

28 March 2022

Please Quote: 6321093
Your Ref: 2590
Doc No: RDC-1243377
Enquiries to: **Eldad Collins**Civic Centre
1061 Haupapa Street
Private Bag 3029
Rotorua Mail Centre
Rotorua 3046
New ZealandAttn: Diane Moriarty
MCKENZIE & CO CONSULTANTS LIMITED
PO BOX 1325
TAUPO 3351

Dear Diane

NOTICE OF SUBDIVISION CONSENT DECISION

Consent No:	RC17688
Property file No:	P17060
Applicant:	BELLA RIDGE FARMS LIMITED
Type of application:	SUBDIVISION CONSENT - DISCRETIONARY
Proposal:	TO UNDERTAKE A THREE LOT SUBDIVISION FROM ONE TITLE RESULTING IN TWO NEW LIFESTYLE LOTS
Site address:	1038 TE KOPIA ROAD & 671 PUAITI ROAD
Legal description:	SECTION 4 BLOCK VIII NGONGOTAHA SD

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 are less than minor and at the time of making this decision no persons are considered affected. Therefore limited notification is not required.
- (c) That pursuant to Section 37 and 37A of the Resource Management Act 1991, the Council advises that the 20 working day time limit for issuing a resource consent is being extended by 20 working days due to special circumstances, being Covid-19.
- (c) Pursuant to Sections 34A, 104, 104B, 106, 108, 220 and 221 of the Resource Management Act 1991, the Rotorua District Council resolves to GRANT consent to excise two lifestyle lots at 1038 Te Kopia Road and 671 Puaiti Road (Section 4 Block VIII Ngongotaha SD) subject to the following conditions.

CONDITIONS OF CONSENT

1. The proposal shall proceed in general accordance with the application and further information submitted by Bella Ridge Farms Limited numbered RC17688 by Council and that the Land Transfer Plan shall be prepared in accordance with the proposed plan of the subdivision prepared by McKenzie & Co Consultants Limited (Drawing Number: 2590-001 Revision A dated 15.06.2021) unless otherwise modified by conditions of this consent.

Financial Contribution

2. That a financial contribution of \$22,608.69 (plus GST) for reserves and heritage purposes shall be paid to Council. This amount must be 5% of the registered land value of a 2500m² house site of proposed Lot 1 and Lot 2 and in accordance with Part 2 – FC-R1 of the Operative Rotorua District Plan.

Engineering Conditions

3. That all engineering works required to be undertaken to satisfy the conditions of this consent shall be carried out in accordance with the requirements of the Waikato Local Authority Shared Service, Regional Infrastructure Technical Specifications (RITS), and any agreed OR conditioned departures to the satisfaction of the General Manager Infrastructure, Rotorua District Council, or their delegate.

Geotechnical

4. That the building line restrictions identified in the CMW Geosciences Geotechnical Investigation Report, Dated 6 December 2021, Ref: TGA2021-0342AB Rev 0 shall be shown on the Land Transfer Plan as restricted areas.

Access

5. That the vehicle crossing providing access to proposed Lot 2 shall be constructed in accordance with RITs.

Easements

6. That all existing easements shall be shown on the Land Transfer Plan and brought down onto the new titles as a Memorandum of Existing Easements.
7. That appropriate easements for all proposed and existing services shall be created and shown on the Land Transfer Plan as a Memorandum of Easements.

Electricity Services

8. That adequate provision shall be made for the supply and installation of electricity services up to the frontage of proposed Lots 1 and 2. The applicant shall meet all costs for provision of these services including any payable upgrading cost of the existing networks and written confirmation of the provision of these services shall be provided.

Consent Notice

The following shall be registered as a Consent Notice on the relevant Record of Title.

