



RECORD OF DECISION ON RESOURCE CONSENT APPLICATIONS

Participants:

PJK
LEW

Decision Date:

Granted Date: 29/08/08

Issued Date:

RMA Number : RC-2060877-RMASUB
RFS Type : Subdivision/
Legal Description : PT ALLOT 11 ORURU PSH BLK I MAUNGATANIWHA SD
Applicant : COLIN CAIRN DAVIDSON
Start Date : 28 March 2006
Location : 284 Taylor Road, Kaitaia 0483
Hearing Date :
Activity (TDP/PDP) : Restricted Discretionary
Outcome : Approved
No. of lots : 3 (2 additional)
Types of lots : Rural
Zone (TDP/PDP) : Rural Production
Area of Site : 13.922ha
Proposal : 3 Lot Subdivision
Issues :

The principal issues that were in contention were the proximity of the proposed subdivision to an active quarry, proximity to two Significant Natural Areas (SNA) and road safety issues on Taylor Road

Contributions

ROADING	RESERVES	SEWERAGE	STORM WATER	COMMUNITY INFRASTRUCTURE	PARKING	WATER

Property File	Utilities	Roading	Com Fac	Finance	Transit NZ	DoC	Projects	Property Co-ordinator
☐		✓				✓		
Monitoring	Env Health	Liq License	Legal	NZHPT	NRC	Building	Comm. Brd	Kerikeri Irrigation Co / Doubtless Bay Water Supply Co

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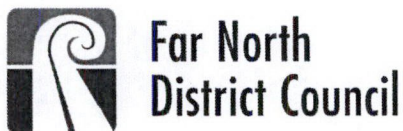
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**Far North
District Council**

FAXED

Application No: RC-2060877-RMASUB

Private Bag 752, Memorial Ave
Kaikohe 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

29 August 2008

Colin Cairn Davidson
C/- Von Sturmers
PO Box 128
Kaitaia 0441

Dear Sir / Madam

Re: RC-2060877-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 Resource Consents Manager 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, you will find enclosed either an invoice or a credit note. 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

A handwritten signature in dark ink, appearing to be 'CA' or similar initials.

**Customer Services Officer – Planning Consents
Development Consents Department**

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

Colin Cairn Davidson

FILE NUMBER RC-2060877-RMASUB

That pursuant to Sections 104C, 108 and 220 of the Resource Management Act 1991, the Council grants its consent to Colin Cairn Davidson to subdivide a property at 284 Taylor Road, Kaitaia, being more particularly described as Pt Allot 11 Oruru Psh Blk I Maungataniwha SD, subject to the following conditions:

1. The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Von Sturmers, referenced Proposed Subdivision of Pt Allot. 11 Parish of Oruru, 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:
 - (a) the survey plan shall show all necessary easements duly reserved or granted.
 - (b) a separate plan shall be provided that identifies those parts of the subdivision that are within the Significant Natural Areas known as Burma Road and Paranui Stream Swamp. These areas will be subject to the consent notice conditions contained in clause 3 (a) of this consent.
3. That before a certificate is issued pursuant to Section 224 of the Act, the applicant shall:
 - (a) Secure the conditions below by way of a Consent Notice issued under Section 221 of the Act, to be registered against the titles of the allotments. The costs of preparing, checking and executing the Notice shall be met by the Applicants.

Lots 1 and 3

- i. *The landowners shall protect the wetland and maintain the indigenous vegetation within the Significant Natural Areas known as Burma Road and Paranui Stream, as shown on the attached plan, and shall not without the prior written consent of the council and then in strict compliance with any conditions imposed by the council, cut down, damage or destroy any indigenous vegetation. The landowners shall not be deemed to be in breach of this prohibition if any such vegetation shall die from natural causes not attributable to any act or default by or on behalf of the landowners or for*

which the landowner is responsible. Animals that have the potential to be kiwi predators should not be introduced into the Significant Natural Areas.

