaneously with the land use consent the Development Contribution is due for payment prior to issuance of Section 224 certification for the subdivision or within 180 days of issuance of the building consent pertaining to this land use consent or prior to issuance of a Code Compliance Certificate under the Building Act 2004, whichever is the earliest.

Amounts will be adjusted from time to time in accordance with Clause 2.1 the Development Contributions Policy. You are advised to request a reassessment of the Development Contribution payable prior to applying for building consent if more than and at 180 days of issuance of the building consent.

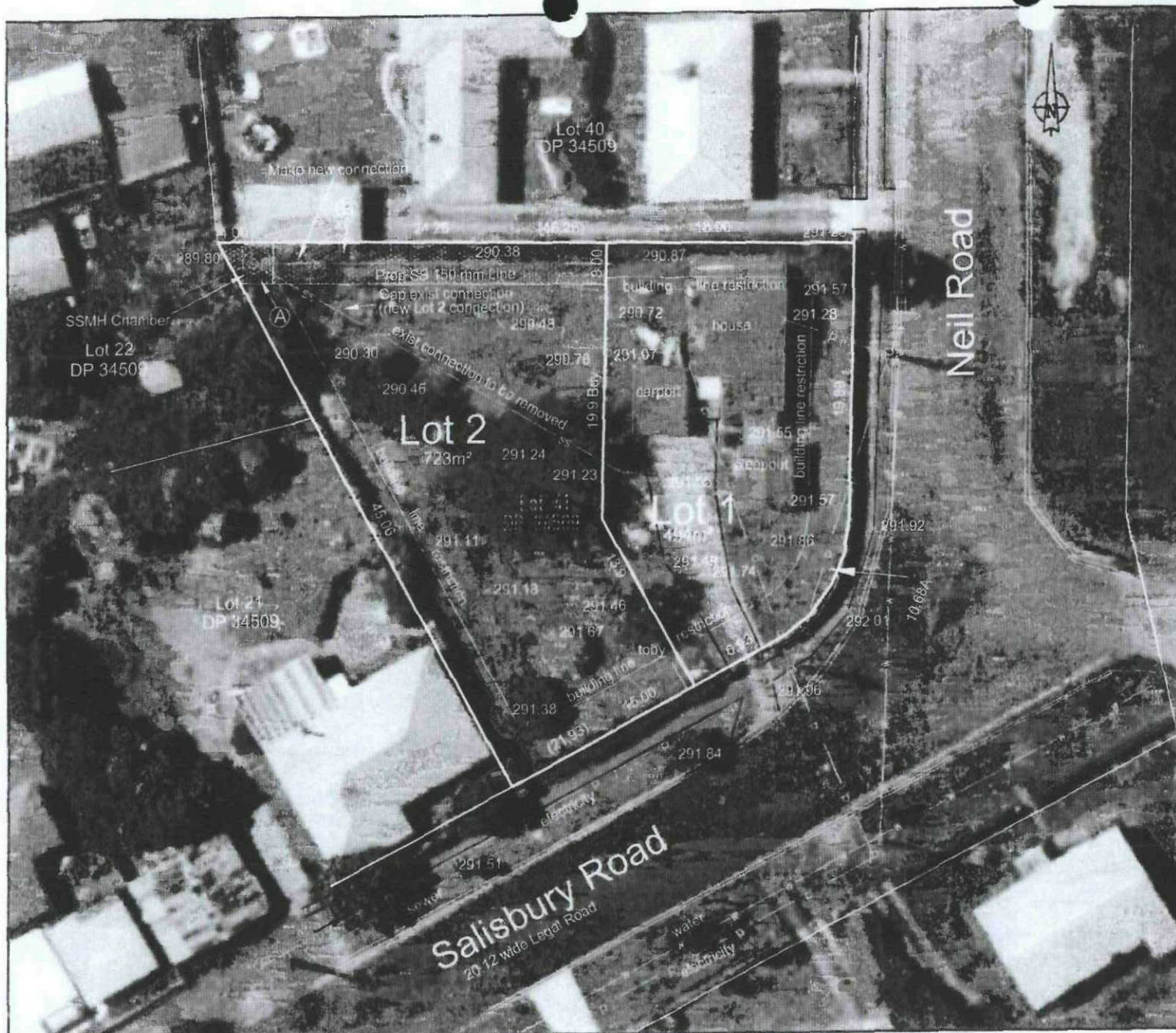
This amount is based on the information provided with the application. Any alteration to the project or information provided may result in reassessment of the Development Contribution payable. See the attached Development Contribution Assessment for details. Please contact Council's Resource Engineering department if you wish to discuss the Development Contribution payable.

If you have any questions regarding this consent, please contact the Resource Management Planner or the Duty Planner.

Yours faithfully

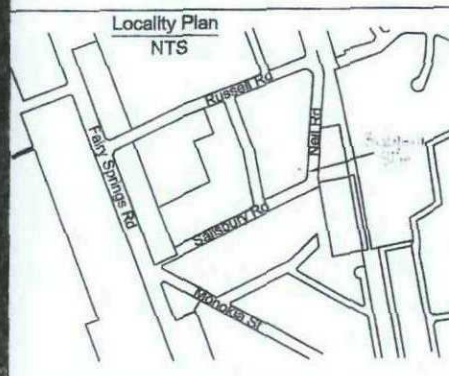


Nigel Wharton
Director, Environmental Services



EASEMENT IN GROSS:			
SHOWN	PURPOSE	SERV. TEN.	GRANTEE
(A)	Right to Drain Sewage	Lot 2	Rotorua District Council

MEMORANDUM OF PROPOSED EASEMENT			
SHOWN	PURPOSE	SERV. TEN.	DOM. TEN.
(B)	Right to Drain Sewage	Lot 2	Lot 1



I, Mark Graham Dyer, Registered Professional Surveyor hereby certify that this Scheme Plan has been prepared by me or under my supervision in accordance with the provisions of the Resource Management Act 1991.

Registered Owners : NZ Gems Ltd
Comprised In : CT SA1105/264
Total Area : 1224sqm
Local Authority : Rotorua District Council

- Notes:
1. Areas and dimensions are subject to Land Transfer Survey.
 2. Source of Aerial Photograph - RDC 2001
 3. Services are plotted from utility owners asbufts

This plan has been prepared for the purpose of obtaining Resource Management Act 1991 approvals. All areas and measurements are subject to final survey. This plan should not be relied upon for any other purpose without reference to and approval from Canmap Hawley Ltd.

APPROVED

DATE: 26 September 2007

Canmap Hawley ROTORUA: PO Box 280 Ph 07 347 5432 Fax 07 347 5432 WELLINGTON: PO Box 878 Ph 07 348 8777 Fax 07 348 8887		FILE REFERENCE: 6623 SDN REFERENCE: 306 QAD REFERENCE: FIELD BOOK: LINE BOOK: SURVEYOR: MC DESIGNED: CML 20/08/2007 PRINTED: CML 20/08/2007 APPROVED: CML 20/08/2007	NZ Gems Limited 18 Salisbury Rd, Rotorua Proposed Subdivision of Lot 41 DP 34509	ARCHIVE: 6623 REFERENCE No: 6623-2 SHEET 1 OF 1 SHEETS ORIGINAL SCALE (AS): 1:300
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