9. The owners and subsequent owners of Lots 1 and 2 DPXXXX are advised that:
 - i. That the geotechnical investigation undertaken as part of the subdivision process has identified that the soils on these lots do not meet the definition of good ground as specified by NZS 304:2011 therefore specific engineered foundation design is required for any future building requiring a building consent. Reference should be made to the CMW Geosciences Geotechnical Investigation Report, Dated 6 December 2021, Ref: TGA2021-0342AB Rev 0
 - ii. That no building development should take place outside the restrictive areas shown as areas X and Y on DPXXXXX without further geotechnical input from a suitably qualified Geoprofessional. Reference should be made to the CMW Geosciences Geotechnical Investigation Report, Dated 6 December 2021, Ref: TGA2021-0342AB Rev 0
 - ii. That there is no public water supply available and any dwellings constructed shall be provided with a suitable water supply in accordance with the Drinking Water Standards for New Zealand. Details of the water supply and any treatment system required shall be provided to Council in conjunction with the Building Consent application. Any treatment system required shall be installed, operated and maintained in accordance with the manufacturer's specifications and the owners and future owners are advised that annual water testing should be undertaken to ensure that the water is potable in accordance with the Drinking Water Standards for New Zealand.
 - iii. That upon construction of a new dwelling, sufficient water volume, pressure and flows must be provided for firefighting purposes in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice.
 - iv. That at the time of subdivision reticulated telecommunication services were not provided, therefore it is the owner's responsibility to arrange for wireless telecommunication services if required. Wireless telecommunication services are available to the lots via the wireless network.
10. The owners and subsequent owners of Lots 1 and 2 DPXXXX are advised that:
 - i. That Lot 1 and Lot 2 DP XXX are located in a rural production area where the predominant use of land is typically rural production and other rural based activities. The effects of these activities, including fertilizer and chemical spray applications may from time to time result in the occupiers experiencing effects such as dust, noise, lighting, or increased traffic volumes and types of vehicles. The owners are not entitled to complain to Rotorua District Council or Environment Waikato about effects arising from such activities on surrounding properties that are being lawfully undertaken.

REASONS FOR COUNCIL DECISION:

1. **Principal Issues – Subdivision of a rural site has the potential to adversely affect the rural character and amenity, traffic generation, water quality, access to the remaining rural lot and the effects of fragmentation of rural land.**
2. **Main Findings of Fact – The 193.7685 hectare subject site borders two roads and therefore has two designated addresses being 671 Puaiti Road and 1038 Te Kopia Road in the rural area of Ngakuru and is legally described as SECTION 4 BLOCK VIII NGONGOTAHA SD. The subject site is irregular in shape with the contour ranging from flat nearer Te Kopia & Puaiti Roads to hilly in the north west. The site is incised by meandering waterways with tributaries of the Mangatete Stream which flows to Lake Ohakuri in the catchment of the Waikato River. The majority of the site is in open pasture with vegetation located along the riparian margins of the streams. There are two existing dwellings on the site. One dwelling is accessed from Puaiti Road (#671 Puaiti Road) and the other from Te Kopia Road (#1038 Te Kopia Road). There are also a number of ancillary farm buildings which gain access from Te Kopia Road. The site includes class 3, 6 and 8 land. Land classes 1-3 are defined by the Plan as versatile land. The site contains no land use constraints as identified by the Plan but contains some hazards identified in the Plan. Around 29% of the site's land area is in the fault avoidance zone. The majority of the site comprises very low to low landslide susceptibility. Part of the site is located in the Te Kopia Geothermal Field, a Protected Geothermal Field. The site contains no identified geothermal bore and it has been confirmed by the landowner that the site contains no geothermal surface feature as defined by the Plan.**

Pursuant to s88 of the Resource Management Act 1991 (the Act), MCKENZIE & CO CONSULTANTS LIMITED (the Agent) has applied on behalf of BELLA RIDGE FARMS LIMITED (the Applicant) to undertake a three lot subdivision from one title resulting in two new lifestyle lots which are a 'piece of land' pursuant to Regulation 7(c) of the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) as follows:

