

COPY

CONSENT NOTICE

(Pursuant to Section 221 of the Resource Management Act 1991)

GIVEN by: J and N Cowper

IN FAVOUR of: THE WHAKATANE DISTRICT COUNCIL

DATED: 30th day of November 2005

PROPERTY: Lot 1 on Deposited Plan on 361144

SUBJECT: Consent Conditions

COUNCIL REFERENCE: 24.3.04.47

HAMERTONS
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WHAKATANE

(drt perm) consent notice – cowper j & n

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of a subdivision of
land in the South Auckland Land
Registration District

CONSENT NOTICE

(Pursuant to Section 221 of the Act)

THE WHAKATANE DISTRICT COUNCIL ("the Council") being the territorial authority for the district within which the Land described in the First Schedule of this Notice is situated has, pursuant to Part X of the Act, granted its consent to the subdivision shown on Land Transfer Plan 361144 subject to certain conditions, including the requirement in respect of the Land that the Owner (as defined in the Act) complies on a continuing basis with the conditions set out in the Second Schedule of this Notice.

FIRST SCHEDULE

("the Land")

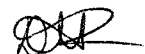
1.0710 hectares more or less being Lot 1 on Land Transfer Plan 361144 and being part of the land comprised in Certificate of Title 39972 (South Auckland Registry)

SECOND SCHEDULE

("the Conditions")

The Owner of the Land shall, on a continuing basis:

- 1.0 Preserve in perpetuity the indigenous forest, vegetation and habitat protected area on that part of the land marked "A" identified on Land Transfer Plan 361144 ("the protected area") without modification, subject to clause 1.1 herein;
- 1.1 Control any pest, plants and animal pests as identified in the most recent version of the Environment BOP's (Bay of Plenty Regional Council) Regional Plant and Animal



Pest Management Strategies and any other environmental plant, pests as Whakatane District Council Officers may advise;

- 1.2 Maintain to the satisfaction of the Whakatane District Council Manager of Parks and Recreation, a seven-wire post and batten fence around the protected area marked "A".
- 1.3 Not cause, permit or suffer any stock to graze within the protected area "A".
- 1.4 Ensure any planting in the protected area "A" only uses indigenous plants grown from seed or cuttings collected from natural populations within the Bay of Plenty;
- 1.5 Be permitted to enter into a management agreement with Whakatane District Council Officers for the purpose of planning and carrying out maintenance, enhancement or restoration works in the protected area consistent with the covenants purpose in clause 1.0 herein;
- 1.6 Not cause or permit or suffer any fire to be lit within the protected area "A" or on any part of the land from which the fire may spread to the protected area "A";
- 2.0 Ensure that all site development works are undertaken in accordance with the information and conclusions contained in the "Building Site Feasibility Report" prepared by Manktelow Consulting Engineers. This includes ensuring:-
 - that the minimum building setback distances from the top edge of slopes are maintained
 - that no stormwater is discharged onto adjacent slopes
 - that the vegetation plantings area below the building site is maintained in accordance with the approved plan
 - that the foundations for any building works are specially designed by a suitably qualified engineer
 - that no filling shall take place on sloping ground around the building site and no filling in excess of 0.6m shall be undertaken within the building area unless endorsed by a Professional Engineer experienced in geomechanics who is familiar with the "Building Site Feasibility Report" prepared by Manktelow Consulting Engineers.
 - that the sewerage treatment system is designed by a suitably qualified person who is familiar with the "Building Site Feasibility Report" prepared by Manktelow Consulting Engineers.

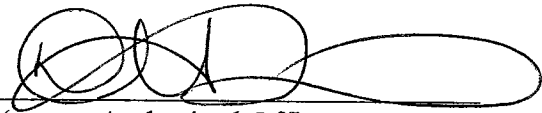
A copy of the Building Site Feasibility Report prepared by Manktelow Consulting Engineers is available for inspection at the offices of the Council at Commerce Street, Whakatane between the hours of 8.00am and 5.00pm on any day that the Council offices are open to the public.

- 3.0 Ensure that no habitable buildings are constructed, placed or erected within 30 metres of the southern property boundary with Lot 1 DPS 16785.
- 4.0 Permit the Council's officers or contractor's entry upon the land at reasonable times so as to ascertain compliance with these conditions.

- 5.0 Pay the Council's legal costs and disbursements directly or indirectly attributable to the preparation execution registration and enforcement of this Notice and the Council's conditions set out in this Notice and any variation or cancellation of such conditions.

DATED at Whakatane this 30th day of November 2005.

AUTHENTICATED by the)
Council by the Principal)
Administration Officer of)
the Council pursuant to)
Section 252 of the Local)
Government Act 1974)


(Authorised Officer)