All Lots

- ii. *The lot is adjacent to, or nearly adjacent to, an active quarry which from time to time will create noise, dust and possibly vibrations from blasting operations. The owner of the lot shall provide evidence when any application is made for building consent for a habitable building that consideration has been given to these effects when sitting and designing the building.*

(b) The applicant shall provide evidence that the Taylor Road upgrading works referred to in Council's letter dated 17 May 2006 have been carried out to the satisfaction of Council's Consents Engineer.

(c) The applicant shall provide evidence that electricity and telecommunications can be connected to all lots.

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 and the Far North Proposed District Plan (Revised July 2003). Particular consideration was given to Chapters 12.7 Subdivision and Chapter 8.6 Rural Production zone, 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 issues that were in contention were the proximity of the proposed subdivision to an active quarry, proximity to two Significant Natural Areas (SNA) and road safety issues on Taylor Road. The reverse sensitivity issue between the quarry owned by Alma Collings and the proposed subdivision was resolved when Collings agreed to the wording of consent notice condition 3 (a) ii of this consent. The protection of flora and fauna values within the SNA was provided for when the applicant agreed to habitat protection consent notice being placed on the relevant titles. The road safety issue was mitigated when the applicant agreed to carry out or finance the required improvements.
- 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
- D. The imposed conditions will ensure that the effect of the consent will be compliance with the relevant provisions of the applicable District Plans; and that such conditions will adequately avoid, or mitigate to a minor impact level, the expected adverse effects on the environment.
- 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.

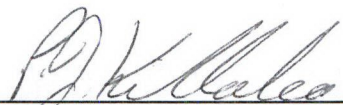
STATUTORY INFORMATION

The following matters are noted as being relevant to the land, and possibly requiring additional action for statutory or code compliance. The applicant and any prospective purchasers should be aware of these matters; and hence the information will be placed on the property file and will be cited in any related Project or Land Information Memorandum that may be issued by the Council.

- (1) The use of the private right of way which provides access to lots 2 and 3 within this subdivision is controlled by a private easement. Control, use and maintenance of the access and the resolution of disputes which may arise in respect of these matters are civil matters. Accordingly, the Council will not intervene or take action in future private access issue resolution.
- (2) The Council has no responsibility for the enforcement of the conditions agreed to as part of the written approval provided by Alma Collings and agreed to by the applicant. Any breach of the said conditions will need to be considered as a civil matter.

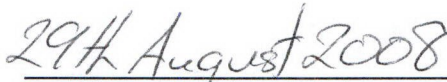
DECISION PREPARED BY: Louise Wilson, Assistant Planner

CONSENT GRANTED UNDER DELEGATED AUTHORITY:



Pat Killalea

RESOURCE CONSENTS MANAGER



29th August 2008 DATE
RC-2060877-RMASUB

MEMORANDUM OF UNDERSTANDING			
Purpose	Shown	Consent	Dominant Tenement
ROW	A	Lot 1	Lots 2+3
Electrification	B	Lot 3	Lot 2

This plan is for Resource Consent Purposes only and remains the Property of the Sturmer unless Specified otherwise.

LOT 1
DP 72870
6.9430 ha
NA28D/354
Alma May Collings

DP 72870

APPROVED PLAN

PLANNER *lew*

RC

2060877

Date 29.08.08
Pt Allt 11
PARO Oruru
8.8129 ha

SO 11712

ALLT S35
PARO Oruru
2.3681 ha

5062642
5060422

Legal Road
(20.125) wide

2.5 ha

(STAGE 1)

(10m wide) EB

Row

(A) 79

Existing

Appt. to

Lot 1 DP 102703

DP 102703

CT. 56C/1010

Pt. Allot N 35

3
DP 353655
CT 219352

Level land

Some grass 3 ad Scrub

9.4 ha

House

Pt ALLT 11
PARO Oruru
13.9224 ha
NA54D/1294
Colin Cairn Davidson
Audrey Joan Davidson

Dam

85m

STAGE 2

Rush Grass

2 ha

Collins Scrub

RC 2041177

100

(157)

Areas and Measurements are Subject to Survey. - Scale 1:3000

Proposed Subdivision of Pt Allot 11 Parish of Oruru - CT 54D/1294

Prepared by CC & AT Driveway for the Sturmer - Licensed Surveyor EL 1192/1987