- Proposed lifestyle Lot 1 will be 2.24ha in area.
 - Proposed lifestyle Lot 2 will be 2.15ha in area.
 - Proposed Lot 3 will be 189.3785ha in area and will contain two existing dwellings and the ancillary farm buildings and will continue to be farmed.
3. **Subdivision that creates lifestyle lots complying with the rules in Part 3-RURZ and Part 2-SUB of the Operative Rotorua District Plan is a Discretionary Activity in accordance with Rule SUB-R29(1).**
 4. **The proposal is considered to be consistent with Part II of the Resource Management Act 1991.**
 5. **In coming to its decision Council has had regard to the provisions of the Operative District Plan in particular the provisions of Part 3-RURZ and Part 2-SUB.**
 6. **Subject to proposed conditions, the subdivision will not give rise to adverse character and amenity effects or reverse sensitivity effects and ensures Lots 1 and 2 can be suitably serviced. Any adverse effects associated with historic fertiliser applications on Lots 1 and 2 will be addressed when a building consent for new dwellings is lodged. Therefore, the wider environmental effects of the proposal are no more than minor.**

7. The new permitted baseline at Lots 1 and 2 could result in a clustering of household units within close proximity contrary to Policy RURZ-P12 which calls for low density of buildings, generous separation distances between dwellings and low levels of artificial light. However, any dwellings on Lot 2 will mostly be screened from Puaiti Road and Lot 1 is the only lifestyle lot in the area so there are no cumulative effects to consider. Any adverse effects associated with the fault avoidance zones on Lots 1 and 2 will be mitigated through engineering conditions. Any reverse sensitivity effects will be mitigated through a consent notice limiting current and future owners of Lots 1 and 2 from complaining about activities on surrounding properties unless they are not consistent with rural production. Therefore, subject to proposed conditions, the proposal is generally consistent with the objectives and policies in the district plan.
8. A financial contribution is payable for each additional lot created as part of a subdivision in accordance with Part 2 of the Operative District Plan. This is a contribution towards the development of existing, and purchase of additional, land to enhance the amenity and heritage value of reserves.
9. The properties adjacent to subject site have household units that are either screened from proposed Lots 1 and 2 or the owners of these properties have the option of establishing new household units in locations that would avoid any adverse character and amenity effects. The adjacent properties engaged in production farming will be protected from reverse sensitivity effects through a consent notice on the records of title for Lots 1 and 2 limiting the owner's rights to complain about activities on surrounding properties unless they are not consistent with rural production.. Three of the properties adjacent to the subject site are owned by the Applicant and written approval for the proposal is implicit. Therefore any adverse effects on persons will be less than minor.
10. With regard to section 106 matters the parent lot contains steep slopes and fault avoidance zones. These hazards have been identified and building restrictions have been imposed for Lots 1 and 2 to mitigate the risk of these hazards. Lot 3 contains two consented dwellings and is of a size that building restrictions have not been required. The existing dwellings have access to Puaiti and Te Kopia Roads. The proposed lifestyle lots will both have access from Puaiti Rd. The access to Lot 2 can be formed at the time of subdivision. The access to Lot 1 can formed at the time of building.
11. There is a private water supply already provided for Lot 3. Testing shows that the water is potable. The applicant has proposed rainwater as a potable water source for Lots 1 and 2. Any new dwellings shall be provided with a suitable firefighting water supply. A consent notice is proposed to inform the future owners.
12. The applicant has advised that wireless telecommunication is able to be provided to the sites.

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. 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.

(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 and compliance with the conditions of consent will be expected. In addition, to the right of objection there is a right of appeal to the Environment Court under section 120 of the Resource Management Act 1991.

(c) Obligations under the Heritage New Zealand Pouhere Taonga Act 2014

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 Heritage New Zealand Pouhere Taonga Act 2014. If during the exercising of this consent any archaeological site is uncovered work must stop and permission be obtained from Heritage New Zealand under section 44 of the Heritage New Zealand Pouhere Taonga Act 2014.

