



**Far North
District Council**

Application No: RC-2071015-RMASUB

27 July 2007

MLP LLC
C/- Bluewater Group Holdings Ltd
PO Box 1150
Shortland St
Auckland 1140

Attn: Peter Jones

Dear Sir

Re: RC-2071015-RMASUB – RESOURCE CONSENT APPLICATION

I am pleased to inform you that your application for resource consent has been approved. The decision is enclosed for your information. The application was considered and determined under authority delegated to the Manager, Environmental Services of the Far North District Council, pursuant to Section 34(4) of the Resource Management Act 1991.

It is very important that you understand and comply with any conditions of consent. If you have any questions or concerns about any aspect of your consent or its conditions, please contact the Planner who prepared the decision.

Your consent expires five years from the date that you receive this decision. Please note that under Section 125 of the Resource Management Act 1991, your consent will lapse unless you give effect to the consent by way of obtaining Section 223 (survey plan) approval from the Council within the five year period.

If you are dissatisfied with the decision or any part of it, you have the right (under Section 357 of the Act) to object to the decision. The objection must be in writing, stating reasons for the objection, and must be received by Council within 15 working days of your receipt of this decision.

Depending on the costs charged against your consent, either an invoice or a credit note will be forwarded to you in due course. Any additional costs shown on an invoice need to be paid as soon as possible. If you receive a credit note, you have the option of requesting a refund by cheque, or transferring the amount to any other Council account.

If you have any further queries regarding this matter, please contact the reporting Planner.

Yours faithfully

**Customer Services Officer – Planning Consents
Regulatory & Customer Services Department**



Private Bag 752, Memorial Ave
Kaikōhe 0400, New Zealand
Freephone: 0800 920 029
Phone: (09) 405 2750
Fax: (09) 401 2137
Email: ask.us@fndc.govt.nz
Website: www.fndc.govt.nz

FAR NORTH DISTRICT COUNCIL

FAR NORTH PROPOSED 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-2071015-RMASUB

- A. That pursuant to Sections 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, Pureua, being more particularly described as Lot 40 DP 361786 and Lot 50 DP 378513 & Lot 50 DP 376492, contained in certificate of title references 251362 & 307560 (North Auckland Registry) by way of boundary relocation, 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 5373 Lot 40 relocation.ccx, dated 08/06/2007, 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.
 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 title of Lot 40 by providing a letter of undertaking from a solicitor. The details of the proposed covenants are to be to the satisfaction of Council. 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 the 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 5373 Lot 40 relocation.ccx, dated 08/06/2007.

- (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 Lot 40. 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 plan shall be based on the design measures outlined in the Landscape and Visual Assessment dated May 2007 prepared by James Bentley of Isthmus Group and included as Annexure 5 to the application. The approved landscaping shall 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 4 April 2007.

- (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 Lot 40.

- B. Council further resolves pursuant to Section 221 of the Resource Management Act 1991 to vary consent notice reference CONO 7241938.5 by the deletion of condition 1(i), being the prohibition of further subdivision of Lot 50 DP 36717876.

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 Proposed District Plan (Revised July 2003). Particular consideration was given to Chapter 12 and the associated appendices of the Proposed District Plan. The proposal was also assessed against the relevant District Wide Provisions outlined in Volume 2 of the Proposed Plan.

- B. The principal issue that was in contention was whether there would be adverse environmental effects associated with the relocation of Lot 40 from its current location near the historically significant area of the overall development to a more elevated location adjacent to another similar sized allotment. It is considered that, based on the landscape evidence provided with the application that visual effects will be minor. Positive effects will occur by the relocation of the site away from the historic area.

- 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, NZHPT and the Department of Conservation.
- 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. 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 condition has been deleted. However the condition has been re-imposed 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.

DECISION PREPARED BY: Murray McDonald, Consultant Resource Planner

CONSENT GRANTED UNDER DELEGATED AUTHORITY:


RESOURCE CONSENTS MANAGER

PAT KILLALEA

27th July 2007



Wharengaere Road
(Legal, Metalled formation)
(20.12 & over wide)

Pt Sec 11
SO 10464A

Lot 50
108.064 ha

Lot 50
DP 376492
CT 367550

Lot 40
3.13 ha
grass

EXISTING EASEMENTS			
Purpose	Shown	Servient Tenement	Creating Document
Right to convey electricity	B D H I J	Lot 50	6967025.9
Right to convey telecommunications & computer media	K L M N O P S		6967025.10
Right of way and right to convey water	B D G	Lot 50	6967025.8
	T	Lot 50	7123788.23
Right of way and right to convey water	A1	Lot 50	7241938.8
Right to convey electricity	D1 F1	Lot 50	7241938.9
Right to convey telecommunications & computer media	D1 F1	Lot 50	7241938.10

