

FAR NORTH DISTRICT COUNCIL

FAR NORTH PARTLY OPERATIVE DISTRICT PLAN

IN THE MATTER OF
The Resource Management Act 1991

AND
IN THE MATTER OF
an application for Resource Consent
under the aforesaid Act by

MLP LLC

FILE NUMBER RC-2090115-RMASUB

- A. That pursuant to Sections 104, 104B, 104D, 108 and 220 of the Resource Management Act 1991, the Council grants its consent to MLP LLC to subdivide properties at Rangihoua Road, Purehua, being more particularly described as Lot 50 DP 393536 & Lots 3 & 42 DP 361786, contained in certificate of title references 374355 (PART), 251356 (ALL) & 251364 (ALL) (North Auckland Registry) to create one additional site, subject to the following conditions:
1. The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Donaldsons, Registered Land and Engineering Surveyors, referenced 5450, dated 11/10/2007, and attached to this consent with the Council's "Approved Plan" stamp affixed to it.
 2. That, prior to approval under Section 223 of the Act, the survey plan shall show:
 - (a) All easements to be duly granted or reserved.
 - (b) The following amalgamation condition:
That Lot 50 be held with Lot 50 DP 376492 together in one certificate of title.
 3. That before a certificate is issued pursuant to Section 224 of the Act, the applicant shall:
 - (a) Provide evidence that the following private land covenants will be registered against the titles of Lots 3, 42 & 43 by providing a letter of undertaking from a solicitor. The details of the proposed covenants are to be to the satisfaction of Council.
 - (i) The imposition of Development Covenants that require adherence to design Guidelines outlines in the AEE with the previous resource consent, being Council reference RC 2050024.
 - (ii) A prohibition on future subdivision.
 - (iii) A prohibition on the keeping or bringing of domestic (non farm working) dogs, cats and mustelids to the site.
 - (iv) That one dwelling house together with one accessory building not exceeding 50% of the house gross floor area, including water storage facilities, may be established on the site, except as may be provided by a subsequent resource consent or by the district plan as a permitted activity.
 - (v) That any new dwelling house on the site must be situated such that no more than 60% of the dwelling's footprint extends in any direction from the designated centre position as shown by a "circle" as shown on the approved plan of subdivision prepared by Donaldsons, Registered Land and Engineering Surveyors, referenced 5450 Lot 40 dated 11/10/2007.
 - (vi) All electricity, telecommunications and other utility services shall be underground.

- (vii) Any earthworks including those required to construct accessways to building sites shall be so designed to cause minimal impacts on the landscape and any exposed cuts shall be re-grassed or planted in native vegetation.
- (b) A consent notice, in accordance with section 221 of the Resource Management Act 1991 shall be registered against Lots 3, 42 & 43. The consent notice shall include the following provisions:
 - (i) A landscape plan shall be submitted for approval by Council at the time that a land use consent application is made. The approved landscaping shall be to minimise visual impacts from the building on the natural environment and be implemented within six months after the construction of any structures and maintained for the duration of the activity.
 - (ii) Further subdivision of the site shall be prohibited.
 - (iii) The development of the site is to proceed generally in accordance with the conclusions of the site suitability report prepared by Haigh Workman, Civil & Structural Consultants, dated 22/07/2008 and the Geological Assessment by Tonkin & Taylor dated 16 July 2008.
- (c) A consent notice, in accordance with section 221 of the Resource Management Act 1991 shall be registered against Lot 50. The consent notice shall include the following provision:
 - (i) Further subdivision of the site shall be prohibited.
- (d) Provide evidence to the Council that power and telephone services have been reticulated to the boundary of Lots 3 & 43
- B.
 - (i) Council further resolves pursuant to Section 221 of the Resource Management Act 1991 to vary consent notice reference 7635879.5 by the deletion of condition 4(i), being the prohibition of further subdivision of Lot 50 DP 393536.
 - (ii) Council further resolves pursuant to Section 221 of the Resource Management Act 1991 to vary consent notice reference 6967025.5 by the deletion of reference to Lot 3 DP 361786 from condition 2, being the prohibition of further subdivision.
- C. Council further resolves pursuant to section 243 of the Resource Management Act 1991 to consent to the extinguishing of easements F, Q & G on Deposited Plan 361786.

After consideration of the application under Section 104, the following reasons are given for this decision pursuant to Section 113 of the Act:

- A. Consideration was given to the Far North Partly Operative District Plan. Particular consideration was given to Chapters 10 & 13 and the associated appendices. The proposal was also assessed against the relevant District Wide provisions.
- B. The principal issue that was in contention was whether there would be adverse environmental effects associated with the creation of one additional site and associated boundary adjustments of the subject titles. It is considered, based on the landscape evidence provided with the application, that visual effects will be minor. It is noted that the overall scale of development will be less than associated with the original lodge development proposed for the site.
- C. Written approval has been obtained from all persons and interested parties who might be adversely affected by the granting of consent to the proposal including iwi and the NZHPT.

D. The imposed conditions will ensure that the effect of the consent will be compliance with the relevant provisions of the applicable District Plan and will be consistent with conditions of consent imposed on the other sites created as part of the original approval under the management plan provisions of the Proposed District Plan.

E. There are no apparent conflicts with the purpose of the Act, nor with the matters or principles noted in Sections 6, 7 and 8 of the Act, nor with the objectives and policies of the two relevant District Plans.

F. The application includes the deletion of a consent notice which was imposed to prohibit further subdivision of Lot 50 & Lot 3. It is considered that the subdivision, which relocates a building site to a location with less potential environmental effects, is appropriate and as such the conditions have been deleted. However the conditions have been re-imposed on all lots as a condition of the subdivision approval to ensure that the intent of the original condition is maintained.

ADVICE NOTE:

If any subsurface archaeological sites or remains are uncovered during the development of the subdivision, all earthworks in the vicinity shall cease and local iwi and the New Zealand Historic Places Trust shall be contacted immediately so that appropriate action can be taken.

STATUTORY INFORMATION

Pursuant to section 102 of the Local Government Act 2002, the Far North District Council has prepared and adopted a development contributions policy. Under this policy, the activity to which this consent relates is subject to development contributions.

You will be advised of the assessment of the development contributions payable under separate cover in the near future.

It is important to note that the development contributions must be paid prior to commencement of the work or activity to which this consent relates or, in the case of a subdivision, prior to the issue at a section 224 (c) certificate.

Further information regarding council's development contributions policy may be obtained from the long term council community plan (LTCCP) or councils web page at www.fnidc.govt.nz

**DECISION PREPARED BY: Murray McDonald, Principal Planner
CONSENT GRANTED UNDER DELEGATED AUTHORITY:**


RESOURCE CONSENTS MANAGER **PAT KILLALEA**

RC 2090115

Date 9th October 2008