(d) Other Consents may be required

To avoid doubt; except as otherwise allowed by this resource consent, all land uses must comply with all remaining standards and terms of the relevant Rotorua District Plan. The proposal must also comply with the Building Act 2004 and Environment Waikato Regional Plans. All necessary consents and permits shall be obtained prior to development.

(e) Works within the Road Reserve

Prior to any works being undertaken within the road reserve (including vehicle crossings) a Corridor Access Request must be lodged with Council and a Works Access Permit 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 8085.

(f) Infrastructure Standards

The Regional Infrastructure Technical Specifications (RITS) and Rotorua Civil Engineering Industry Standards (RCEIS) can both be used as a means of compliance with the engineering conditions of consent.

(g) Firefighting Water Supply

- i. A minimum of 45,000 litres shall be maintained at all times as a static firefighting reserve. Alternatively a 7,000 litres firefighting reserve is to be made available in association with a sprinkler system installed to an approved standard.
- ii. If the water supply is to be provided by way of tank storage, this must be located at a safe distance away from any habitable dwelling in accordance with NZFS Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008;
- iii. The firefighting water supply tank and sprinkler system shall be installed prior to the occupation of any building.
- iv. The firefighting storage tank shall be provided with an approved Fire Service coupling.

(h) New on-site Effluent Treatment System

Any building constructed on Lots 1 and 2 that require an effluent treatment system must comply with the Permitted Activity Rule – Discharge of Domestic Sewage from New On-Site Systems otherwise resource consent is required. Please contact the Waikato Regional Council for further advice.

(i) Potable Water Supply

There is no public water supply in this area, hence the owners of any dwellings on-site is responsible for providing a potable water supply that meets the drinking water standards.

(j) Comment from Environment Waikato

The following comment was received from Environment Waikato:

- Thank you for referring to WRC the application for subdivision consent at the above address.
- WRC staff have reviewed the information supplied and do not have any comments to provide on the application. Provided there are no major changes in land use, we have no issues with the proposal being approved. We acknowledge the presence of fault avoidance areas in the 2 proposed lifestyle lots and would expect that the applicant would contact WRC prior to any future development of these lots.
- As always, the applicant will need to ensure that the proposal, and any future development of the site complies with any relevant rules of the Waikato Regional Plan (WRP).
- We note it is the responsibility of the applicants or their agents to explore and determine whether any regional consenting matters apply, then apply for any relevant consents with Waikato Regional Council. If the applicant would like any further advice around regional resource consents required, the best action is to use the online request for service form: <https://bps.waikatoregion.govt.nz/online-services/new/RequestForService/step/1/> or <https://protect-au.mimecast.com/s/gmtdCZY1K6uK0oEuziGTR?domain=bps.waikatoregion.govt.nz/> or phone 0800 800 402.