Note : Areas and measurements are subject to survey

REGISTERED OWNERS : MLP LLC
CONTAINED IN : CT's 307560 (PART), 251362 (ALL)
TOTAL AREA : 111.1943 ha
ZONE : GENERAL COASTAL

PROPOSED EASEMENTS			
Purpose	Shown	Servient Tenement	Dominant Tenement
Right of way and right to convey water	B U	Lot 50 DP 378513	Lot 40 hereon
	T		
Right to convey electricity	Y	Lot 40 hereon	Top Energy Ltd
Right to convey telecommunications & computer media	X Z	Lot 50 DP 378513	
	Y	Lot 40 hereon	Telecom NZ Ltd
	X Z	Lot 50 DP 378513	

APPROVED PLAN

PLANNER: *Murphy & Co*
RC. 2071015 DATE 17/07/07

DONALDSONS

registered land & engineering surveyors
90 Kerikeri Road, Kerikeri, Northland, N.Z.

Lot 40 and Lot 50 being a proposed subdivision of

Lot 40 DP 361786 (CT 251362) and Lot 50 DP 378513 (CT 307560)

5373 Lot 40 relocation.ccx

Sheet
Of



COMPLETING YOUR SUBDIVISION

WHAT DO I NEED SO I CAN GET MY CERTIFICATE OF TITLE?

Once you have received your subdivision approval from Council, there are two main steps you need to complete.

1. SECTION 223 (SURVEY PLAN) APPROVAL

You will need to have the new lots surveyed and plotted by a surveyor, who will then lodge a plan for Council to approve (this allows Council to verify that the plan being signed is the same as the one that was originally approved as part of the resource consent application).

Once Council has approved the plan, it is returned to the surveyor for lodgement with Land Information New Zealand.

There is a Council fee for approving the plan (refer to schedule of fees and charges), and the plan is usually issued by Council 10 working days after receipt of the plan from the surveyor

2. SECTION 224 (COMPLETION CERTIFICATE) APPROVAL

Once the survey plan has been approved, you will need to complete all the conditions listed on the consent, This usually involves matters such as payment of contributions, provision of sewerage, storm water, and water services, and formation of access.

You will need to complete the attached form in order to apply for your completion certificate, and any other certification you may require. In most cases your surveyor or solicitor is able to undertake this matter on your behalf.

It is important that the form is filled out correctly, with all the supporting evidence necessary to illustrate that the conditions have been met included. This evidence will usually be by way of engineering certification, valuers or drain layers reports, and/or payments receipt.

In cases where a Section 221 Consent Notice is required, you have the option of asking Council to prepare this for you. This request should be made as part of the application.

All fees are to be lodged with the application (refer to schedule of fees and charges).

**IF YOU HAVE ANY QUERIES, PLEASE CONTACT THE COUNCIL'S PLANNING DEPARTMENT
USING OUR NORMAL CONTACT DETAILS**



Application For Section 224 Certificate
PURSUANT TO THE RESOURCE MANAGEMENT ACT 1991

I/We _____ (owner/agent) hereby apply for a Section 224@ Certificate for
_____ (consent holder name)

Located at: _____ (property location) being application

NO: RC _____ (Council reference as the following have been carried out to satisfy the conditions
of my subdivision consent.

(Condition number should be shown corresponding evidence of completion of each condition) _____

I request Council inspect compliance with the conditions where necessary and, if to their satisfaction,
issue the Section 224@ certificate. The new DP number issued by the Land Title Office is _____

Other certificates required: _____

Contributions / Payments	Reserves Contribution	\$ _____
(please attach valuation report for	Road upgrading	\$ _____
Reserves contribution payments)	Stormwater	\$ _____
	Other	\$ _____
	Total:	\$ _____

Assets to be vested	Roading	\$ _____
Transferred to Council	Reticulated Services	\$ _____
	Other	\$ _____

NAME AND ADDRESS FOR SERVICE: _____

Phone: Bus: _____ Fax: _____ Home: _____
Signed: _____ Date: _____

NAME AND ADDRESS FOR ACCOUNTS/REFUNDS: _____

Phone: Bus: _____ Fax: _____ Home: _____