(k) Future earthworks

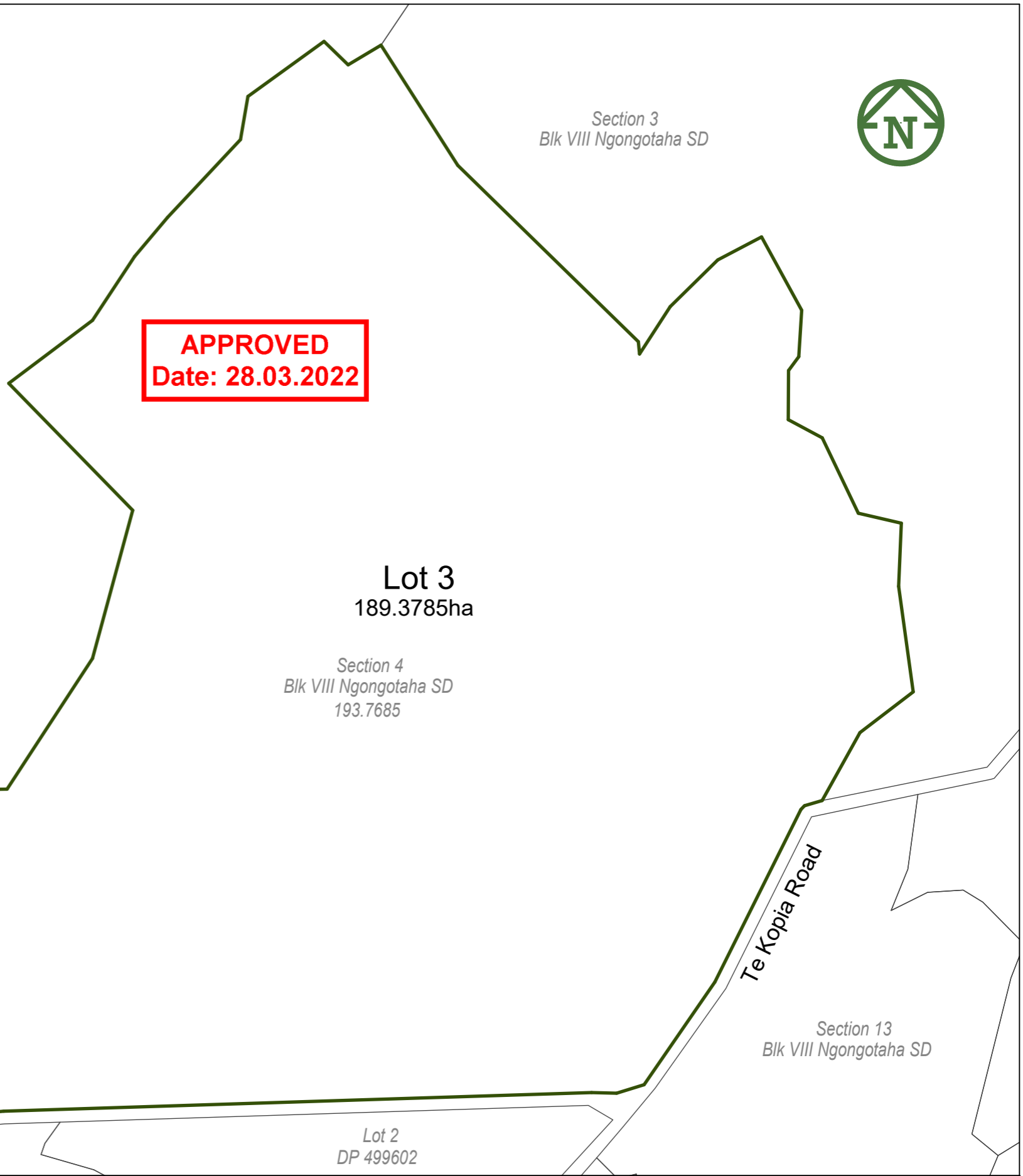
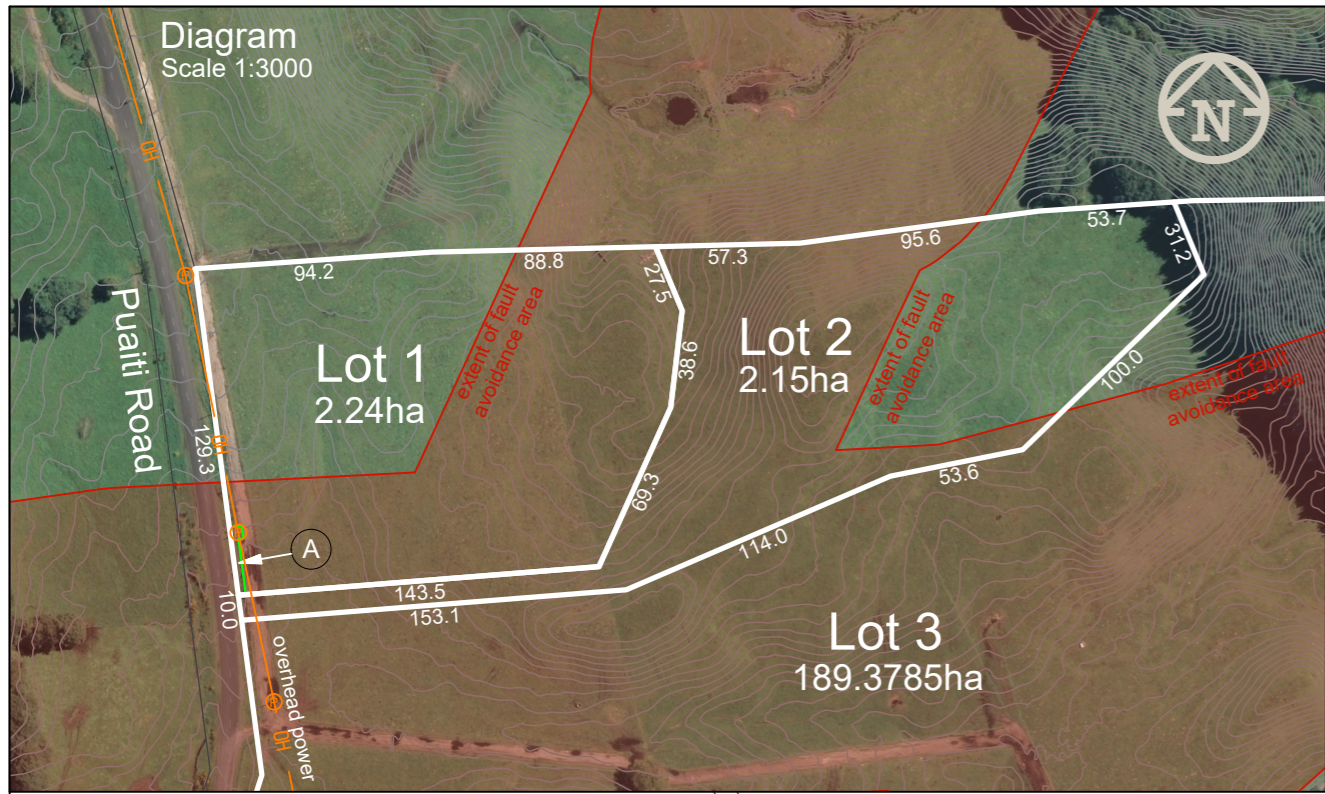
Current and future owners of Lot 1 and Lot 2 DPXXX are advised that the designated house sites do not allow for any earthworks that might be required to create a usable building platform. Such earthworks will need to comply with the provisions of the district plan.

If you have any questions regarding this decision, please contact **Eldad Collins**.

Yours faithfully



Eldad Collins
Planner, Planning & Development Solutions



PROPOSED MEMORANDUM OF EASEMENTS			
Purpose	Shown	Burdened	Benefited
Right to Convey Electricity	A	Lot 1 hereon	Lot 2 hereon

Registered Owner: Bella Ridge Farms Limited
 Comprised In: SA28B/901
 Total Area: 193.7685ha
 Local Authority : Rotorua District Council

Boundaries have been adopted from: SO 42947
 Areas and measurements are subject to Land Transfer Survey.

Photo, contours & faultlines are plotted from Council GIS
 unless stated otherwise.
 Contour Intervals: 1.0m

CLIENT: Bella Ridge Farms Limited PROJECT: Proposed Subdivision of TITLE: Scheme Plan PURPOSE OF ISSUE: INFORMATION



Bella Ridge Farms Limited
Puaiti Road
Rotorua

Proposed Subdivision of
Sec 4 Blk VIII Ngongotaha SD

Scheme Plan

SCALE:
1:7500 @A3
DO NOT SCALE
DRAWING NO:
2590-001
REV:
A

REV	DESCRIPTION	DRN BY	CHK BY	APP BY	DATE
A	FIRST ISSUE	AP	JF	JF	15/06/2021